

# Formal Notification and Request for Investigation

## Regarding the Involvement of Powered Paragliders on Oct 7, 2023 In Compliance With Chicago Convention Article 26 and ICAO Annex 13

### To:

Chief Investigator of Accidents and Incidents in Civil Aviation (CIAIAC-IL)  
Ministry of Transport and Road Safety, State of Israel

### CC:

- International Civil Aviation Organization (ICAO), Montréal
- UN Commission of Inquiry on the Occupied Palestinian Territory
- **ANSV** – Agenzia Nazionale per la Sicurezza del Volo (Italy)
- **BEA** – Bureau d'Enquêtes et d'Analyses (France)
- **BFU** – Bundesstelle für Flugunfalluntersuchung (Germany)
- **ÚZPLN** – Air Accidents Investigation Institute (Czech Republic)

Dear Chief Investigator,

I submit this letter as a **formal public notification** under both international and Israeli law. The use of powered paragliders (paramotors) to enter Israeli territory on **October 7, 2023** constitutes a serious aviation incident. Under your mandate, this obliges the initiation of a technical investigation compliant with **ICAO Annex 13**.

## Legal Basis

### Chicago Convention (1944), Article 26:

"In the event of an accident to an aircraft of a Contracting State occurring in the territory of another Contracting State, and involving death or serious injury, or indicating serious technical defect in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry... in accordance, in so far as its laws permit, with the procedure which may be recommended by the International Civil Aviation Organization."

### ICAO Annex 13, Standard 5.1.1:

"The State of Occurrence shall institute an investigation into the circumstances of a serious incident."

### Israel's Aviation Law, 2011 (חוק הטיס):

Establishes the Civil Aviation Authority of Israel and the **Chief Investigator of Accidents and Incidents in Civil Aviation**, empowering and requiring it to in-

investigate “aircraft accidents and serious incidents” and to publish findings accordingly.

## Why This Notification Matters

1. **Traceability exists.** Engines, frames, and propellers of powered paragliders carry serial numbers and lot codes traceable to manufacturer and importer.
2. **Israel holds the evidence.** Reports confirm that paramotors were confiscated by Israeli forces.
3. **International obligations apply.** Under Annex 13, the **States of Manufacture** (Italy, France, Germany, Czech Republic, possibly UK) have the right to participate in the investigation.
4. **Prevention mandate.** Annex 13 requires investigation reports to include **safety recommendations**. In this case, that means preventing the **diversion of civilian aviation equipment into terrorist use**.
5. **Public right to notify.** Annex 13 and Israeli law permit *any person* to submit occurrence information. This letter constitutes such notification, triggering the duty to record, assess, and investigate.

## Requests

- That CIAIAC-IL open a formal Annex 13 investigation into the powered paragliders used on October 7, 2023.
- That all recovered components (engines, frames, wings, harnesses, tanks, propellers) be inventoried, photographed, and their **serial/lot numbers and manufacturer identities disclosed in full**.
- That the **States of Manufacture** and their AIBs (Italy, France, Germany, Czech Republic, UK if applicable) be formally invited to participate.
- If no investigation is initiated, that CIAIAC-IL provide a **written justification**, citing the specific provisions of law under which it refuses its obligation.

## International Obligations

Obligations under Annex 13 extend beyond Israel:

- **Israel (State of Occurrence):** Must institute an investigation, secure and catalogue the wreckage, and publish findings. Failure to do so constitutes a breach of both international and domestic law.
- **ICAO:** Must uphold the Chicago Convention and support other States if they request delegation of the investigation.
- **States of Manufacture (Italy, France, Germany, Czech Republic, UK if applicable):**
  - Have the **right** to participate in the investigation once products manufactured in their jurisdiction are identified.
  - Have the **duty** to ensure recurrence is prevented — in this case, ensuring their export-control systems are not subverted and their products not diverted to terrorist use.

- If Israel refuses to investigate or disclose serial numbers, they are entitled to **formally request delegation**. Should Israel decline or fail to respond within thirty days, they are permitted — and obliged — to conduct their own investigations.
- Under Annex 13, they are entitled to **demand cooperation from Israel**, including access to wreckage, records, serial numbers, and relevant data. A refusal of such cooperation would itself constitute a breach of ICAO obligations.
- **Foreign Governments:** Beyond Annex 13, domestic counter-terrorism and export-control laws oblige them to act if diversion is even suspected.
- **UN Commission of Inquiry:** Has standing to monitor whether Israel and other States are meeting or obstructing their international obligations.

## Additional Legal Dimension: Counter-Terrorism and Export Control

Because **Hamas is a designated terrorist organization** in the European Union, the United Kingdom, the United States, Canada, Australia, Japan and elsewhere, diversion of civilian aviation parts into its possession is not merely a safety concern under ICAO Annex 13 but a **criminal matter under national counter-terrorism and export-control law**.

Accordingly, when an **Accident Investigation Branch (AIB)** in a State of Manufacture becomes aware of even a *possible* diversion of equipment from its jurisdiction to a designated terrorist group, it has a duty under domestic law to:

- **Inform the competent national authority** responsible for counter-terrorism, trade control, or export licensing; and
- Cooperate with that authority, which in turn has the legal duty to request the AIB's technical assistance in verifying serial numbers, supply chains, and potential points of diversion.

This chain of obligations means that a refusal by Israel to disclose serial numbers and wreckage information does not extinguish the duty of the foreign AIBs. On the contrary, they remain obligated to initiate the referral process and to provide technical expertise to their governments until it is established that no equipment from their jurisdiction was involved.

## Closing

Every ultralight crash in Israel is investigated and reported by CIAIAC-IL. It would be extraordinary, and unlawful, for the most consequential paramotor incident in Israel's history to be excluded from this process.

For the integrity of international aviation safety, the enforcement of export controls, and the prevention of recurrence, I respectfully demand compliance with **Article 26 of the Chicago Convention, ICAO Annex 13, and Israel's Aviation Law (2011)**.