



[Can Countries That Supply Arms to Israel be Charged with War Crimes by the ICJ?](#)

The International Court of Justice's (ICJ) recent ruling stating that Israel must prevent acts of genocide against Palestinians was a significant win for human rights advocates, and provided a notable rebuke of Israel's wartime conduct. While some had also hoped that it would formally call for a ceasefire in Gaza, the preliminary decision did raise important questions. The ruling itself implied that Israel may be engaging in genocidal actions, which if they were found guilty of, could elicit action by the United Nations Security Council. If this is deemed to be the case, then some of the members of the Security Council could be complicit in these egregious human rights violations. The United States, the United Kingdom, Germany, Canada, and many other Western countries have been funneling various weaponry to Israel. This brings into consideration the legitimate question of whether these countries could be implicated in the war crimes being committed by Israel. It would appear that they could in fact be held to account when it comes to the human rights abuses that have been taking place in Gaza.

Since the onset of the War on Gaza, over 28,000 Palestinians have been killed. This is staggering and deeply disturbing, especially considering that more than 12,000 have been children. Under Article II of the Genocide Convention, genocide is defined as "a crime committed with the intent to destroy a national, ethnic, racial, or religious group, in whole or in part." It seems that by the nature of Israeli officials' statements calling Palestinians "human animals" and their indiscriminate killing of tens of thousands, Israel is undertaking an offensive with genocidal intent. Israel has systematically killed and displaced Palestinians from their homes in Gaza, forcing civilians to flee to the southern border city of Rafah, where even now civilians remain under attack. In the recent incursion of Rafah by Israeli military forces, at least 95 people – including 42 children – were killed, and these actions show possible evidence of war crimes, according to reputable human rights groups like Amnesty International. Israel has targeted civilian populations, forcefully displaced civilians, denied access to food and water, bombed hospitals and healthcare workers, and desecrated religious and cultural sites. Regardless of whether or not one wants to believe that Israel's actions are genocidal in intent, Israel is still clearly committing war crimes and grave human rights violations under the Geneva Convention. One of the reasons that Israel has been able to use such brutal and disproportionate force against the civilian population in Gaza is because they have received weapons backing from some of the most powerful and wealthy countries in the world.

The United States and other countries who are aiding Israel by supplying them with weapons are also complicit in Israel's abusive actions, and are violating international law as well. According to estimated figures, the U.S. provides \$3.8 billion in military assistance to Israel every year – a figure that has ballooned since the start of the Gaza War. The U.S. has continuously sent billions of dollars to Israel to help aid their destructive offensive, and the Biden administration has on multiple occasions bypassed Congress to provide Israel with artillery shells. Arms sales from the United Kingdom, Germany, Canada, and other Western nations have also been used as a part of Israel's offensive. All of these countries aside from the U.S. (which has signed but not ratified the treaty) are ratified parties to the Arms Trade Treaty, which is a UN pact aimed at regulating weapons and preventing them from being used in human rights and international law abuses. This law prohibits arms transfers if the sender knows that the weapons will be used for these purposes, and thus any arms transfers that are still going towards Israel in light of knowledge of their abusive actions, would certainly be considered complicit and therefore make the senders' actions illegal. Furthermore, under the UN's 1948 Genocide Convention, genocide is a crime that all signatories at

all times must attempt “to prevent and to punish,” and the U.S. and other aforementioned countries are all signatories to the convention. The treaty states that complicity is genocide, and as such, any countries selling weapons to Israel are aiding in the human rights violations.

To truly uphold international law and to both prevent and punish genocide, these countries need to stop sending arms to Israel. Some U.S. lawmakers are beginning to speak up and say that aid to Israel needs to be conditioned on human rights standards, and that they refuse to support the illegal and immoral actions in Gaza. Still, unfortunately, many other officials deny that Israel is engaging in appalling abuses, and continue their full-fledged and blind support of Israel. The way to ensure that sender countries are not aiding in war crimes is to cease harmful arms sales to Israel. Otherwise, countries risk being complicit and directly contributing to gross human rights abuses.