

From: American Friends Service Committee and The Gun Free Kitchen Tables Project of Isha L'Isha Feminist Center
To: Nell Abernathy and Ezra Kagan, Office of the Secretary of Commerce
Re: Firearms export policy review – End use controls and Israel
January 3, 2024

U.S. firearms exported to Israel have contributed to human rights violations, even before the current escalation of violence since October. These violations are the result of extensive proliferation of weapons to Israelis who live in the occupied Palestinian territory and other end users who present a high risk of committing violence against civilians – both Israeli and Palestinian, domestic violence, and other illegal activities. The United States exported more than 15 times as many handguns to Israel in October 2023 as the previous October, according to U.S. official data.

Israel's unrestricted and illegal distribution of rifles and handguns has exacerbated violent actions, and last month led to the resignation of the chief of Israel's firearms agency. Significant [attention has focused](#) on the State Department's halt/delay in the export of assault rifles to Israel.¹ However, in addition to such rifles, the export to Israel of handguns, firearm parts, and ammunition overseen by the Commerce Department may be contributing to criminal violence.

The Department of Commerce should suspend licenses and shipments of firearm exports to Israel until the Israeli government ceases practices that constitute war crimes and holds accountable those responsible; until illegal gun licenses are recalled; until strong criteria for U.S. firearms exports globally are in place; and until the Department has the means to know and control in whose hands these lethal weapons and components go to in Israel and Palestine.

This memo was produced by researchers, including Israelis who previously served in the Israeli Defense Forces and specialists in the firearms trade internationally and within Israel.

Background: Semi-automatic firearms in Israel

The laws and regulations that govern the sales of weapons to private citizens in Israel have changed in the last year. The Israeli Firearms Division, which oversees firearms licenses, is part of the Ministry of National Security, which since November 2022 has been headed by Itamar Ben-Gvir. The head of the Jewish Power Party, Ben-Gvir is a follower of Meir Kahane who founded the Jewish Defense League and Kahane Chai; the latter was designated as a terrorist

¹ <https://www.axios.com/2023/12/13/us-israel-rifle-sale-delay-west-bank-violence>

organization by the United States. Since coming into office, Ben-Gvir has been calling on Jewish Israeli citizens to arm themselves, and has been working “to ease the process for Israeli citizens to obtain firearms licenses.”² This process has significantly accelerated since October 7, 2023.

Israeli citizens with a firearm license are allowed to buy handguns, but not rifles or other military-style weapons. Therefore, the vast majority of weapons in the hands of Israeli citizens are semi-automatic handguns. However, Israeli soldiers carry their military-issued fully-automatic weapons with them at all times, including when they leave their bases and visit their families. Some elite military units also use semi-automatic handguns, while military sniper units use semi-automatic rifles. The Israeli Police, Security Agency (“Shin Bet”), and private security companies issue semi-automatic handguns to their officers and employees, and they can carry them with them at all times as well.

The Israeli legal landscape is complicated due to the government’s decades-long illegal settlement enterprise in the occupied West Bank. More than half a million Israeli citizens live in the occupied West Bank, in cities, towns, and villages that are commonly referred to as “settlements,” which are illegal according to international law³ and are opposed to by the U.S. government.⁴ The occupied West Bank is ruled and administered by the Israeli military commander of the area, and Palestinians living there are subject to military law. Palestinians there are not allowed to buy or carry firearms. At the same time, Israeli citizens living there are subject to Israeli civil law and are encouraged to arm themselves.

Israelis who live in occupied Palestinian territory can purchase weapons in Israel, or in gun stores in illegal settlements.⁵ According to a recent report, the Israeli gun market is primarily made up of imported brands. “98% of the guns in Israel are imported,” said the chairman of the firearms division of the Association of Chambers of Commerce.⁶ As such, there is strong evidence that guns coming from the United States are used by settlers. A former State Department official was quoted in November saying that it is “almost a certainty” that American guns are being used by Israelis living in illegal settlements.⁷

² <https://www.jpost.com/israel-news/article-729994>

³ <https://press.un.org/en/2016/sc12657.doc.htm>

⁴ <https://www.state.gov/the-united-states-is-deeply-troubled-with-israeli-settlement-announcement/>

⁵ See for example, a shooting range and store called Calliber 3, located in an illegal settlement in the South West Bank, which sells handguns by Colt, Glock, Sig Sauer, Smith & Wesson, and Springfield Armory, alongside some Israeli brands: <https://www.caliber3range.com/guns>

