

**‘YOU FEEL LIKE**

**YOU ARE SUBHUMAN’**

ISRAEL’S GENOCIDE AGAINST PALESTINIANS IN GAZA

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**Cover photo:** “Eye of heaven”, an illustration by Gaza-based Palestinian artist Maisara Baroud depicting Palestinians’ experience of Israel’s genocide in the occupied Gaza Strip after 7 October 2023.  
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# GLOSSARY

<i>ACTUS REUS</i>	The underlying criminal conduct of the crime of genocide.
<b>APARTHEID CONVENTION</b>	The International Convention on the Suppression and Punishment of the Crime of Apartheid.
<b>BORDER FENCE</b>	The border fence between Israel and the occupied Gaza Strip. It is a security structure consisting of an above-ground fence, an underground barrier and surveillance equipment. It was constructed by Israel to control the movement of people and goods between Israel and Gaza. It follows a de facto division between Israel and Gaza that, according to international agreements, is subject to negotiations on the territorial borders between Israel and a Palestinian state.
<b>“BUFFER ZONE”</b>	An area located along the border fence separating the occupied Gaza Strip from Israel, which Israel restricts Palestinians from accessing.
<b>CEDAW</b>	The Convention on the Elimination of All Forms of Discrimination against Women.
<b>CESCR</b>	The Committee on Economic, Social and Cultural Rights, the UN treaty body entrusted with overseeing the implementation of the International Covenant on Economic, Social and Cultural Rights.
<b>CIVIL ADMINISTRATION</b>	An Israeli military unit that oversees all civilian matters for Jewish Israeli settlers and Palestinian residents in the occupied West Bank, excluding East Jerusalem.
<b>COGAT</b>	The Coordination of Government Activities in the Territories, a unit within the Israeli Ministry of Defense tasked with administering civilian matters in the Occupied Palestinian Territory.

<b>CONVENTION AGAINST TORTURE</b>	The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
<b>CRC</b>	The Convention on the Rights of the Child.
<b>CRPD</b>	The Convention on the Rights of Persons with Disabilities.
<b><i>DOLUS SPECIALIS</i></b>	A specific intent. For the crime of genocide to be established, the specific intent “to destroy, in whole or in part, a national, ethnical, racial or religious group, as such...” must be present in addition to the intent required for each of the individual acts involved.
<b>“DUAL USE” POLICY</b>	An Israeli policy restricting Palestinian imports to the Occupied Palestinian Territory of goods that Israel deems to potentially have military, as well as civilian, use.
<b>DUNAM</b>	A land area, 10 dunams being equivalent to one hectare.
<b>EASTERN EREZ CROSSING</b>	A crossing opened on 1 May 2024, but only intermittently opened after that, between Israel and Gaza adjacent to the existing Erez crossing.
<b>EREZ CROSSING</b>	A passenger crossing between the Israeli kibbutz of Erez and the Palestinian town of Beit Hanoun on the northern border of the occupied Gaza Strip. It was operational before 7 October 2023, when it was damaged in the Hamas-led attacks of that day.
<b>“EVACUATION” ORDER</b>	A mass order issued by the Israeli military to Palestinians in the occupied Gaza Strip, through leaflets and interactive maps, to “evacuate” certain areas. These orders led to mass displacement.
<b>FAMINE</b>	As defined by the Integrated Food Security Phase Classification (IPC), a situation in which starvation, death, destitution and extremely critical levels of acute malnutrition are or will likely be present because a significant part of the population is facing an extreme deprivation of food.
<b>FAO</b>	The Food and Agriculture Organization, a specialized UN agency.
<b>GATE 96</b>	An access point between an area of Israel near Kibbutz Be’eri and the military zone referred to by Israel as the “Netzarim Corridor”. Gate 96 is so named as it is the 96th gate in the border fence between Israel and Gaza.
<b>GENOCIDE CONVENTION</b>	The UN Convention on the Prevention and Punishment of the Crime of Genocide.

<b>HIGH COURT OF JUSTICE (HCJ)</b>	Israel's High Court of Justice, a function of Israel's Supreme Court when it exercises judicial review over executive authorities.
<b>HRC</b>	The Human Rights Committee, the UN treaty body entrusted with overseeing the implementation of the International Covenant on Civil and Political Rights.
<b>"HUMANITARIAN ZONE"</b>	An area in the Gaza Strip to which the Israeli military ordered Palestinians to "relocate". "Humanitarian zones", marked in yellow on "evacuation" maps, have been characterized by inhumane conditions. Israel has continuously shifted their boundaries and reduced their size through "evacuation" orders. Israel has also referred to them as "safe zones".
<b>ICC</b>	The International Criminal Court.
<b>ICCPR</b>	The International Covenant on Civil and Political Rights.
<b>ICERD</b>	The International Convention on the Elimination of All Forms of Racial Discrimination.
<b>ICESCR</b>	The International Covenant on Economic, Social, and Cultural Rights.
<b>ICJ</b>	The International Court of Justice.
<b>ICRC</b>	The International Committee of the Red Cross.
<b>ICTR</b>	The International Criminal Tribunal for Rwanda.
<b>ICTY</b>	The International Criminal Tribunal for the former Yugoslavia.
<b>IDF</b>	The Israel Defense Forces, Israel's military.
<b>INTERNATIONAL LAW COMMISSION (ILC)</b>	A body of experts elected by the UN General Assembly to help develop and codify international law.
<b>IPC</b>	The Integrated Food Security Phase Classification, the world's foremost expert group assessing the risks of famine.
<b>KEREM SHALOM CROSSING</b>	A crossing between Israel and the south of the occupied Gaza Strip, at the junction of the border between Egypt, Israel and Gaza. It is named after the nearby Israeli kibbutz known as Kerem Shalom in Hebrew and Karem Abu Salem in Arabic. It served as a major transit point for goods before 7 October 2023.
<b>KNESSET</b>	Israel's parliament.



<b><i>MENS REA</i></b>	The mental element of the crime, specifically the perpetrator’s state of mind and criminal intent when committing a prohibited act under the Genocide Convention.
<b>NAKBA</b>	The term used by Palestinians to refer to the displacement of more than 800,000 Palestinians from their homes between late 1947 and 1949, prior to and following the creation of Israel. It means catastrophe in Arabic.
<b>“NETZARIM CORRIDOR”</b>	The name Israel uses to refer to a linear military zone established by the Israeli military from the border fence on the east of the occupied Gaza Strip to the Mediterranean coast on the west. It includes a military road, military bases, checkpoints and related infrastructure, It is named after Netzarim, one of the unlawful Israeli settlements that existed in Gaza before the Israeli “disengagement” in 2005.
<b>NIS</b>	New Israeli Shekels, the currency of Israel and, by extension, through its occupation, the Occupied Palestinian Territory, including the occupied Gaza Strip.
<b>NORTH OF WADI GAZA</b>	The area north of the river valley of Wadi Gaza, consisting of the governorates of North Gaza and Gaza City. The Israeli military ordered civilian residents of this area to “evacuate” to the area south of Wadi Gaza on 12 October 2023.
<b>OCHA</b>	The UN Office for the Coordination of Humanitarian Affairs.
<b>OHCHR</b>	The Office of the UN High Commissioner for Human Rights.
<b>OPT</b>	The Occupied Palestinian Territory.
<b>PA</b>	The Palestinian Authority.
<b>PCBS</b>	The Palestinian Central Bureau of Statistics.
<b>PEOPLE OF AMALEK</b>	According to the Hebrew Bible, a nation who attacked the Israelites and were then, in an act of revenge, annihilated by them. They are described as descendants of the biblical figure Amalek and also known as the Amalekites. The story of the people of Amalek is sometimes evoked in Israeli public discourse.
<b>PLO</b>	The Palestine Liberation Organization.
<b>PROTECTED GROUP</b>	Under the Genocide Convention, a national, ethnical, racial or religious group.

**RAFAH CROSSING** A border crossing between the Egyptian city of Rafah and the Palestinian city of Rafah on the southern border of the occupied Gaza Strip.

**ROME STATUTE** The treaty that established the International Criminal Court. It includes the crime of genocide.

**SECURITY CABINET** An inner cabinet within the Israeli government that is headed by the prime minister and is responsible for outlining and implementing foreign and defence policies. It is also known as the State Security Cabinet and the Ministerial Committee on National Security Affairs.

**SOUTH OF WADI GAZA** The area south of the river valley of Wadi Gaza, consisting of the governorates of Deir al-Balah, Khan Younis and Rafah. The Israeli military ordered civilian residents of the area north of Wadi Gaza to “evacuate” to this area on 12 October 2023.

**UNFPA** The UN Population Fund.

**UNGA** The UN General Assembly.

**UNICEF** The UN International Children’s Fund.

**UNOSAT** The UN Satellite Centre.

**UNRWA** The UN Relief and Works Agency for Palestine Refugees in the Near East.

**UNSC** The UN Security Council.

**USD** US dollars.

**WADI GAZA** A *wadi* (river valley) that runs across the width of the occupied Gaza Strip from the eastern border with Israel to the Mediterranean coast. The Israeli military used it as an artificial demarcating line to divide Gaza into two and cut off northern areas from southern areas.

**WAR CABINET** A six-member cabinet formed by Prime Minister Benjamin Netanyahu on 11 October 2023 and dissolved on 17 June 2024. It was tasked with overseeing the military operations in Gaza. It included two members of the opposition and two former chiefs of staff.

**WASH** A collective term used in the humanitarian sector for water, sanitation and hygiene.

**WESTERN EREZ CROSSING** A crossing opened on 12 May 2024 between the Zikim area of Israel and the north of Gaza on the Mediterranean coast.

**WFP** The World Food Programme, an international organization within the UN.

**WHO** The World Health Organization, a UN agency.

# 1. EXECUTIVE SUMMARY

**“Here in Deir al-Balah, it’s like an apocalypse. There is no room for you to pitch a tent; you have to set it up near the coast... You have to protect your children from insects, from the heat, and there is no clean water, no toilets, all while the bombing never stops. You feel like you are subhuman here.”**

Mohammed, a 42-year-old father of three, speaking in June 2024 about his experience of displacement from Rafah to Deir al-Balah governorate.

On 7 October 2023, Israel embarked on a military offensive on the occupied Gaza Strip (Gaza) of unprecedented magnitude, scale and duration. Since then, it has carried out relentless aerial and ground attacks, many of them with large explosive weapons, which have caused massive damage and flattened entire neighbourhoods and cities across Gaza, along with their life-supporting infrastructure, agricultural land, and cultural and religious sites and symbols deeply engrained in Palestinians’ collective memory. Israel’s military offensive has killed and seriously injured tens of thousands of Palestinians, including thousands of children, many of them in direct or indiscriminate attacks, often wiping out entire multigenerational families. Israel has forcibly displaced 90% of Gaza’s 2.2 million inhabitants, many of them multiple times, into ever-shrinking, ever-changing pockets of land that lacked basic infrastructure, forcing people to live in conditions that exposed them to a slow and calculated death. It has deliberately obstructed or denied the import and delivery of life-saving goods and humanitarian aid. It has restricted power supplies that, together with damage and destruction, led to the collapse of the water, sanitation and healthcare systems. It has subjected hundreds, if not thousands, of Palestinians from Gaza to incommunicado detention and acts of torture and other cruel, inhuman or degrading treatment that had apparently resulted in at least 53 deaths by August 2024. The unlawful acts inflicted on Palestinians simultaneously, for months without respite, have had a profound, cumulative impact on the mental and physical health of Gaza’s entire population: those who survived

were left weakened, hungry or traumatized, with likely permanent effects on their mental and physical health.

Such is the treatment that Israel has inflicted upon Palestinians in Gaza in retaliation for the Hamas-led attacks on southern Israel on 7 October 2023. Early that morning, Hamas fighters indiscriminately fired a barrage of rockets into Israel and, joined by fighters from other Palestinian armed groups, breached the border fence that surrounds Gaza. Hamas and other armed groups attacked civilian and military targets, carrying out deliberate mass killings, summary killings and other abuses, causing suffering and physical injuries. They destroyed civilian property by burning houses, making them uninhabitable and causing the internal displacement of civilians. They abducted 223 civilians, Israeli and foreigners, including children, and captured 27 Israeli soldiers. Some of their actions constituted war crimes under international law. With approximately 1,200 people killed, over 800 of them civilians, including at least 36 children, these were the deadliest single-day attacks in Israel's history. Amnesty International's detailed findings about the crimes perpetrated by Hamas and other Palestinian armed groups in the context of their attacks on Israel on 7 October 2023 are the focus of a forthcoming publication.

This report focuses on the Israeli authorities' policies and actions in Gaza as part of the military offensive they launched in the wake of the Hamas-led attacks on 7 October 2023 while situating them within the broader context of Israel's unlawful occupation, and system of apartheid against Palestinians in Gaza, the West Bank, including East Jerusalem, and Israel. It assesses allegations of violations and crimes under international law by Israel in Gaza within the framework of genocide under international law, concluding that there is sufficient evidence to believe that Israel's conduct in Gaza following 7 October 2023 amounts to genocide.

Given that the report is based on Amnesty International's field and desk research into violations perpetrated by Israel in Gaza between 7 October 2023 and early July 2024, it focuses on this nine-month period. However, it reflects overarching data until early October 2024 and key international developments until the end of November 2024.

To make a determination on genocide, Amnesty International first examined whether Palestinians in Gaza constitute part of a protected group under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), that is a national, ethnical, racial or religious group. It then focused on three out of the five prohibited acts under the Genocide Convention: "killing members of the group"; "causing serious bodily or mental harm to members of the group"; and "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part". It finally examined whether Israel committed these acts with the specific "intent to destroy, in whole or in part, [the] group, as such".

To this end, Amnesty International interviewed 212 people as part of its research. They included Palestinian victims, survivors and witnesses of air strikes, displacement, detention, the destruction of farms, homes and agricultural land, as well as individuals who faced the impact of Israel's restrictions on humanitarian aid. Amnesty International also spoke with members of local authorities in Gaza, Palestinian healthcare workers and representatives of

non-governmental organizations (NGOs) and UN agencies involved in the humanitarian response in Gaza.

Amnesty International complemented these interviews with its analysis of an extensive range of visual and digital evidence, including satellite imagery, video footage and photographs posted on social media or obtained directly by its researchers. It authenticated and, where possible, geolocated video footage and photographs. It reviewed an extensive collection of media reports, statements, reports and data sets published by UN agencies and humanitarian organizations operating in Gaza, as well as Palestinian and Israeli human rights groups. It reviewed statements by senior Israeli government and military officials and official Israeli bodies, including spokespersons of the Israeli military and the Coordination of Government Activities in the Territories (COGAT), a unit within Israel's Ministry of Defense tasked with administering civilian matters in the Occupied Palestinian Territory (OPT). Amnesty International also examined submissions made to and decisions taken by the Israeli Supreme Court as well as publicly available material relating to South Africa's case against Israel at the International Court of Justice (ICJ). Despite its repeated attempts to engage with the Israeli authorities through information and meeting requests, the organization received no substantive answer to any of its letters sent between 30 October 2023 and 16 October 2024.

## **OVERVIEW OF ISRAEL'S OFFENSIVE**

Hours after the 7 October 2023 attacks, Israel conducted a first wave of retaliatory air strikes on Gaza. Prime Minister Benjamin Netanyahu vowed that the offensive would continue "with neither limitations nor respite" until Israel destroyed Hamas's military and governing capabilities and brought all hostages back to Israel. He translated his words into actions. In the first two months of the offensive alone, the Israeli air force carried out about 10,000 air strikes in Gaza. Many used large explosive weapons with wide area effects on densely populated residential areas, including in the vicinity of hospitals and other critical infrastructure. The impact of such attacks on one of the most densely populated places on earth, with about 6,300 people per square kilometre, was devastating.

