

To: Senators

Debate Canada's Complicity in Genocide – Destruction of Palestinians by Israel

Please do everything in your power as a Senator and a member of Canada's upper house of Parliament to oppose, expose, prevent and remedy the ongoing genocide of Palestinians in Gaza, East Jerusalem and West Bank. Canada's duty to fully comply with the *Convention to Prevent and Punish the Crime of Genocide*¹ is a matter of urgent concern to all members of the Senate and must be debated by the Senate. Questions of urgent concern are:

1. **Is Canada violating its legal obligation under the Convention against Genocide** by:

a/ the sale, export or transfer to Israel, directly or through the US, since October 23, 2023, of weapons, munitions, parts, components, dual use items, technology, services, training or research that could assist or provide support for Israel's unlawful occupation; and,

b/ failing to ensure any or adequate measures to compel Israel to comply with international law and with the Advisory Opinion and Orders of the ICJ;

c/ failing to investigate and determine the legality of Israel's military assaults on Palestinians or the legal obligations of Canada under the Convention against Genocide, the Geneva Conventions, the Rome Statute and the Geneva Convention Act;

d/ failing to disclose what money, services, equipment, training or technology, the Jewish National Fund and the Ne'eman Foundation transferred or otherwise made available to support any of activities in or by Israel identified as unlawful by the ICJ Advisory Opinion of 26 July 2024 or by the ICJ Orders of 26 January, 28 March and 24 May 2024 in *South Africa v Israel*.

The UN [Position Paper of the United Nations Independent International Commission of Inquiry](#) on the Occupied Palestinian Territory, including East Jerusalem,² reviews the 19 July 2024 Advisory Opinion of the International Court of Justice (ICJ) and concludes that Israel is legally obligated to comply with the Advisory Opinion and that all States must take effective measure to: cease and prohibit the sale or transfer directly or indirectly to Israel of weapons, munitions, parts, components, dual use items and technology, services, or training that could assist Israel's unlawful occupation; prohibit financial, political and educational support for unlawful activities in or by Israel; take measures to compel Israel's compliance with international law and the ICJ orders; and ensure accountability. Some of the Commission's conclusions are,

26. ... If the goods or technology subject to the transfer or trade are being used to maintain the unlawful occupation or to contribute to maintaining it, States must immediately cease all such transfer or trade to Israel until such time that Israel can prove otherwise.

31. With respect to non-profit or non-governmental organizations, States must carefully review any organization that is financially or politically supporting the unlawful occupation. States shall not give support to these organizations, for example through allowing the organization to have tax-exempt status or providing tax deductibility for donations to the organization and must ensure that financial contributions to support the unlawful occupation, including settlements and settlers, cease.

33. ...As the violations identified by the Court are of a peremptory nature which give rise to obligations erga omnes, all States have a duty to cooperate. National authorities must also conduct their own investigations and, where appropriate, prosecutions under domestic criminal law or universal jurisdictions for criminal conduct committed in the occupied territory.

34. ...This includes complying with all of the provisional measures orders issued by the Court in the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (*South Africa v. Israel*). 36 As stated above, States may be complicit in failing to prevent genocide if

¹ UN General Assembly, [Convention on the Prevention and Punishment of the Crime of Genocide](#), UN, Treaty Series, vol. 78, p. 277, 9 December 1948, Canada is a State Party to the Convention having signed on 28 November 1949 and ratified 3 September 1952.

² [Position Paper of the United Nations Independent International Commission of Inquiry](#) on the Occupied Palestinian Territory, including East Jerusalem, and Israel, *Legal analysis and recommendations on implementation of the International Court of Justice, Advisory Opinion, Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, 18 October 2024.

they do not act in compliance with the Court orders and directly aid or assist in the commission of genocide.

35. On other accountability options, States must review their domestic laws and examine all potential accountability options, such as targeted sanctions regimes, especially sanctions with respect to human rights violations. Finally, States must provide full support for all accountability processes, whether domestic, regional or international, and cooperate with these processes.

The attached **Appendix** lists some of the deaths, damages, destruction and displacements caused by acts prohibited by Article II of the Genocide Convention that have been committed by Israel against Palestinians in Gaza since 7 October 2023, namely acts of: killing; causing serious bodily or mental harm; inflicting conditions calculated to bring about destruction; and, imposing measures to prevent births and decisions. The appendix also lists judicial determinations and orders by the International Court of Justice and investigations and recommendations by other bodies.

All states are legally obligated to prevent and punish genocide, genocide attempts, conspiracy and incitement to commit genocide and complicity in genocide. Arguably, Canada has been complicit by failing to speak unequivocally against the genocide and unlawfulness of Israeli actions and by failing to put in place sanctions and other measures allowed by the UN Charter to stop the genocide, prohibit support, compel compliance and establish accountability.

As observed by many, only states can end the genocide. Please act now to stop the genocide.

I look forward to your response and thank you for taking the measures required to stop deaths, injuries, displacements and destruction. Please advise me if you require additional information.

Sincerely,

Gail Davidson