

Stop Complicity Association

**COMMUNICATION OF INFORMATION TO THE OFFICE OF
THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT
PURSUANT TO ARTICLE 15 OF THE ROME STATUTE
CONCERNING THE COMMISSION OF WAR CRIMES,
CRIMES AGAINST HUMANITY AND GENOCIDE
BY THE ISRAELI GOVERNMENT AND THE ISRAELI ARMED FORCES
IN THE GAZA STRIP AND THE OCCUPIED WEST BANK**

Request for an investigation into the role of Mr Ignazio CASSIS

Head of the Federal Department of Foreign Affairs
of the Swiss Confederation

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A. Introduction

1. Purpose of the present communication

This communication is submitted to the Office of the Prosecutor of the International Criminal Court (hereinafter the “ICC” or the “Court”), pursuant to Article 15 of the Rome Statute of the ICC, under which the Prosecutor may initiate investigations proprio motu on the basis of information on crimes within the jurisdiction of the Court.

The present communication brings to the attention of the Office of the Prosecutor factual elements and documentary evidence relating to the role played by Mr Ignazio Cassis, Federal Councillor and Head of the Federal Department of Foreign Affairs (hereinafter the “FDFA”) of the Swiss Confederation, in the context of Switzerland’s foreign policy towards Israel and the situation in the Occupied Palestinian Territory (Gaza Strip and Occupied West Bank).

The applicant Association and the signatories submit factual and legal elements capable of demonstrating that Mr Ignazio Cassis may be regarded as complicit in violations of international humanitarian law – amounting to war crimes, crimes against humanity, and violations of the Convention on the Prevention and Punishment of the Crime of Genocide – falling within the jurisdiction of the Court, committed by the Israeli Government and the Israeli armed forces, notably against Palestinian civilians in the Occupied Palestinian Territory.

The facts set out below tend to establish that, despite knowledge of a serious risk of war crimes, crimes against humanity, and genocide attributable to Israeli leaders and to the State of Israel, Mr Ignazio Cassis maintained close cooperation with the State of Israel, including in the fields of armaments, the economy, finance, and technology, in violation of Switzerland’s international obligations, and that such conduct may constitute a form of intentional contribution within the meaning of Articles 25 and 28 of the Rome Statute.

The elements of responsibility attributable to Mr Ignazio Cassis arise from the fact that he aided, abetted, and otherwise assisted the commission or attempted commission of these crimes, including by providing the means for their commission, within the meaning of Article 25(3)(c) of the Rome Statute of the ICC.

Furthermore, Mr Ignazio Cassis acted, through a series of positive acts and omissions, in the exercise of his official functions, with full knowledge that his actions and omissions would provide substantial assistance to the perpetrators of the crimes concerned; accordingly, he must be regarded as having acted “for the purpose of facilitating the commission of such crime(s)”, within the meaning of Article 25(3)(c) and (d) of the Rome Statute.

2. Identification of Mr Ignazio Cassis as the person concerned

The applicant Association and the signatories consider that Mr Ignazio Cassis, in his capacity as Head of the FDFA, has played and continues to play a role of diplomatic, political, material, and

moral support to the State of Israel, while being unable to ignore either the intent of Israeli leaders or the nature of the crimes committed in the Occupied Palestinian Territory.

By virtue of his powers and functions at the head of the FDFA, Mr Ignazio Cassis implements the government's strategy in the field of foreign policy. He bears responsibility for ensuring that the Swiss government complies with the treaties and conventions ratified by Switzerland. He has a constitutional mandate to contribute to the relief of populations in need, to combat poverty, and to promote respect for human rights, democracy, the peaceful coexistence of peoples, and the preservation of natural resources. He expresses Switzerland's position on major international issues.

At this stage, the request for an investigation submitted to the Office of the Prosecutor is limited to the above-mentioned Head of the FDFA. This, however, does not prejudice the possibility of a subsequent referral concerning other Heads of Departments, employees of the Confederation, elected members of Parliament, leaders of declared or undeclared lobbying groups, and leaders of associations who have justified, encouraged, or provided assistance to the commission of crimes in the Occupied Palestinian Territory by Israel.

3. Jurisdiction

The crimes referred to in the present communication fall within the jurisdiction of the ICC. Indeed, in the cases referred to in Article 13, paragraphs (a) or (c) of the Rome Statute, the Court may exercise its jurisdiction if one or both of the following States are Parties to the said Statute or have accepted the jurisdiction of the Court in accordance with Article 12, paragraph 3:

1. *The State on the territory of which the conduct in question occurred or, if the crime was committed on board a vessel or an aircraft, the State of the flag or the State of registration;*
2. *The State of which the person accused of the crime is a national.*

With regard to jurisdiction *ratione materiae*, reference is made to the allegations and legal analysis provided respectively in Parts B et seq. below.

Jurisdiction *ratione personae* is also established, since the acts alleged in the present communication are attributed to a national of a State Party to the Rome Statute, namely Switzerland.

As regards jurisdiction *ratione temporis*, the acts referred to in the present communication have occurred since October 2023, that is, after the entry into force of the Rome Statute with respect both to Switzerland (1 July 2002) and to Palestine (1 April 2015).

With respect to jurisdiction *ratione loci*, the alleged acts took place on the territory of a State Party to the Rome Statute, Switzerland, and facilitated the commission of war crimes, crimes against humanity, and genocide perpetrated on the territory of another State Party, Palestine.

As regards the war crimes, crimes against humanity, and the crime of genocide that have been committed and continue to be committed by the Israeli armed forces in the Occupied Palestinian Territory, reference is made to Part B.1. below. Moreover, the applicant Association considers that the Office of the Prosecutor is aware of their existence, which has been extensively documented by the media, collected and presented by non-governmental organizations (hereinafter: "NGOs"), and above all by various official reports of United Nations organs, bodies, and agencies.

The Swiss authorities, and in particular Mr Ignazio Cassis by virtue of his function as Head of the FDFA, are fully aware of the crimes defined in the Rome Statute, notably in Articles 6, 7, 8, and 8 bis thereof, as well as of the provisions of Article 25 concerning individual criminal responsibility.

B. Findings regarding Israel's crimes

1. Findings of United Nations bodies

On 26 January 2024, the International Court of Justice (hereinafter the "ICJ") adopted an Order indicating urgent provisional measures, affirming *prima facie* its jurisdiction in the matter and requiring Israel to take all measures within its power to prevent the commission of acts falling under Article II of the Convention on the Prevention and Punishment of the Crime of Genocide, in particular the killing of members of the group, the causing of serious bodily or mental harm to members of the group, the deliberate infliction on the group of conditions of life calculated to bring about its physical destruction in whole or in part, and the imposition of measures intended to prevent births within the group. To this end, Israel was required, with immediate effect, to ensure that its armed forces did not commit such acts. Israel was also required to take all measures within its power to prevent and punish direct and public incitement to genocide, to ensure the provision of basic services and humanitarian assistance necessary to address the adverse conditions of life faced by Palestinians in the Gaza Strip, and to take effective measures to prevent the destruction of and ensure the preservation of evidence relating to acts falling under Articles II and III of the Genocide Convention.

As recalled by the ICJ in its Order, citing United Nations General Assembly Resolution No. 96(I) of 11 December 1946:

"Genocide is the denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations."

On 28 March 2024, the ICJ recalled that the perilous situation in the Gaza Strip, in light of the most recent developments, requires the immediate and effective implementation of the measures indicated in the Order of 26 January 2024.

On 24 May 2024, the ICJ rendered an Order in the case *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*. It held that:

"there is a real and imminent risk that such prejudice [genocide] will be caused before the Court gives its final decision."

¹ Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip, International Court of Justice (*South Africa v. Israel*), 24 May 2024, paragraph 47.

