

Meeting of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

22 November 2023

English only

Geneva, 15-17 November 2023

Agenda item 7

General exchange of views

Working paper on the Violations of International Humanitarian Law (IHL) by Terrorist Organizations

Submitted by Israel

1. The Convention on Conventional Weapons is one of the principal instruments of international humanitarian law. It is premised upon the principle that a distinction be made at all times between civilians and combatants and the prohibition on the use of weapons which inflict excessive injury or suffering. These principles, along with other rules of IHL, obligate **all** parties to a conflict, be they governmental forces or non-state armed groups. Unfortunately, not all parties to armed conflicts necessarily respect and comply with the rule of law, and this is especially apparent in the case of non-state armed groups.

2. On October 7th, Hamas and other terrorist organizations perpetrated attacks against Israel which were staggering in their brutality and their contempt for basic humanity. Over 1200 infants, children, women and men were slaughtered, including Jews, Arabs and foreign nationals. Hamas and other terrorist organizations kidnapped – and are currently holding – approximately 240 hostages, including entire families, infants, elderly, Holocaust survivors, the sick and persons with disabilities.

3. In terms of IHL violations in the field of weaponry, in various cases Hamas terrorists booby-trapped corpses of those that they murdered hoping to cause even more death and destruction. They also extensively booby-trapped civilian houses, which are civilian objects, with the apparent intent of harming rescue teams and family members looking for their loved ones. Since October 7th, Hamas has indiscriminately launched thousands of missiles and rockets, daily targeting Israeli population centers and civilians. Hamas' horrific attacks have demonstrated the dangers that lie in the obtaining and use of conventional weapons by non-state armed groups. Moreover, they have stressed the need for the international community to take concerted action in addressing this perilous trend.

4. It is of importance to stress that Hamas does not hesitate to sacrifice Gazan civilians in order to achieve its terrorist goals. By establishing its military strongholds in or beneath civilian objects it holds its own civilian population as human shields. Within Gaza, Hamas systematically and extensively booby-trapped many residential areas, including civilian domiciles, mosques and roads. It does so even as it knows it is putting Palestinian civilians directly in harm's way. Hamas's unimaginable brutality and its disdain for human life – both Israeli and Palestinian – is only matched by its disdain for the norms and law that guide the international community.

5. Despite dealing with a brutal terrorist organization, Israel's commitment to conducting its military operations in accordance with the Law of Armed Conflict has never wavered. Israel has incorporated the Law of Armed Conflict into all aspects of its military operations, including through legal training, operational procedures and plans, and continuous operational legal advice. Israel directs its attacks only at military objectives and employs various precautionary measures, including advance warnings and in choosing weapons and



munitions. Additionally, Israel has repeatedly called on civilians to temporarily evacuate northern Gaza where more intense hostilities are expected, in order to mitigate harm to civilians.

6. International law and specifically the Law of Armed Conflict were developed in order to try to limit the terrible consequences of war. A terrorist organization that commits atrocities directed against civilians in obvious defiance of international law, threatens the basic foundations of humanity and of international law and threatens our collective security as a whole.

7. We cannot live in a world where the sanctity of human life is put into question. As a global community we must come together to condemn these actions, denounce murderous extremism and work jointly to safeguard our future and that of our children. It is the international community's collective responsibility to address the use of conventional weapons by terrorist organizations and non-state armed groups in clear contempt of International Humanitarian Law.
