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## **Joint Media Release: Palestinian human rights organisations launch court action to reveal ‘secret’ arms exports from Australia to Israel**

**Monday 6 November 2023**

Palestinian human rights groups, Al-Haq, Al Mezan Center for Human Rights and the Palestinian Centre for Human Rights (**PCHR**) have launched legal action in the Federal Court of Australia. The human rights groups seek access to all permits allowing the export of arms and weapons to Israel that have been granted by the Minister for Defence since 7 October 2023. The application is supported by the Australian Centre for International Justice (**ACIJ**).

This is the first legal challenge attempting to shed light on arms exports permits in Australia.

**Rawan Arraf, Executive Director at the Australian Centre for International Justice, and solicitor for the Palestinian human rights groups said:**

“Australia’s role in exporting arms material to Israel must be exposed. If Australian-made weapons are being used against Palestinian civilians, our clients and the public deserve to know.

“Countries providing arms to enable Israel’s brutal violence against the Palestinian people must be transparent. And Australia must not be complicit in that violence.

“We know that hundreds of permits have been issued in recent years, but the Australian government keeps the basic details secret: what items are being exported, who is making them, what are they used for?”

Arms exports include both military-specific goods, including components, and also dual-use goods.

Previously, the government has been [reported](#) as claiming that “[e]very export permit decision must assess any relevant human rights risks and Australia’s compliance with its international obligations ... If Defence identified an export might be used to facilitate human rights abuses, a permit would be refused.”

In order to gain transparency over the decision-making process, the human rights groups have sought preliminary discovery in the Federal Court of Australia to obtain relevant documents and information in relation to that process. Preliminary discovery is a process



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that can be used before initiating legal proceedings and involves obtaining a court order to compel the other party to provide certain documents or information.

A legal team, including Marion Isobel from the Victorian Bar, are representing the human rights groups in the preliminary discovery application.

“Our clients believe they may have a right to obtain relief in the nature of judicial review. But because of secrecy around the process, they cannot know for sure until the Minister provides them with preliminary discovery”, said **Ms Isobel**.

**Shawan Jabarin, General Secretary at Al-Haq, said:**

“Palestinian civilians in Gaza are currently under massive and indiscriminate bombardment, subjugated under an illegal occupation and blockade of the territory, with no safe place to flee. We need to know for the sake of our people, our family and friends in Gaza, persecuted under Israel’s settler colonial apartheid regime, who is exporting these arms to Israel and what is being exported.”

**Issam Younis, Director General Secretary at Al Mezan Centre for Human Rights, said:**

“We are seeing the makings of a genocide unfold in front of our eyes. If Australia is selling Israel the means to commit that genocide, it would not only be an unspeakable horror committed against the Palestinian people, it would breach Australia’s obligations under international law and its own rules around arms exports.”

Under the legislative scheme regulating arms exports, before granting a permit the Minister must consider the risk that the goods or technology being exported may be used to commit or facilitate serious abuses of human rights, or may go to a country where they may be used in a way contrary to Australia’s international obligations or commitments.

Grave violations of human rights in occupied Gaza and the West Bank are well-documented. The Palestinian human rights groups say that in allowing the continued export of arms to Israel, Australia may not be making decisions in accordance with the law and may be breaching its international obligations, including obligations under the four Geneva Conventions and their Additional Protocols, the Genocide Convention, and in international human rights law.

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