

FOR IMMEDIATE RELEASE

Ottawa, April 8, 2024

Coalition of Canadian Human Rights Lawyers Urges Canada to Suspend Existing Permits and Close All Loopholes in Arms Trade with Israel

Canadian Lawyers for International Human Rights (“CLAHR”) unequivocally condemns the Israeli strike on the World Central Kitchen (“WCK”) convoy in Gaza on 1 April, which killed seven aid workers. These workers, including dual U.S.-Canadian citizen Jacob Flickinger, were killed while trying to deliver urgently needed humanitarian food aid to Palestinians facing imminent famine amidst Israel’s ongoing assault on the Gaza Strip.

Six foreign nationals were killed in the Israeli strike on the WCK aid convoy, alongside their Palestinian colleague, Saif Issam Abu Taha. While it’s telling that the killing of six foreign nationals has generated more of an international outcry than the deaths of 33,000 Palestinians in Gaza since October, the WCK strike nonetheless highlights Canada’s urgent and non-negotiable obligation to immediately halt all arms sales to Israel.

This obligation is further emphasized by the watershed resolution passed by the UN Human Rights Council on April 5, which calls on all Member States to cease the sale, transfer, and diversion of arms, munitions, and other military equipment to Israel, in order to prevent further violations of international humanitarian law and violations and abuses of human rights. The resolution also considered the “plausible” risk of genocide in Gaza previously noted by the International Court of Justice (“ICJ”).

Last month, following a non-binding resolution adopted by the majority of the Canadian House of Commons, Foreign Affairs Minister Mélanie Joly announced that Canada had not approved new arms export permits to Israel since January 8 and stated that this “pause” will continue until Ottawa can ensure that the weapons are used in accordance with international law.

A mere pause -- and one only applicable to future export permits -- is not enough.

Though welcomed as an important step forward, Minister Joly’s pledge to pause arms exports fails to fully address Canada’s provision of military goods and technology to Israel, particularly because the Canadian government has only committed to pausing the issuance of *future* permits, and is not cancelling or freezing existing permits for military exports to Israel.

The Government’s current position thus fails to ensure that previously authorized military exports destined for Israel will not be used to commit or facilitate further serious violations of

international humanitarian law and international human rights law, and further serious acts of violence against women and children. This effectively creates a loophole in the Government's position whereby previously authorized arms exports, including so-called "non-lethal" military goods and technology, as well as transfers of weapons components to Israel via third-party countries such as the United States, remain beyond the scope of its current commitment and at serious risk of being used to facilitate atrocities in Gaza.

On March 5, 2024, CLAIHR initiated legal proceedings together with Al-Haq - Law in the Service of Man, Hammam Farah, Hiba Farah, Ayman Oweida, and an anonymous Palestinian applicant challenging Canada's continued export of military goods and technology to Israel.

CLAIHR and its fellow applicants remain committed to closing all loopholes in Canada's arms trade with Israel and ensuring that previously authorized Canadian military exports do not contribute to Israel's violations of international law in Gaza and the West Bank.

As it stands, the Government can reverse its current pause and reinstitute the issuance of export permits to Israel at any time -- an unacceptable risk given the severity of the situation in Gaza. A binding Court order can mitigate the risk of the Government renegeing on its commitment and help prevent Canadian complicity in any grave breaches of international law.

To that end, the Applicants will continue to pursue their legal challenge in the Federal Court, seeking a binding Court order on Canada to comply with its domestic and international legal obligations and ensure Canadian military goods or technology are not used to facilitate or commit serious violations of international humanitarian law or international human rights law, or serious acts of violence against women and children.

For more information and any media enquiries, please contact:

Henry Off, CLAIHR Board Member
info@claihr.ca