EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS

ECCHR

German weapons in Gaza

Q&A on our lawsuits against arms exports to Israel

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1. Why are we taking legal action?

Since 2024, we have supported several lawsuits aimed at preventing German weapons from contributing to international crimes in Gaza – in particular, war crimes, crimes against humanity and genocide.[1] Given the severe risk that German arms exports are contributing to violations of international law, our Palestinian partner organizations – the Palestinian Centre for Human Rights, Al-Haq, and Al Mezan Center for Human Rights – see this as a violation of the German federal government's duty of care under international law. Germany is failing to fulfill its obligation to adequately assess and prevent the risks of contributing to such violations in its export decisions. Political interests must no longer take precedence over human rights and international law.

Note: A graphic overview of the proceedings we support can be found at the end of the document, with the urgent applications numbered chronologically.

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2. To what extent does Germany supply arms to Israel?

Information on German arms exports is often only made available to the public and the German Parliament after considerable delay. The federal government routinely invokes national interests and foreign policy considerations as grounds for withholding information or providing only limited disclosure. In the past two years, this has been especially true for arms exports to Israel, whose use in Gaza has been documented. Between 7 October 2023 and 5 June 2025, Germany approved arms exports to

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[1] See also ECCHR, *The Ongoing Genocide in Gaza: Questions and Answers on the Legal Background and Current Developments,* available at https://www.ecchr.eu/fileadmin/Q_As/ECCHR_Q_A_Genozid_in_Gaza_20241210.pdf

Israel with a total value of over 492 million euros.[2] This makes Germany Israel's second-largest arms supplier after the US.

This included licenses for weapons of war, with licenses for 3,000 bazookas and 500,000 rounds of ammunition for machine guns in 2023.[3]

In 2024 alone, 29.3 percent of licenses – totalling roughly 48 million euros – were for "parts for armored vehicles, battle tanks, and tank howitzers" (export list item A0006).[4]

On 8 August 2025, Chancellor Friedrich Merz announced that no new licenses for weapons that could be used in Gaza would be issued for the time being. However, this measure does not affect existing licenses: the continued shipment of such goods can thus continue. Despite this announcement, additional exports amounting to 2.4 million euros were subsequently approved,[5] including those encompassed by the category for bombs, torpedoes, rockets and missiles.

3. What rules apply to arms exports from Germany?

German law distinguishes between two categories of military equipment: "weapons of war" and "other military equipment." This distinction has been criticized because parts for weapons of war are subject to less

[2] German Parliament, Written questions with responses from the federal government received in the week of 10 June 2025, 13 June 2025, BT-Drs. 21/469, p. 66, available at https://dserver.bundestag.de/btd/21/004/2100469.pdf; Parliament, Response of the federal government to the parliamentary question by Members of Parliament Lea Reisner, Doris Achelwilm, Gökay Akbulut, other Members of Parliament, and the Left Party – Parliamentary Paper 21/1633 –, 2 October 2025, BT-Drs 21/1958, p. 3, available at https://dserver.bundestag.de/btd/21/019/2101958.pdf.

[3] German Parliament, Response of the Federal Government to the parliamentary question by Sevim Dağdelen, Dr. Sahra Wagenknecht, Ali Al-Dailami, other members of parliament, and the BSW parliamentary group – Parliamentary Paper 20/10951 –, 13 May 2024, BT-Drs. 20/11368, p. 33, available at https://dserver.bundestag.de/btd/20/113/2011368.pdf; Written questions with the responses received from the Federal Government in the week of 8 January 2024, 12.01.2024, BT-Drs. 20/10022, p. 2, available at https://dserver.bundestag.de/btd/20/100/2010022.pdf.

[4] German Parliament, Information from the Federal Government Report by the Federal Government on its export policy for conventional arms in 2024 (Arms Export Report 2024), BT-Drs. 21/1450, 2 September 2025, p. 81, available at https://dserver.bundestag.de/btd/21/014/2101450.pdf

[5] German Parliament, Response of the Federal Government to the parliamentary question by Members of Parliament Lea Reisner, Doris Achelwilm, Gökay Akbulut, other Members of Parliament, and The Left Party – Parliamentary Paper 21/1633 –, 2 October 2025, BT-Drs. 21/1958, p. 3, available at https://dserver.bundestag.de/btd/21/019/2101958.pdf.

stringent regulations than complete systems – even though they can equally contribute to warfare and are at times just as dangerous.