⁶ Yuval Azulay, “As war wages on, the local arms industry is booming,” *Calcalist*, December 21, 2023, at: <https://www.calcalistech.com/ctechnews/article/o41wmf8hy>

⁷ Dania Akkad, “U.S. guns may already be arming West Bank settlers, former official warns, Middle East Eye, November 23, 2023, at:

Not only are Israelis who live in illegal settlements able to buy U.S.-made firearms, it is easier for them to do so than for Israelis living within Israel's recognized borders. Per the official license regulations, Israeli "law does not recognize a right to bear arms and anyone who wishes to carry a gun must meet a number of requirements and demonstrate a need to carry one."⁸ Living in an illegal settlement automatically satisfies the requirement to demonstrate a need. Moreover, illegal settlements also have permanent security squads, composed of civilians that are supervised by the military, which receive from the military fully-automatic assault rifles. There is therefore no way to prevent weapons that enter Israel from ending up in the hands of Israelis living in illegal settlements.

Evidence of recent civilian violence using firearms

The spike in U.S. exports of guns, components, and munitions to Israel is occurring at a time when the Israeli Ministry of National Security has issued 64,000 new firearms permits, more than 14,000 of which were illegal, according to Israel's own deputy attorney general.⁹ The Ministry has distributed firearms to up to 600 "security squads," overseen by both the army and police, in dozens of cities and towns, including illegal settlements in the occupied West Bank.

Service in the military is generally a criteria for receiving weapons as a part of these squads, so that most Palestinian citizens of Israel are excluded from participation in the new security squads. The squads have specifically been set up in mixed Jewish-Palestinian communities at a time when repression against Palestinian citizens of Israel is increasing, raising concerns about racial profiling, discriminatory policing, and violence by these armed groups inside Israel.¹⁰

At the same time, fatal and non-fatal armed attacks on Palestinians in the West Bank have grown. The U.N. Office for the Coordination of Humanitarian Affairs has documented and validated 272 Palestinians in the West Bank killed by firearms and 1,254 Palestinians injured by firearms since October 7. Gun violence against Palestinians in the West Bank since October 7 has not been isolated in a few areas, but spread across more than 80 communities.¹¹ Media

⁸ <https://www.gov.il/en/departments/general/firearm-licensing-information>

⁹ Noa Shpigel, "Ben-Gvir's Ministry Distributed 14,000 Gun Licenses Illegally, Israel's Deputy AG Says," *Haaretz*, December 28, 2023, at: <https://www.haaretz.com/israel-news/2023-12-27/ty-article/.premium/ben-gvirs-ministry-distributed-14-000-gun-licenses-illegally-israels-deputy-ag-says/0000018c-acea-d45c-a98e-afeef7530000>

¹⁰ Dan Williams, "Israel arms civilian security squads, fearing internal strife," Reuters, October 22, 2023, at: <https://www.reuters.com/world/middle-east/fearing-internal-strife-gaza-war-israel-arms-civilian-security-squads-2023-10-22/>

¹¹ As of January 2. In contrast, Israelis in the West Bank suffered three fatalities (two of whom were soldiers) and 26 injuries, from any type of weapon, between October 7 and December 4. United Nations

reports provide a more vivid sense of how gun violence is impacting West Bank communities. “Israeli settlers have [teamed up](#) with soldiers to [attack Palestinian communities](#) throughout the occupied territory,” reported [+972 Magazine](#) on November 22. “In multiple places, Palestinians were forced to leave their residences under the weight of settler attacks launched day and night. The settlers have burned homes, stolen sheep, blocked roads, and vandalized property. They have shot, beaten, threatened, and body searched Palestinian residents. Even the city of Hebron has not been spared from this campaign.”

Even prior to the current crisis, armament of private citizens in Israel was growing sharply, including an increase of new licenses approved for private guns from 11,000 in 2021 to 21,000 in 2022, while gun homicides in Israel increased by 73% between 2019 and 2022.¹²

In addition to its “security squads,” the Israeli government has expanded eligibility for firearm possession by private individuals, including automatically extending licenses, allowing private security guards to bring weapons home, and providing licenses to family members of farmers who currently possess firearms.¹³ Despite the position of Israel’s Justice Ministry that the new gun license regulations be implemented only for 12 months, to address the current crisis, Israeli lawmakers opted to make them permanent.¹⁴

Israel Avisar, the head of the firearms division in the Ministry of National Security disclosed that Itamar Ben Gvir’s appointees approved firearms licenses without the authority to do so. Avisar called on Ben Gvir to reverse the policy, and resigned in protest in late November.¹⁵