On 13 October 2023, the Israeli military issued its first mass "evacuation" order, instructing some 1.1 million people – the entire population living north of Wadi Gaza – to move to the area south of Wadi Gaza "for their safety and protection", and failing to take measures to ensure the displaced population's access to basic necessities. The order applied to hundreds of thousands of people who were already displaced and were sheltering in UN schools, as well as all patients and staff working in 23 hospitals and medical facilities in the area. Humanitarian organizations, which had used Gaza City as their hub for years, were also subjected to the order and forced to leave behind warehouse supplies, equipment and vehicles, and to re-establish a humanitarian infrastructure from scratch in Rafah.

Meanwhile, senior Israeli military and government officials intensified their calls for the destruction of Palestinians in Gaza, using racist and dehumanizing language that equated Palestinian civilians with the enemy to be destroyed.

In a widely publicized statement made at a press conference on 12 October 2023, President Isaac Herzog held all Palestinians in Gaza responsible for Hamas's attacks: "It's an entire

nation out there that is responsible. It's not true this rhetoric about civilians not aware, not involved." While he maintained that his words had been misinterpreted, the slogan "there are no uninvolved civilians" was later scrawled near settlements in the occupied West Bank, demonstrating the statement's spread. In another illustrative example, on 11 November 2023, Minister of National Security Itamar Ben-Gvir posted a video clip from a show on Israeli TV in which he said that Palestinians who expressed support for Hamas and its actions were considered "terrorists" and must also be destroyed. He added this comment: "To be clear, when they say that Hamas needs to be eliminated, it also means those who sing, those who support and those who distribute sweets, all of these are terrorists. And they should be eliminated!"

Within weeks of Israel's offensive, genocide and legal scholars, UN experts, as well as civil society organizations, warned that Palestinians in Gaza may be at risk of genocide. On 29 December 2023, South Africa instituted proceedings against Israel before the International Court of Justice (ICJ) over alleged breaches by Israel of its obligations under the Genocide Convention in relation to Palestinians in Gaza. This prompted the court to issue a series of legally binding provisional measures over the following months to guarantee the right of Palestinians in Gaza to be protected from acts of genocide. Yet, Israel failed to implement them. Despite expressing concern over Israel's conduct, and in the face of the ICJ's orders, the international community failed to take sufficient action to modify or stop Israel's actions. When the UN Security Council eventually adopted a three-phase ceasefire plan in June 2024, after an earlier resolution called for a time-limited ceasefire during the month of Ramadan in March 2024, it was too little too late.

On 6 May 2024, Israeli forces went ahead with a long-threatened ground operation in Rafah despite a consensus among humanitarian organizations and repeated warnings by many states, including Israel's staunchest allies, that it would have cataclysmic implications for Palestinian civilians and the humanitarian response. Not only did Rafah provide shelter for over 1 million Palestinians after they were displaced following a series of mass "evacuation" orders by the Israeli military, but it also served at that point as the main hub for the humanitarian response. The operation drew near-unanimous international condemnation and prompted the ICJ to issue new provisional measures ordering Israel to "immediately halt its military offensive". Israeli officials knew precisely the devastation the ground operation in Rafah would inflict on Palestinian civilians.

The offensive on Rafah was launched a week after Minister of Finance Bezalel Smotrich, a member of Israel's security cabinet, explicitly called for the city's destruction by referring to a well-known Biblical story of absolute vengeance in which an entire nation – the people of Amalek – is ordered to be destroyed: "There are no jobs half done. Rafah, Deir al-Balah, Nuseirat, destruction! Blot out the memory of [the people of] Amalek from under heaven," he said at a public event on 29 April 2024. In fact, Minister of Finance Smotrich and Minister of National Security Ben-Gvir, who also made some of the most explicit calls for the destruction of Palestinians in Gaza, threatened to quit the government coalition if Prime Minister Netanyahu abandoned plans to attack Rafah. Minister of Finance Smotrich's statement came months after Prime Minister Netanyahu first referred to the story of the total destruction of the people of Amalek in the first week of Israel's ground offensive in late October and early

November 2023. He used it to garner support for what was, at the time, a new and highly destructive phase of the conflict. As Israel's highest office-holder, who oversaw the offensive on Gaza, Prime Minister Netanyahu would have most certainly known that his words would be understood by soldiers, particularly those affiliated with the settler movement and religious nationalist parties led by the two ministers, as calls for the destruction of Palestinians in Gaza.

Following the operation, almost the entirety of Rafah's population, residents and displaced people, were forced to look for new temporary shelters in the governorate of Khan Younis, which had been made nearly uninhabitable due to the large-scale destruction caused by Israeli attacks and fighting with Palestinian armed groups, and in the Israeli-designated "humanitarian zone" of Al-Mawasi and "expanded humanitarian area" of Deir al-Balah, where newly displaced families struggled to find space to set themselves up amid tightly packed tents. Those forced out of Rafah were not able to return, and neither were those forced out of the area north of Wadi Gaza. The Rafah crossing, largely destroyed by Israeli forces, closed, cutting off Gaza's lifeline to Egypt.

By 7 October 2024, the Gaza-based Ministry of Health had recorded 42,010 Palestinian fatalities in Gaza, the vast majority of which were of Palestinians killed during Israel's offensive, and 97,590 other Palestinians injured since 7 October 2023. The actual toll of those killed during the offensive may be higher and will only become apparent once the conflict is over, including when rescue teams are able to count the dead and retrieve missing bodies from under the rubble. The armed conflict in Gaza has seen some of the highest known death tolls among children (13,319 by 7 October 2024), journalists, as well as health and humanitarian workers of any recent conflict in the world.

The level and speed of damage to and destruction of homes and infrastructure across all sectors of economic activity has similarly not been seen in any other conflict in the 21st century, with remote sensing experts noting that it was "much faster and more extensive" than anything they had mapped before. About 62% of all homes in Gaza were damaged or destroyed by January 2024, affecting approximately 1.08 million people, according to a joint Interim Damage Assessment published by the World Bank, the EU and the UN in March 2024. By July 2024, around 63% of the total structures in Gaza had been damaged or destroyed, according to a UN Satellite Centre (UNOSAT) satellite imagery-based assessment. Amnesty International estimated that there was, on average, one damaged or destroyed building every 17 metres in Gaza by then. Meanwhile, some 625,000 students missed out on an entire academic year, with an estimated 85% of schools having sustained some form of damage.

In May 2024, the announcement by the Prosecutor of the International Criminal Court (ICC) that he had applied to the court for arrest warrants against Israeli Prime Minister Netanyahu and Minister of Defense Yoav Gallant over their alleged criminal responsibility for war crimes and crimes against humanity prompted Israel's Military Advocate General to publicly confirm that the military police had opened criminal investigations into 70 incidents where the commission of a criminal offence was suspected. This included allegations of deaths under torture, killings and other incidents of violence. However, as far as Amnesty International has



been able to confirm from publicly available sources, by 30 September 2024, there had been only one indictment of an Israeli soldier in relation to the torture of Palestinian detainees, demonstrating a near-total lack of accountability in line with a well-documented long-standing pattern of impunity.

Finally, instead of complying with the ICJ advisory opinion issued in July 2024, which concluded that Israel's 57-year-old occupation and annexation of Palestinian territory is unlawful and called on Israel to withdraw all of its military forces and remove civilian settlements and settlers, Israel entrenched its military presence in Gaza by establishing and maintaining a linear military zone that it referred to as the "Netzarim Corridor" on either side of an existing east-west road south of Gaza City, which cut off the area north of Wadi Gaza from the area south of it. The zone threatened to perpetuate displacement and the fragmentation of Gaza.

## **GENOCIDE UNDER INTERNATIONAL LAW**

Genocide is a crime under international law, whether committed in times of peace or armed conflict. It is prohibited and criminalized under the Genocide Convention, which Israel ratified in 1950, and the Rome Statute.

Under Article II of the Genocide Convention, five specific acts constitute the underlying criminal conduct of the crime of genocide, including: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group. Each of these acts must be committed with a general intent to commit the underlying act. However, to constitute the crime of genocide, these acts must also be committed "with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such..." This specific intent is what distinguishes genocide from other crimes under international law.

Regardless of whether individual Palestinians are citizens of Israel living in Israel, are living under Israeli military rule in the OPT or are Palestinian refugees, they overwhelmingly identify as Palestinian and have deep and shared political, ethnic, social and cultural ties. Palestinians share a common language and have similar customs and cultural practices, despite having different religions. They, therefore, constitute a distinct "national", "ethnical" and "racial" group protected under the Genocide Convention, as established by the ICJ's preliminary finding in its order of 26 January 2024.

An intent to destroy a group "in part" is sufficient to establish the requisite specific intent for the crime of genocide. In determining what constitutes "part" of the group, international jurisprudence has adopted a requirement of substantiality rather than a specific numeric threshold. This standard requires that the perpetrator must intend to destroy at least a "substantial part" of the group in question, which must be "significant enough to have an impact on the group as a whole". In applying it to Israel's offensive, Amnesty International considers that Palestinians in Gaza constitute a "substantial part" of the whole group of Palestinians, in line with the ICJ's preliminary finding mentioned above. In 2023, Palestinians

living in Gaza comprised approximately 40% of the nearly 5.5 million Palestinians living in the OPT.

Importantly, the perpetrator does not need to succeed in destroying the targeted group, either in whole or in part, for genocide to be established. International jurisprudence recognizes that “the term ‘in whole or in part’ refers to the *intent*, as opposed to the actual destruction”. Equally important, finding or inferring specific intent does not require finding a single or sole intent. A state’s actions can serve the dual goal of achieving a military result and destroying a group as such. Genocide can also be the means for achieving a military result. In other words, a finding of genocide may be drawn when the state intends to pursue the destruction of a protected group in order to achieve a certain military result, as a means to an end, or until it has achieved it. Amnesty International does not consider international jurisprudence, including that of the ICJ, to preclude either instrumental or dual intent, as long as genocidal intent is clearly assessed to be the state’s intent based on the totality of the evidence. Allowing for dual or instrumental intent is the only way to ensure that genocide remains prohibited during times of war. International law places certain conduct, including genocide, outside the permissible methods of war, meaning there are acts which can never be justified by military necessity.

Amnesty International considered the possible commission of genocide by Israel from the perspective of state responsibility, and did not engage in an analysis of the possible criminal responsibility of individuals.

## **KILLINGS AND SERIOUS INJURIES**

**“My body survived but my spirit died with my children, it was crushed under the rubble with them.”**

Ahmad Nasman, whose parents, sister, wife and three children were killed in an Israeli air strike on 14 December 2023.

To constitute the act of “killing members of the group” as prohibited under the Genocide Convention, killings must be intentional. Within the context of armed conflict, “killing” may include causing the deaths of civilians through direct attacks on civilians and civilian objects, as well as through indiscriminate attacks that are directed deliberately at the civilian population alongside military objectives. Meanwhile, the act of “causing serious bodily or mental harm to members of the group” requires the infliction of harm so serious as to threaten or contribute to the physical or biological destruction of the group. Although the harm does not need to be permanent or irreversible, international jurisprudence has required it to cause “grave and long-term disadvantage to a person’s ability to lead a normal and constructive life.”

Amnesty International has focused on the acts of “killing members of the group” and “causing [them] serious mental and bodily harm” perpetrated by Israel in the context of its aerial attacks. It reviewed the results of investigations it had conducted into 15 air strikes that took place in northern, central and southern Gaza between 7 October 2023 and 20 April

2024. These air strikes hit 12 homes and other residential buildings, a church, a street and a public market – all of them located in densely populated urban areas. They killed at least 334 civilians, including at least 141 children, and wounded hundreds of others. The organization concluded that they constituted direct attacks on civilians and civilian objects or deliberately indiscriminate attacks, and likely amount to war crimes.

Amnesty International's in-depth investigation found that all 15 locations that were struck were civilian objects, and that it was Israel which had launched the air strikes. Amnesty International did not find any evidence that any of the strikes were directed at a military objective. A review of all available evidence showed that all those killed were civilians not taking a direct part in hostilities.

These attacks were conducted in ways that were designed to cause a very high number of fatalities and injuries among the civilian population. This is evidenced through Israel's use of explosive weapons with wide area effects, the timing and location of the attacks and the lack of an effective warning, in one case, or of any warnings at all, in all others.

In several cases, Amnesty International's analysis of weapons fragments showed that Israel used large bombs, such as US-manufactured Joint Direct Attack Munitions (JDAM). At least five of the attacks struck homes and other residential buildings between 11pm and 4am when their residents were likely to be sleeping. In addition, 11 of the 15 attacks were carried out on homes and other buildings south of Wadi Gaza, where people living north of Wadi Gaza were ordered to flee following the mass "evacuation" order of 13 October 2023. These locations, known for their population density, were even more overcrowded than usual due to the influx of displaced people, with many homes hosting extended families.

In one illustrative case, Abdallah Shehada, a 69-year-old retired surgeon, was killed after an Israeli air strike destroyed his home in Rafah. The attack, which occurred at 11.45am on 14 December 2023, killed 30 other civilians: 11 children, eight men and 11 women. At least 10 others were wounded. Some 45 people had been residing in the three-storey building. Among them were 20 members of the Nasman family who were displaced from Gaza City to the south and sought safety at their relative's house.

The oldest victim of the attack was Hamdi Abu Daff, a displaced 86-year-old man, while the youngest was Ayla Nasman, aged only three months. Ayla Nasman's grandparents, mother and two siblings, aged five and four, were all killed in the attack. Her father, Ahmad Nasman, a physiotherapist, was among the few members of the extended Nasman family to survive the attack. He said that it took him four days to retrieve Ayla's body from the rubble; the blast had decapitated his five-year-old child, Arwa.

While Amnesty International's investigation has focused only on a small fraction of Israel's aerial attacks, they are indicative of a pattern of repeated direct or indiscriminate attacks by the Israeli military in Gaza over the nine-month period under review. The Israeli authorities argue that their military forces lawfully targeted Hamas and other Palestinian armed groups throughout Gaza, including when they were operating in and near critical infrastructure and other objects indispensable to the survival of the civilian population, and that the resulting unprecedented death and destruction were the outcome of Hamas' co-location among

Palestinian civilians. Amnesty International's 15 specific investigations do not support that defence.

Crucially, even where Israeli forces targeted what could be considered military objectives, Israel's attacks use of explosive weapons with wide area effects, especially aerial bombs of 250 pounds (110kg) to 2,000 pounds (900kg), on residential buildings and in the proximity of hospitals in one of the world's most densely populated areas likely constitute indiscriminate and/or disproportionate attacks. Amnesty International recognizes that Hamas and other Palestinian armed groups endangered Palestinian civilians through their conduct by operating from, or in the vicinity of, densely populated residential areas, and violated their obligation to take all feasible precautions to protect civilians and civilian objects under their control against the effects of attacks. However, such conduct by these groups does not release Israel from its own obligations under international humanitarian law to spare civilians and avoid attacks that would be indiscriminate or disproportionate.

The tens of thousands of air strikes that Israel has launched on Gaza have resulted in unprecedented numbers of killings and injuries among the Palestinian population. Of the 40,717 fatalities that the Gaza-based Ministry of Health fully identified by 7 October 2024, children, women and older people constituted just under 60%. The remaining 40% were men under 60, with no independent source able to establish how many of those were fighters and how many were civilians.

Additionally, of the total number of injured people, already in late July 2024, approximately 22,500 were facing life-changing injuries requiring long-term rehabilitation, according to the World Health Organization (WHO). By 30 September 2024, the Gaza-based Ministry of Health had registered 1,200 conflict-related amputations but estimated that the actual number of amputees would be around 4,500, given a significant reporting lag resulting from the collapse of the healthcare system; the WHO had also recorded some 2,000 cases of major burns and 2,000 spinal cord and severe traumatic brain injuries. Medical professionals consider that many of those injured will face trauma and mental health issues for years to come.