In an advisory opinion delivered at the request of the United Nations General Assembly on 19 July 2024, the ICJ held that:

- A) “the continued presence of the State of Israel in the Occupied Palestinian Territory is unlawful;
- B) the State of Israel is under an obligation to bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible;
- C) the State of Israel is under an obligation to cease immediately all new settlement activities and to evacuate all settlers from the Occupied Palestinian Territory;
- D) the State of Israel has an obligation to make reparation for the damage caused to all the natural or legal persons concerned in the Occupied Palestinian Territory;
- E) all States are under an obligation not to recognize as lawful the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory and not to render aid or assistance in maintaining the situation created by the continued presence of the State of Israel in the Occupied Palestinian Territory;
- F) international organizations, including the United Nations, are under an obligation not to recognize as lawful the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory; and the United Nations, in particular the General Assembly, which requested the advisory opinion, and the Security Council, must consider what precise modalities and further measures are required to bring to an end as rapidly as possible the unlawful presence of the State of Israel in the Occupied Palestinian Territory.”²

On 21 November 2024, the ICC issued two arrest warrants against Israeli Prime Minister Benjamin Netanyahu and Acting Minister of Defence Yoav Gallant, as well as against three leaders of Hamas, all of whom have since been killed by Israel. The text of the arrest warrant against Netanyahu and Gallant is currently under seal. However, information regarding its content may be inferred from the response given by the Pre-Trial Chamber of the Court to a complaint filed by Israel. It emerges from that text that the charges concern:

*“war crimes, in particular the use of starvation as a method of warfare and the intentional directing of attacks against the civilian population, as well as crimes against humanity, including murder, persecution and other inhumane acts, from at least 8 October 2023 until at least 20 May 2024.”*³

On 14 June 2024, the Independent International Commission of Inquiry on the Occupied Palestinian Territory issued a report stating:

“The Commission documented several explicit public statements by Israeli officials that, beyond a desire for retaliation, revealed an intention to instrumentalize and use the provision of basic necessities in order to take the population of Gaza hostage to achieve political and military objectives, including the forced displacement of civilians from northern Gaza and the release of Israeli hostages.

*The Commission notes that these measures amount to collective punishment imposed on the entire population for the acts of a minority, constituting a flagrant violation of international humanitarian law.”*⁴

² Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, 19 July 2024, paragraph 285.

³ International Criminal Court, Netanyahu

⁴ Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 14 June 2024, paragraph 50.

“Statements by Israeli officials reflect a policy and practice of large-scale destruction, including the killing of large numbers of civilians and forcible transfers. The Commission found that statements made by Israeli officials, particularly those aimed at systematically dehumanizing Palestinians, especially men and boys, and calling for collective punishment, amounted to incitement and constituted other serious international crimes.”⁵

“The Commission concludes that Israel has used starvation as a method of warfare, a measure that will have repercussions on the health of the entire population of Gaza for decades, with particularly harmful consequences for children. This constitutes a war crime. At the time of writing of this report, a number of children have already died from acute malnutrition and dehydration. Throughout the siege of Gaza, Israel has weaponized the withholding of basic necessities, including by cutting off supplies of water, food, electricity, fuel, and other essential goods, including humanitarian aid. These acts constitute collective punishment and form part of reprisals against the civilian population, two manifest violations of international humanitarian law.”⁶

“The frequency, scale and severity of sexual and gender-based crimes perpetrated against Palestinians since 7 October throughout the Occupied Palestinian Territory demonstrate that sexual and gender-based violence in certain forms are part of the operating procedures of Israeli security forces. Palestinian men and boys have been subjected to particular acts of persecution aimed at punishing them in retaliation for the crimes committed on 7 October. The manner in which these acts were carried out, including the fact that they were filmed and photographed, together with other similar cases documented in multiple locations, leads the Commission to conclude that practices of public stripping and forced nudity and other related abuses were either ordered or tolerated by Israeli authorities.”⁷

“Sexual and gender-based violence is a key aspect of the ill-treatment inflicted on Palestinians, with the aim of humiliating the community as a whole. It is intrinsically linked to the broader context of unequal treatment and prolonged occupation that have enabled and legitimized gendered crimes in order to further entrench the subjugation of occupied populations. The Commission notes that the root causes of these crimes must be addressed by dismantling historical structures of oppression and the institutionalized system of discrimination against Palestinians that lies at the heart of the occupation.”⁸

“The situation in the West Bank has continued to deteriorate, with the number of Palestinians killed since 7 October exceeding that of any other period since 2005. The increase in fatalities is due to several highly militarized operations by Israeli security forces and a surge in violent attacks by settlers against Palestinian communities, often supported or tolerated by Israeli security forces.”⁹

On 1 October 2024, the Secretary-General of the United Nations transmitted to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. The report states that:

“the violence unleashed by Israel against Palestinians since the aftermath of 7 October did not arise out of nowhere, but forms part of a campaign intentionally orchestrated at the

5 Paragraph 101.

6 Paragraph 102.

7 Paragraph 103.

8 Paragraph 104.

9 Paragraph 105.

State level to systematically bring about the long-term displacement and replacement of Palestinians.”¹⁰

On 16 September 2025, the Independent Commission of Inquiry of the Human Rights Council on the Occupied Palestinian Territory found that Israel

“had committed and continued to commit the crime of genocide.”¹¹

The Commission specified that four of the five acts constituting the crime of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide were being carried out by Israel: (i) killing members of the group; (ii) causing serious bodily or mental harm to members of the group; (iii) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and (iv) imposing measures intended to prevent births within the group.

2. Findings of non-governmental organizations

On 5 December 2024, Amnesty International published a report entitled “*You Feel Like You Are Subhuman: Israel’s Genocide Against Palestinians in Gaza*”. Amnesty International stated:

“Amnesty International calls on the Office of the Prosecutor of the ICC to urgently consider the commission of the crime of genocide by Israeli officials since 7 October 2023 in the ongoing investigation into the situation in the State of Palestine.”¹²

On 25 July 2025, B’TSELEM – The Israeli Information Center for Human Rights in the Occupied Territories – published the report “*Our Genocide*”, which states:

“The review presented in this report leaves no room for doubt: since October 2023, the Israeli regime has been responsible for carrying out genocide against the Palestinians in the Gaza Strip.”¹³

3. Statements by Israeli leaders

On 9 October 2023, the Minister of Defence, Yoav Gallant, during an “operational update” of the Israeli army, declared that Israel:

¹⁰ Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, Executive Summary.

¹¹ Legal analysis of the conduct of Israel in Gaza pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide, paragraphe 242.

¹² Amnesty International, *You feel like you are subhuman*, p. 37.

¹³ B’TSELEM, *Our Genocide*, p. 86

“I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything is closed,” and “We are fighting human animals and we are acting accordingly.”¹⁴

On 10 March 2024, President Isaac Herzog clearly indicated that Israel did not distinguish between militants and civilians in Gaza:

“It is an entire nation that is responsible. This rhetoric about civilians being unaware and uninvolved is not true. It is absolutely not true. ... and we will fight until we break their backbone.”¹⁵

On 28 October 2023, as Israeli forces were preparing their ground invasion of Gaza, the Prime Minister invoked the biblical account of the total destruction of Amalek by the Israelites, stating:

“You must remember what Amalek did to you, says our Holy Bible.”¹⁶

The corresponding biblical passage reads:

“Now go and strike Amalek and devote to destruction all that they have. Do not spare them, but kill both man and woman, child and infant, ox and sheep, camel and donkey.”¹⁷

These crimes are openly endorsed by close associates of members of the Israeli government, including Elad Barashi (a prominent producer on Israeli Channel 14), who stated on X on 27 February 2025:

“Who is the idiot who says there are ‘innocents’ in Gaza? Who is the despicable villain who wants to let them flee freely to Arab countries or Europe? Gaza is death. The 2.6 million terrorists in Gaza deserve death!! They deserve death!! They deserve death! Men, women and children – by all means necessary, we must simply carry out a Shoah [Holocaust] against them – yes, read that again – H-O-L-O-C-A-U-S-T! In my opinion, gas chambers. Trains. And other cruel methods of death for these Nazis. Without fear, without weakness, simply crush. Eliminate. Shoot. Flatten. Dismantle. Break. Break. Without conscience or mercy, children and parents, women and girls, all are destined for a cruel and harsh death.”¹⁸

On 6 May 2025, Minister Bezalel Smotrich declared:

“The Gazan citizens will be concentrated in the south. They will be totally despairing, understanding that there is no hope and nothing to look for in Gaza, and will be looking for relocation to begin a new life in other places.”¹⁹

¹⁴ Times of Israel, 9 October 2023

¹⁵ Reuters, 10 March 2024

¹⁶ Televised address of 28 October 2023. Full text available on the website of the Israeli Ministry of Foreign Affairs: www.gov.il/en/pages/statement-by-pm-netanyahu-28-oct-2023.

¹⁷ 1 Samuel 15:2-3.

¹⁸ The post on X was deleted. However, it was reported by several media outlets, notably The Guardian on 27 June 2025 and The New Arab in an article dated 5 May 2025. <https://www.newarab.com/news/israel-tv-producer-calls-gaza-holocaust-gas-chambers>.

¹⁹ Times of Israel, 6 May 2025.