Weapons of war (e.g., anti-tank weapons):

According to Article 26(2) of German Basic Law, weapons of war may only be manufactured, transported or exported with the express permission of the federal government. The Federal Ministry for Economic Affairs and Energy (BMWE, formerly BMWK) is responsible for this. The Federal Security Council decides on export bids of particular importance.

Two licenses are required for the export of weapons of war:

1. one according to the War Weapons Control Act (KrWaffKontrG) and
2. one according to the Foreign Trade Act (AWG).

A license is to be rejected if there is reason to believe that the Federal Republic of Germany would thereby violate its obligations under international law (Section 6 (3) No. 2 KrWaffKontrG). These obligations include, in particular:

- the Arms Trade Treaty (ATT)
- the Genocide Convention
- the Geneva Conventions

As a signatory to the ATT, Germany is obliged to prohibit arms shipments if it is aware that these deliveries could be used to commit genocide, crimes against humanity, serious violations of the Geneva Conventions, attacks on civilian objects or civilians, or other war crimes (Art. 6 (3) ATT). Furthermore, the German federal government may not grant any authorization for arms exports if there is a “predominant risk” that these arms will contribute to “the commission or facilitation” of serious violations of international humanitarian law (cf. Art. 7(1)(3) ATT). These legal obligations are not subject to discretion and cannot be overridden by political considerations.

Accordingly, Germany must impose an immediate and comprehensive export ban on all military equipment to Israel that could be used to commit or facilitate such crimes – even with regard to existing contracts or licenses that have already been granted.

The EU Common Position (2008/944/CFSP) also stipulates that, among other things, respect for human rights and international humanitarian law by the recipient country of an export is a key decision-making criterion (criterion 2). Accordingly, a license must be denied if there is a clear risk that the goods will be used to commit serious violations of international humanitarian law. The German government has codified this legal framework in its "Political Principles for the Export of Arms and Other Military Equipment."

Other military equipment (e.g., tank parts)

The export of "other military equipment" only requires an authorization under the AWG, which is issued by the Federal Office of Economic Affairs and Export Control (BAFA).

The provisions of the ATT and the EU Common Position also apply here. This means that no licenses may be granted for other military equipment if its use in international crimes in the recipient country is highly probable.

Note: Staatsräson (reason of state)

Invoking so-called German Staatsräson – as an expression of political responsibility toward Israel – does not constitute a legal exception. It must not lead to a relativization and circumvention of the binding standards of national and international arms export law.

When political allegiance takes precedence over legal obligations, double standards arise – and they undermine confidence in international law, especially at a time when its institutions are under targeted attack. A policy that invokes international law must uphold its principles even when this is politically inconvenient.

ECCHR is pursuing legal action against both the export of weapons of war (see 4.) and the export of other military equipment (see 5.).

4. What is the lawsuit against weapons of war concern?

The lawsuit filed with the Berlin Administrative Court on 11 April 2024 is directed against export licenses for 3,000 anti-tank weapons to Israel from the German manufacturer Nobel Defence. It is directed against the Federal Republic of Germany, represented by the Federal Ministry for Economic Affairs and Energy (BMWE, formerly BMWK).

a. Who is filing the lawsuit and who is supporting it?

Originally, five Palestinian plaintiffs living in Gaza filed the lawsuit. One of the plaintiffs was killed in July 2025 in an Israeli drone strike on a food stall in front of Al-Awda Hospital. A total of eight people were killed in the attack.[6]

The four surviving plaintiffs have since lost several relatives, as well as their homes, and have been displaced multiple times within Gaza. Three of them also lost their jobs due to the war, and all suffer from the catastrophic humanitarian situation, in which food and water are still difficult to obtain, even now that a ceasefire has formally come into effect.

The plaintiffs continue to live in Gaza in constant fear of being killed or injured and have thus filed suit in Germany.

They are supported by the Palestinian human rights organizations Palestinian Center for Human Rights (PCHR), Al Mezan Centre for Human Rights, and Al-Haq.

b. What is the aim of the lawsuit?

The aim is to establish the illegality of German exports of weapons of war to Israel (known as a continuation of a declaratory judgment action, or FFK for short; see graphic below). Originally, urgent proceedings (see below, urgent application 1) were intended to prevent the weapons from being shipped – but the exports had already been delivered.[7]

c. What are the grounds for the lawsuit?

In the opinion of ECCHR, Germany's authorizations violate the Weapons of War Control Act, the Arms Trade Treaty, the Geneva Conventions and

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[6] Cf. Palestinian Center for Human Rights, Israel Escalates Mass Killings and Family Extermination in Ongoing Genocide in Gaza, 4.07.2025, available at https://pchrgaza.org/israel-escalates-mass-killings-and-family-extermination-in-ongoing-genocide-in-gaza/.

[7] See urgent application 1 und urgent application 2 in the graphic, last page of this Q&A.

the Genocide Convention – agreements that Germany has ratified and which, therefore, are binding.

In view of numerous documented war crimes, it was already highly probable at the start of the Israeli military operations that Israel would use the delivered weapons in violation of international law. The German government knew this – and nevertheless approved the exports.

d. What are the next steps?

On 12 November 2025, an oral hearing will take place before the Berlin Administrative Court. The court will then decide on the lawsuit.

5. What is the case against parts for tank transmissions about?

The case is directed against the Federal Republic of Germany, represented by the Federal Office of Economic Affairs and Export Control (BAFA), which decides on export licenses for so-called "other military equipment." The subject matter is tank transmissions manufactured by the Nuremberg-based company Renk, which are shipped to Israel and installed and used in Israeli Merkava and Namer battle tanks. The proceedings were initiated on 24 October 2024 before the Administrative Court in Frankfurt am Main.

a. Who is filing the lawsuit?

The proceedings are being initiated by Abdalrahman J. from Gaza. Before the war, he ran a grocery store, was married, and had a one-and-a-half-year-old daughter. An Israeli airstrike killed his wife and child, and in another airstrike, the plaintiff was injured and lost other close relatives. The plaintiff's apartment, along with the entire surrounding neighborhood, has been destroyed.

The plaintiff has been living in Gaza for two years in constant fear that he will be killed or injured next. This is due, in part, to the use of Israeli tanks equipped with German transmissions. Such tanks were repeatedly deployed in his vicinity. Even since the ceasefire, this danger persists.

From Gaza, the Palestinian Center for Human Rights (PCHR) and the Al Mezan Centre for Human Rights are supporting the proceedings. The proceedings are also being supported by the Palestinian human rights organization Al-Haq from the West Bank, which has already co-initiated similar lawsuits in several other countries.

b. What is the aim of the proceedings?

The proceedings are intended to prevent exports of tank transmissions to Israel that are in breach of (international) law. The aim is to secure the court's final annulment of the export licenses. The purpose of the expedited proceedings is to prevent the shipment of the tank transmissions in the meantime.

A constitutional complaint filed on 19 October 2025 seeks to establish that the complainant has the right to take legal action against the arms export licenses and to determine that the decisions rejecting his claims violate the complainant's fundamental rights.

c. What is the legal basis for the proceedings?

ECCHR sees sufficient grounds to assume that Germany's granting of these licenses violates the Foreign Trade and Payments Act and the Foreign Trade and Payments Ordinance, the Arms Trade Treaty (ATT), the Geneva Conventions, and obligations under the Genocide Convention. These are agreements that Germany has ratified and, therefore, are binding.

In its ruling from 26 January 2024, the International Court of Justice (ICJ) already stated that it is plausible that Israel is violating the rights of Palestinians in Gaza under the Genocide Convention. United Nations bodies and numerous human rights organizations have concluded that Israel is committing a multitude of war crimes, as well as crimes against humanity and genocide. ECCHR has come to the same conclusion.

The pattern of violations of international humanitarian law to date shows that it is highly probable that Israel will use tanks equipped with these transmissions in a manner that violates international law and endangers the plaintiffs. By approving such exports despite clear evidence of systematic violations of international law by Israel, the German federal government is contributing to the endangerment of the people in Gaza, as well as the complainant.

d. What has happened in the court proceedings thus far?

Media reports have revealed that the German government allegedly granted two additional licenses for the export of tank transmissions to Israel in October 2024. The complainant lodged an objection to this (see below, 5th urgent application). The Federal Office for Economic Affairs and Export Control (BAFA) has not yet ruled on the objection.

In order to prevent the interim delivery of the tank transmissions, the applicant sought urgent legal protection before the Frankfurt Administrative Court and lodged an appeal with the Hessian Administrative Court. Both courts rejected the applications on the grounds that the applicant was not entitled to take action against the licenses.

We filed a constitutional complaint against this decision in Karlsruhe on 19 October 2025.

e. What happens next?

The constitutional complaint is now being examined by the Federal Constitutional Court. The complaint asserts that

- the rejection of urgent legal protection by the administrative courts violates the complainant's fundamental rights to life (Art. 2 (2) sentence 1 GG) and to effective legal protection (Art. 19 (4) GG);
- the complainant is entitled to file a complaint, i.e., he has the right to take action against the arms export licenses.

It is not yet clear when the Federal Constitutional Court will issue a ruling. If the court finds the constitutional complaint to be justified, the administrative courts will have to rule again.

If the BAFA decides on the appeal in the meantime, the person concerned can also file a lawsuit with the administrative court within one month.

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6. Are there also lawsuits against arms exports to Hamas?

No. According to experts, the weapons used by Hamas and other military groups in Gaza are primarily manufactured locally or are smuggled in, especially from Iran. Weapons previously deployed by Israel in Gaza are also being used, e.g., unexploded ammunition that was found there.[8] There is no evidence of German arms export licenses to Hamas or other groups in Gaza – accordingly, no legal action can be taken against this in Germany.

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[8] Cf. e.g. Associated Press, Hamas fights with a patchwork of weapons built by Iran, China, Russia and North Korea, 15.01.2024, available at https://apnews.com/article/israel-hamas-war-guns-weapons-missiles-smuggling-adae9dae4c48059d2a3c8e5d565daa30; New York Times, Where Is Hamas Getting Its Weapons? Increasingly, From Israel, 28.01.2024, available at https://www.nytimes.com/2024/01/28/world/middleeast/israel-hamas-weapons-rockets.html.

However, the International Criminal Court (ICC) can prosecute individuals who support non-state groups such as Hamas as arms suppliers if they thereby aid and abet international crimes.

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7. Why is ECCHR continuing to take legal action against arms exports even after the official ceasefire came into effect in October 2025?

The ceasefire between Israel and Hamas announced on 10 October 2025, provides a much-needed respite for the civilian population in Gaza. However, it does not represent a stable or sustainable peace. The Israeli government continues to pursue its goal of controlling and occupying large parts of the Gaza Strip, and despite the formal ceasefire, military attacks by the Israeli army continue.

A ceasefire does not mean that the violations of international law committed over the past two years can now be forgotten. More than ever, there is a need for legal redress.

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8. Are there similar lawsuits in other countries?

Yes. Proceedings are underway in several countries with the aim of stopping arms shipments to Israel or having them reviewed by the courts.

For example, in early 2024, a court in the Netherlands banned the export of components for F-35 fighter jets because there was a clear risk that they would be used in violations of international law in Gaza. The Dutch Constitutional Court later overturned this ban, but stipulated that the government must reassess the risk of whether the components are being used for violations of international law.

Human rights organizations in the UK filed a lawsuit seeking the suspension of all British arms exports to Israel. The government subsequently suspended around 30 export licenses – with the exception of the F-35 program, a multilateral construction project for fighter jets. The court dismissed parts of the lawsuit on the grounds of national security interests.

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9. How is this lawsuit connected to the proceedings before the International Court of Justice in The Hague?

There are two relevant proceedings before the International Court of Justice (ICJ):

South Africa has sued Israel before the ICJ for imminent violations of the Genocide Convention. The ICJ's findings may prove that the use of (German) weapons carries a high risk of violations of international law.

Nicaragua has accused Germany of aiding and abetting genocide through arms exports. The ICJ initially rejected provisional measures, citing, among other things, the low volume of exports at that time. However, the proceedings are still underway.

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10. What experience does ECCHR have with international law cases before German administrative courts?

ECCHR has many years of experience with strategic lawsuits on state responsibility and arms exports.

Back in 2014, we filed a lawsuit against the use of the US Ramstein Air Base for American drone strikes in Yemen, in support of a Yemeni family whose relatives had been killed in a drone strike.

In 2025, the Federal Constitutional Court ruled that Germany did not have to take action against the use of Ramstein despite its central role in the US drone war. Nevertheless, the ruling was an important milestone: it recognized that victims abroad have the right to take legal action in Germany against violations of international law. More about our work HERE.

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11. Has ECCHR worked against arms exports before?

Yes. ECCHR has been campaigning against illegal arms exports for many years.

One focus has been on arms deliveries to Saudi Arabia, which were used in the Yemen war. In light of the humanitarian catastrophe in Yemen, ECCHR has filed several criminal complaints against those responsible, including with the International Criminal Court, in Italy, and in France. Learn more about our work HERE.

12. What should be done at the political level to prevent illegal arms exports in the future?

Germany must consistently implement its legal obligations and reform its arms export control system:

1. **Consistently apply legal requirements**: No licenses for exports that violate international law or exacerbate conflicts.

2**. Include international assessments**: Assessments by the UN and human rights organizations must be taken into account in a binding manner.

3. **Establish a right to collective action**: Civil society organizations must be given the opportunity to challenge illegal exports in court – as is already regulated by law in the Netherlands, for example.

4. **Reform the export control system**: The planned Arms Export Control Act must be implemented swiftly. Other military equipment must be subject to the same requirements as weapons of war.

5. **Strengthen transparency**: Disclose export decisions at an early stage to enable parliamentary and judicial monitoring.

Status: November 2025

European Center for Constitutional and Human Rights (ECCHR) e.V.

www.ecchr.eu

ECCHR LITIGATION

German arms exports to Israel

Stand: 11/2025

2024

January
February
March

April

May

June

July

August
September

October

November

December

2025

January
February
March

April
May
June

July
August
September

October

November

BERLIN ADMIN. COURT

1. Urgent application
Repeal of an delivery license for anti-tank weapons due to the violation of the KrWaffKG (§§ 80 V, 80 a VwGO)

↓

Discontinued
[Withdrawal of application, as weapons have already been delivered]

2. Urgent application
Prohibition of future deliveries of war weapons due to the violation of the KrWaffKG (§123 I VwGO)

↓

Dismissed
[There are no KrWaffKG]

FFK
Determination of the unlawfulness of the delivery licens
(§ 113 I 4 VwGO analog)

3. Urgent application
Information about future war weapons licence (123 I VwGO)

↓

Dismissed
[Application is inadmissible as the applicants have no right to the requested information]

BERLIN-BB HIGHER ADMIN. COURT

Appeal proceedings

↓

Dismissed
[Berlin Administrative Court's ruling stands as the applicants have no right to the requested information]

FRANKFURT ADMIN. CURT

4. Urgent application
Cancellation of license for other military equipment due to violation of AWG/AWV (§§ 80V, 80 a VwGO)

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Dismissed
[Authorization of other military equipment does not violate any enforceable rights of the applicants.]

5. Urgent application
Repeal of license for tank spare parts due to violation of AWG/AWV (§§ 80V, 80 a VwGO)

↓

Dismissed
[Authorization of other military equipment does not violate any enforceable rights of the applicants.]

HESS. HIGHER ADMIN. COURT

Appeal proceedings

↓

Dismissed
The applicant has no legal standing, as the approval has no effect on third parties, nor does it have any other right to take legal action.]

GERMAN FED. CONST. COURT

Constitutional complaint
Refusal to order urgent measures by lower courts violates Art. 19(4) Basic Law and Art. 2(2)(1) Basic Law.

BERLIN ADMIN. COURT

Oral hearing