Amnesty International concluded that the direct or indiscriminate attacks carried out by Israel constitute the acts of "killing members of the group" and "causing serious bodily or mental harm to members of the group", as prohibited under Articles II(a) and (b) of the Genocide Convention, respectively, in that these strikes caused deliberate and unlawful deaths of and injuries to Palestinian civilians. Amnesty International assesses the underlying intent of these and other strikes below, taking into account the full scale, intensity and scope of Israel's campaign, as well as other relevant factors.

## **INFLECTING CONDITIONS OF LIFE CALCULATED TO BRING ABOUT DESTRUCTION OF PALESTINIANS**

**“As other hospitals in the south went out of service, we became the only hospital equipped with incubators, and most of the Gaza Strip was displaced here [in Rafah]. At times, we had to place five newborns and young children in one incubator and following the spread of neonatal sepsis like wildfire, we had to ask mothers to cradle their babies on the floor.”**

Mohammed Salama, director of the Neonatal Intensive Care Unit at the Emirates Red Crescent hospital in Rafah, 9 May 2024.

The act of “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction”, as prohibited under Article II(c) of the Genocide Convention, refers to methods of destruction that do not immediately kill members of the group, but which, ultimately, are able to lead, over time, to their physical or biological destruction. Such acts can include but are not limited to subjecting the group to a subsistence diet, reducing essential medical services below a minimum requirement, systematically expelling members of the group from their homes, and “generally creating circumstances that would lead to a slow death”, such as the lack of proper food, water, shelter, clothing or sanitation. In the absence of direct evidence of the underlying intent with which conditions of life were imposed – in other words, whether they were calculated to bring about physical destruction – international jurisprudence has ruled that consideration may be given to “the objective probability of these conditions leading to the physical destruction of the group.” In evaluating such a probability, the following factors may be considered: the actual nature of the conditions of life, the length of time that members of the group were subjected to them, and the characteristics of the group, such as its vulnerability, including children in particular.

Israel’s actions, omissions and policies following 7 October 2023 brought Gaza’s population to the brink of collapse. Merely two months after the start of the offensive, hunger was estimated to be at crisis, emergency or catastrophic levels for more than 2 million of its residents, according to the world’s foremost expert group assessing the risks of famine, the Integrated Food Security Phase Classification (IPC). Not only did the number of people facing hunger double from estimates prior to 7 October 2023, hunger became much more severe.

Palestinians living north of Wadi Gaza, an area which Israel cut off from humanitarian assistance almost entirely at the time, were particularly affected. People reported not eating for entire days and nights in 80% of households, according to one survey. By February 2024, many were resorting to eating wild plants and animal fodder. Where food was available, it was rarely fresh or nutritious, and most often inaccessible, partly because of skyrocketing prices.

The consequences for children, as well as pregnant and breastfeeding women, were particularly severe, with expected long-term effects on their health and that of their children. Young children, in particular, would have “a diminished future”, according to one nutrition expert. By January 2024, UN agencies found that more than 15% of children under two were wasting in northern Gaza, and about 5% of children of the same age were acutely

malnourished in Rafah, where – at the time – aid was more accessible. Severely malnourished and dehydrated children were being admitted at Kamal Adwan hospital in Beit Lahia, including some who could not “move or cry because of the severity of the weakness from malnutrition and dehydration”. By April 2024, 26 children, the majority of whom were aged two or under, had died from malnutrition and malnutrition-related complications, according to the hospital’s records. Coupled with the stress of displacement and relentless attacks, malnutrition resulted in many women being unable to breastfeed their newborn babies.

The number of people living in crisis, emergency or catastrophic food insecurity in Gaza changed over time in the year following 7 October 2023, but regardless of any short-term improvements, the IPC consistently found that the vast majority of the population of Gaza was facing severe food insecurity and that the risks of famine in Gaza were very real. Acute malnutrition had become 10 times higher in Gaza than it had been before the offensive.

Similarly, diseases spread in Gaza at alarming rates. Yet again, young children were particularly affected. By late April 2024, the WHO was reporting a sharp rise in infectious and communicable diseases and had recorded hundreds of thousands of cases of acute respiratory illness, acute diarrhoeal illness, scabies and acute jaundice syndrome. In May 2024, the director of the Neonatal Intensive Care Unit (NICU) at the Emirates Red Crescent hospital in Rafah told Amnesty International that the unit’s mortality rates increased to 12% from 2.5%-3% prior to 7 October 2023. There was a sharp rise in admissions, including for sepsis.

Risks of infection and waterborne diseases were exacerbated for those whose immune systems were weakened by malnutrition, multiple waves of displacement and trauma. Risks were greatest in displacement settings, which included schools, hospital yards and makeshift tented camps unsuitable for human living. Huge overcrowding, coupled with the lack of adequate shelter as well as basic washing and sanitation facilities, fuelled the spread of diseases. In March 2024, UNICEF reported that, on average, 340 people shared one toilet and 1,290 shared a shower across Gaza. That same month, a rapid water, sanitation and hygiene (WASH) assessment found “some type of visible waste, including solid waste, human feces or stagnant water” in 93% of the sites it assessed across the Rafah governorate. Yet, the Israeli authorities continued to block humanitarian access to landfills and failed to send electricity into Gaza, thus obstructing the water and sanitation response. Displaced Palestinians living in such dehumanizing conditions repeatedly said in media interviews they were dying “a slow death”.

These disastrous conditions were caused by the cumulative impact of Israel’s damage to and destruction of critical infrastructure and other objects indispensable to the survival of the civilian population in Gaza, the mass repeated forced displacement of Palestinians in unsafe and inhumane conditions, and the denial and obstruction of the delivery of essential services and life-saving supplies into and within Gaza. These violations of international law occurred repeatedly and simultaneously during the nine-month period, compounding each other’s harmful effects.

## **DAMAGE AND DESTRUCTION**

**“We can’t see the future of agriculture in Gaza after the war... All of it is destroyed... The story isn’t about any one fisherman or woman working in a farm, it is that the heritage of the people was stolen. They stole the ability to produce food.”**

Moayyad Ahmad, member of the Union of Agricultural Work Committees, 6 May 2024.

Between 7 October 2023 and July 2024, essential parts of the food production system and hundreds of thousands of residential homes, as well as water, sanitation and hygiene infrastructure, hospitals and other healthcare facilities, roads and energy infrastructure, were severely damaged or destroyed, affecting Palestinians’ ability to access food, housing, water, health and other essentials. By inflicting a significant part of this damage and destruction, cutting off the supply of electricity and maintaining restrictions on fuel required to operate much of this infrastructure and impeding the entry of equipment and parts needed for their repair, Israel created an unprecedented humanitarian crisis.

By June 2024, UNOSAT found that approximately 63% of the permanent crop fields and arable land in Gaza showed a significant decline in health and density. The Food and Agriculture Organization (FAO) attributed this extensive destruction to “razing, heavy vehicle movement, bombing, and shelling”. Amnesty International’s findings in the “buffer zone” adjacent to Gaza’s border fence with Israel were consistent with this assessment. By extensively analysing satellite imagery and videos posted online by Israeli soldiers, Amnesty International found that the Israeli military used bulldozers and manually laid explosive charges to significantly expand the “buffer zone” to roughly 16% of Gaza’s total area. In doing so, Israeli forces destroyed some of Gaza’s most fertile agricultural land in addition to more than 90% of the buildings within this area.

While Israel claimed that the destruction was necessary, accusing Hamas of placing rocket launchers and tunnel shafts in agricultural areas, the extensive destruction of property and agricultural land was carried out after Israeli forces had acquired operational control over the areas, meaning that it was not caused as part of the hostilities between the Israeli military and Hamas and other Palestinian armed groups, and that it was apparently not justified by imperative military necessity.

According to the joint Interim Damage Assessment published by the World Bank, EU and UN in March 2024, nearly 84% of health facilities and 57% of water infrastructure across Gaza had sustained damage or destruction by January 2024. Wastewater management systems effectively collapsed after extensive damage to and destruction of sewage stations and kilometres of pipes. As a result, sewage often flooded streets across Gaza, posing public health concerns, including the risk of waterborne diseases.

Meanwhile, in addition to the damage or destruction to Gaza’s health facilities, other deliberate actions by Israeli forces contributed to the effective collapse of Gaza’s healthcare system. They included the mass “evacuation” orders that applied to hospitals and other medical facilities and repeated raids on hospitals that resulted in the detention, killing or injury of staff. Hospitals, which were grappling with skyrocketing needs due to the many

thousands of conflict-related injuries, as well as rising rates of severe malnutrition, dehydration and disease, were forced to shut down or limit services. This led, in many cases, to exacerbated injuries and an increased number of amputations, as doctors were unable to provide adequate medical care that could save the limbs of those wounded. Those with pre-existing health conditions were left without adequate medical care or any care at all. By 2024, disruptions to critical healthcare resulted in deaths among Palestinians, which could have been easily prevented, according to humanitarian organizations.

## **DISPLACEMENT**

Between 7 October 2023 and 30 September 2024, Amnesty International identified at least 59 distinct “evacuation” orders issued on COGAT’s Facebook page to Palestinian civilians across Gaza, triggering the largest wave of displacement of Palestinians by Israel since 1948, when Israel ethnically cleansed hundreds of Palestinian towns and villages and forced hundreds of thousands of people from their homes in what became known to Palestinians as the Nakba or catastrophe. These orders were sweeping, often incomprehensible to the local population, misleading and arbitrary. As a result, they created panic and chaos, endangering the lives of civilians and forcing them to flee in precarious conditions. For a population out of which 70% are either themselves refugees or descendants of those displaced in 1948, the orders also had a deeply traumatizing effect.

During the nine-month period covered by this report, such “evacuation” orders squeezed civilians into ever-shrinking pockets in central and southern Gaza, including in the Israeli-designated “humanitarian zones” of Deir al-Balah and Al-Mawasi, and other unsanitary, undignified and unsafe locations, which lacked the most basic conditions for the survival of civilians. They obliged civilians to move from one area to another “like pawns in a chess game”, forcing them to move again almost as soon as people had learned how to cope in their displacement setting. As the spaces targeted by “evacuation” orders expanded, internally displaced people ran out of land where they could set up their tents, forcing some to sleep next to solid waste dumps or next to sewage pipelines. All the while, Israel failed to abide by its obligations as the occupying power to ensure the safety and well-being of displaced Palestinians, including their access to basic necessities, such as safe and adequate shelter, food, medicine, water and sanitation facilities, in the areas to which people were displaced. Rather than protecting the civilian population, as claimed by the Israeli authorities, these repeated orders contributed to the infliction of conditions of life calculated to destroy Palestinians in Gaza and violated the prohibition of mass forcible transfer.

By January 2024, some 1.7 million Palestinians, comprising approximately 75% of Gaza’s population, were internally displaced, according to the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Of these, over 1 million were crammed into the governorate of Rafah, quintupling its population. By early July 2024, Israel had forcibly displaced around 1.9 million Palestinians, or around 90% of Gaza’s population, at least once. Many of them had been displaced multiple times, some on up to 10 occasions. By the end of August 2024, 84% of Gaza’s area was subjected to “evacuation” orders, according to UN estimates.



Israel refuted accusations that the first mass “evacuation” order of 13 October 2023 contributed to inflicting conditions of life calculated to destroy Palestinians in Gaza. It claimed that it had airdropped countless leaflets, posted warnings in Arabic on official social media accounts, made thousands of telephone calls and broadcast warnings over the radio. It also argued that the military had not launched its ground invasion until three weeks after beginning to issue “evacuation” orders to civilians in the area north of Wadi Gaza. In reality, however, for tens of thousands, including people with reduced mobility or no family networks south of Wadi Gaza, leaving was very challenging or simply impossible. Further, while Israeli forces did not begin their ground invasion until late October 2023, they were already conducting massive aerial attacks on the area north of Wadi Gaza before the ground invasion began.

Throughout the nine months under review, Israel would regularly redraw the boundaries of the unilaterally designated “humanitarian zones” without giving residents adequate warning. For example, the boundaries of Al-Mawasi appeared differently on at least three different maps posted by the military on its social media accounts between 18 and 30 October 2023 alone, creating confusion among civilians and exacerbating the feeling that nowhere in Gaza was safe.

In December 2023, the Israeli military started using an interactive map of Gaza that divided it into more than 600 numbered blocks and was accessible through a QR code, as its main tool to order mass “evacuations”. The information published through the map was often confusing and contradicted orders distributed through leaflets or social media posts. Frequent telecommunications blackouts and low electricity supply meant that it was inaccessible for many.

People were often “instructed” to relocate to areas that would be subjected to new “evacuation” orders days or weeks later, and which had already sustained substantial damage or destruction, or areas that lacked the infrastructure to support life, let alone cope with the mass influx of people. In early 2024, the Israeli military started its air strikes on “humanitarian zones”. Before the strikes, the Israeli authorities suddenly excluded areas that were previously part of such zones by making changes to their maps, but did not give residents adequate prior warning. For many, the system by which Gaza was divided into blocks was completely incomprehensible as it was at odds with the spatial conception of their surroundings.

As of 30 September 2024, Palestinians who were displaced from the area north of Wadi Gaza to the south of it had not been allowed to go home. Meanwhile, approximately 400,000 Palestinians were living in the area north of Wadi Gaza, and were unable or, for fear of permanent displacement, unwilling to flee south. They were cut off from the rest of Gaza’s population by the military zone referred to by Israel as the “Netzarim Corridor”.

Despite conditions quickly becoming unfit for human life, the Israeli authorities refused to consider any arrangements that would have protected displaced civilians and ensured their basic needs. They could have allowed civilians displaced from the area north of Wadi Gaza to return to their homes, particularly after they announced that they had successfully dismantled Hamas in northern Gaza in early 2024. They could have allowed the temporary

relocation of Palestinian civilians from Gaza to other parts of the OPT, that is, the West Bank, including East Jerusalem. They could have also allowed civilians to enter Israel, especially since over 70% of Gaza's population are refugees or descendants of refugees displaced in 1948 and, as such, are entitled under international law to return to lands in Israel from which they or their ancestors were displaced.

## **DENIAL AND OBSTRUCTION OF ESSENTIAL SERVICES**

In addition to causing an unprecedented humanitarian crisis by inflicting significant damage and destruction and exacerbating humanitarian needs by displacing 90% of Gaza's population, Israeli authorities took actions and adopted policies that resulted in the denial and obstruction of essential services and life-saving supplies to Palestinians in Gaza.

They did so by adopting a total siege policy in the immediate aftermath of the 7 October 2023 attacks on Israel; maintaining a suffocating, unlawful blockade, including by refusing to open sufficient access points to Gaza, and imposing tight and onerous restrictions on what could enter Gaza; cutting off and tightly controlling access to energy sources, particularly fuel; and failing to facilitate meaningful access within Gaza, including the area north of Wadi Gaza, so humanitarian organizations could deliver essential services and life-saving supplies there. They publicly linked the resumption of humanitarian access and delivery of essential services to the release of hostages and the total destruction of Hamas, and expressly referred to the impact of their actions on Gaza's population, indicating that the result was both understood and intended.

In an example of dehumanizing language, part of over a hundred statements analysed by Amnesty International to demonstrate genocidal intent, on 10 October 2023, then Minister of Energy and Infrastructure Israel Katz explicitly stated that Israel's decision to ban the entry of fuel was intended to inflict conditions of life calculated to bring about the physical destruction of Palestinians in Gaza:

**“So far we have transferred 54,000 cubic metres of water and 2,700 megawatts of electricity to Gaza per day. It's over. Without fuel, even the local electricity will shut down within days and the pumping wells will stop within a week. This is what should be done to a nation of murderers and butchers of children. What was will not be.”**

Following the Hamas-led attacks of 7 October 2023, Israel imposed a total siege on Gaza. After the Rafah crossing on the border between Gaza and Egypt closed, this meant that no fuel, no cooking gas, no food, no medical supplies and no people were able to enter Gaza. Israel also cut off the water and electricity supplies, knowing full well that Gaza would become even more reliant on fuel to deliver essential services. After significant pressure from the USA and others, the Israeli authorities signalled they would not prevent aid entering from Egypt, but key features of the total siege policy remained in place. The Israeli authorities indicated on 18 October 2023 that they would maintain at least three crucial restrictions, namely: limiting the pledge to allow in food, water and medicine to civilians in southern Gaza, implying that restrictions would remain on aid reaching those civilians who remained in the area north of Wadi Gaza; preventing the entry of other supplies, like fuel, from entering Gaza;

and maintaining the closure of entry points from Israel into Gaza, including all land access into northern and central Gaza.

