

This is a copy of an email received in response to the request for submissions on the feasibility study on strengthening trade and investment with Israel

Submission re Feasibility study on strengthening trade and investment with Israel

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Barrier to Investment: Arms Trade Treaty (ATT)

Australia must immediately desist from trading arms with Israel; Australia having ratified on 3/6/2013 the Arms Trade Treaty must abide by Article 6 of the ATT which states,

Article 6: 3. A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.

Israel is presently under [investigation](#) by the International Criminal Court for war crimes and crimes against humanity.

The treaty covers conventional arms, including battle tanks; large-calibre artillery systems; combat aircraft; warships, missile launchers, small arms and light weapons.

Background to the ATT

The process to set up an Arms Trade Treaty, a legally binding regimen to control arms transfers that respect human rights and other principles of international law, began 20 plus years ago in the 90s, at the urging and efforts of civil society involving eight Nobel laureates including Oscar Arias, the Dalai Lama, Lech Walesa, Jose Ramos-Horta, Elie Wiesel, Mairead Corrigan Maguire, and of course the indomitable Desmond Tutu as well as Amnesty International, the International Red Cross and Red

Crescent Movement, Oxfam, IANSA and other NGOs instigating People Consultations, Global Days of Action for an ATT and the 'Million Faces' petition.

By 2006, 153 States voted in favour of a United Nations General Assembly resolution "Towards an Arms Trade Treaty" drafted by Australia, Argentina, Costa Rica, Finland, Japan, Kenya and the UK. On 2nd April 2013 the UN adopted the Treaty.

Australia voted for the adoption of the Arms Trade Treaty, signed on 3rd June 2013 and ratified the Arms Trade Treaty on 3 June 2014. At this time, you'll remember, Israel was accelerating its plans for the 51 day war on Gazan families. The Arms Trade Treaty was the centrepiece of Australia's presidency of the Security Council. "The Arms Trade Treaty," [Julie] Bishop told the UN, "will help stop destabilising arms flows to conflict regions and to illicit users. It will prevent human rights abusers and those who violate the laws of war from being supplied with arms."

The ATT has been ratified by 89 states and 130 have signed but **not** ratified including, of course, the USA and Israel.

The treaty covers conventional arms, including battle tanks; large-calibre artillery systems; combat aircraft; warships, missile launchers, small arms and light weapons.

Israeli War Crimes and Crimes Against Humanity are a legitimate target of the ATT.

The UN Goldstone Report 2008/9 on Operation Cast Lead states that "Unlawful and wanton destruction which is not justified by military necessity amounts to a war crime." such as the "Attacks on the foundations of civilian life in Gaza: destruction of industrial infrastructure, food production, water installations, sewage treatment plants and housing."

The Mission also stated that the Israeli siege on Gaza that deprives "Palestinians in the Gaza Strip of their means of sustenance, employment, housing and water, that deny their freedom of movement and their right to leave and enter their own country, that limit their access to courts of law and effective remedies"... "might justify a competent court finding that crimes against humanity have been committed."

These crimes easily apply to Israel's subsequent assaults on Gaza, Operation Pillar of Defense in 2011 and Operation Protective Edge in 2014. In August 2014, The National Lawyers Guild (NLG) and Other

Legal Groups Send Letter to ICC Urging an Investigation into Potential War Crimes Committed by Israel and US in Gaza under "Operation Protective Edge."

The HRW report: *Rain of Fire: Israel's Unlawful Use of White Phosphorus in Gaza*, March 2009, found that Israel's use of white phosphorus munitions in densely populated areas, specifically - over homes, at an UNRWA compound, sheltering 700 Palestinians and the UNRWA Beit Lahiya school sheltering 1600 displaced persons, 'indicates the commission of war crimes.' The report describes the medical danger to civilians; "When white phosphorus comes into contact with skin it creates intense and persistent burns, sometimes to the bone. Infection is common and the body's absorption of the chemical can cause serious damage to internal organs, as well as death."