On 22 August 2025, an investigation conducted by +972 Magazine, Local Call and The Guardian revealed that, according to figures from an internal database of Israeli intelligence services, at least 83% of Palestinians killed in the Israeli offensive on Gaza are civilians²⁰

On the same date, the World Health Organization stated that:

“More than half a million people in Gaza are trapped in famine, marked by widespread hunger, deprivation and preventable deaths [...] Famine conditions are expected to spread from Gaza Governorate to Deir al-Balah and Khan Younis in the coming weeks.”

On that same date, the famine situation was confirmed by the Integrated Food Security Phase Classification (IPC).²¹

As of the date of the present Communication, crimes committed in Gaza are ongoing, together with an acceleration of settlement activity in the Occupied West Bank.

C. Obligations of Switzerland

Switzerland’s obligations under international law were identified by 31 professors of international and criminal law in an open letter addressed to the Swiss Federal Council on 12 August 2025. Various elements set out below are drawn from that open letter (see paragraphs 1 to 3 below).

1. Obligations arising from the advisory opinion of the International Court of Justice

“In its advisory opinion of 19 July 2024 on the legal consequences arising from Israel’s policies and practices in the Occupied Palestinian Territory, including East Jerusalem, the International Court of Justice specified the nature and content of Israel’s obligations, but also—since these obligations are not only erga omnes but also erga omnes partes—those of all other States, including Switzerland. According to the Court, the violation of the prohibition on the acquisition of territory by force and of the right of the Palestinian people to self-determination, as well as of Israel’s obligations under international humanitarian law, the law of occupation, and international human rights law, renders Israel’s presence in the occupied Palestinian territory, including Gaza, unlawful (para. 261) and gives rise to obligations of cessation, prevention, and reparation under its responsibility (paras. 262–272).

*This violation not only entitles all States to invoke Israel’s responsibility, but also establishes three obligations for all such States, including Switzerland:
(i) the obligation not to recognize the situation as lawful;*

²⁰ +972, 22 August 2025. <https://www.972mag.com/israeli-intelligence-database-83-percent-civilians-militants/>.

²¹ Famine Review Committee : Gaza Strip, August 2025, p. 2.

(ii) the obligation not to render aid or assistance in maintaining that situation;
(iii) the obligation to cooperate in order to bring to an end any impediment to the exercise of the right of the Palestinian people to self-determination.”²²

2. Obligation arising from the Order

“Furthermore, in its Order of 30 April 2024 in the case *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)*, the ICJ specified the content of a fourth obligation incumbent upon all States parties to the Convention on the Prevention and Punishment of the Crime of Genocide, including Switzerland, namely:

(iv) ‘the obligation to prevent the commission of the crime of genocide, pursuant to Article I, requires States parties that knew, or should normally have known, of the existence of a serious risk that acts of genocide would be committed, to employ all means reasonably available to them, so as to prevent genocide so far as possible’ (para. 23).

In this context, the Court recalled ‘to all States the international obligations incumbent upon them with respect to the transfer of arms to parties to an armed conflict, in order to avoid the risk that such arms might be used to commit violations of the aforementioned conventions [including the Geneva Conventions]’ (para. 24).

It should further be recalled that more than one year earlier, in its Order of 24 May 2024 in the case *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, the Court considered ‘that there existed a real and imminent risk that such prejudice [genocide] would be caused before the Court gives its final decision.’”²³

3. Duties of Switzerland under the four obligations

“Under its first obligation, and in order not to recognize the Israeli occupation as lawful, Switzerland must actively support respect for the inviolability and the privileges and immunities of the agency established by the United Nations in 1949 (UNRWA), whose mandate is to provide humanitarian and development assistance to Palestinian refugees, including in the Occupied Palestinian Territory and in Gaza.

It must also continue funding UNRWA in order to avoid further weakening it and thereby jeopardizing the right of return of Palestinian refugees.

Under its second obligation, Switzerland has a due diligence obligation to ensure that Swiss companies over which it exercises control refrain from any support for the acquisition and occupation of Palestinian territory by force, including in the field of the purchase and sale of armaments or other dual-use technologies. Pursuant to its obligation not to render aid or assistance in maintaining the occupation and in violations of international humanitarian

²² Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, 19 July 2024, paragraph 279.

²³ Order on Alleged Breaches of Certain International Obligations with respect to the Occupied Palestinian Territory, paragraph 47.

law, Switzerland must also prohibit the importation into its market of products originating from settlements when marketed as Israeli products.

Under its third obligation, Switzerland has a duty to cooperate in the collective efforts of other United Nations Member States to establish a Palestinian State as a condition for the exercise of the Palestinian people's right to self-determination, even in the absence of Israel's consent.

Finally, under the fourth obligation recalled by the ICJ, Switzerland has the duty to actively ensure respect by Israel for the Geneva Conventions, in particular the obligations arising from the Fourth Convention, in accordance with Article 1 common to the four Conventions. This includes the adoption of targeted sanctions against Israeli civilians domiciled in the Palestinian territory in violation of the prohibition imposed on Israel to transfer parts of its own population into the occupied territory. Switzerland's status as the depositary State of these Conventions further reinforces its obligations, including the obligation to convene a conference of States Parties on the situation in the Occupied Palestinian Territory.

Insofar as Israel's violations also constitute the most serious crimes under international criminal law committed by the individuals responsible for them—namely war crimes, crimes against humanity, and possibly genocide—Switzerland also has an obligation to prevent and repress such crimes.²⁴

By way of additional clarification, it is recalled that the issue of the role of third States has been addressed on several occasions by the competent international bodies. In particular, in the advisory opinion delivered by the ICJ on 19 July 2024 (paragraphs 273–279), as well as in that of the Independent International Commission of Experts on the Occupied Palestinian Territories, the following recommendations were addressed to all United Nations Member States:

- a) to employ all means reasonably available to them to prevent the commission of genocide in the Gaza Strip;*
- b) to cease the transfer of arms and other equipment or items, including jet fuel, to the State of Israel or to third States where there are grounds to suspect that they are being used in military operations that have involved or may involve the commission of genocide;*
- c) to ensure that natural and legal persons within their territory and subject to their jurisdiction do not participate in the commission of genocide, do not aid or abet the commission of genocide, and do not incite the commission of genocide, and to investigate and prosecute persons who may be involved in such crimes under international law;*
- d) to facilitate national investigations and proceedings and to take measures (including the imposition of sanctions) against the State of Israel and against natural or legal persons who are involved in the commission of genocide or incitement to commit genocide, or who facilitate such commission;*
- e) to cooperate with the investigation conducted by the Office of the Prosecutor of the International Criminal Court.²⁵*

²⁴ Open letter of 31 professors of international humanitarian and criminal law, 12 August 2025

²⁵ Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, 19 July 2024, paragraphs 272–279.

4. Duties of Switzerland arising from the Geneva Conventions and their Additional Protocols

As depositary State, Switzerland performs the functions assigned to it by the Geneva Conventions and by the Vienna Convention.

The Geneva Conventions contain several provisions relating to the role of the depositary. Article 7 of Additional Protocol I further requires the depositary to convene meetings and conferences of the States Parties in order to examine general issues relating to the application of the Conventions and the Protocol.

These functions are in addition to Switzerland's obligation, incumbent upon it as a State Party like all other States Parties, to ensure compliance with the Geneva Conventions. This is a legal obligation to respect and to ensure respect for the said Conventions and for Additional Protocol I, in accordance with common Article 1 of those treaties.

On the basis of its humanitarian tradition, Switzerland has often played a particular role in this regard.

Moreover, the following may be read on the website of the FDFA:

“As a State Party to the four Geneva Conventions of 1949 and to the three Additional Protocols of 1977 and 2005, Switzerland is obliged to respect these treaties in all circumstances, in particular in situations of armed conflict. This is why the Swiss armed forces train their troops in international humanitarian law. Under Article 1 of the Geneva Conventions and of Additional Protocols I and III, Switzerland is also obliged to ensure respect for these treaties. States Parties bear joint responsibility for respect for international humanitarian law. This body of law provides an appropriate legal framework for new forms of conflict. Nevertheless, it continues to be subject to numerous violations.

Switzerland endeavours to ensure respect for international humanitarian law in specific conflict situations. To this end, Switzerland has various means at its disposal. It may publicly denounce violations, call upon the parties to a conflict to respect international humanitarian law, and undertake diplomatic démarches.

Switzerland also seeks to identify means to improve respect for international humanitarian law.

Switzerland is likewise committed to combating impunity.

It supports the International Criminal Court, other international criminal tribunals, and the International Humanitarian Fact-Finding Commission, for which it provides the secretariat.”²⁶

5. Duties of States arising from the Convention on the Prevention and Punishment of the Crime of Genocide

In its 2007 judgment in the case *Bosnia and Herzegovina v. Serbia*, the International Court of Justice recognized that, pursuant to Article III of the Convention on the Prevention and

²⁶ <https://www.dfae.admin.ch/eda/en/fdfa/foreign-policy/international-law/international-humanitarian-law/switzerland-commitment.html>

Punishment of the Crime of Genocide, States have an obligation to use their influence to prevent genocide, even where there is only a risk of genocide.²⁷

In view of the fundamental character of the norm prohibiting genocide, that norm undoubtedly has the status of a *jus cogens* norm—an imperative norm of international law from which no derogation is permitted and which is binding in a general and unconditional manner, without reservation, on all States, on international actors other than States, and on any other legal entity.

Article III of the said Convention sets out in a precise and structured manner a series of prohibitions linked to the primary prohibition of genocide. These include the prohibition of conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide, and complicity in genocide.

In its aforementioned report of 16 September 2025, the Independent Commission of Inquiry of the Human Rights Council on the Occupied Palestinian Territory recalled that States must “employ all means reasonably available, cease the transfer of arms and other equipment, [and] adopt sanctions,” *inter alia*.

This obligation is also a customary obligation endowed with the imperative and binding characteristics inherent in *jus cogens*, namely the obligation to prevent and punish genocide set out in Article I of the Convention.

In the present case, the risk of genocide in Gaza has been established by the ICJ since January 2024. Switzerland therefore has an obligation—one from which it cannot derogate and which is binding upon it—beyond refraining from providing any material support, to use its diplomatic, moral, and economic influence to prevent the commission of the genocide in question.

D. Acts of Complicity of Switzerland

1. The specific Swiss context

a) Between Switzerland and Israel: very close relations

It already follows from the official website of the Swiss Confederation that:

“Bilateral relations between Switzerland and Israel are good, characterized by mutual trust and marked by close cooperation in the cultural, economic, scientific and, more recently, innovation sectors (...). In 2023, the volume of bilateral trade amounted to CHF 1.675 billion. Scientific cooperation in various sectors—financial technologies (fintech), cyber technologies (cybertech), medical technologies (medtech), Tech4Good, climate, etc.—which is

²⁷ Reports of Judgements, advisory opinions and orders case concerning application of the Convention on the Prevention and Punishment of the crime of genocide, 26 février 2007.

based on a bottom-up principle, can also help to build trust in order to successfully address geopolitical challenges.”²⁸

b) Very close military cooperation

“The Federal Department of Defence, Civil Protection and Sport (DDPS) maintains bilateral relations with numerous States. These relations include regular meetings, which make it possible to address current military and security policy issues, as well as, depending on the countries concerned, concrete cooperation projects.

Israel is among the States with which the DDPS maintains bilateral relations. The DDPS and Israel have long established a regular dialogue on military and security policy issues. The intention to continue this dialogue at various levels is now the subject of an agreement. This declaration of intent between the DDPS and Israel was approved by the Federal Council on 17 October 2012 and was signed in Davos by the President of the Confederation, Ueli Maurer, and the Israeli Minister of Defence, Ehud Barak.

The declaration of intent records that the DDPS and the Israeli Ministry of Defence intend to maintain, on an annual basis, strategic dialogue at the political level and to continue existing technical discussions between representatives of the two armed forces. It is also planned to continue cooperation in certain selected areas. This concretely involves regular exchanges of information and experience regarding civil protection, as well as cooperation in a number of projects relating to the field of armaments. Military cooperation between Switzerland and Israel has never gone beyond this framework, nor is it intended to extend it through the signing of this declaration of intent.”²⁹

These official statements have been followed by concrete effects. Not only does Switzerland purchase from and sell to Israel arms and dual-use goods, but the two countries also cooperate in the research and development of weapons systems. It should also be noted that a joint research and development center (Network and Digitization Center) between Elbit Systems (Israel’s principal arms manufacturer) and the Swiss Armed Forces was opened in 2022 in Uetendorf. The NDC site in Uetendorf is located 2.5 km from armasuisse S+T and has a direct line-of-sight radio link.³⁰

c) War Material Act

Switzerland has a Federal Act on War Material of 13 December 1906 (SR 514.5), the objective of which, as set out in Article 1, is:

“to ensure respect for Switzerland’s international obligations and the principles of its foreign policy through the control of the manufacture and transfer of war material and

²⁸ <https://www.eda.admin.ch/countries/israel/fr/home/relations-bilaterales/bilaterale.html>. This is our own translation.

²⁹ <https://www.news.admin.ch/fr/nsb?id=47552> This is our own translation.

³⁰ “In the presence of representatives from industry, administration and politics Elbit Systems Switzerland opened a Network and Digitization Center (NDC) in Uetendorf. This event represents an important milestone for Elbit Systems Switzerland and underlines its intention to become the leading partner for network-based operations in Switzerland. The NDC will be a hub for diverse professionals and experts, with a focus on collaboration with a wide range of partners – including, in particular, the Swiss Armed Forces” <https://elbitsystems-ch.com/20-june-2022-elbit-systems-switzerland-opens-a-network-and-digitization-center-in-uetendorf-be/>.

related technology, while allowing the maintenance in Switzerland of an industrial capacity adapted to the needs of its defence.”

Article 22 further provides that:

“The manufacture, brokerage, export and transit of war material for recipients abroad shall be authorized if such activities do not contravene international law and are not contrary to the principles of Switzerland’s foreign policy and its international obligations.”

Article 22a, paragraph 1, sets out various authorization criteria for transactions with foreign countries, including the following:

- a) the maintenance of peace, international security and regional stability;*
- b) the situation prevailing in the country of destination, taking into account in particular respect for human rights and the renunciation of the use of child soldiers;*
- c) the attitude of the country of destination towards the international community, notably with regard to respect for international law;*
- d) the conduct adopted by countries which, like Switzerland, are affiliated with international export control regimes.*

The same Article 22a, paragraph 2, provides that authorization for transactions with foreign countries shall not be granted:

- a) if the country of destination is involved in an internal or international armed conflict;*
- b) if the country of destination seriously and systematically violates human rights;*
- c) if there is a high risk that, in the country of destination, the war material to be exported will be used against the civilian population.*

Pursuant to this legislation, Switzerland refrained from selling arms to Ukraine and even from authorizing third countries to which it had sold arms to re-export those arms to Ukraine.

2. Complicity of the Swiss State

a) Switzerland sells arms and dual-use goods to Israel

In an article published on 22 August 2024, the investigative unit of Swiss Radio and Television reported that:

“In total, between October 2023 and April 2024, 20 export licenses for dual-use goods destined for Israel were granted to 17 Swiss companies. For specific military goods, 21 export licenses were granted to four Swiss companies.”³¹

³¹ Investigative Unit of Swiss Radio and Television (RTS)

As a general rule, these exports concern high-technology equipment. The article gives the following examples: camouflage and protective paint for armored vehicles, laboratory sterilizers, hybrid circuits, neuromorphic processors (chips with artificial neural systems), full protective suits with integrated air ducts, 2D laser cutting machines, chemical components usable in the nuclear and electronics industries, and quantum cascade lasers.

Exports of dual-use goods (civil and military) to Israel reached a peak in 2024, as noted in an article by journalist Myret Zaki dated 25 June 2025, which states:

“In 2024, exports of dual-use goods (civil and military) to Israel reached a record CHF 16.7 million and continued to increase in the first quarter of 2025, despite the climate of international protest in the face of the tragedy in Gaza.”

Of the CHF 16.7 million in Swiss exports, only CHF 500,000 were intended exclusively for military purposes. However, “dual-use goods can be used in the production of armaments,” recalls Jean-Daniel Ruch, former Swiss ambassador to Tel Aviv from 2016 to 2021.³²

b) Switzerland purchases Israeli military equipment and collaborates in its development

Switzerland has notably purchased six Hermes 900 drones from Elbit Systems for an amount of USD 298 million. Switzerland participated in the development of the said drone, for which it supplies certain components³³. This drone is widely used in the bombardment of the Gaza Strip³⁴. Likewise, the Swiss army operates an integrated reconnaissance and radio transmission system (IFASS) for data exchange, components of which were manufactured in Israel by the company IAI Elta Systems.