Over time, Israel agreed to open additional access points into Gaza from its territory, in response to huge international pressure, but by then, the entire humanitarian response was centred around Rafah. At no point did it ensure a predictable and consistent set of routes into Gaza, which humanitarian organizations repeatedly called for. Meanwhile, continued lengthy, arbitrary and onerous vetting procedures for trucks caused considerable delays and meant that levels of aid entering Gaza were grossly insufficient.

It was not until early April 2024, six months into the offensive, that Israel finally committed to opening a crossing into the north of Gaza, making the port of Ashdod available to deliveries, and ensuring that existing crossings were open for more hours, even though humanitarian organizations had been calling for such measures for months. Rather than a significant change of policy, this move appeared to be designed to appease the international community following an international outcry at the killing by Israeli forces on 1 April 2024 of a group of mostly foreign humanitarian workers working for World Central Kitchen. The fact that the killing occurred four days after the ICJ issued its second set of provisional measures, which ordered Israel to take all necessary measures to “ensure the unhindered provision at scale... of urgently needed basic services and humanitarian assist”, only added more pressure. In May 2024, Israel opened both the Eastern and Western Erez crossings in the north of Gaza, but according to COGAT’s data, aid transiting through these access points represented a tiny fraction of the overall aid entering Gaza. Neither crossing remained consistently open.

While these measures led to some improvements to humanitarian access, they were neither sustained nor did they significantly alter the situation on the ground. Then, by launching its ground operation in Rafah on 6 May 2024, Israel deliberately imperilled the humanitarian response again and caused another wave of mass displacement without ensuring the basic necessities of life for those displaced. After Israeli forces took control of the Rafah crossing, Egypt announced that it would not coordinate with Israel because of security concerns, and the Rafah crossing was closed. After that, people and goods could only enter and exit Gaza through Israel.

In July 2024, two months after the start of the ground operation in Rafah, a senior humanitarian official told Amnesty International: “I no longer tell people we are on our knees as a humanitarian operation. We are beyond that. We are collapsed. Anything that happens is a death twitch...”

The small flow of people able to leave Gaza for medical treatment was also disrupted, affecting thousands of patients. Following the Hamas-led attacks of 7 October 2023, Israeli and Egyptian authorities agreed to allow some people to medically evacuate through Rafah to Egypt, after Israel completely suspended issuing permits for Gaza’s residents to access medical care in Israel or the West Bank. The closure of the Rafah crossing meant that Israel subsequently had exclusive control over the medical evacuations process. In the four months following the closure, only 229 patients were evacuated, most of them children, out of thousands who had requested approval.

The Israeli authorities strenuously rejected “any allegations according to which Israel is purposefully starving the civilian population in Gaza”. They blamed the widespread hunger and disease in Gaza on Hamas and other Palestinian armed groups, accusing them of taking aid intended for Gaza’s civilians, and on humanitarian organizations, alleging they were incapable of distributing the aid Israel allowed into Gaza. Humanitarian organizations acknowledged that the dire security situation hampered effective aid distribution but said that the Israeli military failed to provide the required security guarantees, on the one hand, and that the minimal and unpredictable volume of aid increased people’s desperation, leading to instances of “self-distribution”, on the other. There is no doubt that some life-saving assistance was diverted following attacks on aid convoys by organized gangs within Gaza. But they occurred primarily after Israel’s attacks on Gaza’s institutions, including the police, led to a breakdown of governance. In any case, such acts do not release Israel from its unconditional obligation, as the occupying power, and its obligation as a party to the armed conflict, to agree to and facilitate humanitarian assistance to enter and be distributed throughout the occupied territory.

In addition to restrictions on access points, lengthy and arbitrary inspection procedures imposed by Israel had a huge impact on the amount of aid that could enter Gaza. Trucks entering Gaza from Egypt had to be unloaded and reloaded multiple times, causing weeks-long delays. Humanitarian officials reported frequent and arbitrary rejections or delays imposed by the Israeli authorities on imports of goods, including life-saving supplies. While there was no blanket ban on the import of particular medical supplies or equipment, Israeli authorities rejected the import of hundreds of medical supplies and equipment, as the health system was overwhelmed and collapsing. This included anaesthesia machines, oxygen cylinders, refrigerators to store medicines, vitamin power drinks, water purification capsules and a respirator, according to a list reviewed by Amnesty International in early 2024.

While it became easier to bring food into Gaza than other life-saving goods, like shelter equipment and materials needed for the water, sanitation and hygiene response, from late October 2023, lengthy inspection processes meant that, in practice, it was difficult to bring in large volumes, particularly food that was fresh and nutritious. The import of products necessary to revive the devastated agricultural sector was also affected. In one case documented by Amnesty International, Israel delayed the entrance of fodder to Gaza for more than four months.

Israeli authorities maintained that no limits were placed on the amount of aid that could enter Gaza, and that they did not limit the entrance of food. They claimed that, at various points following 7 October 2023, more food trucks entered Gaza, on average, than before the offensive.

Although the Israeli military promised in April 2024 that the daily average of trucks carrying food, water, and shelter supplies into Gaza would go up to around 500 a day, at no point did they fulfil this commitment. Amnesty International’s quantitative analysis of truck data showed that the number of trucks actually allowed into Gaza never came close to this number. At its highest point during the nine-month period under review, in April 2024, the number of trucks entering Gaza reached merely 189 or 220 trucks a day, according to

UNRWA and COGAT data, respectively. Amnesty International also found that Prime Minister Netanyahu's claims in July 2024 that sufficient amounts of food were allowed in to provide Palestinians with more than 3,000 calories a day were misleading. In four of the months between October 2023 and June 2024, the daily average number of food trucks entering Gaza was below 75 food trucks.

Crucially, during no month between October 2023 and June 2024, using either UNRWA or COGAT data, did the reported number of trucks carrying imports into Gaza come even close to reaching the daily average of 327 trucks (excluding those carrying fuel) that entered in the year preceding Israel's offensive, according to Amnesty International's analysis. The pre-October 2023 baseline reflected only what Israel allowed into Gaza under its unlawful blockade rather than the actual needs of Gaza's population at the time. Considering that, after 7 October 2023, needs drastically increased due to the extent of the large-scale damage and destruction, mass forced displacement, as well as rising rates of malnutrition, disease and conflict-related injuries, many more supplies were needed to sustain civilian life than the restricted amounts allowed prior to the offensive.

Israel cut off the supply of electricity into Gaza as part of its total siege. After blocking the import of fuel for weeks, it began to allow some fuel to enter Gaza in mid-November 2023. However, it tightly controlled both the amount of fuel that could enter Gaza and who could use it. They only authorized UNRWA to import it, leaving other humanitarian actors, hospitals, bakeries and municipalities dependent on whatever fuel UNRWA was able to bring into Gaza. While the amount of fuel approved by the Israeli authorities to enter Gaza fluctuated over time, far less fuel entered Gaza after 7 October 2023 than before that date. The UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated that, between January and June 2024, only 14% of fuel that used to enter Gaza every month prior to October 2023 was actually allowed in, even though more fuel was needed given Israeli cuts to the electricity supply. According to documents shared with Amnesty International, some requests for new or increased fuel use by humanitarian organizations went unanswered by the Israeli authorities for more than two months. These restrictions, combined with extensive damage to and destruction of infrastructure and the displacement of many critical staff, led to a significant reduction of essential services, hugely exacerbating a chronic electricity deficit that predated the offensive and was caused largely by Israel's occupation and apartheid policies and Israeli bombing of critical infrastructure in previous offensives.

Israeli officials maintained that the restrictions they imposed on fuel were necessary to prevent Hamas from diverting it, including to power its rockets. The extent to which Hamas authorities diverted any official fuel imports for military purposes is unclear. Even if fuel was being looted or diverted, this does not justify Israel's continued decision not to provide other energy sources that would allow essential services to operate, most obviously by sending electricity into Gaza through existing or new feeder lines. In April 2024, Israel claimed that nine of the 10 high-voltage lines that transported electricity from Israel into Gaza had been damaged by rocket fire, but did not explain what prevented it from repairing the lines and restoring the electricity supply. Israel also did not explain why, if the damage was caused by rocket fire, government officials announced that Israel was cutting off electricity supply until the hostages were returned.

In early July 2024, eight months after cutting off the electricity supply to Gaza and after huge pressure from its Western allies, Israeli officials announced that Israel would allow the direct supply of electricity to a UN-managed water desalination plant in Khan Younis, thus preventing Hamas from exploiting the energy supply. By 30 September 2024, the Israeli authorities had yet to take this step even though people involved in the project told Amnesty International that the required repairs had been completed. In making the announcement, however, the Israeli authorities demonstrated that there were humanitarian measures available to them to supply power, which they deliberately chose not to adopt.

In parallel with maintaining access restrictions into Gaza, the Israeli authorities also actively, deliberately and repeatedly prevented enough aid and other essential supplies from reaching certain areas of Gaza, particularly those north of Wadi Gaza. Even though the Israeli authorities announced in early January 2024 that they had successfully dismantled Hamas in northern Gaza, they continued restricting humanitarian access to the north. They did so by delaying or refusing requests which were necessary for convoys to cross checkpoints that Israel had established in the military zone it referred to as the “Netzarim Corridor”. They also repeatedly refused to open checkpoints within Gaza earlier and for more hours. They also harassed and delayed, sometimes for hours, humanitarian workers waiting to pass through checkpoints. They also routinely delayed or denied humanitarian missions that aimed to deliver fuel. In January 2024, only 10% of such requests were accepted. The impact on hospitals, as well as water and sanitation facilities, was devastating. Access restrictions to northern Gaza also affected humanitarian organizations’ ability to help critically ill patients who had been cleared for evacuation out of Gaza through the Rafah crossing.

After 7 October 2023, Israel significantly expanded its effective control over Gaza. Nonetheless, despite its obligations as the occupying power, as well as a party to the armed conflict, Israel not only failed to provide for the basic needs of Palestinians living there but also made it nearly impossible for the humanitarian community to provide the necessary volume and diversity of aid and essential services to support civilian life, in contravention of international humanitarian law and international human rights law.

Considering the actual nature of the conditions of life, the fact that Palestinians in Gaza were subjected to them for the entire nine-month period examined, and the specific vulnerability of Gaza’s entire population, which had been pushed into unemployment, poverty and high dependence on humanitarian assistance by Israel’s apartheid and occupation policies even before 7 October 2023, Amnesty International concludes that Israel created conditions in Gaza that would lead to Palestinians’ slow death. It further concludes, as described below, that Israel not only foresaw but intended to inflict conditions of life on Palestinians in Gaza calculated to bring about their destruction. Amnesty International concludes that Israel perpetrated the act of “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”, as prohibited under Articles II(c) of the Genocide Convention.

## SPECIFIC INTENT

In determining whether prohibited acts were perpetrated with the requisite specific intent to destroy Palestinians in Gaza, as such, Amnesty International followed international jurisprudence according to which evidence on genocidal intent must be approached and considered holistically. According to the jurisprudence, genocidal intent may be assessed based on direct evidence or, in its absence, inferred from indirect or circumstantial evidence, including: the general context in which prohibited acts were committed; the existence of a pattern of conduct; the scale and allegedly systematic nature of the prohibited acts; and the scale, nature, extent and degree of casualties and harm against the protected group. In addition, genocide need not be the sole intent: it can co-exist with military goals or be the means to achieve military goals.

Having established that Israel committed acts that are prohibited under the Genocide Convention against Palestinians in Gaza, part of a protected group, between 7 October 2023 and early July 2024, Amnesty International analysed the overall pattern of Israel's conduct in Gaza to determine whether it revealed genocidal intent to destroy Palestinians in Gaza. It reviewed Israeli violations of international law together and cumulatively, taking into account their recurrence and their simultaneous occurrence, compounding each other's harmful impact. The organization also considered the scale and severity of the casualties and destruction repeated over time, in spite of continuous warnings by the UN and Israel's own allies, as well as the multiple binding orders of the ICJ. Finally, it analysed direct evidence of Israel's intent through the statements of Israeli officials with direct responsibilities over the management of the offensive on Gaza, including members of the war and security cabinets as well as senior military officials.

Amnesty International found that the following pattern of conduct indicated genocidal intent: repeated direct attacks on civilians and civilian objects and deliberately indiscriminate strikes over the nine-month period, wiping out entire Palestinian families, repeatedly launched at times when these strikes would result in high numbers of civilian casualties; the repeated use of weapons with wide area effects in densely populated residential neighbourhoods; the speedy, massive and comprehensive destruction of civilian objects and infrastructure, be they homes, shelters, health facilities, water and sanitation infrastructure, agricultural land or other objects essential to the survival of the civilian population; the repeated destruction of civilian objects and infrastructure and of cultural and religious sites, including through bulldozing and controlled demolitions, after Israel had gained military control over them; the sweeping, often incomprehensible, misleading and arbitrary "evacuation" orders, repeated over the nine-month period under review, and directed at an extremely large number of people, which caused their repeated mass forced displacement under unsafe and inhumane conditions with no way out of Gaza; the torture and incommunicado detention of Palestinians from Gaza; and the continuous refusal to allow adequate humanitarian aid and other essentials to reach people in Gaza in the face of international condemnation and legally binding orders by the ICJ.

Critically, it analysed the actual nature of the conditions of life imposed on Palestinians in Gaza and the length of time that they were subjected to them, also taking into consideration

the population's pre-existing vulnerability. Israel's offensive occurred in the context of a 57-year-old occupation. It occurred in the context of Israel's apartheid system against Palestinians, including Palestinians in Gaza, which subjects all Palestinians within Israel and the OPT to an institutionalized regime of oppression and domination. It occurred following four other major Israeli offensives in Gaza since 2008 that massively debilitated Gaza's life-sustaining infrastructure through widespread damage and destruction and made Israeli authorities acutely aware of their direct and reverberating effects on essential services and key infrastructure. It also occurred in the context of Israel's 17-year-old unlawful blockade of Gaza.

Prior to 7 October 2023, according to the UN Conference on Trade and Development (UNCTAD), 80% of Gaza's population was dependent on aid, primarily as a result of the blockade, which had created a chronic humanitarian crisis. Gaza depended on the import of essentials, including food, electricity, water, medicine and fuel, to meet civilian needs. After the start of their offensive on Gaza, the Israeli authorities drastically tightened the existing blockade and imposed further restrictions that controlled the flow of aid and other essentials into Gaza, drastically reduced the availability of energy sources needed to power essential services, and obstructed humanitarian access to large swathes of Gaza, particularly northern Gaza. At times, Israel allowed some humanitarian aid into Gaza in response to international pressure, but this never significantly affected the overall conditions of life imposed on the Palestinians in Gaza.

Israel's unlawful conduct throughout its military offensive resulted in unprecedented harm to Palestinians in Gaza that resulted in the massive scale of killings and serious injuries over an extremely short time, "unimaginable" destruction that rendered Gaza "uninhabitable", and caused, at lightning speed, malnutrition, hunger and the outbreak of multiple diseases. Israel must have been aware of the "objective probability" that these conditions of life would lead to the physical destruction of Palestinians in Gaza. It not only understood the impact of these acts but intended their outcome, as demonstrated by the repeated patterns of unlawful acts over time and the persistence of these acts in the face of international condemnation and UN warnings and in defiance of ICJ orders.