More recently, gun proliferation has exacerbated violence, including [escalated neighbor disputes](#) in a Jewish town; [threats against protesters by an armed reservist](#) (police dismissed a formal complaint); threats by the son of an Israeli mayor against an academic department chair for not firing a Palestinian lecturer, stating: “Advising you to fire [...] and do it fast. She will not

Office for the Coordination of Humanitarian Affairs, dashboard, at:
<https://www.ochaopt.org/data/casualties>

¹² Gun Free Kitchen Tables (GFKT), “Fact Sheet: The Guns of October: The mass armamento of civil spaces in Israel,” November 9, 2023, attached to this memo.

¹³ Ibid.

¹⁴ Noa Shpigel, “Knesset National Security Committee Approves New, Lenient Fire-arms License Conditions,” *Haaretz*, October 17, 2023, at: <https://www.haaretz.com/israel-news/2023-10-17/ty-article/.premium/knesset-national-security-committee-approves-new-lenient-fire-arms-license-conditions/0000018b-3db7-d5be-a7eb-bfff87090000>

¹⁵ Haaretz, December 17, 2023, at: https://www.haaretz.co.il/news/law/2023-12-17/ty-article/.premium/0000018c-7383-dbd5-a39c-fff3bbb60000?utm_source=App_Share&utm_medium=iOS_Native, and Haaretz, December 6, 2023, at: <https://www.haaretz.com/israel-news/2023-12-06/ty-article/.premium/thats-life-and-death-arming-israeli-civilians-is-a-terrible-security-policy/0000018c-40a5-db23-ad9f-68fd78bd0000>

remain at the college. We're armed and we know how to get justice for 1400 Jews and non-Jews murdered by a cruel neo-Nazi enemy.”¹⁶ The government has also proposed legalizing the use of firearms with live fire against even nonviolent protesters occupying any roadway.¹⁷

Ministry of National Security spokespeople have said that the new regulations for guns would allow the addition of up to 400,000 new private gun bearers, who numbered 160,000 before October 7 - more than tripling its current size in a very short period.¹⁸ The Israeli Security Ministry indicated in late November the government was issuing about 10,000 new individual firearms licenses per week.¹⁹

“The vast majority of newly licensed and armed gun bearers are (or will be) Jewish men, most of them ex-servicemen. In addition, a large number of them will be members of nationalist, religious, overtly racist groups,” according to the coordinating team of Gun Free Kitchen Tables, a coalition of 19 organizations in Israel.²⁰

Because Israeli citizens may travel freely with weapons to and from the West Bank, the provision of such weapons to end users in Israel affects both areas. In addition, extensive thefts by Palestinians and others in Israel of firearms from the military and from civilians are responsible for a proliferation of weapons.²¹ The accelerated distribution of firearms to tens of thousands of new users in Israel is likely to increase the incidence of gun theft and consequently violence against Palestinians and others in Israel and the West Bank.

As GFKT has pointed out, “The process impacts women of all backgrounds – who are disproportionately endangered by guns in homes and families” – as well as people with mental health difficulties, nonviolent protesters, asylum seekers, and members of other marginalized

¹⁶ Testimony by the chair of a science department at a college in northern Israel, provided directly to Gun Free Kitchen Tables, December 2023.

¹⁷ “Cabinet said slated to okay police use of live fire against protesters blocking roads during multi-front war,” *Times of Israel*, October 27, 2023, at: https://www.timesofisrael.com/liveblog_entry/cabinet-said-slated-to-okay-police-use-of-live-fire-against-protesters-blocking-roads-during-multi-front-war/

¹⁸ Nir Hasson, “ Hamas’ Attack Has Accelerated Israel’s Domestic Arms Race,” *Haaretz*, October 24, 2023, at: <https://www.haaretz.com/israel-news/2023-10-24/ty-article-magazine/.premium/israel-is-basically-telling-citizens-you-need-to-take-care-of-yourself/0000018b-6180-d312-a1fb-f7fb54730000>.

