



IPAN Patrons: Emeritus Professor Ian Lowe AO and human rights lawyer and journalist, Kellie Tranter.

IPAN's Vision: An Independent and Peaceful Australia

The Hon Richard Marles, MP
Deputy Prime Minister and Minister for Defence
Parliament House
Canberra ACT 2600

Dear Minister Marles

We are writing this open letter to you as the Minister responsible for approving Australia's exports to Israel, either direct or through a third party. These exports include many components, eg F35 aircraft components, including bomb doors, and the Electro Optic Systems, R400 counter-drone cannon, sold through its wholly owned US subsidiary to Israel.

In addition to these exports, which make Australia complicit in the genocide being perpetrated in Gaza and the West Bank, the Israeli Elbit Systems company has been awarded a Defence Department contract worth approximately AU\$917 million to supply systems via Hanwha Defence Australia for the Australian LAND 400 Phase 3 Project.

The ABC reported that "“This project aims to deliver advanced protection, fighting capabilities and sensors to the Redback Infantry Fighting Vehicles (IFV) for the Australian Army", the company said, while revealing the contract would be performed "over a period of five years"”.

Elbit Systems produces internationally banned and “battle tested” (on Palestinians) cluster munitions for Israel, including white phosphorus bombs. The bank HSBC has divested from Elbit over its production of cluster bombs used by the Israeli military, following a sustained protest campaign directed at them. Amnesty International's Crisis Response Programme gathered compelling evidence documenting the use of white phosphorus artillery shells by the Israeli army in densely populated civilian areas in Gaza, many of which are likely to be considered unlawful indiscriminate attacks. Its use has also been reported in Southern Lebanon. White phosphorus burns at extremely high temperatures when exposed to air, and can continue to burn inside flesh. It causes horrific pain and life-changing injuries and burns of around 10% can be fatal.

The situation in Gaza is catastrophic. Since October 2023, the population has faced indiscriminate bombardment, mass displacement, and deliberate starvation. The health and education systems have been decimated with deliberate attacks on hospitals and schools. Journalists have been clearly targeted.

Even as they continue to resist the occupation, the people of Gaza face an increasingly dire situation. The blockade, imposed by Israel in 2007 and since tightened by Israel, prevents food, medicine, and essential goods from reaching two million civilians. The result is famine, disease, and mass death.

If the horrific casualties suffered by Palestinians in Gaza - over 62,000 killed over the last 20 months, and the photos of starving children and others do not awaken your humanity, the fact that this support to Israel is clearly contrary to international law, which Australia always says must be respected, should.

This is not just a humanitarian crisis — it is a deliberate policy, enabled by impunity provided by many countries, including Australia, towards Israel over many decades.

Just some of the applicable International law instruments are:

- **The Fourth Geneva Convention, Article 23**, obliges parties to allow the free passage of consignments of medical and hospital stores, as well as essential foodstuffs, intended for civilians.
- **Additional Protocol I, Article 70**, requires parties to allow and facilitate the rapid and unimpeded passage of humanitarian relief.
- **The San Remo Manual, Rule 102**, prohibits blockades that have the effect of starving civilians or denying them essential relief.
- **The Genocide Convention, Article II(c)**, recognises the deliberate infliction of conditions of life calculated to destroy a group, including through starvation, as an act of genocide.
- **The Rome Statute, Article 8(2)(b)(xxv)**, defines the starvation of civilians as a method of warfare as a war crime.
- The **International Court of Justice (ICJ)** has issued three binding provisional measures (January, March, and May 2024), requiring Israel to allow and facilitate humanitarian aid into Gaza without obstruction.

Despite these clear obligations, states have failed to act, and Israel continues to enforce a blockade that has been condemned by UN bodies, humanitarian organisations, and legal experts worldwide as unlawful collective punishment.

Australian government Ministers, particularly those in the Cabinet, could be held to be complicit in these war crimes. Apart from the risks this poses to them personally, it is clear that millions of Australians are in favour of strong action – legal, military, trade and sports and cultural sanctions - against this criminal Israeli government.

Australia took a lead with bans and sanctions against apartheid in South Africa. Archbishop Desmond Tutu is on record as saying the apartheid in Palestine is worse than it was in South Africa. The late Nelson Mandela had warm relations with the Palestinians and this was followed in recent years by South Africa bringing its case of genocide against Israel in the International Court of Justice.

Australian people are fed up with empty words. You as the responsible Minister must take action immediately – cancel the Elbit Systems contract and refuse further export permits for all military equipment and components to Israel, either via direct exports and through any third party.

Australia must take action. We must endorse the International Criminal Court's warrants against Netanyahu and Gallant as well as cancelling **all contracts** with Elbit Systems. We must stop all military and other trade with Israel and also apply sporting and cultural bans to them. We should join South Africa's case in the ICJ.

The vast majority of countries and people in the world want the slaughter in Gaza to end immediately, and increasingly countries are putting sanctions on Israel, Turkey being the latest. The war criminals must be held to account. Australia must be on the side of international law and on the right side of history by taking strong action NOW.

This is an open letter and further signatories will be sent to you in the future.

Yours faithfully



Annette Brownlie
Chairperson,
Independent and Peaceful Australia Network (IPAN)

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