Acts prohibited under the Genocide Convention took place alongside other violations of international law that indicate genocidal intent, such as the incommunicado detention, torture, and other ill-treatment of Palestinians from Gaza, as well as the widespread destruction of cultural, historical and religious sites, including in circumstances after Israel had already gained military control over them and where there was no apparent military necessity.

## **DESTRUCTION OF CULTURAL AND RELIGIOUS SITES**

While the destruction of historical, cultural and religious property or heritage is not considered a prohibited act under the Genocide Convention, the ICJ has established that such destruction can provide evidence of intent to physically destroy the group when carried out deliberately.

Cultural and religious sites across Gaza were destroyed on an unprecedented scale. The joint Interim Damage Assessment published by the World Bank, EU and UN in March 2024



found that 17 universities and about 63% of all heritage sites across Gaza had been destroyed or damaged. They included major landmarks, archaeological sites, religious institutions and monuments. Many were of great importance to Palestinian national identity, collective memory and social fabric.

Amnesty International verified 43 videos documenting 34 attacks on mosques. Of these, 12 mosques were destroyed through controlled demolitions, though the actual level of destruction may be much higher. Already by March 2024, one open-source investigation had identified damage or destruction to 100 mosques and 21 cemeteries.

Under international humanitarian law, Israel must refrain from attacking sites of great importance to cultural heritage unless imperatively required by military necessity. The Israeli military justified the destruction of some mosques and universities on the grounds that they had been employed for military purposes by Hamas or other Palestinian armed groups or that they contained military infrastructure. However, in four of the cases it documented through a review of videos posted by soldiers online and an analysis of satellite imagery, Amnesty International demonstrated that Israeli forces were in control of the sites at the time, suggesting that there was no imperative military necessity for their destruction. Rather, this destruction of Palestinian cultural and religious sites appears to have been considered the very purpose and goal of Israeli soldiers' actions.

The sites included two buildings forming part of Al-Azhar University's Al-Mughraqa campus and Israa University's Al-Zahra campus, both located in the south of Gaza City, south of the military zone known as the "Netzarim Corridor"; Al-Dhilar mosque and an adjacent cemetery in Bani Suheila, Khan Younis; and Al-Istiqlal mosque in Khan Younis. With the exception of the cemetery in Bani Suheila, which was destroyed with bulldozers, all were destroyed in controlled demolitions with manually laid explosives between December 2023 and January 2024. In a video published on social media on 7 December 2023, which showed the controlled demolition of Al-Azhar University's Al-Mughraqa campus, Israeli soldiers were singing and cheering. One of them is heard saying: "Take this! Happy Hannukah, people of Israel. There once was a university".

## **DEHUMANIZATION OF PALESTINIANS AND STATEMENTS ON DESTRUCTION OF PALESTINIANS**

Bearing in mind that genocide is the culmination of a process often accompanied by the othering and dehumanization of the protected group and that the use of derogatory language towards the group can provide evidence of genocidal intent, Amnesty International examined Israeli officials' use of dehumanizing, racist and derogatory rhetoric against Palestinians prior to the offensive, showing how this long-standing use of such language, coupled with a failure to effectively investigate and prosecute anti-Palestinian incitement and advocacy of hatred, had resulted in an environment where anti-Palestinian incitement and advocacy of hatred was allowed to spread unchecked. By 2023, the levels of hate speech and incitement had reached alarming heights, reflecting a deeply ingrained and escalating racism towards Palestinians within Israeli society. Following 7 October 2023, such rhetoric escalated significantly, further permeating Israeli society.

Israel's unlawful acts were often announced, called for and urged in the first place by officials in Israel's war and security cabinets, who called for the destruction of Palestinians in Gaza in

public and widely circulated statements. Many of the unlawful acts identified by Amnesty International were preceded by officials urging their implementation. Amnesty International analysed 102 statements made by Israeli government officials, high-ranking military officers, and members of the Knesset made between 7 October 2023 and 30 June 2024 which dehumanized Palestinians, or called for, or justified genocidal acts or other crimes under international law against them. Of these, it identified 22 statements that were specifically made by members of Israel's war and security cabinets, who included Prime Minister Netanyahu, then Minister of Defense Gallant and other government ministers, by high-ranking military officers and by Israel's president between 7 October 2023 and 30 June 2024. These statements appeared to call for, or justify, genocidal acts.

Also, the language used by Israeli officials was frequently repeated, including by soldiers in Gaza, apparently explaining the rationale for their behaviour. This is evidenced by Amnesty International's analysis of 62 videos, audio recordings and photographs posted online showing Israeli soldiers in which they made calls for the destruction of Gaza or the denial of essential services to people in Gaza, or celebrated the destruction of Palestinian homes, mosques, schools and universities, including through controlled demolitions, in some cases without apparent military necessity. Of these, 31 called orally or in writing for the annihilation, destruction, burning or "erasure" of Gaza, or used other similar rhetoric. The existence of a large number of these public videos and statements highlights not only systemic impunity but also the creation of an environment that emboldens, if not tacitly rewards, such behaviour.

### **INTENT TO DESTROY PALESTINIANS**

The existence of military objectives – including the eradication of Hamas – in no way undermines or belies the existence of genocidal intent. The Israeli authorities argue that their military forces lawfully targeted Hamas and other Palestinian armed groups throughout Gaza and that the resulting unprecedented destruction and denial of aid were the outcome of Hamas' co-location among Palestinian civilians and its diversion of aid, respectively. However, even where Hamas fighters were located near or within densely populated areas, Israel was obligated to take all feasible precautions to spare civilians and avoid attacks that would be indiscriminate or disproportionate. Amnesty International, numerous other human rights organizations and UN experts have found that Israel repeatedly failed to do so. Israel committed multiple war crimes and other crimes under international law for which there can be no justification based on Hamas' actions. Amnesty International has also not found evidence that the possible diversion of aid by Hamas explained the actions Israel took in blocking, restricting and impeding the entry and delivery of aid and other items necessary for life into and within Gaza.

Amnesty International likewise considered and rejected the argument that Israel is acting recklessly, without specific intent to destroy Palestinians in Gaza. Many of Israel's unlawful acts are, by definition, intentional, including arbitrary and unlawful detention and torture. Similarly, Israel's denial and restriction of humanitarian aid was precise and deliberate, with no indication of recklessness. Israel's repeated mass "evacuation" orders of Gaza's population to areas that lacked the basic infrastructure to support life, coupled with its failure

to allow the temporary relocation of civilians to other parts of the OPT or to enter Israel, were clearly designed to confine Palestinians to an ever smaller and more inhospitable area of Gaza, with insufficient humanitarian aid and other essentials, and thus to intentionally cause mass displacement under inhuman and unliveable conditions.

In addition, Amnesty International considered arguments advanced by some observers that Israel did not intend the destruction of Palestinians; instead, it wanted to destroy Hamas and simply did not care if it needed to destroy Palestinians in the process. This is either another articulation of the recklessness argument rejected above, or it is suggesting that Israel believes it must destroy Palestinians in order to destroy Hamas and simply does not care sufficiently about Palestinian life to reject that course. In other words, the destruction of Palestinians is instrumental to destroying Hamas. Yet, instrumental intent, destroying Palestinians in order to destroy Hamas, is still genocidal intent.

Moreover, this disregard for Palestinian life is itself evidence of genocidal intent as it indicates a view by the Israeli government and military officials that Palestinians' lives are not worth considering. Viewing those targeted as subhuman is a consistent feature of genocide. In this respect, Israel's long-standing dehumanization of Palestinians under apartheid and occupation policies, and its separation policy towards Gaza specifically, which oppresses Palestinians and treats them as an inferior racial group undeserving of basic human rights and necessities, had laid the ground for the genocidal acts that followed 7 October 2023.

Finally, Amnesty International recognizes that Israel's policy towards Gaza may have been driven by different motives held by various officials in the government. Ultimately, as long as genocidal intent is clear, the underlying motive of individual officials does not matter – whether it be security, revenge, a resolve to remain in power, the desire to show overwhelming strength in the region, or the pursuit of Gaza's resettlement.

The evidence presented in the report clearly shows that the destruction of Palestinians in Gaza, as such, was Israel's intent, either in addition to, or as a means to achieve, its military aims. There is only one reasonable inference that can be drawn from the evidence presented: genocidal intent has been part and parcel of Israel's conduct in Gaza since 7 October 2023, including its military campaign.

## **CONCLUSION AND RECOMMENDATIONS**

Amnesty International has found sufficient basis to conclude that Israel committed, between 7 October 2023 and July 2024, prohibited acts under the Genocide Convention, namely killing, causing serious bodily or mental harm and deliberately inflicting on Palestinians in Gaza conditions of life calculated to bring about their physical destruction in whole or in part. Amnesty International has also concluded that these acts were committed with the specific intent to destroy Palestinians in Gaza, as such, who form a substantial part of the Palestinian population, which constitutes a group protected under the Genocide Convention.

Accordingly, Amnesty International concludes that following 7 October 2023, Israel committed and is committing genocide against Palestinians in Gaza. Further investigations by the ICJ and the UN Independent International Commission of Inquiry on the Occupied

Palestinian Territory, including East Jerusalem, and Israel, are required to examine Israel's responsibility under the Genocide Convention and indicate appropriate remedies.

Although this report focused on a nine-month period, Israel's policies, actions and omissions do not appear to have changed in any significant way. In fact, since Amnesty International completed its research, Israel's offensive in Gaza expanded. In August, September and October 2024, more people in Gaza were displaced, more people were killed and injured in Israel's attacks, and more people were detained amidst concerns of torture and other ill-treatment. Once again, Israeli forces ordered Palestinian civilians living north of Wadi Gaza to leave the area while continuing their relentless bombardment, and, once again, the area was cut off from aid, with many facing starvation.

Amnesty International recognizes that there is resistance and hesitancy among many, mainly other states, in finding genocidal intent when it comes to Israel's conduct in Gaza. This resistance has impeded justice and accountability with respect to past conflicts around the world and should be avoided in the future. Amnesty International concedes that identifying genocide in armed conflict is complex and challenging, because of the multiple objectives that may exist simultaneously. Nonetheless, it is critical to recognize genocide when it occurs in the context of armed conflict, and to insist that war can never excuse it.

To stop the commission of prohibited acts, prevent any such acts in the future, and ensure accountability and full reparation, Amnesty International is making a range of recommendations to the Israeli authorities, third states, the UN and regional organizations, the Office of the Prosecutor of the ICC, and the Palestinian authorities. It has provided an overview of its main recommendations below.

As a priority, Israel must take the necessary actions to urgently end the commission of prohibited acts under the Genocide Convention against Palestinians in Gaza and to prevent the further commission of any such acts by any of its state organs. It must also engage fully with any international investigations into genocide as well as proceedings before the ICJ, including by complying with all provisional measures issued by this court since 26 January 2024. Amnesty International is also calling on Israel to urgently improve the humanitarian situation in Gaza in line with its obligations as the occupying power, as well as its obligations as a party to the armed conflict, and to reverse all policies and actions that have resulted in the rapid deterioration of conditions of life in Gaza. This must start by allowing the unhindered passage into and within Gaza of sufficient, safe and affordable quantities of essential goods and materials necessary for the reconstruction and repair of damaged and destroyed civilian property and infrastructure. Israel must also immediately open all available aid routes and access points and ensure that the basic needs of people living in Gaza are met. It must enable access to essential services, through the sufficient and continuous supply of electricity and fuel. Amnesty International is calling on Israel to allow all Palestinians forcibly displaced since 7 October 2023 to return to their areas of residence or any other areas of their choosing in Gaza, including to areas located north of Wadi Gaza. Similarly, all civilians residing in the area located north of Wadi Gaza must be allowed free passage to the area located south of it if they so wish, without any undue restrictions on their movement. Until homes are rebuilt, Israel must ensure access to temporary dignified

housing. Israel must allow all patients in need of urgent medical treatment not available in Gaza access to healthcare in other parts of the OPT or abroad, and allow their return after their treatment.

Amnesty International renews its call on Israel, Hamas and other Palestinian armed groups to agree to an immediate, sustained ceasefire. Similarly, only drastic systemic change will ultimately put an end to Israeli crimes under international law, provide victims with full and effective reparations and reduce the risk of genocidal acts in the future. This requires Israel to end its unlawful occupation of Gaza and the rest of the OPT in line with the ICJ's advisory opinion of 19 July 2024 and to dismantle its apartheid system, including the 17-year-old blockade that controls and oppresses Palestinians in Gaza.

Strong and sustained international action is required to ensure that Israel implements these recommendations. In line with their obligation to prevent and punish acts of genocide, Amnesty International calls on all states, particularly those with influence over Israel, including its strongest allies such as the USA, the UK, Germany, and certain other EU member states, to take urgent steps to bring an end to all Israeli conduct in Gaza which may amount to genocide. As a first step, they must ensure that Israel duly implements all provisional measures ordered by the ICJ since 26 January 2024. In line with the ICJ's advisory opinion of 19 July 2024, states must not render aid or assistance in maintaining the unlawful situation created by Israel's continued occupation of the OPT, reinforced through apartheid.

States must also urgently oppose any attempts by Israel to establish a permanent military presence in Gaza, alter its borders and demographic make-up or shrink its territory, including through any expanded buffer zones or the construction of permanent checkpoints inside Gaza. To stop fuelling violations of international law, they must immediately suspend the direct and indirect supply, sale or transfer, to Israel of all weapons and other military equipment, and stop the provision of training and other military and security assistance. Amnesty International is also calling on states to adopt adequate policies to ensure that private legal entities registered in their jurisdiction cease the provision of military services, technology and supplies used by Israel in its military operations in Gaza.

States can and should also take actions to ensure justice and accountability for any alleged crimes under international law, including war crimes, crimes against humanity and genocide, perpetrated in Gaza since 7 October 2023 by exercising domestic, universal or other forms of extraterritorial criminal jurisdiction, pressuring Israel to allow entry into Gaza of members and staff of any international investigative or UN-mandated mechanism, supporting the investigation of the Office of the Prosecutor of the ICC into crimes allegedly committed in Israel and the OPT, including through executing any ICC arrest warrants.

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 and to promptly investigate and prosecute apartheid as a crime against humanity. The Office of the Prosecutor should also publicly condemn attacks on NGOs that are targeted for their work on international justice. In line with the Office of the Prosecutor's Policy on Complementarity and Cooperation, where

appropriate, Amnesty International is also calling on the Office to consider cooperating and sharing information with national authorities concerning crimes under international law committed in Israel and the OPT to ensure that states investigate and prosecute such crimes where they have jurisdiction.

In light of the unprecedented number of deaths and injuries of Palestinians in Gaza and the deadly attacks perpetrated by Hamas and other Palestinian armed groups in southern Israel, Amnesty International is renewing its call on the UN Security Council to impose a comprehensive arms embargo on Israel, Hamas and other and Palestinian armed groups operating in Gaza. The UN Security Council should also impose targeted sanctions, such as asset freezes, against Israeli and Hamas officials most implicated in crimes under international law, including those committed in the context of Israel's ongoing offensive on Gaza. Finally, the UN Security Council should take steps to advance the withdrawal by Israel from the OPT, in line with the ICJ's advisory opinion of 19 July 2024 and the UN General Assembly resolution of 18 September 2024 demanding that Israel end its unlawful presence and policies in the OPT within 12 months.

To break with the cycle of abuse, Amnesty International is also making a set of recommendations to Hamas, including to immediately and unconditionally release civilian hostages and ensure all captives are treated humanely and visited by the International Committee of the Red Cross (ICRC) and other international monitors. Meanwhile, authorities of the State of Palestine should expedite the opening of investigations into all allegations of crimes under international law and other serious human rights violations committed by members of Palestinian armed groups, with a view to bringing those reasonably suspected of individual criminal responsibility to trial in proceedings that meet international standards, without recourse to the death penalty.