¹⁹ Israeli Ministry of National Security, “256,000 applications for a license to carry a private firearm,” November 29, 2023, at: <https://www.gov.il/he/departments/news/256000> See also Claire Parker et. al., “Israel wants civilians to arm up. Gun permit applications are soaring,” *Washington Post*, December 8, 2023 at: <https://www.washingtonpost.com/world/2023/12/08/israel-gun-carry-permits/>

²⁰ GFKT, “Fact Sheet,” November 9, 2023, attached to this memo, *op. cit.*

²¹ “About 70,000 bullets and about 70 hand grenades were stolen from a military base in the Golan Heights,” *Haaretz*, November 22, 2022, at: <https://www.haaretz.co.il/news/politics/2022-11-12/ty-article/00000184-6bb4-d89b-a9c4-7fb6fb110000>

groups.²² According to the Organization of Families of Murder Victims in Israel, “very many women experience a heightened threat when their partner or another family member has access to firearms, someone who dominates them with violence and terror.”²³

According to an analysis of budget and contract documents published by *Calcalist* on December 5, the Israeli Ministry of National Security plans to acquire 40,000 firearms, six million bullets and other equipment to arm the “security squads,” at a cost of US\$175 million. According to the report, the Ministry of National Security is directly responsible for the purchase of guns and ammunition for the “security squads.” In mid-October, according to *Calcalist*, the Ministry had already ordered the purchase of 8,350 rifles from Ephram M.R.D., the representative in Israel of the U.S.-based manufacturer Colt, costing 58.8 million Israeli shekels (NIS), and 5,200 rifles from Lavi BBG, the representative in Israel of the U.S. manufacturer Daniel Defense, at a cost of NIS 43.8 million.²⁴

There is also evidence that firearms and munitions, potentially including those exported by the United States, are being used in Israeli attacks in the Gaza Strip.²⁵ While most Israeli soldiers use fully-automatic assault rifles, sniper units use semi-automatic rifles such as the American Remington M24 and Barrett REC10. Current attacks have been described by some forty [U.N. experts](#) and [legal scholars](#) as “a genocide in the making.” Previously, Israel imposed collective punishment and carried out war crimes against the civilian population in Gaza. In 2018-2019, the Israeli military deployed snipers armed with U.S.-made Ruger rifles to suppress unarmed weekly protests by Palestinians at the Gaza-Israel border. The rifles were used specifically to target the kneecaps of Palestinians, including those of young children.²⁶

Increased U.S. exports to Israel of firearm parts and ammunition before and since October 7

Israel received more than \$75 million of likely Commerce-controlled exports in the first nine months of 2023 (notably before October 7), primarily in gun ammunition, according to [Census Bureau trade records](#).²⁷ These exports represent a steep increase from \$55 million of such

²² GFKT, “Fact Sheet,” November 9, 2023, attached to this memo, *op. cit.*

²³ Hasson, “ Hamas’ Attack”.

²⁴ “Ben Gvir’s army is arming itself: 6 million bullets, 40 thousand guns,” December 5, 2023, at: https://www.calcalist.co.il/local_news/article/r1hjrjruoha. 633 million Israeli shekels = US\$175.4 million

²⁵ <https://afsc.org/companies-behind-2023-attack-gaza>. See also this December 2023 video of Israeli troops in Gaza: <https://www.youtube.com/watch?v=B-vif05PiVw>

²⁶ <https://investigate.info/company/sturm-ruger-company> and <https://www.haaretz.com/israel-news/2020-03-06/ty-article-magazine/.highlight/42-knees-in-one-day-israeli-snipers-open-up-about-shooting-gaza-protesters/0000017f-f2da-d497-a1ff-f2dab2520000>

²⁷ This calculation of exports includes the following Harmonized System tariff codes: 9302 (handguns); 930320 (sport shotguns); 930330 (sport rifles); 930390 (pistols firing blanks); 9304 (other arms); 930520 (handgun parts); 930521 (sport shotgun barrels); 930529 (sport shotgun and rifle parts); 930599 (parts of other firearms); 930621 (shotgun cartridges); 930630 (cartridges and parts thereof). The calculation

exports in *all of* 2022; annualized, the estimated Commerce-controlled exports from January through September were more than twice the average for 2020-2022. U.S. exports to Israel from January through September included 10,016 handguns (valued at \$6.2 million) and \$66.5 million worth of gun ammunition or ammunition components.

[U.S. International Trade Commission](#) data for U.S. exports in *October* (posted in early December) show 5,515 handguns valued at nearly \$2.4 million shipped to Israel in that single month. This represents more than the annual average of handgun exports to Israel for the previous five years. Half of the handguns exported to Israel in October originated from New Hampshire, which is home to Sig Sauer, Inc., the United States' largest exporter of pistols globally. In addition, the data shows more than 2 million bullets worth nearly \$4.4 million shipped to Israel in October.²⁸

excludes all 9301 HS codes (military artillery weapons, rocket launchers, flamethrowers, military rifles and shotguns), muzzle-loading firearms (930310), parts of military weapons (930591), and explosives (930690).

²⁸ U.S. International Trade Commission data indicate there were shipments from the U.S. to Israel in October of 1,622,023 “cartridges containing a projectile for rifle or pistols not elsewhere specified or included [Nesoi]” (HS code 9306.30.4120); 345,837 “parts of cartridges Nesoi” (HS code 9306.30.8000); and 37,360 “cartridges containing a projectile Nesoi” (HS code 9306.30.4130), with a total value of \$4,389,595.

U.S. Pistol and Revolver Exports to Israel, Jan. 2018-Oct. 2023

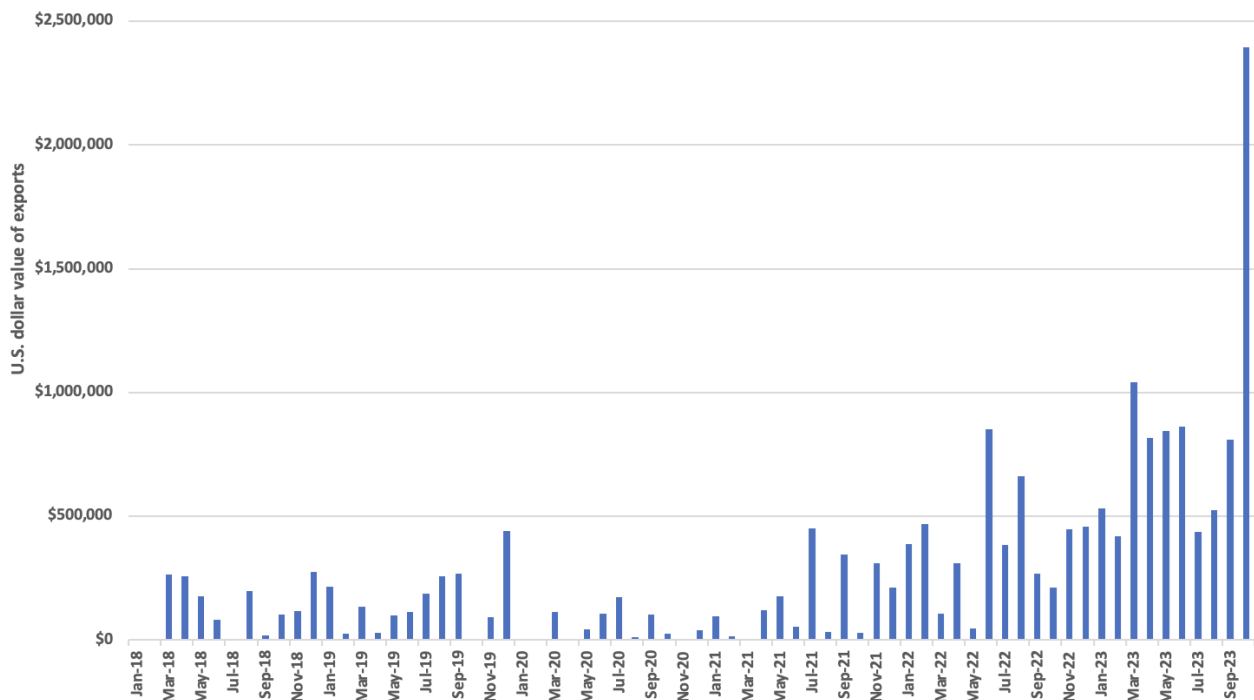


Chart by AFSC. Source: U.S. Census Bureau

Evidence shows that war crimes committed by U.S.-armed troops in Gaza and by militias in West Bank are the result of Israeli policy, not of a “few bad apples”

An investigation by *+972 Magazine* that relied on interviews with seven current and former members of Israel’s intelligence community demonstrated that Israeli authorities have known in advance how many civilians were likely to be killed, injured, or forcibly displaced in each bombing attack in Gaza, because the army has files on the vast majority of residential buildings in Gaza. “This number is calculated and known in advance to the army’s intelligence units, who also know shortly before carrying out an attack roughly how many civilians are certain to be killed,” *+972* reported. “We know exactly how much collateral damage there is in every home,” according to another intelligence source. This also indicates that the Israeli government has knowingly killed a large number of the children who have perished in bombing attacks. The sources said that military activity is not conducted from the majority of these targeted homes. In the West Bank, violence against Palestinians by Israeli forces and by settlers who act with full confidence of impunity for their actions has been persistent and systematic, and has escalated

since September. There is also evidence that Israeli forces view Palestinian civilians as legitimate enemy targets in ground operations.²⁹

In other words, war crimes and serious violations of internationally recognized human rights by the Government of Israel against Palestinians demonstrate the government's *intention* to commit such crimes. Intention is a key factor in implementation of the [Conventional Arms Transfer \(CAT\) policy](#), which states that:

“no arms transfer will be authorized where the United States assesses that it is more likely than not that the arms to be transferred will be used by the recipient to commit, facilitate the recipients' commission of, or to aggravate risks that the recipient will commit: genocide; crimes against humanity; grave breaches of the Geneva Conventions of 1949, including attacks intentionally directed against civilian objects or civilians protected as such; or other serious violations of international humanitarian or human rights law, including serious acts of gender-based violence or serious acts of violence against children.”

The United States should not supply lethal weaponry to a state that is carrying out massive collective punishment, war crimes and possibly genocide, which has resulted in the deaths of at least 15,000 children and other civilians. Several factors suggest further firearms transfers to Israel would violate the CAT policy, including: the risk that the recipient may use the arms transfer to contribute to human rights violations; the probability that weapons will be used in acts of violence against children; the extent to which Israeli institutions are subject to the rule of law, with effective accountability mechanisms; the risk that the transfer will have adverse political, social, or economic effects in Israel, including by “negatively impacting the protection of human rights, fundamental freedoms, or the activity of civil society” and by contributing to impunity of security forces; the degree to which transfers may contribute to regional and local instability; the risk of diversion of firearms (including by theft); Israel's lack of compliance with end use requirements; and Israel's lack of membership in multilateral nonproliferation regimes. These factors dictate that conditions do not currently exist for the legal or ethical transfer of firearms from the United States to Israel.

Recommendations

1. The Commerce Department should adopt an overall policy of restraint for export of firearms, gun components, and ammunition, in recognition of their widespread use for violent crime, terrorism, domestic violence, extortion, and human rights violations around the world,

²⁹ Youtube, “The whole valley here is blown up by launchers’ - Dokutaim in the heart of Gaza,” December 26, 2023, at: <https://www.youtube.com/watch?v=B-vif05PiVw>

and should abandon the U.S.-centric view that firearms and bullets are like other consumer goods.

2. Israel should not be singled out or held apart from other nations to which the United States exports lethal firearms. Persons at risk of harm from firearms exported to Israel that are distributed in an unrestricted and unaccountable manner suffer no less, and are no less deserving of protection, than victims of gun violence in other nations.

3. DOC should establish concrete criteria for the exclusion of end users where there is a meaningful risk that such users are involved in human rights abuses, collusion or involvement with criminal activity, domestic violence, or suppression of justice. Such criteria should be written into publicly accessible policy documents to facilitate accountability.

4. Criteria for U.S. exports of firearms, gun parts and munitions should also include overall limits on the volume of exports to areas where the risks are significant that the transfer may exacerbate or maintain violence.

5. DOC officers responsible for reviewing applications for firearms exports licenses should consult comprehensive sources to identify problematic proposed end users. An important set of tools for reviewing firearms export licenses that a policy of restraint can use are Leahy Law mechanisms, such as the International Vetting and Security Tracking- cloud (INVESTc) system administered by the State Department, and other data on human rights violations. This system should also be periodically evaluated to ensure that it is functioning properly and that it is capturing existing unit-level information from a range of sources.

6. In light of evidence indicating that U.S.-based or U.S.-owned firearms manufacturers may draw on inventories outside the United States to fulfill orders for end users that might otherwise be prohibited or limited from receiving U.S. firearms exports, the Commerce Department should explicitly require such companies to submit license applications and end user certificates for all proposed exports, including those physically originating outside the United States, and apply equal rigor to such applications and certificates.

7. In the case of Israel, the **Department of Commerce should suspend all licenses and shipments of firearm exports to Israel** until:

a. The Israeli government gives concrete indications in its conduct and policy that it has ceased practices that constitute war crimes and that those responsible for these crimes will be held accountable in a court of law;

b. Israel's attorney general recalls the gun licenses to private citizens that were issued illegally and led to firearms division chief Israel Avisar's resignation;

c. Strong criteria for U.S. firearms, components and munitions exports globally, including the criteria described above, are in place; and

d. The Department has the means to know and control in whose hands these lethal weapons and munitions go to in Israel and Palestine.