

## FOR IMMEDIATE RELEASE

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### LAWSUIT FILED AGAINST CANADIAN GOVERNMENT TO STOP ARMS EXPORTS TO ISRAEL

TORONTO - A group of Canadian and Palestinian applicants have commenced legal proceedings in the Federal Court against the Canadian government to stop arms exports to Israel.

The applicants are seeking a court order that the Government of Canada cease issuing export permits for all military goods and technology destined for Israel, and that the issuing of these permits be declared unlawful under Canadian and international law. “It’s cruel and reprehensible that our government has continued to provide material support to Israel’s atrocities, while at the same time cutting off humanitarian support to the victims of those same atrocities,” said Hammam Farah, one of the applicants.

The lawsuit comes on the heels of the near unanimous January 26, 2024 ruling of the International Court of Justice which found that a “plausible” case for genocide in Gaza was made out and reiterated the obligation of States to prevent genocide. On February 23, 2024, UN experts released a [statement](#) warning that “[a]ny transfer of weapons or ammunition to Israel that would be used in Gaza is likely to violate international humanitarian law”, and urged States to immediately halt arms transfers to Israel.

The applicants argue that the *Export and Import Permits Act* and the *Canadian Charter of Rights and Freedoms* prevent Canada from allowing Canadian companies to export military goods and technology to Israel due to the substantial risk that these items could be used to commit serious violations of international law and serious acts of violence against women and children.

The application lists Israel’s reported violations of international human rights and humanitarian law, and its serious acts of violence against women and children arising from its military operations in Gaza and the West Bank, including the plausibility that Israel is violating the *Convention on the Prevention and Punishment of Genocide*.

In the past weeks, Canadians have demonstrated growing concern about the continued flow of arms from Canada to Israel amid credible reports of serious violations of international law by the latter in the course of the conflict in Gaza. According to Rachel Small from World Beyond War, Canada’s arms exports to Israel have actually spiked dramatically during the conflict.

“Despite recent statements by Prime Minister Trudeau and Foreign Affairs Minister Joly denying that Canada was exporting any weaponry to Israel, the Trudeau government had in fact authorized at least 28.5 million dollars worth of new permits for military exports to Israel during the first two months of the state’s bombardment and starvation of Gaza, more than in the entire previous year,” said Small.

As a result, people across Canada are escalating their demands for an arms embargo. Small noted that last week, hundreds of people held blockades at seven weapons facilities and companies that produce military

components and weapons systems that are being used by the Israeli military. “In both the courts and the streets it is critical to hold the Canadian government to account until the flow of weapons to Israel ends,” she said.

The lawsuit is part of a growing trend of similar lawsuits filed in countries like the US, the UK, and the Netherlands, where an appeals court found that “it is undeniable that there is a clear risk that the exported F-35 parts are used in serious violations of international humanitarian law”. Other countries like Spain, Italy, and Belgium have also announced that they have suspended arms sales to Israel due to the ongoing atrocities.

The lawsuit follows a [letter](#) sent by the applicants in January that notified the government that approving the export of Canadian military goods and technology destined for Israel violates both Canadian and international law. The letter demanded a response from Canada confirming that it had stopped this illegal activity within fourteen days. After receiving no response, the applicants commenced legal proceedings.

“Canada's contempt for international and Canadian law by approving a dramatic increase in military exports to Israel since the latter commenced its bombardment of Gaza compels us to seek legal action to hold Canada to account,” said Ayman Oweida, another one of the applicants.

The applicants are Hammam Farah, Hiba Farah, Ayman Oweida, and a confidential Palestinian applicant, as well as the Canadian organization Canadian Lawyers for International Human Rights (CLAIHR) and the Palestinian organization Al-Haq - Law in the Service of Man. They are represented by a team of lawyers including Barbara Jackman, C.M., James Yap, and Veromi Arsiradam.

### **About the Applicants**

**Canadian Lawyers for International Human Rights (CLAIHR)**, founded in 1992, is a nongovernmental organization of lawyers, law students, and legal academics working to promote international human rights within and in connection to Canada.

**Al-Haq - Law in the Service of Man** is an independent Palestinian non-governmental human rights organization established in 1979 in Ramallah, West Bank, to protect and promote human rights and the rule of the law in the Occupied Palestinian Territory (“OPT”).

**Hammam Farah** is a Canadian citizen of Palestinian origin and a psychotherapist who resides in Ontario. He has many family members and friends who are members of the Holy Family Church, the last remaining Roman Catholic Church in Gaza. Since October 9, 2023, some of his family and friends in the OPT were killed by Israeli military personnel.

**Hiba Farah** is a retired Canadian citizen of Palestinian origin who resides in Ontario. She has many family members and friends who are members of the Holy Family Church, the last remaining Roman Catholic Church in Gaza. Since October 9, 2023, some of her family and friends in the OPT have been killed by Israeli military personnel. She is the mother of the Applicant Hammam Farah.

**Dr. Ayman Oweida** is a Canadian citizen of Palestinian origin who resides in Québec. He is Assistant Professor in Radiobiology, Nuclear Medicine, and Immunology at the Université de Sherbrooke. Since October 9, 2023, some of his family members in Gaza were killed by Israeli military personnel.

**The confidential applicant** is a 26-year old Palestinian woman from Gaza who resides in Ontario. She is currently seeking asylum in Canada. Her immediate family still resides in Gaza.

**Key Excerpts – *Export and Import Permits Act (R.S.C., 1985, c. E-19)*, sections 7.3-7.4**

**Mandatory considerations — export and brokering**

7.3 (1) In deciding whether to issue a permit under subsection 7(1) or 7.1(1) in respect of arms, ammunition, implements or munitions of war, the Minister shall take into consideration whether the goods or technology specified in the application for the permit

- (a) would contribute to peace and security or undermine it; and
- (b) could be used to commit or facilitate
  - (i) a serious violation of international humanitarian law,
  - (ii) a serious violation of international human rights law,
  - (iii) an act constituting an offence under international conventions or protocols relating to terrorism to which Canada is a party,
  - (iv) an act constituting an offence under international conventions or protocols relating to transnational organized crime to which Canada is a party, or
  - (v) serious acts of gender-based violence or serious acts of violence against women and children.

**Substantial risk**

7.4 The Minister shall not issue a permit under subsection 7(1) or 7.1(1) in respect of arms, ammunition, implements or munitions of war if, after considering available mitigating measures, he or she determines that there is a substantial risk that the export or the brokering of the goods or technology specified in the application for the permit would result in any of the negative consequences referred to in subsection 7.3(1).

**For more information and media availabilities for each of the applicants, please contact Henry Off, Board Member, CLAIHR, at: [info@claihr.ca](mailto:info@claihr.ca)**