# 2. SCOPE AND METHODOLOGY

## 2.1 SCOPE

This report focuses on the Israeli authorities' policies and actions in the occupied Gaza Strip (Gaza) in the context of the military offensive they launched in the wake of attacks on Israel carried out by Hamas and other Palestinian armed groups on 7 October 2023. It assesses them within the framework of genocide under international law to determine whether there is sufficient evidence to support a conclusion that Israel's conduct in Gaza following 7 October 2023 amounts to genocide. It does so to contribute to the widespread debates that exist in international and national political, diplomatic, media, human rights, humanitarian and academic circles across the world on whether genocide is being perpetrated in Gaza. This is an urgent question given the devastating, ongoing situation in Gaza, on the one hand, and the fact that genocide is considered among "the most serious crimes of concern to the international community as a whole".<sup>1</sup> In the short term, Amnesty International's goal is to stop and prevent acts that may be genocidal. In the longer term, its aim is to support measures aimed at accountability for crimes under international law and other serious human rights violations, including genocide.

Since late 2023, genocide and legal scholars, UN experts, as well as Palestinian and international civil society organizations have issued articles, statements and reports analysing Israel's conduct in Gaza within the framework of genocide under international law. In the context of the proceedings it initiated against Israel before the International Court of Justice (ICJ) over alleged breaches of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), South Africa also provided its own legal analysis of Israel's actions in Gaza, determining that they constitute genocide against the Palestinian people in Gaza.<sup>2</sup> Other states have since made public their own legal determination of genocide as part of their applications to the ICJ to intervene in the case.<sup>3</sup> The UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territory Occupied since

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<sup>1</sup> Rome Statute of the International Criminal Court (Rome Statute), Preamble.

<sup>2</sup> See section 3.2.4 "International response".

<sup>3</sup> See section 3.2.4 "International response".

1967 reached similar conclusions in her reports in 2024.<sup>4</sup> Meanwhile, the UN Special Rapporteur on the Right to Food concluded that Israel “has engaged in an intentional starvation campaign against the Palestinian people which evidences genocide and extermination”.<sup>5</sup>

To reach a determination on whether Israel’s conduct in Gaza amounts to genocide, Amnesty International first examined whether Palestinians in Gaza constitute part of a national, ethnical, racial or religious group. It then focused on three out of the five prohibited acts under the Genocide Convention: “killing members of the group”; “causing serious bodily or mental harm to members of the group”; and “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”. It also examined whether Israel committed these acts with the specific “intent to destroy, in whole or in part, [the] group, as such”.<sup>6</sup> Its legal analysis was guided by extensive research on genocidal intent as well as engagement with external legal experts on genocide.

In doing so, Amnesty International built on its existing documentation of Israeli violations of international humanitarian law and international human rights law in Gaza. The organization has published numerous outputs in which it has outlined the findings of its investigations into possible war crimes, including direct attacks on civilians and civilian objects or indiscriminate attacks;<sup>7</sup> torture and other ill-treatment, including sexual violence;<sup>8</sup> wanton destruction of civilian objects;<sup>9</sup> the collective punishment of Gaza’s population through the tightening of the

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<sup>4</sup> UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, *Anatomy of a Genocide*, 1 July 2024, UN Doc. A/HRC/55/73; UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, *Genocide as Colonial Erasure*, 1 October 2024, UN Doc. A/79/384.

<sup>5</sup> UN Special Rapporteur on the Right to Food, *Starvation and the Right to Food, with an Emphasis on the Palestinian People’s Food Sovereignty*, 17 July 2024, UN Doc. A/79/171.

<sup>6</sup> UN Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), Article II.

<sup>7</sup> Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”, 20 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza>; Amnesty International, “Nowhere safe in Gaza: Unlawful Israeli strikes illustrate callous disregard for Palestinian lives”, 20 November 2023, <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-nowhere-safe-in-gaza-unlawful-israeli-strikes-illustrate-callous-disregard-for-palestinian-lives>; Amnesty International, “Israel/OPT: US-made munitions killed 43 civilians in two documented Israeli air strikes in Gaza – new investigation”, 5 December 2023, <https://www.amnesty.org/en/latest/news/2023/12/israel-opt-us-made-munitions-killed-43-civilians-in-two-documented-israeli-air-strikes-in-gaza-new-investigation>;

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Amnesty International, “Israel/OPT: Israeli attacks targeting Hamas and other armed group fighters that killed scores of displaced civilians in Rafah should be investigated as war crimes”, 27 August 2024, <https://www.amnesty.org/en/latest/news/2024/08/israel-opt-israeli-attacks-targeting-hamas-and-other-armed-group-fighters-that-killed-scores-of-displaced-civilians-in-rafah-should-be-investigated-as-war-crimes>

<sup>8</sup> Amnesty International, “Israel must end mass incommunicado detention and torture of Palestinians from Gaza”, 28 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/israel-must-end-mass-incommunicado-detention-and-torture-of-palestinians-from-gaza>

<sup>9</sup> Amnesty International, “Israel/OPT: Israeli army threats ordering residents of northern Gaza to leave may amount to war crimes”, 25 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-israeli-army-threats-ordering-residents-of-northern-gaza-to-leave-may-amount-to-war-crimes>; Amnesty International, “Israel/OPT: Israeli military must be investigated for war crime of wanton destruction in Gaza – new investigation”, 5 September 2024, <https://www.amnesty.org/en/latest/news/2024/09/israel-opt-israeli-military-must-be-investigated-for-war-crime-of-wanton-destruction-in-gaza-new-investigation>



blockade and the deliberate denial of essential services and goods;<sup>10</sup> and other serious violations of international humanitarian law, such as mass forced displacement.<sup>11</sup> Amnesty International has previously concluded that Israel's ongoing system of oppression and domination against Palestinians, including as maintained through the blockade of Gaza, amounts to the crime against humanity of apartheid.<sup>12</sup>

Nonetheless, this report covers only a small fraction of the allegations of violations and crimes under international law perpetrated by Israel in Gaza in the wake of attacks by Hamas and other Palestinian armed groups on 7 October 2023. Amnesty International conducted the research for this examination into genocide as Israel's offensive on Gaza continued and expanded. A fuller assessment will only be possible after Israel's current offensive has ended.

Amnesty International recognizes that many of the Israeli authorities' policies and actions in Gaza that are considered in this report may fall too within the framework of crimes against humanity. However, a key distinction between crimes against humanity and genocide is that a crime against humanity is part of a widespread or systematic attack against a civilian population, whereas genocide must be directed at a national, ethnical, racial or religious group and seek the physical or biological destruction, in whole or in part, of that group. Accordingly, because of the overwhelming impact specifically on Palestinians as a group, this report analyses Israel's action within the framework of genocide. Amnesty International has consistently rejected a hierarchy of crimes and considers both crimes against humanity and genocide to be equally serious crimes under international law.

Amnesty International conducted most of the research for this report between October 2023 and July 2024. In doing so, it focused on the situation on the ground during the nine-month period between 7 October 2023 and early July 2024. While it conducted follow-up interviews in August and September wherever it needed to verify or corroborate information, the organization focused on events in Israel and the OPT documented within this period. However, it has continued its analysis of the situation since then. Consequently, it has updated certain key overarching data, such as figures relating to deaths, injuries, damage assessments, food insecurity and displacement, until the end of September or early October 2024, that is, until around a year into the conflict. It has updated its analysis of relevant international commentary related to the period under review until the end of November 2024. These include some observations and assessments by UN mechanisms, developments in cases before international courts and major policy shifts by international actors.

Israel's offensive on Gaza continued beyond the period of research for this report. In August, September and October 2024, more people in Gaza were displaced, more people were killed

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<sup>10</sup> Amnesty International, "Israel defying ICJ ruling to prevent genocide by failing to allow adequate humanitarian aid to reach Gaza", 26 February 2024, <https://www.amnesty.org/en/latest/news/2024/02/israel-defying-icj-ruling-to-prevent-genocide-by-failing-to-allow-adequate-humanitarian-aid-to-reach-gaza>

<sup>11</sup> Amnesty International, "Urgent statement from Chief Executives of humanitarian agencies and human rights organizations on Rafah, Gaza", 18 February 2024, <https://www.amnesty.org/en/latest/news/2024/02/urgent-statement-from-chief-executives-of-humanitarian-agencies-and-human-rights-organizations-on-rafah-gaza>

<sup>12</sup> Amnesty International, *Israel's Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity* (Index: MDE 15/5141/2022), 1 February 2022, <https://amnesty.org/en/documents/mde15/5141/2022/en>

and injured in Israel's attacks, and more people were detained amidst concerns that they might face torture and other ill-treatment. Once again, Israeli forces ordered Palestinian civilians living in the area north of Wadi Gaza to leave the area while continuing their relentless bombardment and, once again, the area was cut off from aid, with many facing starvation.<sup>13</sup> The organization's investigations into violations and crimes under international law are ongoing.

Given that Amnesty International's research is focused on Palestinians in Gaza as a substantial part of the broader group of Palestinians, the report's geographical scope is limited to Gaza. Therefore, it does not address Israeli violations perpetrated against Palestinians in the occupied West Bank, including East Jerusalem, in the context of Israel's increased repression through arbitrary restrictions on movement, an alarming spike in state-backed settler violence, the unlawful use of lethal force, mass arrests, torture and other ill-treatment, and forcible transfer, as well as aggressive settlement construction and expansion.<sup>14</sup> These violations have been the focus of a separate investigation.

Nor are violations perpetrated by Hamas and other Palestinian armed groups against Israeli and other nationals during attacks on southern Israel on 7 October 2023 the focus of this report. Amnesty International has published its preliminary research on these attacks and violations against hostages and captives held by Hamas and other Palestinian armed groups in four press releases since 7 October 2023.<sup>15</sup> It expects to set out its comprehensive findings and legal conclusions in a forthcoming report. The organization is also continuing its investigations into violations perpetrated by Hamas and other Palestinian armed groups against both Israeli and Palestinian civilians in the context of the ongoing conflict with Israel and does not address them in detail in this report. It does, however, refer to violations by

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<sup>13</sup> Office of the UN High Commissioner for Human Rights (OHCHR), "OHCHR is concerned about the potential destruction of the Palestinian population in north Gaza", 20 October 2024, <https://www.un.org/unispal/document/ohchr-press-release-20oct24>

<sup>14</sup> Amnesty International, "Israel/OPT: Horrifying cases of torture and degrading treatment of Palestinian detainees amid spike in arbitrary arrests", 8 November 2023, <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-horrifying-cases-of-torture-and-degrading-treatment-of-palestinian-detainees-amid-spike-in-arbitrary-arrests>; Amnesty International, "Shocking spike in use of unlawful lethal force by Israeli forces against Palestinians in the occupied West Bank", 5 February 2024, <https://www.amnesty.org/en/latest/news/2024/02/shocking-spike-in-use-of-unlawful-lethal-force-by-israeli-forces-against-palestinians-in-the-occupied-west-bank>; Amnesty International, "State-backed deadly rampage by Israeli settlers underscores urgent need to dismantle apartheid", 22 April 2024, <https://www.amnesty.org/en/latest/news/2024/04/state-backed-deadly-rampage-by-israeli-settlers-underscores-urgent-need-to-dismantle-apartheid>; Amnesty International, "Israel/OPT: Palestinians face drastic escalation in unlawful killings, displacement as Israel launches West Bank military operation", 28 August 2024, <https://www.amnesty.org/en/latest/news/2024/08/israel-opt-palestinians-face-drastic-escalation-in-unlawful-killings-displacement-as-israel-launches-west-bank-military-operation>

<sup>15</sup> Amnesty International, "Israel/OPT: Civilians on both sides paying the price of unprecedented escalation in hostilities between Israel and Gaza as death toll mounts", 7 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-civilians-on-both-sides-paying-the-price-of-unprecedented-escalation-in-hostilities-between-israel-and-gaza-as-death-toll-mounts>; Amnesty International, "Israel: Palestinian armed groups must be held accountable for deliberate civilian killings, abductions and indiscriminate attacks", 12 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/israel-palestinian-armed-groups-must-be-held-accountable-for-deliberate-civilian-killings-abductions-and-indiscriminate-attacks>; Amnesty International, "Israel/OPT: Hamas and other armed groups must release civilian hostages and treat all captives humanely", 7 November 2023, <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-hamas-and-other-armed-groups-must-release-civilian-hostages-and-treat-all-captives-humanely>; Amnesty International, "Israel/OPT: Hamas and other armed groups must immediately release civilians held hostage in Gaza", 12 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/israel-opt-hamas-and-other-armed-groups-must-immediately-release-civilians-held-hostage-in-gaza>

Hamas and other Palestinian armed groups wherever their conduct is relevant to this report's analysis.

With regard to its legal assessment, Amnesty International analysed genocide under the framework of state responsibility, that is, the responsibility of the state as a legal entity under international law; the organization did not engage in an analysis of the possible criminal responsibility of individuals.

## 2.2 METHODOLOGY

### 2.2.1 RESEARCH AND ANALYSIS

This report is based on Amnesty International's field and desk research into violations perpetrated by Israel in Gaza between 7 October 2023 and early July 2024. It builds on the organization's findings published in separate outputs since 7 October 2023.

The Israeli authorities have repeatedly rejected – or failed to respond to – Amnesty International's requests to access Gaza since 2012. They rejected the organization's most recent request on 3 June 2024 on security grounds, stating that entry into Gaza was only possible in urgent cases and for humanitarian reasons, given that Gaza was a war zone. Equally, the Egyptian authorities have, on several occasions, rejected – or failed to respond to – Amnesty International's requests to access Gaza via Rafah made since 2014, most recently on 24 October 2024.

Between October 2023 and September 2024, Amnesty International interviewed 212 people, some of them several times, to document Israel's pattern of conduct in Gaza. Those interviewed included Palestinian victims and witnesses, including survivors, of air strikes and victims or witnesses of displacement, detention, the destruction of farms, homes and agricultural land and individuals who faced the impact of Israel's restrictions on humanitarian aid. Many reported multiple violations. To understand concerns related to humanitarian access and conditions of life in Gaza, Amnesty International also spoke with members of local authorities in Gaza, Palestinian healthcare workers operating in medical facilities in Gaza and individuals involved in the humanitarian response in Gaza, including staff of international, Israeli and Palestinian non-governmental organizations (NGOs) and UN agencies.

While the vast majority of Palestinian victims and witnesses, including survivors, interviewed in the context of this research were based in Gaza at the time of the interview, one individual was based in Egypt. Without access, Amnesty International had to rely on trusted fieldworkers based in Gaza to identify or locate survivors, victims and other witnesses among the Palestinian population in Gaza, document preliminary information, collect and analyse photographic evidence and make observations during field visits. In most cases, Amnesty International researchers conducted in-depth interviews remotely over voice or video calls with the individuals identified. Wherever interviewees did not have access to working phones, fieldworkers were present during the interview to facilitate communication with the

organization's researchers. In a few cases, clarified in footnote references, the fieldworkers themselves conducted in-depth interviews with victims and witnesses in Gaza following guidance prepared by Amnesty International researchers. In such instances, Amnesty International researchers followed up remotely to verify key details included in interview records. All interviews with Palestinian victims and witnesses, medical workers and representatives of local authorities were conducted in Arabic without interpretation. When quoting from these individuals, Amnesty International translated their words into English for the purpose of this report.

The interviews with those involved in the humanitarian response were conducted remotely with humanitarian workers and officials working in Israel and different parts of the OPT, Egypt and Jordan. All interviews with staff of UN agencies and Palestinian NGOs were conducted in English. Interviews with Israeli civil society organizations were conducted in English and Arabic.

Some names and identifying details of individuals whose cases, or interviews, are featured in this report have been withheld to respect their wishes or protect their security. Almost all humanitarian workers interviewed asked Amnesty International not to mention their names in this report and to cite public materials issued by their or other organizations where possible. Some were willing to be quoted on condition of anonymity. Others preferred Amnesty International not to refer to the interview with them. The text, including the footnotes citing interviews, is reflective of those wishes.