States also engage in indirect transfers by supplying components for arms used by Israel. The F-35 stealth strike fighter programme, key to the Israeli military assault in Gaza, involves 19 States – Australia, Belgium, Canada, Czech Republic, Denmark, Finland, Germany, Greece, Italy, Japan, Netherlands, Norway, Poland, South Korea, Romania, Singapore, Switzerland, the United Kingdom and the United States – supplying components and parts to Israel.³⁵

The continuation of these military transactions without any reservation has contributed to strengthening the State of Israel economically and, consequently, its material capacity to continue perpetrating its crimes.

c) Switzerland invests in the Israeli arms industry

According to the U.S. Securities and Exchange Commission (SEC), the Swiss National Bank (SNB) has regularly held shares in Elbit Systems at least since the third quarter of 2023. In the second

³² Myret Zaki, Ces 10 pays qui livrent des armes à Israël, 25 juin 2025

³³ Eidgenössische Finanzkontrolle (EFK) n° 18352 , 11 July 2019. “Der Staat Schweiz hat ... einen Entwicklungsanteil des ‚Hermes 900 Starliner‘ mitgetragen”.

³⁴ Republik, 3.11.2025, Die Israel-Connection des Schweizer Militärs. Antony Loewenstein, The Palestine Laboratory, p. 80.

³⁵ Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese Gaza Genocide: a collective crime. ONU. Page 15, paragraphe 40.

quarter of 2025, it held 85,930 shares with a declared value of USD 38.1 million³⁶. UBS, for its part, also held, in the second quarter of 2025, 168,421 shares with a declared value of USD 75.7 million³⁷.

These investments are of particular significance given that, following the total destruction of the Gaza Strip, Elbit Systems has seen its order book surge dramatically. It now exceeds USD 20 billion, while the company's annual turnover is in the order of USD 2 billion³⁸.

d) Switzerland "provides" its most senior officials to the Israeli regime

There exists a very close proximity between executives of Israeli arms companies and senior Swiss civil servants, particularly within the Federal Department of Defence, Civil Protection and Sport (DDPS). Between 2013 and 2025, nearly 600 trips to Israel by the Armaments Secretariat of the Swiss Department of Defence were recorded, as well as 76 trips by members of the Swiss Armed Forces General Staff. These trips generally involved delegations rather than single individuals³⁹.

This proximity has resulted in transfers of individuals.

Nicoletta Della Valle, Director of the Swiss Federal Police, became a member of the Advisory Board of the Israeli investment company Champel Capital, co-founded by Amir Weitman, an Israeli settler in East Jerusalem, at the very time when Champel Capital announced a USD 100 million fundraising round aimed at investments in the Israeli arms industry⁴⁰.

Jakob Baumann, Director of Armaments of the Swiss Armed Forces, became a member of the board of directors of the Israeli arms company Bagira, and subsequently Chairman of the Board of Elbit Systems Switzerland, a subsidiary of Elbit Systems, Israel's principal arms manufacturer⁴¹.

Stefan Balsiger, Deputy Head of the Crisis Staff of the Swiss Air Forces, became General Manager of Bagira Switzerland AG, the Swiss subsidiary of the Israeli arms manufacturer Bagira Systems.

e) Non-compliance with the Arms Trade Treaty (ATT)

Switzerland (30 January 2015), together with the countries of the European Union, is a signatory to the United Nations Arms Trade Treaty (ATT) of 2 April 2013. In particular, Article 6 prohibits States from authorizing the transfer of arms if they have

"knowledge that the arms would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilians or civilian objects protected as such, or other war crimes as defined by international agreements to which it is a Party."

The United States and Israel have not ratified this Treaty.

³⁶ <https://www.holdingschannel.com/funds/holding-eslt/>

³⁷ <https://www.holdingschannel.com/funds/holding-eslt/>

³⁸ Website Elbit Systems.

³⁹ <https://www.republik.ch/2025/11/03/die-israel-connecFon-des-schweizer-militaers>

⁴⁰ <https://www.rts.ch/info/suisse/2025/article/l-ex-cherche-de-la-police-federale-rejoint-une-societe-d-investissement-israelienne-28981963.html>

⁴¹ <https://www.republik.ch/2025/11/03/die-israel-connection-des-schweizer-militaers>

The specific military-related facts set out above therefore constitute not only violations of Swiss domestic law, but also of the ATT. This has been denounced by experts, including:

“This situation is clearly unacceptable. All the more so for a country like Switzerland, which must be exemplary in the application of the treaties it has signed. This is yet another position that our country will pay for dearly in the near future,” states Pierre-Henri Heizimann, Vice-President of the Geneva Military Society.

“It is not only international obligations that are not being respected. From the perspective of Swiss neutrality law, we do not have the right to grant a comparative advantage to one country over another in a conflict. Moreover, our legislation prohibits the delivery of armaments to countries in conflict in general, and even more so when they violate international law,” considers Jean-Daniel Ruch, former Swiss Ambassador to Israel.⁴²

f) Other forms of support

Switzerland provides diplomatic, moral, and legal support by de facto recognizing the unlawful occupation and the illegal settlement of the West Bank and East Jerusalem, by authorizing trade between Swiss entities and entities or individuals unlawfully residing in the occupied territory, and by tolerating the continued provision of consular services by the Swiss Embassy in Tel Aviv to Israelis and Swiss–Israeli dual nationals residing in illegal settlements.

In its official statements, Switzerland continues to emphasize Israel’s right to self-defence, even though the stated objective pursued by the Israeli government is no longer security-related, but rather aims at deporting the Palestinian population in order to build a new city conceived by Israeli and American actors. In doing so, Switzerland provides moral support to Israel in the implementation of a criminal project.

Switzerland’s refusal to organize a conference of the High Contracting Parties to the Geneva Conventions—despite having received a mandate from the United Nations General Assembly to convene such a conference—proceeds from the same moral and diplomatic support for Israel. In this regard, it should be recalled that Switzerland organized such conferences in 1999, 2001 and 2014 in order to establish and condemn grave breaches of the Geneva Conventions and to reaffirm their applicability in the Occupied Palestinian Territory. Under the current circumstances, it would have been more appropriate than ever to give effect to the mandate of the General Assembly.

Switzerland’s refusal to sanction violent settlers, as well as Israeli political leaders inciting hatred and genocide, likewise constitutes moral and diplomatic support for the genocidal enterprise.

The absence of any condemnation by the Federal Council of the recruitment by Israeli arms industries or Israeli investment funds of former senior federal officials—such as the Director of the Federal Office of Police or the Director of armasuisse—constitutes yet another form of moral support for the genocidal enterprise.

3. Conclusion

Not only has the Swiss government failed to fulfil its international obligations in this matter, not only has it thus far completely refrained from taking any preventive measures against genocide, but

⁴² Myret Zaki, *Ces 10 pays qui livrent des armes à Israël*. 25 June 2025.

it has, on the contrary, continued to fuel it. This undeniable circumstance, in our view, constitutes the basis for the personal criminal responsibility of those who hold the corresponding decision-making power, in their capacity as members of the Swiss government.

E. Knowledge of the crimes by Mr Ignazio Cassis

Mr Ignazio Cassis is fully informed of the findings established by United Nations bodies and non-governmental organizations. He is fully aware of his obligations under international law and of the decisions of the courts. His collaborators have not failed to remind their superior, Mr Ignazio Cassis, of these obligations.

1. Open letter from Amnesty International – 27 May 2025

The organizations Amnesty International, Jewish Voice for Democracy and Justice in Israel/Palestine (JVJP), Swiss Humanity Initiative, and Palestine Solidarity Switzerland initiated an open letter on 27 May 2025, stating that:

“The International Court of Justice (ICJ) confirmed in its Orders of 26 January and 28 March 2024 that there exists a ‘plausible risk of genocide’ in Gaza and that Israel is obliged to prevent it. To date, Israel has completely ignored these binding preventive measures.”

Renowned organizations such as the International Committee of the Red Cross (ICRC), Médecins Sans Frontières (MSF), Amnesty International, and Human Rights Watch continuously document serious violations of international humanitarian law in Gaza. The ICRC describes the situation as “absolute hell,” calling into question “the very foundations of our humanity.” MSF speaks of “ethnic cleansing” and refers to Gaza as a “mass grave” for Palestinians and humanitarian workers. Amnesty International has concluded that Israel is committing genocide in Gaza.

As the depositary State of the Geneva Conventions, Switzerland is obliged, pursuant to Article 1, not only to respect these norms but also to actively promote their observance by other States. In addition, Article I of the Genocide Convention expressly obliges Switzerland to prevent and punish genocide.

In the name of respect for obligations under international law and human rights, we call upon the Federal Council to immediately take the following measures:

- *diplomatic engagement for a ceasefire;*
- *humanitarian access and funding for UNRWA;*
- *release of all Israeli hostages and Palestinian political prisoners;*
- *a public legal assessment of the situation in Gaza;*
- *cooperation with and support for international criminal accountability mechanisms;*
- *suspension of security-related exports;*
- *condemnation of calls for illegal transfer or deportation;*
- *support for and strengthening of economic measures to protect international law;*
- *commitment to a political solution based on international law;*

- *commitment to a preventive international law policy*⁴³.

Former Federal Councillors Ruth Dreifuss and Micheline Calmy-Rey are among the first signatories of the open letter, together with Reuven Bar-Ephraim, Rabbi, Liliane Maury Pasquier, Honorary President of the Parliamentary Assembly of the Council of Europe, and Michael Møller, former Director-General of the United Nations Office at Geneva.

2. Open letter from former Swiss diplomats – 31 May 2025

In an open letter dated 31 May 2025, 54 former Swiss ambassadors reminded Mr Ignazio Cassis that:

*“Switzerland must without delay reject the Israeli project of ‘expelling the civilian population of Gaza and the military reoccupation of the territory by Israel,’ two actions which constitute ‘a genuine ethnic cleansing and a genocidal process’”*⁴⁴

Among the signatories of the letter are, in particular, former Swiss Ambassadors to Germany Paul Seger, former National Councillor Tim Guldemann, former Ambassador to the United States Urs Ziswiler, the two former Special Ambassadors for the Middle East Didier Pfirter and Jean-Daniel Ruch, as well as former Ambassador to Iran Philippe Welti.

This open letter remained unanswered.

3. Open letter from staff members – 5 June 2025

In addition, 250 staff members of the Department wrote to him, likewise in an open letter dated 5 June 2025, stating that:

“We urge you to firmly condemn indiscriminate and disproportionate operations (...) and to take appropriate measures to induce Israel to comply with its obligations.”

4. Second open letter from diplomats – 29 August 2025

This time, 70 former Swiss diplomats wrote directly to the Federal Council on 31 August 2025. They called upon the Government to take “concrete measures, as an increasing number of friendly States are doing.”

⁴³https://www.amnesty.ch/fr/pays/europe-asie-centrale/suisse/docs/2025/la-suisse-doit-agir-pour-protger-le-droit-international/250528_lettre-ouverte.pdf

⁴⁴ <https://www.24heures.ch/gaza-la-suisse-pointee-du-doigt-pour-son-silence-780706798357>

Among the measures listed were, in particular, the suspension of all military cooperation with Israel, the immediate prohibition of exports of arms and dual-use goods, the prohibition of trade with Israeli settlements established in the Occupied Palestinian Territory, and targeted sanctions against Israeli ministers and settlers or Palestinian leaders suspected of war crimes.

The authors further considered that Switzerland should denounce the project of relocating Palestinians from Gaza to a third country, admit injured children for medical treatment in Swiss hospitals, and support the activities of the United Nations agency for Palestinian refugees (UNRWA) and any other organization active in Palestine whose action is hindered by the United States or Israel.

The signatories also considered that Switzerland should recognize the State of Palestine at the September session of the General Assembly.

In addition to previous signatories, the letter notably includes former Swiss Ambassador to Israel François Chappuis and former Ambassador to Paris François Nordmann.

5. Mr Ignazio Cassis, former Vice-President of the Switzerland–Israel Friendship Group

Before being elected to the Federal Council and becoming Minister of Foreign Affairs, Mr Cassis was Vice-President of the Switzerland–Israel Friendship Group, which brings together some thirty Swiss parliamentarians. This group has the mandate to “represent Israeli positions in the fields of politics, economics, society and culture.” Among its activities are information and exchange meetings, as well as at least one trip to Israel per legislative term. In 2016, a delegation of eight elected officials, including Mr Ignazio Cassis (then a parliamentarian), visited Jerusalem, Tel Aviv, and the settlement of Ma’ale Adumim in the Occupied Palestinian Territory.

The Secretary-General of the Switzerland–Israel Friendship Group is Mr Hanspeter Büchi. In May 2023, he published a brochure entitled “*Informationen über Israel*” (“Information about Israel”), in which he wrote:

“Like any State, Israel may be criticized. However, it is striking that, compared to the rest of the world, this criticism is carried out in a unilateral and almost obsessive manner. Injustice towards Jews runs like a red thread through the last two millennia, up to the present day. It consists of unfounded accusations, deprivation of rights, persecution, murder and expulsion.

The darkest chapter was the Holocaust in the twentieth century. Injustice also marked the path of the Jews toward their own State. Great Britain did the first step with the Balfour Declaration of 1917. But it subsequently obstructed its implementation by all means, which meant suffering and despair for many. In violation of the League of Nations mandate of 1922, it refused until 1948 legal entry into Mandatory Palestine to many Jewish refugees and Holocaust survivors. Another severe blow was the international Evian Conference of 1938, which remained without result regarding the admission of Jewish refugees.

During the Six-Day War in 1967, Israel put an end to Jordan’s illegal occupation of the West Bank and East Jerusalem. In violation of the binding mandate of the League of Nations, however, the United Nations and most States refuse to recognize Israel’s legitimate right to these territories.

Moreover, Israel is defamed and delegitimized in numerous UN resolutions, which benefits Fatah and Hamas, whose objective is the destruction of Israel. Israel thus finds itself confronted with two fronts at the same time. Furthermore, public funds are paid to UNRWA, whose activities are problematic, as well as to various organizations that actively oppose Israel.

Conclusion: antisemitism has transformed into anti-Israelism.”⁴⁵

Finally, the author cites the prophet Amos:

“I will restore the fortunes of my people Israel, and they shall rebuild the ruined cities and inhabit them; they shall plant vineyards and drink their wine, and they shall make gardens and eat their fruit.

I will plant them upon their land, and they shall never again be uprooted from the land that I have given them, says the Lord your God.” (Amos 9:14–15)

This messianic vision, according to which Israel is destined to expand over the whole of Palestine and even beyond because it is the chosen people, appears to be shared by members of the Switzerland–Israel Friendship Group. This led Mr Cassis, in 2018, to consider that UNRWA was not the solution but the problem:

“The refugees dream of returning to Palestine. In the meantime, there are no longer 700,000 Palestinian refugees worldwide [as in 1948], but 5 million. It is not realistic that this dream will become reality for everyone. However, UNRWA maintains this hope. For me, the question arises: is UNRWA part of the solution or part of the problem?”

“As long as Palestinians live in refugee camps, they want to return to their homeland. By supporting UNRWA, we keep the conflict alive. This is a perverse logic, because in fact everyone wants to put an end to the conflict.”⁴⁶

Everything thus appears as if, for Mr Ignazio Cassis, personal convictions—possibly of religious origin—exempted him from fulfilling his obligations under international law and led him to maintain normal cooperation with Israel, despite international law and the decisions of the International Court of Justice and the International Criminal Court.

6. Indifference of Mr Ignazio Cassis

When questioned on Swiss public television (RTS) during the 19h30 news broadcast on 3 June 2025 about the dozens of deaths during aid distributions under Israeli control in Gaza, Ignazio Cassis’s response was succinct, in substance: all violations must be condemned and there are violations on both sides. He condemned all breaches of international law, whether by Hamas or by

⁴⁵ Hans-Peter Büchi, *Informationen über Israël*, Haus der Bibel, p. 38.

⁴⁶ SwissInfo, *Les surprenants propos d’Ignazio Cassis sur l’UNRWA* (“The surprising remarks by Ignazio Cassis on UNRWA.”) <https://www.swissinfo.ch/fre/politique/conflict-isra%e3%a9lo-palestinien-les-surprenants-propos-d-ignazio-cassis-sur-l-unwra/44126600>

Israel. There is an “*information war*” and “*there were gunshots; who fired, where shots were fired, who is responsible for this, we will never know. (...) one cannot easily believe either side.*”⁴⁷

There was therefore, in reality, no diligence on the part of Ignazio Cassis to proceed with the immediate suspension of Switzerland’s agreements with Israel.

Nor did the crimes committed in Gaza and in the Occupied West Bank lead Ignazio Cassis to advocate before the Federal Council for measures aimed at suspending certain agreements, nor to suspend bilateral relations, and even less to adopt concrete sanctions equivalent to those taken by other States, in particular against leaders or close associates of leaders involved in violations of international humanitarian law.

It must therefore be observed that there has been a complete absence of sanctions and a deliberate choice by Mr Ignazio Cassis to continue military, economic, commercial and financial partnerships with the State of Israel despite its ongoing settlement policy and uninterrupted violations of international law as an occupying power.

This support is also expressed through the acceptance of the importation into Switzerland of products originating from illegal settlements. Indeed, Ignazio Cassis is fully aware that the State of Israel does not distinguish, among products it exports to Switzerland, between those originating from Israeli territory and those originating from the occupied Palestinian territory and produced in illegal settlements. This continuation of economic relations constitutes assistance to settlement activity, in what is moreover its most harmful aspect for Palestinians, insofar as it aims to deprive them of their own resources (land, water), which are appropriated by settlers.

F. General standards of complicity and participation in international criminal law

1. Individual criminal responsibility in cases of complicity

Article 25(3) of the Rome Statute provides for individual criminal responsibility in cases of complicity for those who “aid, abet or otherwise assist” in the commission of crimes within the jurisdiction of the Court, in the following terms:

“In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person:

[...]

3. For the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including by providing the means for its commission.”

Article IV of the Genocide Convention unequivocally provides that:

⁴⁷ Il faut condamner les deux parties, Radio Télévision Suisse, 4 juin 2025 (“Both sides must be condemned”) <https://www.rts.ch/info/suisse/2025/article/cassis-refuse-de-condamner-israel-seul-le-hamas-est-aussi-responsable-28903795.html>

“Persons committing genocide or any of the other acts enumerated in Article III (including, in particular, acts of complicity) shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.”

Likewise, no impunity may be invoked on the basis of the alleged “political nature” of the acts committed, since within a State and within the international legal order such a nature cannot justify the commission of acts contrary to fundamental principles and in violation of norms of the highest importance, such as those prohibiting and punishing war crimes, crimes against humanity and genocide. To assert otherwise would, *ipso facto*, render meaningless any international regulation aimed at preventing and repressing the most serious crimes.

The terms “aiding” and “abetting” in the context of the ICC are not interchangeable: the wording of Article 25(3)(c) of the ICC Statute indicates that each has its own distinct meaning. More specifically, the term “aiding” refers to the provision of practical or material assistance to the commission of a crime, whereas the term “abetting” denotes encouragement or moral support for the commission of a crime.

Aiding and abetting therefore constitute a mode of accessory liability where it is alleged that the accused facilitated the perpetration (or at least the attempted perpetration) of crimes by other persons (i.e. the principal perpetrators). The wording of Article 25(3)(c) further clarifies that aiding and abetting are only two avenues among other possible forms of “assistance,” the latter thus serving as a generic term. Accordingly, providing the means to commit a crime is merely one specific example of assistance.

Moreover, Article 25(3)(d) provides for criminal responsibility in cases of complicity for any person “who in any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose.” Such contribution must be intentional and shall either:

- (i) be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the Court; or
- (ii) be made in the knowledge of the intention of the group to commit such a crime.

2. The actus reus standard

With regard to the material element, pursuant to Article 25(3)(c) of the ICC Statute and in light of the jurisprudence of international ad hoc and hybrid criminal tribunals, the elements giving rise to responsibility for “complicity” are established.

First, the *actus reus* may occur before, during or after the commission of the crime in question.

The place where the *actus reus* occurs may be remote in time and place from where the crime itself was committed. It is not necessary for the accused to have been personally present at the scene of the crime.

It is not necessary that encouragement or moral support be explicit. Presence at or near the scene of the crime as a silent spectator, particularly where the accused holds a position of authority, may be interpreted as approval of or tacit encouragement for the crime.

Under Article 25(3)(c) of the ICC Statute, the attempted commission of a crime is sufficient for liability for “complicity” to arise, meaning that it is not necessary for the crime in question to have been fully carried out or completed. The underlying rationale is that complicity by assistance is, like instigation, a form of accessory liability in relation to the principal crime. This means that it must assist in the accomplishment (or at least the attempted accomplishment) of a crime. Consequently, preparatory contributions, although intended to enable the commission of a crime, remain unpunished if the intended principal crime is not committed. However, if the principal offence reaches at least the stage of an attempt, the time and place of preparation and execution at which the assistance was rendered become irrelevant.

The support provided by the aider and abettor must have had a substantial effect on the commission of the crime. However, jurisprudence has held that no minimum threshold is required for a contribution to be considered as having had an effect: “the elements of this mode of liability are satisfied insofar as the accomplice’s contribution had an effect on the commission of the offence.” It has been considered sufficient that “the person provided assistance to the commission of a crime,” without specifying any required level of contribution. In essence, “the form of contribution referred to in Article 25(3)(c) [...] does not require the attainment of a specific threshold.”

It is not necessary to establish the existence of a plan or agreement between the aider and the principal perpetrator.

It is not necessary that the accused have exercised authority or control over the principal perpetrator.

It is not necessary that the assistance be provided directly to the principal perpetrator or that the latter use it to commit the offence. The essential question is whether the acts and conduct of the accused can be said to have contributed substantially to the perpetration of the crime, rather than whether they were indispensable to the principal perpetrator.

It is not necessary to establish that the contribution of the aider and abettor was a prerequisite for the offence or that the offence would not have been committed without that contribution (i.e. that the contribution was a *conditio sine qua non*).

Complicity in the form of “aiding and abetting” may also result from an omission. It is now well established that an omission constitutes another means of fulfilling the conduct element of responsibility for aiding and abetting.

With regard to complicity by omission, the following conditions generally apply: the accused must have had a legal duty to act in the circumstances at issue, must have had the capacity to act, and must have had the means necessary to fulfil that duty. In cases of aiding and abetting by omission, the *actus reus* is satisfied where the crimes would have been significantly less likely to occur had the accused acted in accordance with their legal duty to act.

International practice in general, and ICC jurisprudence in particular, provide numerous cases and precedents in which causal contributions such as the provision of arms and ammunition have been deemed sufficient to establish co-responsibility for the commission of international crimes. Reference may be made to the case of Charles Taylor, then President of Liberia, who was sentenced to fifty years’ imprisonment by an international criminal tribunal for the support provided to the Revolutionary United Front of Sierra Leone, having knowingly facilitated the commission of its crimes.

3. The mens rea standard

The requirement that assistance be provided “for the purpose of facilitating the commission” of a crime has generally been considered satisfied where the accused had knowledge of the consequences of his or her acts or conduct on the perpetration of the crimes.

The *mens rea* element required for aiding and abetting is met where the accused may be deemed to have been “aware of a substantial likelihood” that his or her conduct would contribute to the commission of the crimes. Jurisprudence has consistently held that “awareness of a substantial probability” constitutes a culpable state of mind for aiding and abetting under customary international law. This case law is consistent with the principle that knowledge and acceptance of the likely consequences of one’s acts and conduct amount to culpability.

It is not, however, necessary for the accomplice to share the specific intent underlying the crime contemplated by the group (e.g. genocidal intent). As a general rule, jurisprudence does not require that the accused have had the direct intent that his or her acts or conduct contribute to the perpetration of the crimes.

Thus, for example, in the *Ministries Trial* before military tribunals, Von Weizsäcker and Woermann, senior officials of the German Ministry of Foreign Affairs, were convicted of crimes against humanity. The Tribunal held that, even though they neither desired nor intended the commission of the crimes, the fact that they knew they were participating in those crimes was sufficient to establish the requisite criminal intent.⁴⁸

G. Complicity through aiding and abetting Israeli actions

1. Forms of assistance provided by Mr Ignazio Cassis

In this context, it has been demonstrated above, under Sections E., that Mr Ignazio Cassis:

1. was fully aware of the findings established by United Nations bodies and non-governmental organizations, as well as of his obligations under international law and of the decisions of the courts, with regard to the situation in the Occupied Palestinian Territory;
2. could not have been unaware that he was participating, and continues to participate, in the commission of the crimes in question by aiding and abetting their perpetrators;
3. provided Israel with aid and assistance in various forms (political, military, economic, diplomatic and moral support), and that such assistance had a substantial effect on the perpetration of the crimes in question;
4. also failed to act to prevent the commission of the crimes in question.

⁴⁸ Affairs of the Ministries, p. 478

2. Legal qualification of the assistance provided

- a) The positive assistance provided by Mr Ignazio Cassis had an effect on the perpetration of the crimes in question

As a preliminary matter, it should be emphasized that the jurisprudence of international criminal tribunals commonly recognizes that:

“The provision of means is a very common form of complicity. It concerns persons who have procured weapons, instruments or any other means intended for the commission of an offence, while being fully aware that they would be used for such purposes.”⁴⁹

In this regard, it may be recalled that in 2007 a Dutch Court of Appeal held, in the *Van Anraat* case, that an industrialist who had supplied chemical products to Iraq was complicit, as an aider and abettor, in the commission of war crimes carried out using mustard gas in the repression of the Kurdish uprising.

In the present case, in his official capacity as Head of the FDFA, Mr Ignazio Cassis should have advocated concrete measures to prevent the provision of means, in the form of military support, to the Israeli armed forces.

The military support provided by Switzerland to the Israeli armed forces—despite rules governing arms exports and principles relating to respect for human rights—has been set out in Section D. above. Undeniably, these means of assistance contributed to the perpetration of the crimes, a fact of which Mr Ignazio Cassis could not have been unaware.

The total absence of sanctions, the choice made by Mr Ignazio Cassis to continue economic partnership with the State of Israel, and the failure to suspend trade agreements with that State despite clauses conditioning such agreements on respect for human rights and public morality, constituted economic and financial support to Israel and a contribution to the commission of crimes in the Occupied Palestinian Territory.

Moreover, Mr Ignazio Cassis provided diplomatic support to the Israeli government, both through his public statements and through his omissions. Indeed, it is evident that, by their clear wording, the various official statements made by Mr Ignazio Cassis expressing Switzerland’s unconditional support for Israel constituted—and could reasonably be understood only as—encouragement and moral support for the Israeli government and members of the Israeli armed forces who have been, and continue to be, involved in the commission of crimes against the Palestinian population in the Occupied Palestinian Territory.

These elements, namely conduct amounting to encouragement and moral support, constitute a specific instance revealing behavior that may be regarded as aiding and abetting the commission of the relevant crimes.

⁴⁹ TPIR, *Akayesu*, Jugement, ICTR-96-4-T, 2 September 1998, paragraph 536

b) Mr Ignazio Cassis knew that, by aiding and abetting, he was participating—and continues to participate—in the commission of the crimes in question

It is established that Ignazio Cassis knew that he was participating, and continues to participate, in the commission of the crimes in question by aiding and abetting their perpetrators.

His knowledge of the consequences of his acts or conduct establishes the culpability required for personal responsibility for complicity by aiding and/or abetting.

Given the extensive daily publicity surrounding violations of international humanitarian law committed by the Israeli Defence Forces in the Gaza Strip, particularly since October 2023, and the abundance of reports and official United Nations documents available—which have moreover prompted numerous UN officials, including the UN Secretary-General, to express their deepest concern at a very early stage—Mr Ignazio Cassis cannot evade the simple fact that he had knowledge of such crimes, or at the very least knowledge of their plausibility, as found by the ICJ in its orders on provisional measures in relation to genocide.

Even under the standard of “plausibility,” Mr Ignazio Cassis should have advocated all possible measures at his disposal to prevent the perpetration of such crimes and, at the very least, to refrain from facilitating their commission in any manner whatsoever.

Mr Ignazio Cassis likewise failed to advocate measures to prevent the commission of the crimes in question. This constitutes complicity by omission.

It is accepted that:

“international law [...] imposes on a person vested with public authority a duty to act in order to protect human life.”⁵⁰

Reference to international law in this context extends, inter alia, to common Article 1 of the Geneva Conventions. In this regard, it is indisputable that:

“all public authorities have a duty not only to respect the fundamental rights of the human person, but also to ensure that they are respected, which implies a duty to act in order to prevent any violation of those rights.”⁵¹

This obligation applies all the more so given that Mr Ignazio Cassis, by virtue of his position as Head of the FDFA, is reasonably expected to exercise due diligence with respect to the likely consequences of his statements and actions.

The fact that Switzerland is the depositary State of the Geneva Conventions imposes an even more specific international responsibility upon it.

Had Mr Ignazio Cassis acted in accordance with his legal duty to act, the crimes would have been less likely to occur, or at the very least would not have been perpetrated over such a prolonged period, on such a scale and with such magnitude.

At this stage, it is striking to recall that Mr Ignazio Cassis practised as a physician from 1988 to 1996. In 1998, he specialized in internal medicine and in prevention and public health. From 1997 to 2008, he served as Cantonal Physician of the Canton of Ticino. From 2008 to 2012, he was Vice-

⁵⁰ ICTR, Rutaganira, Trial Chamber Judgment, ICTR-95-1C-T, 14 March 2005, paragraph 78.

⁵¹ ICTR, Rutaganira, Trial Chamber Judgment, ICTR-95-1C-T, 14 March 2005, paragraph 79.

President of the Swiss Medical Association. He chaired various organizations in the health sector and carried out teaching activities (as a lecturer) at several universities in Switzerland. By virtue of these functions, he cannot be presumed to have forgotten that he committed himself, through the Physician's Oath, "to dedicate his life to the service of humanity and to ensure absolute respect for human life."

3. Conclusion

It follows from the foregoing that the conditions for the culpability of Mr Ignazio Cassis, as an accomplice, are established, on the basis that he provided aid and assistance in connection with the commission of war crimes, crimes against humanity and genocide by the Israeli armed forces in the Gaza Strip and the Occupied West Bank.

H. Complementarity

In the *Katanga* case, the Appeals Chamber of the ICC established a two-step reasoning to determine complementarity pursuant to Article 17 of the Rome Statute. The test takes into account the action or inaction of the State concerned and the reasons for such action or inaction:

1. Are investigations or prosecutions ongoing, or have investigations been conducted and a decision taken not to prosecute?
2. Is the State unwilling or unable to carry out investigations or prosecutions in accordance with the required standards? In this regard, the Office of the Prosecutor must take into account the nature and quality of the proceedings. The Office of the Prosecutor is guided by the considerations set out in Article 17(2) and (3) of the ICC Statute.

The absence of national proceedings is sufficient to render a case admissible, and the question of unwillingness or inability does not arise.

To the knowledge of the Applicant Association and the signatories, a criminal complaint against four members of the Federal Council was filed with the Office of the Attorney General of Switzerland by a Jura-based collective for peace in Gaza on 20 May 2025. To date, no action has been taken by that authority.

There are therefore no national investigations or prosecutions currently underway against Mr Ignazio Cassis in relation to the facts documented in the present communication, whether in Switzerland, in Palestine, or in any other jurisdiction. Moreover, by virtue of his office, Mr Ignazio Cassis enjoys both absolute and relative immunity in the exercise of his functions (Article 162 of the Federal Constitution).

The silence thus far observed by the competent Swiss criminal jurisdiction justifies the application of the principle of subsidiarity provided for in Article 17 of the Statute.

It should also be noted that this judicial inaction highlights the absence of any willingness on the part of the Swiss State to “genuinely carry out the investigation or prosecution,” or to question itself in relation to the issue of complicity in the crimes committed in the Occupied Palestinian Territory.

I. Gravity

Pursuant to Article 17(1)(d) of the Statute, the Court shall determine that a case is inadmissible where

“the case is not of sufficient gravity to justify further action by the Court.”

The gravity of a crime may be assessed through the factors of scale, nature, manner of commission and impact of the crimes.

It has already been extensively documented that the current situation in Gaza and the West Bank satisfies all of these factors.

J. Conclusions

In a statement dated 19 May 2025, the Deputy Prosecutors of the ICC stated that the work of the Office of the Prosecutor continues in all situations before it:

“In assuming leadership of the Office, the Deputy Prosecutors emphasize the importance of ensuring continuity in all areas of its work, and in particular with regard to its mandate to investigate, independently and impartially, the most serious crimes. The Office reaffirms its determination to continue to effectively fulfil its mandate in order to bring justice to victims of crimes under the Rome Statute in all situations and cases before it worldwide.”⁵²

The Applicant Association and the signatories respectfully request that you render justice to Palestinian victims of crimes under the Rome Statute, understood as those perpetrated in the Occupied Palestinian Territory (the Gaza Strip and the West Bank, including East Jerusalem).

Rendering justice to Palestinian victims implies not only investigating the direct perpetrators of these crimes, but also those persons who, within the scope of their powers and functions, enabled, encouraged or facilitated the commission of said crimes within the meaning of Article 25 of the

⁵² “Deputy Prosecutors of the ICC state that the work of the Office of the Prosecutor is continuing in all situations,” official statement of the International Criminal Court, 19 May 2025.

Statute, and without whom these crimes could not have been committed with such gravity, scale and duration.

It also entails rendering justice to Swiss citizens who do not wish their country to be implicated in the Palestinian genocide and who expect their government to comply with international law.

According to the Applicant Association and the signatories, Mr Ignazio Cassis has committed and continues to commit acts of complicity in war crimes, crimes against humanity and genocide perpetrated by the Israeli armed forces in the Gaza Strip and the Occupied West Bank.

In light of the foregoing, the Office of the Prosecutor of the International Criminal Court is respectfully requested:

I. To open a preliminary examination pursuant to Article 15 of the Rome Statute;

II. To assess the opening of a formal investigation against Mr Ignazio Cassis and any other person.

The Applicant Association and the undersigned thank you for your attention and for the action you will take in response to this communication of information.

February 3, 2026

For the Association Stop Complicity

Michel Cornut, President

Irène Wettstein, Lawyer

Members of the Swiss Bar:

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