

AI Index: PRE 01/131/2009  
01 April 2009

## **Israel/Occupied Palestinian Territories: shipment reaches Israel, President Obama urged to halt further exports**

The new delivery to Israel of a massive consignment of US munitions, revealed by Amnesty International today, throws into question whether President Obama will act to prevent the US fuelling further Israeli attacks against civilians that may amount to war crimes, as were perpetrated in Gaza.

According to new information received by Amnesty International, the Wehr Elbe, a German cargo ship which had been chartered and controlled by US Military Sealift Command, docked and unloaded its cargo of reportedly over 300 containers at the Israeli port of Ashdod, just 40 km north of Gaza by road. The German ship left the USA for Israel on 20 December, one week before the start of Israeli attacks on Gaza, carrying 989 containers of munitions, each of them 20 feet long with a total estimated net weight of 14,000 tons. "Legally and morally, this US arms shipment should have been halted by the Obama administration given the extent of the evidence showing how military equipment and munitions of this kind were recently used by the Israeli forces for war crimes," said Brian Wood. "Arms supplies in these circumstances are contrary to provisions in US law."

Asked about the Wehr Elbe, a Pentagon spokesperson confirmed to Amnesty International that "the unloading of the entire US munitions shipment was successfully completed at Ashdod [Israel] on 22 March". The spokesperson said that the shipment was destined for a US pre-positioned ammunition stockpile in Israel. Under a US-Israel agreement, munitions from this stockpile may be transferred for Israeli use if necessary. Another US official told Amnesty International that they are reviewing Israel's use of US weapons during the Gaza conflict to see if Israel complied with U.S. law, but no conclusion has yet been reached. "There is a great risk that the new munitions may be used by the Israeli military to commit further violations of international law, like the ones committed during the war in Gaza," said Brian Wood, Amnesty International's arms control campaign manager. "We are urging all governments to impose an immediate and comprehensive suspension of arms to Israel, and to all Palestinian armed groups until there is no longer a substantial risk of serious human rights violations."

The US was by far the largest supplier of weapons to Israel between 2004 and 2008. The US government is also due to provide \$30 billion in military aid to Israel, despite the blatant misuse of weaponry and munitions in Gaza and Lebanon by the Israel Defense Forces (IDF). According to one US official, President Obama has no plans to cut the billions of dollars in military aid promised to Israel under a new 10-year contract agreed in 2007 by the Bush administration. This new contract is a 25 per cent increase compared to the last contract agreed by the previous US administration.

Amnesty International has reported in detail on suspected war crimes committed by the IDF and by Palestinian armed groups in Gaza. On 15 January, Amnesty International called on all governments to immediately suspend arms transfers to all parties to the Gaza conflict to prevent further violations being committed using munitions and other military equipment.

## Background:

The Wehr Elbe sailed from the US state of North Carolina on 20 December after collecting its large cargo of US munitions, initially bound for the port of Navipe-Astakos port on the west coast of Greece. Its transponder signal disappeared on 12 January when the vessel was sailing near Astakos and when the ship was unable to dock due to a protest by the Greek Stop the War Coalition. The vessel was then tracked as it passed through the port of Augusta, on the Italian island of Sicily, and then near Gibraltar in mid-February, before reappearing on 23 March en route from Ashdod to the Black Sea port of Odessa where it docked on 26 March in berth 7. Amnesty International is now aware that the vessel docked in Ashdod on 22 March and reportedly offloaded over 300 containers.

Amnesty International first drew attention to this arms ship's voyage on 15 January. The ship's charter, authorized by the Bush administration a week before the IDF launched their attack on Gaza, was to carry 989 shipping containers of "containerized ammunition and other containerized ammunition supplies" from Sunny Point Military Ocean Terminal, North Carolina to Ashdod, as listed in the contract. US Military Sealift Command charters for a further two US munitions shipments from Navipe-Astakos (Greece) to Ashdod, which explicitly included white phosphorus munitions, were announced on 31 December during the Gaza conflict and then cancelled on 9 January, but a US military spokesperson subsequently confirmed that the Pentagon was still seeking a way to also deliver those munitions.

Section 502B of the Foreign Assistance Act stipulates that "no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights". Section 4 of the Arms Export Control Act authorizes the supply of US military equipment and training only for lawful purposes of internal security, "legitimate self-defense," or participation in United Nations peacekeeping operations or other operations consistent with the UN Charter. However, under the US Export Administration Act, security assistance may be provided if the President certifies that "extraordinary circumstances" exist, so Section 502B is circumvented. The Leahy Law prohibits the USA from providing most forms of security assistance to any military or police unit when there is "credible evidence" that members of the unit are committing gross human rights violations.

END