Amnesty International analysed an extensive range of visual and digital evidence related to the conduct of Israeli forces in Gaza, including satellite imagery, video footage and photographs posted on social media or obtained directly by the organization's researchers. It authenticated and, where possible, geolocated video footage and photographs. It reviewed an extensive collection of media reports; statements, reports and datasets published by UN agencies, including the UN Office for the Coordination of Humanitarian Affairs (OCHA), the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the World Health Organization (WHO) and humanitarian organizations operating in Gaza, as well as Palestinian and Israeli human rights groups. Similarly, it reviewed statements by senior Israeli government and military officials, and official Israeli bodies, including the Israeli military and the Coordination of Government Activities in the Territories (COGAT), a unit within the Ministry of Defense tasked with administering civilian matters in the Occupied Palestinian Territory (OPT), and submissions made to and decisions taken by Israeli courts. It also examined publicly available material relating to South Africa's case against Israel at the ICJ.

Amnesty International reviewed oral statements, including televised speeches, by Israeli officials in their original language, listening to the speaker's oral delivery and observing the physical gestures accompanying it. It also reviewed the official translations into English wherever they were available. It wanted to examine the different ways in which the intended audience would have interpreted the statements. When quoting from oral statements in Hebrew or Arabic, it relied on the official English translation when possible, checking it against the transcript in Hebrew and the original speech. It indicated in its analysis wherever it found discrepancies between the translation and the original statement or its transcript. In

all cases, it has provided references specifying the online location of oral statements in their original language.

Amnesty International reviewed written statements by Israeli officials in Hebrew, as well as their official translations into English. When quoting from these written statements, it used the official translation when it felt this was faithful to the original. It provided references specifying the online location of written statements in their original language.

Where relevant to its analysis of Israel's conduct in Gaza, particularly in the context of its investigations into Israeli air strikes, Amnesty International also reviewed official statements by Hamas and other Palestinian armed groups.

## **2.2.2 ENGAGEMENT WITH ISRAELI AND HAMAS AUTHORITIES**

Over the years, Amnesty International has sought to engage with the Israeli authorities in a constructive dialogue over its findings and has attempted to do so repeatedly since October 2023.

Amnesty International submitted to the Israeli Ministry of Defense a summary of its findings on each of the 15 air strikes that informed its analysis on the prohibited acts of “killing members of the group” and “causing them serious bodily or mental harm”. It did this in five pieces of correspondence, each covering different attacks, which were dated 30 October 2023, 23 November 2023, 18 January 2024, 24 January 2024 and 7 May 2024. Amnesty International renewed its request to the Israeli Ministry of Defense for information on all 15 air strikes on 16 October 2024. In the same letter, it summarized its findings related to cases of destruction of cultural and religious sites and enquired about the reasons for their destruction. It also summarized its findings on conditions of life in Gaza and enquired about widescale destruction and damage to objects indispensable to the survival of the civilian population, mass displacement of the population through “evacuation” orders, and the denial and obstruction of essential services and life-saving supplies.

With regards to potentially genocidal or dehumanizing statements, Amnesty International sent letters to the Speaker of the Knesset and to the Military Advocate General on 18 February 2024 to enquire whether any measures had been initiated against, respectively, Knesset members and military officers implicated in incitement to violence against Palestinian civilians in Gaza and/or whose statements contained dehumanizing or racist language and/or potential direct and public incitement to commit genocide. It sent a follow-up letter to the Military Advocate General on 16 October 2024 seeking information about any investigations opened into statements or conduct by Israeli soldiers in Gaza since 7 October 2023.

On 16 October 2024, Amnesty International sent a letter to the Attorney General to enquire whether any criminal investigations had been initiated against the president, the prime minister, other ministers or members of the Knesset over alleged incitement to violence or racism. The letters sent to the Military Advocate General and to the Attorney General covered all statements referenced by Amnesty International in this report.

On 2 July 2024, Amnesty International sent a letter to the Military Advocate General with questions regarding the destruction of agricultural land and civilian buildings in the area of Gaza adjacent to the border fence with Israel.

On 11 July 2024, Amnesty International sent a request to COGAT for more detailed data on access to Gaza for humanitarian aid.

Despite multiple calls and emails to the institutions in question, Amnesty International had not received a substantive response to any of its letters to the Israeli authorities by the time of publication.

Amnesty International also wrote to the Hamas authorities.

On 12 July 2024, it sent a letter to the Attorney General regarding the alleged presence of armed group fighters in camps for internally displaced people. On 24 October 2024, it sent another letter to the Attorney General requesting information on any investigations undertaken by authorities in Gaza into violations of international law by Palestinian armed groups in Gaza and any measures taken to oversee their conduct in hostilities. It had not received a reply to this letter by the time of publication.

On 24 October 2024, it also sent a letter to Hamas's Political and International Relations Department, sharing initial findings concerning the conduct of Hamas fighters in Gaza and requesting information about any measures taken by the Hamas leadership to protect Palestinian civilians and property from harm or to investigate suspected violations of international law. It received a 10-page response on 13 November 2024 and has reflected key elements that relate to Hamas's actions and positions at relevant points in this report. The response also condemned Israel's actions during its offensive on Gaza.

### **2.2.3 ACKNOWLEDGEMENTS**

Amnesty International is deeply grateful to all those who participated in, and assisted with, the research and provided information. In particular, it would like to thank all Palestinians in Gaza who shared their experiences while enduring unspeakable loss, grief and trauma. They agreed to speak with the organization amid severe communication difficulties and while living under inhumane conditions. Some were digging the remains of their loved ones out of the rubble of their destroyed homes; others were receiving treatment or recovering from surgery in which their limbs had just been amputated. All faced the massive challenge of surviving and seeking safety for their families, while trying to come to terms with immeasurable loss. Some of those who facilitated Amnesty International's work or gave interviews were later killed or injured, leaving a huge impact on those who knew them within the organization.

Amnesty International also extends its appreciation to its fieldworkers, who have gathered evidence across Gaza tirelessly and with tremendous professionalism since 7 October 2023. They have worked under extremely difficult conditions, partly because they themselves have been displaced on multiple occasions, and often at great personal risk.

# 3. BACKGROUND AND CONTEXT

## 3.1 SITUATION IN GAZA PRIOR TO 7 OCTOBER 2023

In 2023, there were nearly 5.5 million Palestinians living in the OPT, an area comprising the West Bank, including East Jerusalem, and the Gaza Strip,<sup>16</sup> which Israel captured in June 1967 during an armed conflict with its Arab neighbours.<sup>17</sup> Of these, some 3.3 million lived in the occupied West Bank, including East Jerusalem. Approximately 2.2 million Palestinians lived in Gaza.<sup>18</sup> Some 70% of Gaza's population were Palestine refugees – those who were forcibly displaced from their homes and towns in 1948 by Zionist paramilitary groups or by the newly established Israeli military in what amounted to ethnic cleansing and is known to Palestinians as the Nakba,<sup>19</sup> and their descendants.<sup>20</sup> The Israeli authorities continue to deny them their right to return.<sup>21</sup>

### 3.1.1 DISPOSSESSION, PROLONGED OCCUPATION AND APARTHEID

Before 1948, the Gaza Strip was part of the Gaza sub-district of the Gaza district – which also included the sub-district of Beersheba – in Mandatory Palestine, home to just over 80,000 Palestinians.<sup>22</sup> Within months, its population more than tripled after Israel uprooted and

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<sup>16</sup> UN, “State of Palestine: Total Population”, <https://population.un.org/wpp/Graphs/Probabilistic/POP/TOT/275> (accessed on 3 August 2024).

<sup>17</sup> Since 1967, Israel has been administering different parts of the OPT in different ways. Soon after the start of its occupation, it unlawfully and unilaterally annexed East Jerusalem, subjecting Palestinians living there to Israeli civil law. Meanwhile, it governed those in the rest of the occupied West Bank and Gaza under military law and regulations.

<sup>18</sup> Palestinian Central Bureau of Statistics (PCBS), Population data, 2023, [https://www.pcbs.gov.ps/site/lang\\_en/881/default.aspx#Population](https://www.pcbs.gov.ps/site/lang_en/881/default.aspx#Population)

<sup>19</sup> The term used by Palestinians to refer to the displacement of more than 800,000 Palestinians from their homes between late 1947 and 1949, prior to and following the creation of Israel. It means catastrophe in Arabic.

<sup>20</sup> According to the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), in 2023, there were 1,577,522 registered refugees. UNRWA, “UNRWA registered population dashboard”, <https://unrwa.org/what-we-do/relief-and-social-services/unrwa-registered-population-dashboard> (accessed on 18 July 2024).

<sup>21</sup> Amnesty International, “The right to return: The case of the Palestinians” (Index: MDE 15/013/2001), March 2001, <https://www.amnesty.org/en/wp-content/uploads/2021/06/mde150132001en.pdf>

<sup>22</sup> Interactive Encyclopedia of the Palestine Question, “Palestine refugees in the Gaza Strip, 1948-1967: The political and social remodelling of a cramped Palestinian space”, <https://www.palquest.org/en/highlight/22188/palestinian-refugees-gaza-strip-1948-1967> (accessed on 21 October 2024).

pushed approximately 200,000 Palestinians from the Lydda district and other parts of the Gaza district into the tiny coastal enclave, leaving the local population unable to cope with the influx.<sup>23</sup> Children died of hunger and disease after families were forced to live in the open air on Gaza's beaches, on pavements and in orchards before they received humanitarian assistance and tents to shelter them from the cold.<sup>24</sup> Over the years, the tents were turned into permanent structures, becoming Gaza's densely populated refugee camps.

Israel ethnically cleansed and destroyed at least 45 towns and villages in the Gaza sub-district and controlled most of it after 1948. The remaining part, the present-day Gaza Strip, came under Egyptian administration until 1967. Cut off from their land only by a ploughed ditch, refugees in Gaza had to look on as Israel established kibbutzim on the ruins of their towns and villages, which Israel declared as "absentee" property.<sup>25</sup> Through the large concentration of refugees and their proximity to their land, Gaza embodied the collective Palestinian trauma of dispossession.<sup>26</sup>

During its brief occupation of Gaza from November 1956 to March 1957 in the context of the Sinai campaign originally launched against Egypt, Israeli forces committed possible war crimes, commemorated in Gaza every year. They included the killing in Khan Younis of as many as 275 people, a large number of whom were reportedly unarmed civilians.<sup>27</sup>

In June 1967, Israel began to subject Palestinians in the OPT, including Gaza, to the world's longest, and one of the most brutal, military occupations in modern times.<sup>28</sup> A few months after Israel seized control of the Gaza Strip and the West Bank, Israeli Prime Minister Levi Eshkol considered possible solutions to address the "demographic problem" posed by the presence of Palestinians under Israel's rule. He suggested that Israel needed to "empty" Gaza by first encouraging "voluntary emigration" and later expelling those who would remain by "depriving them of sufficient water so as to leave them with no other choice but to leave as their orchards yellow and wither."<sup>29</sup> He also suggested that the Gaza "problem" could be dealt with by "another war".<sup>30</sup>

Since then, the Israeli authorities have adopted repressive and discriminatory laws, policies and practices in Gaza and other parts of the OPT that fail to align with the basic principles of

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<sup>23</sup> Jean-Pierre Filiu, *Gaza: A History*, 2014, p. 71.

<sup>24</sup> Jean-Pierre Filiu, *Gaza: A History* (previously cited), p. 72.

<sup>25</sup> Eyal Weizman, "Exchange Rate", London Review of Books, 2 November 2023, <https://www.lrb.co.uk/the-paper/v45/n21/eyal-weizman/exchange-rate>

<sup>26</sup> Jean-Pierre Filiu, *Gaza: A History* (previously cited), p. 72.

<sup>27</sup> Jean-Pierre Filiu, *Gaza: A History* (previously cited), p. 98.

<sup>28</sup> Amnesty International, "Israel must end its occupation of Palestine to stop fuelling apartheid and systematic human rights violations", 19 February 2024, <https://amnesty.org/en/latest/news/2024/02/israel-must-end-its-occupation-of-palestine-to-stop-fuelling-apartheid-and-systematic-human-rights-violations>

<sup>29</sup> Haaretz, "Israeli Prime Minister after Six-Day War: 'We'll deprive Gaza of water, and the Arabs will leave'", 17 November 2017, <https://www.haaretz.com/israel-news/2017-11-17/ty-article/.premium/israeli-pm-in-67-well-deprive-gaza-of-water-and-the-arabs-will-leave/0000017f-e8df-da9b-a1ff-ecff5b720000>

<sup>30</sup> Haaretz, "Israeli Prime Minister after Six-Day War: 'We'll deprive Gaza of water, and the Arabs will leave'" (previously cited).



international humanitarian law, make the occupation unlawful<sup>31</sup> and form part of Israel's system of apartheid over Palestinians.<sup>32</sup>

Israel enforces this system of oppression and domination against all Palestinians, as a racial group, over whose rights it exercises control, in order to establish and maintain Jewish demographic hegemony over land and resources, while minimizing Palestinian presence. Israel's policies and actions fragment and segregate Palestinians into separate domains of oppression and control on account of their non-Jewish identity and national status, while allowing unlawful mass confiscation and exploitation of their resources for the construction and expansion of unlawful Israeli settlements in the OPT and use by Jewish Israeli citizens.

Israel's control over Palestinians' rights extends to nearly all aspects of their lives, determining where they can reside in the OPT, whether they can travel abroad and to other parts of the OPT, access their farmland and workplaces, or drill or even repair a water well.<sup>33</sup> Israel also controls Palestinians' access to education, healthcare and opportunities to earn a living.

After a five-year-long popular uprising against Israel's occupation that started in Gaza in 1993, the Palestine Liberation Organization (PLO) and Israel signed agreements known as the Oslo Accords. These agreements granted Palestinians in the OPT limited self-governance but did not alter the status of the OPT as an occupied territory under international law.<sup>34</sup> Instead, they transferred limited responsibility over some Palestinian civil affairs in urban centres from Israel to the newly created Palestinian Authority and recognized Israel's overall control over the territory and security matters.<sup>35</sup> They also entrenched the OPT's economic dependence on Israel by establishing a customs union that ties it to Israeli trade policies and allows Israel to impose its own currency.<sup>36</sup>

In 2005, Israel unilaterally withdrew its ground troops from Gaza, dismantling its 21 settlements and removing some 8,000 Israeli settlers who had been living there, as part of a policy it termed "disengagement" from Gaza. It retained, however, key aspects of authority over Gaza, including the sole control over its territorial waters and air space and movement of people or goods in and out of Gaza via land, air and sea, including by preventing the reconstruction of Gaza's airport and the construction of a seaport. Except for Gaza's short border with Egypt, Israel maintained control of all land crossings, thus controlling all movements in and out of Gaza into Israel and, therefore, to the rest of the OPT.<sup>37</sup> By

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<sup>31</sup> International Court of Justice (ICJ), *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem*, advisory opinion, 19 July 2024.

<sup>32</sup> Amnesty International, *Israel's Apartheid Against Palestinians* (previously cited). Apartheid is a crime against humanity, a violation of public international law and a serious human rights violation.

<sup>33</sup> Amnesty International, *Troubled Waters: Palestinians Denied Fair Access to Water* (Index: MDE 15/0272009), 27 October 2009, <https://www.amnesty.org/en/wp-content/uploads/2021/06/mde150272009en.pdf>, p. 23.

<sup>34</sup> ICJ, *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem*, advisory opinion (previously cited), para. 102.

<sup>35</sup> Israel and Palestine Liberation Organization (PLO), *Agreement on the Gaza Strip and the Jericho Area* (Cairo Agreement), 4 May 1994, <https://peacemaker.un.org/node/9418>; Israel and PLO, *Israeli Palestinian Interim Agreement on the West Bank and the Gaza Strip*, 28 September 1995, <https://www.un.org/unispal/document/auto-insert-185434>

<sup>36</sup> Israel and PLO, *Gaza Jericho Agreement, Annex IV, Protocol on Economic Relations Between the Government of the State of Israel and the PLO, Representing the Palestinian people*, 29 April 1994, [https://unctad.org/system/files/information-document/ParisProtocol\\_en.pdf](https://unctad.org/system/files/information-document/ParisProtocol_en.pdf)

<sup>37</sup> Amnesty International, *Israel's Apartheid Against Palestinians* (previously cited), p. 95.

controlling the Palestinian population registry and cooperating militarily with Egypt, it also retained a degree of influence over who could leave and enter Gaza via Egypt.<sup>38</sup> Israel has also continued to control the supply of electricity, water and access to telecommunications in Gaza. As a result, Gaza continues to be occupied under international law, a fact that was reaffirmed in July 2024 by the ICJ in its advisory opinion on the legal consequences of Israel's policies and practices in the OPT.<sup>39</sup> The ICJ reiterated that, from a legal point of view, the OPT, comprising Gaza along with the West Bank, including East Jerusalem, "constitutes a single territorial unit, the unity, contiguity and integrity of which are to be preserved and respected".<sup>40</sup>

### 3.1.2 BLOCKADE

With an area measuring approximately 365km<sup>2</sup> and an estimated population of 2.2 million people,<sup>41</sup> with about 6,300 people per square kilometre,<sup>42</sup> Gaza is one of the most densely populated areas in the world. With roughly half of its residents aged below 19, it also has one of the world's youngest populations.<sup>43</sup>

In June 2007, infighting between the two main Palestinian political factions, Hamas and Fatah, in the wake of Hamas's victory in parliamentary elections in 2006, led to Hamas's violent takeover of Gaza. Hamas, using lethal and unrestrained force, ousted from Gaza forces loyal to Fatah, while the Fatah-led Palestinian Authority suspended the administration of official institutions in Gaza.<sup>44</sup> Hamas subsequently established a parallel security and law enforcement apparatus and has acted since as the de facto government in Gaza and adopted retaliatory measures against former employees and supporters of the Palestinian Authority.<sup>45</sup>

In response to the Hamas takeover, Israel declared Gaza a "hostile entity", citing security concerns, and imposed an air, land and sea blockade, increasing the level of severity of the restrictions that had been in place since the 1990s<sup>46</sup> on the movement of people and goods

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<sup>38</sup> Gisha – Legal Center for Freedom of Movement (Gisha), FAQs, <https://gisha.org/en/faqs> (accessed on 17 July 2024).

<sup>39</sup> ICJ, Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem, advisory opinion (previously cited), paras 88-94.

<sup>40</sup> ICJ, Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem, advisory opinion (previously cited), para. 78. The determination by the ICJ that it was occupied territory reiterated UN General Assembly (UNGA) Resolution 67/19 of 29 November 2012, which accorded the State of Palestine the status of non-member observer state in the UN.

<sup>41</sup> PCBS, "The conditions of the Palestinian population on the occasion of the World Population Day", 11 July 2024, <https://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=5791>

<sup>42</sup> UN Development Programme (UNDP), *Gaza War: Expected Socioeconomic Impacts on the State of Palestine: Preliminary Estimations Until 5 November 2023*, November 2023, <https://undp.org/sites/g/files/zskgke326/files/2023-11/2301926E-Policybrief-GazaWAR-ESCWA-UNDP-English-4pm.pdf>

<sup>43</sup> Gisha, "Gaza up close", 28 June 2023, <https://features.gisha.org/gaza-up-close>

<sup>44</sup> Amnesty International, *Occupied Palestinian Territories: Torn Apart by Factional Strife* (Index: MDE 21/020/2007), October 2007, <https://amnesty.org/en/wp-content/uploads/2021/05/MDE210202007ENGLISH.pdf>

<sup>45</sup> Amnesty International, *Israel's Apartheid Against Palestinians* (previously cited), p. 42

<sup>46</sup> Al Mezan Center for Human Rights (Al Mezan), "15 years too long: Fact sheet on the devastating effects of Israel's closure and blockade on the Gaza Strip", 14 June 2022, <https://mezan.org/uploads/files/16551887811136.pdf>, p. 2.

in and out of Gaza to Israel and, by extension, to the West Bank.<sup>47</sup> While Israel claimed that its sanctions were aimed at the “ Hamas regime”, and that “ humanitarian aspects relevant to the Gaza Strip” would be taken into consideration in order to “ avoid a humanitarian crisis”,<sup>48</sup> they were, in fact, collectively punishing Gaza’s entire civilian population in what amounts to a war crime.<sup>49</sup>

Israel pursued an official policy aimed at deepening the separation of Gaza from the rest of the OPT, thus weakening social, political and familial ties between Palestinians, and further fragmenting the Palestinian people.<sup>50</sup> It only allowed, through hard-to-obtain permits issued by the military, the entry into Israel of very narrowly defined categories of people such as patients in need of life-saving medical treatment not available in Gaza, senior businesspeople and merchants, a limited number of workers or people with exceptional humanitarian needs.<sup>51</sup> Even those meeting the strict criteria of eligibility to obtain such military permits had to deal with a series of bureaucratic complications, and their applications for permits were routinely delayed or denied on specious security grounds.<sup>52</sup>

Over the years, Israel eased the restrictions on the entry of food, which it imposed in the initial three years of the blockade, based on its own assessment of needs required to prevent malnutrition.<sup>53</sup> However, it continued to maintain severe restrictions on goods that it considers to have military, as well as civilian, use. Such goods, referred to by Israel as “ dual use” goods, are vaguely defined and include, for example, chemicals, technology, communications equipment and building materials, as well as many basic items required for the functioning of hospitals, fishing or farming. Together with full Israeli control over exports from Gaza, Israel’s “ dual use” policy has had a devastating impact on Gaza’s economy, its healthcare system,<sup>54</sup> the construction sector, as well as essential infrastructure, hampering

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<sup>47</sup> Israel, Prime Minister’s Media Adviser, “ Security Cabinet declares Gaza hostile territory”, 19 September 2007, <https://www.gov.il/en/pages/security-cabinet-declares-gaza-hostile-territory>

<sup>48</sup> Israel, Prime Minister’s Media Adviser, “ Security Cabinet declares Gaza hostile territory” (previously cited).

<sup>49</sup> Amnesty International, “ Israel must end its occupation of Palestine to stop fuelling apartheid and systematic human rights violations” (previously cited).

<sup>50</sup> Gisha, *Separating Land, Separating People: Legal Analysis of Access Restrictions Between Gaza and the West Bank*, June 2015, <https://gisha.org/UserFiles/File/publications/separating-land-separating-people/separating-land-separating-people-web-en.pdf>

<sup>51</sup> Israel, Coordination of Government Activities in the Territories (COGAT), *Status for Authorization of Palestinians into Israel; for Their Passage from Judea and Samaria into the Gaza Strip; and for Their Departure Abroad*, updated 8 February 2022,

<https://www.gov.il/BlobFolder/policy/authorizationsforentry/en/Status%20of%20Authorizatio%2008.02.2022.pdf>

<sup>52</sup> World Health Organization (WHO), “ 15 years of Gaza blockade and barriers to health access”, 2022, <https://www.emro.who.int/images/stories/palestine/documents/15-Years-Gaza-Blockade-Factsheet.pdf>; Gisha, “ The permit regime: Testimonies – Palestinian residents of Gaza attest to the bureaucratic violence inherent in Israel’s permit regime”, 28 July 2022, <https://gisha.org/en/the-permit-regime-testimonies>

In 2022, Israel increased quotas of work permits for Palestinians in Gaza, with analysts suggesting that the decision was driven by security considerations. Times of Israel, “ Israel okays 1,500 permits for Gaza workers bringing total to 17,000”, 22 September 2022, <https://www.timesofisrael.com/israel-okays-1500-more-entry-permits-for-gaza-workers-bringing-total-to-17000>

<sup>53</sup> Israel, Ministry of Defense, “ AAA 3300/11 Ministry of Defense v. Gisha ‘ Food Consumption in the Gaza Strip – Red Lines’ Presentation” (unofficial translation by Gisha), 27 September 2012, <https://gisha.org/UserFiles/File/publications/redlines/red-lines-presentation-eng.pdf>

<sup>54</sup> Palestinian Centre for Human Rights (PCHR), “ Impact of Israeli unilateral coercive measures on the right to health of Palestinians in the Gaza Strip, PCHR’s Submission to Professor Alena Douhan, Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights”, 26 February 2023, <https://pchrgaza.org/en/impact-of-israeli-unilateral-coercive-measures-on-the-right-to-health-of-palestinians-in-the-gaza-strip-pchrs-submission-to-professor-alena-douhan-special-rapporteur-on-the-negative-impact>

efforts to fully recover from recurrent military attacks<sup>55</sup> and adequately upgrade essential infrastructure.<sup>56</sup>

Coupled with the mass destruction inflicted on Gaza's essential infrastructure, in particular during four large-scale Israeli offensives between 2008 and 2021, the blockade triggered a chronic humanitarian crisis with severely reduced access to electricity, affecting the supply of clean water and sanitation and reducing access to health services. It pushed a young and well-educated population into poverty, suppressing its development. It fostered "the dependency of 80 per cent of the population on international aid".<sup>57</sup> Thus, the blockade has served as a key tool to maintain and enforce Israel's apartheid system against Palestinians. Amnesty International has concluded that the blockade of Gaza amounts to collective punishment of its entire population.<sup>58</sup>

Others, including the International Committee of the Red Cross (ICRC), the former UN Secretary-General and multiple UN experts, have also concluded that Israel's blockade constitutes collective punishment of the population of Gaza.<sup>59</sup> In addition to Amnesty International, human rights organizations like Human Rights Watch and the AI Mezan Center

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<sup>55</sup> Oxfam, *Still Treading Water: Reviewing Six Years of the Gaza Reconstruction Mechanism and the Dire Water Situation in the Gaza Strip*, 22 March 2021, <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/621165/bn-treading-water-gaza-reconstruction-mechanism-220321-en.pdf>

<sup>56</sup> Gisha, "Gaza up close" (previously cited); UN Office for the Coordination of Humanitarian Affairs (OCHA), "Gaza Strip: The humanitarian impact of 15 years of the blockade – June 2022", 30 June 2022, <https://ochaopt.org/content/gaza-strip-humanitarian-impact-15-years-blockade-june-2022>

<sup>57</sup> UN Conference on Trade and Development (UNCTAD), *Developments in the Economy of the Occupied Palestinian Territory*, 11 September 2023, UN Doc. TD/B/EX(74)2, [https://unctad.org/system/files/official-document/tdbex74d2\\_en.pdf](https://unctad.org/system/files/official-document/tdbex74d2_en.pdf)

<sup>58</sup> See Amnesty International, *Israel/OPT: Gaza Blockade – Collective Punishment* (Index: MDE 15/021/2008), 4 July 2008, <https://www.amnesty.org/en/documents/MDE15/021/2008/en>; Amnesty International, *Israel/Gaza: Operation 'Cast Lead' – 22 Days of Death and Destruction* (Index: MDE 15/015/2009), 2 July 2009, <https://amnesty.org/en/wp-content/uploads/2021/06/mde150152009en.pdf>; Amnesty International, *Suffocating: The Gaza Strip Under Israeli Blockade* (Index: MDE 15/002/2010), 18 January 2010, <https://www.amnesty.org/en/documents/mde15/002/2010/en>; Amnesty International, *Israel/Gaza: Operation 'Cast Lead' – 22 Days of Death and Destruction* (previously cited). See also UN Fact Finding Mission on the Gaza Conflict, *Report of the United Nations Fact-Finding Mission on the Gaza Conflict*, 25 September 2009, UN Doc. A/HRC/12/48, para. 78; Al-Haq and others, "Joint written statement: Human Rights Council must end illegal closure of Gaza as collective punishment", 4 June 2020, <https://www.mezan.org/en/post/45136>

<sup>59</sup> International Committee of the Red Cross (ICRC), "Gaza closure: Not another year!", 14 June 2010, <https://www.icrc.org/eng/resources/documents/update/palestine-update-140610.html>; Independent International Fact-Finding Mission on the Incident of the Humanitarian Flotilla, *Report of the International Fact-Finding Mission to Investigate Violations of International Law, Including International Humanitarian and Human Rights Law, Resulting from the Israeli Attacks on the Flotilla of Ships Carrying Humanitarian Assistance*, 27 September 2010, <https://digitallibrary.un.org/record/691164?v=pdf>; UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied by Israel Since 1967, "Collective punishment in Gaza must end: Israel's blockade enters its 7th year", 14 June 2013, <https://www.ohchr.org/en/press-releases/2013/06/collective-punishment-gaza-must-end-israels-blockade-enters-its-7th-year-un>; UN Secretary-General, "Secretary-General's remarks at press encounter", 28 June 2016, <https://www.un.org/sg/en/content/sg/press-encounter/2016-06-28/secretary-generals-remarks-press-encounter>; UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, *Situation of Human Rights in the Occupied Palestinian Territory, Including East Jerusalem, with a Focus on Collective Punishment*, 22 December 2020, <https://documents.un.org/doc/undoc/gen/g20/352/94/pdf/g2035294.pdf>

for Human Rights have concluded that Israel's Gaza closures form part of the crime against humanity of apartheid.<sup>60</sup>

Meanwhile, Hamas entrenched its rule in Gaza by imposing severe restrictions on freedom of association, expression and peaceful assembly, and arbitrarily detaining and torturing dissidents.<sup>61</sup> In 2019, for example, Hamas security forces violently cracked down on peaceful Palestinian protesters, activists, human rights workers (including an Amnesty International research consultant) and local journalists. Hundreds of protesters were subjected to beatings, arbitrary arrests and detentions, and torture and other forms of ill-treatment after Palestinians took to the streets across Gaza to protest against the rising cost of living and deteriorating economic conditions under the Hamas administration.<sup>62</sup> The Hamas authorities continued to carry out the death penalty in Gaza, despite a moratorium imposed by the State of Palestine since 2005.<sup>63</sup> The death sentences, issued by courts in Gaza mostly for alleged crimes of "collaboration" and murder, were often reached in proceedings that failed to comply with even the minimal standards of due process and fair trial, and without the ratification of the Palestinian President, as required by Palestinian law.

### 3.1.3 IMPUNITY FOR WAR CRIMES AND VIOLATIONS

In 2008-2009, 2012, 2014 and 2021, Israel conducted four major military offensives on Gaza that killed at least 2,700 Palestinian civilians, injured and displaced tens of thousands of others, and caused widespread damage and destruction to civilian property and critical infrastructure. In August 2022 and May 2023, Israeli forces launched two low-scale offensives directed at Palestinian Islamic Jihad, in which 46 civilians were killed. In all these offensives, Amnesty International documented a pattern of unlawful attacks by Israeli forces against civilians and civilian objects, including direct and indiscriminate attacks, failure to provide effective warning and wanton destruction of civilian property not justified by military necessity.<sup>64</sup> It has since repeatedly called for violations to be investigated as war crimes.

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<sup>60</sup> Human Rights Watch (HRW), "Gaza: Israel's 'open-air prison' at 15", 14 June 2022, <https://www.hrw.org/news/2022/06/14/gaza-israels-open-air-prison-15>; Al Mezan, *The Gaza Bantustan: Israeli Apartheid in the Gaza Strip*, 2021, <https://mezan.org/uploads/files/16381763051929.pdf>

<sup>61</sup> Amnesty International, "Gaza: Journalist facing prison term for exposing corruption in Hamas-controlled ministry", 25 February 2019, <https://www.amnesty.org/en/latest/news/2019/02/gaza-journalist-facing-prison-term-for-exposing-corruption-in-hamas-controlled-ministry>; Amnesty International, "Gaza: Hamas must end brutal crackdown against protesters and rights defenders", 18 March 2019, <https://amnesty.org/en/latest/press-release/2019/03/gaza-hamas-must-end-brutal-crackdown-against-protesters-and-rights-defenders>

<sup>62</sup> