

FOR THE URGENT ATTENTION OF: Governments with territorial waters and ports across the Mediterranean Sea and around the Gulf of Mexico

4th August 2024

RE: States' international legal obligations relating to the transit of military fuel to Israel onboard the Overseas Santorini and Overseas Sun Coast

We write as a group of legal practitioners, academics and analysts to raise concern over the ongoing transit of military jet fuel to Israel onboard the Overseas Santorini and Overseas Sun Coast, in breach of international legal obligations upon states.

Overseas Santorini and Overseas Sun Coast

Military jet fuel, supplied by Valero oil company on behalf of the US government, is being transported from Corpus Christi, Texas to the port of Ashkelon in Israel. This fuel includes kerosene and JP-8 used for Israel's Air Force F16 and F35 warplanes among others. These shipments are carried by the tankers Overseas Santorini and Overseas Suncoast every 2 months.¹

For years, these ships have transited territorial waters of states across the Gulf of Mexico and the Mediterranean, usually docking at the port of Algeciras, Spain, and also calling at Limassol, Cyprus, before arriving at its destination at Ashkelon, Israel.²

As of 2nd August 2024, the Overseas Santorini is transiting the Mediterranean Sea heading towards Israel and is estimated to be delivering 300,000 barrels of military jet fuel to Israel.³ On this voyage, the vessel initially sought to dock in both Algeciras, Spain and Gibraltar, but was unable to after significant public, political and media pressure to prohibit the vessel from docking in either of these ports. It has since switched off its AIS tracking system, but satellite imagery confirms that it is travelling East towards Israel.⁴

The Overseas Suncoast recently departed Israel and is currently in the Balearic Sea on the East coast of Spain, although its next port of call remains unclear.⁵

International Legal Obligations

For the reasons set out herein, we submit that permitting these vessels to deliver military fuel to Israel at this time, either through permitting their transit within states' territorial waters, or by provisioning them within ports under states' jurisdiction, would amount to a breach of states' international legal obligations.

¹ ['Fuelling the Flames in Gaza'](#), SOMO, Netherlands, May 2024, ['Israeli crude and fuel supply chains'](#), Oil Change International (provided by Data Desk), 8th March 2024

² Ibid.

³ ['Tanker carrying jet fuel for Israel must not dock in Gibraltar, say MPs'](#), The Guardian, 29th July 2024.

⁴ For most recent AIS tracking data for the Overseas Santorini see [Marine Traffic, Overseas Santorini](#), note: the tracking data's latest update was at 17:22, 31st July 2024

⁵ See [Marine Traffic: Overseas Sun Coast](#)

In its decision on the legal consequences of the Israeli occupation of Palestine, the International Court of Justice (ICJ) has stressed the structural, systemic and grave nature of the violations committed by Israel in occupied Palestine. In effect, the court asked states to refrain from any '*economic dealings which may entrench its [Israel's] unlawful presence in the territory*',⁶ to '*take steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the occupied Palestinian territories*',⁷ and '*not to render aid or assistance in maintaining the situation created by Israel's illegal presence in the occupied Palestinian territories*'⁸ among other obligations. This decision echoes many of the conclusions of ICJ's opinion on the Legal Consequences of the Construction of a Wall in the occupied Palestinian territory.⁹

On 30th July 2024, UN Special Rapporteurs commented that the ICJ's opinion "*reaffirms peremptory norms prohibiting annexation, settlements, racial segregation and apartheid, and should be seen as declaratory in nature and binding on Israel and all States supporting the occupation*," and that "*states must immediately review all diplomatic, political, and economic ties with Israel, inclusive of business and finance, pension funds, academia and charities*".¹⁰

This decision ought to be read in conjunction to the provisional measures issued under the Genocide Convention of 1948 in the case of South Africa v. Israel at the ICJ which engages the state duty to prevent genocide. This duty places on states a positive obligation to undertake all measures within their influence to protect the population under risk.¹¹ Further, this decision puts states on notice for possible complicity in genocide through material acts of support to the perpetrating state. These duties find further support in extensive arguments put forth by lawyers, activists, and UN officials.¹²

Alongside the duty to prevent genocide, third states have an obligation not to provide assistance to other international crimes. The International Criminal Court Office of the Prosecutor request for arrest warrants indicates that war crimes and crimes against humanity have been and are being committed by means of aerial bombardments in Gaza.¹³

In relation to jet fuel specifically, the United Nations Human Rights Council adopted a resolution in April 2024 after a vote by member states, calls for an arms embargo and states:

⁶ Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion (19 July 2024), para.278.