White phosphorus munitions were fired on Gaza during Operation Cast Lead. ... see below

According to Francis Boyle, professor of international law, "The paradigmatic example of a "crime against humanity" is what Hitler and the Nazis did to the Jewish People. This is where the concept of crime against humanity came from. And this is what the U.N. Human Rights Commission determined that Israel is currently doing to the Palestinian People."

Apartheid is a crime against humanity and Israeli armaments are used to enforce it: The 2017 Economic and Social Commission for Western Asia (ESCWA) report, *Israeli Practices towards the Palestinian People and the Question of Apartheid*, by authors Mr. Richard Falk and Ms. Virginia Tilley, apart from apartheid policies and practices refers to extrajudicial executions and torture.

On 5 February 2021 The ICC announced it had jurisdiction to investigate Israeli war crimes.

Australian arms deals with Israel

Australia exports to Israel, parts and accessories for bombs, grenades, torpedoes, mines, missiles & similar munitions of war; cartridges & other ammunition and projectiles (incl. shot and cartridge wads & non-military arms). The Australian government has no guarantee that these parts and accessories have not been used in Israeli war crimes and crimes against humanity.

The Australian government has multiple defence contracts with Israeli private and government arms manufacturers worth since 2005, billions of dollars:

Three major Israeli defence industry companies are—Elbit Systems, Israel Aerospace Industries and Rafael—are contracted for billions of dollars to provide the Australian Defence Force with equipment and training. Elbit Systems is the prime systems integrator for the battle management system of the Australian Army.

- Contracts with Elbit cover training, supply, installation of Hornet data recorders, tactical computer and components for LHD landing craft weapon systems (RWS), Battle Management system supplies, G Wagon Kit, BGC3 System;
- with Israel Aerospace Industries (IAI) cover the Heron Remotely Piloted Aircraft (RPA) used by Australia in Afghanistan and now Woomera with five RAAF personnel trained in Israel; and
- with Rafael Advanced Defense Systems cover supply the Australian navy frigates and patrol boats with the Typhoon close-in weapons systems.
- Elbit has a current joint proposal with the Tasmanian Elphinstone Group for a \$3billion ADF contract to build armoured reconnaissance vehicles.

Police

- June 2013 The AFP signed two five-year contracts (for licensing and implementation) with the Australian subsidiary of Israeli defence contractor Elbit Systems in June 2013, with a combined value then estimated at \$29.5 million. It was cancelled in August 2015. However, the AFP has confirmed it asked Elbit to come up with a “revised proposal” for the delivery of the project in the subsequent months, which was submitted in June 2015

RFDS(THE ROYAL FLYING DOCTOR SERVICE)

- April 2016 ELBIT SYSTEMS’ AUSTRALIAN SUBSIDIARY TO SUPPLY A FLIGHT SIMULATOR TRAINING PACKAGE

Gaza is obscenely Israel’s Weapon-testing Laboratory

Silencing Israel’s jibber-jabber hasbara of ‘self defense, is the 2013 documentary, *The Lab* by Israeli Yotam Feldman. It reveals that 2 million Gazans are locked in an Israeli military laboratory where weaponry is battle-tested. Billions of international dollars from western defense departments, fuel the demand and validate Israeli atrocities. There is a scene from *The Lab* showing an Australian army officer doing the rounds of Israel’s arms manufacturers.

In an interview Feldman stated, “A key player in the military industries told me that the operational testing in Gaza of Elbit’s BMS (Battle Management System – a special internet-like system for ground forces), a huge project worth \$1 billion, has allowed Elbit to raise its price in a deal signed a year later with Australia. The same goes for Rafael. The company stated openly that it would capitalize on the escalation that preceded operation Pillar of Defense..A salesman for the IAI (Israel Aerospace

Industries) told me that assassinations and operations in Gaza bring about an increase of tens of percentage points in company sales”.

As a military economy, Israel has a pragmatic interest in maintaining the siege on Gaza and its occupation of Palestine:

“...the Israeli economy is so much dependent on these operations. It’s 20 percent of the exports. It’s 150,000 families—not people—in Israel actually dependent on this industry.”

To boost Israeli arms sales, Palestinian families have suffered three onslaughts of ‘systematic genocide’ wars in 6 years and are condemned to a life that is unnatural and traumatic waiting for the next Israeli weapons testing. Gaza is a cemetery for over a thousand war-slaughtered children, a sealed death camp for 800,000 maimed and traumatised surviving children waiting for the next inevitable Israeli bombardment and stark terror.

HAMZA

Israel’s war crimes and crimes against humanity are evident in human suffering such as the story of little Hamza Mus’ab Almadani, 3, of Khan Younis, Gaza.

On 25 July 2014, Israel’s soldiers loaded and fired pale blue artillery shells that discharged white incendiary rain on Gaza in hundreds of phosphorous-impregnated felt wedges while Hamza and his family slept.

The white phosphorous struck and burrowed through his soft three-year-old skin. Phosphorous continues burning until the oxygen is blocked and even then, the extreme pain and the horrific tissue damage endures.

The agonising pain and trauma turned a once happy and boisterous child, mute. Hamza can no longer speak, a common symptom of trauma among Gaza’s children terrified by Israel’s relentless and tumultuous bombardments watched on distant hillsides by cheering Jews in front-row seats.

The attack that Hamza suffered was deliberate in inhumane defiance of ,

“Protocol III of the 1980 Convention on Conventional Weapons, which prohibits use of the substance as an incendiary weapon against civilian populations and in air attacks against military forces in civilian areas.”

Australia knows Israel’s illegal blockade on Gaza prevents escape by land, sea and air. Hamza’s family had no escape.

Elbit

Elbit Systems, the Australian subsidiary, on 15 August 2014 during Israel’s war on Gaza was occupied in protest by Australian activists to bring attention to Elbit’s complicity in the destruction of Gaza. Corporate Watch states, “85% of drones used by the Israeli military are manufactured by Elbit.”

Elbit Hermes drones were one of the two main unpiloted aircraft used to attack people in Gaza during Israel's 2009 Operation Cast Lead attack, which killed over 1,400 Palestinians, According to Human Rights Watch (HRW):

"The Hermes can stay aloft for up to 24 hours at altitudes of up to 18,000 feet and has an array of optical, infra-red, and laser sensors that allow the operator to identify and track targets as well as to guide munitions in flight. The Hermes carries two Spike-MR (medium range) missiles."

Further, HRW reports that the Hermes drone is equipped with a camera system, which allows the drone pilot to see if a person is armed or if they are a child or an adult. The drone's missiles are also equipped with cameras and can be diverted up to the last second. This means that Israel's drone pilots and their commanders would have known that they were targeting civilians and are culpable for war crimes carried out by Elbit drones. HRW has also called for the disclosure of camera footage shot by Hermes drones, to assist in the investigation of war crimes. Needless to say, this request wasn't granted.

The assassination of Hamas commander, Ahmed Jabari – which precipitated Israel's 2012 Pillar of Cloud assault on Gaza – was carried out by an Elbit Hermes 450 drone, according to Defence Today.

Elbit's 7.5 Skylark mini-UAV, operational in the Israeli Army since 2008, was heavily used for support of ground military actions in Israel's 2014 attack on Gaza, Operation Protective Edge, which killed 2,191 innocent Palestinians. The Hermes 450s and 900s were also used throughout this attack. Drones killed at least 164 children during its assault on Gaza. In a number of incidents, evidence suggests that Israeli forces directly targeted children. In one such case, Rawya Joudeh, 40, and four of her five children were killed by an Israeli drone-fired missile as they played together in the

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