⁷ Ibid. para.278.

⁸ Ibid. para. 279.

⁹ International Court of Justice, [Advisory Opinion on the Legal Consequences of the Construction of a Wall in the OPT](#), 9th July 2004

¹⁰ ['Experts Hail ICJ Declaration on Illegality of Israel's Presence in the Occupied Palestinian Territory as Historic for Palestinians and International Law'](#), UN Office of the High Commissioner on Human Rights, 30th July 2024

¹¹ The ICJ clarified in the Bosnia v Serbia case that a State is responsible for complicity if "*its organs were aware that genocide was about to be committed or was under way, and if the aid and assistance supplied, from the moment they became so aware onwards, to the perpetrators of the criminal acts... enabled or facilitated the commission of the acts.*" Irene Pietropaoli ['Obligations of Third States and Corporations to Prevent and Punish Genocide in Gaza'](#) SOMO, 5 June 2025

¹² 'Arms exports to Israel must stop immediately: UN experts', UN Office of the High Commissioner on Human Rights, 25 February 2024. '[States and companies must end arms transfers to Israel immediately or risk responsibility for human rights violations: UN experts](#)', UN Office of the High Commissioner of Human Rights, 20 June 2024. Review: Al Haq '[Ending Complicity in International Crimes: a Two-Way Arms Embargo on Israel](#)', 8th November 2023

¹³ [Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine](#), International Criminal Court, 20th May 2024

*Expressing deep concern that the sale, diversion and transfers of arms and **jet fuel** increase the ability of Israel, the occupying Power, to commit serious violations, including attacks against civilians and civilian infrastructures, disregard international law and seriously undermine the enjoyment of human rights” [emphasis added]*

And called upon states to:

'Cease the sale, transfer and diversion of arms, munitions and other military equipment to Israel, the occupying Power, in order to prevent further violations of international humanitarian law and violations and abuses of human rights, and to refrain, in accordance with international norms and standards, from the export, sale or transfer of surveillance goods and technologies and less-lethal weapons, including "dual-use" items, when they assess that there are reasonable grounds to suspect that such goods, technologies or weapons might be used to violate or abuse human rights'¹⁴ [emphasis added]

The military jet fuel delivered by the Overseas Santorini and Overseas Sun Coast is specifically designed for use in war planes.¹⁵ The provisioning of these vessels at ports, or the facilitation of transit by any state through its territorial waters to Israel, which is perpetrating an illegal occupation and a plausible genocide, would implicate the facilitating state in these grave illegalities, contravene the state's international duty to cooperate to bring an end to grave breaches of international law and to prevent genocide, as well as undermining the duty of non-recognition of Israel's illegal occupation of the Palestinian territory.

Our Recommendation

In compliance with these legal obligations, we recommend that states refuse permission to either of these vessels to transit within states' territorial waters or to provision them within ports under states' jurisdiction. Failure to do so could amount to a breach of international legal obligations and complicity in the international law violations being committed by Israel.

Signed,

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¹⁴ Human Rights Council 'Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice' (16 April 2024) UN Doc. A/HRC/RES/55/28 at para.14.

¹⁵ Its distinct military use may render it a component of weapons for the purpose of legal assessment. Andrew Clapham, Stuart Casey-Maslen, Gilles Giacca, Sarah Parker 'The Arms Trade Treaty: A Commentary' (OUP, 2016) at 4.09 and 4.16.

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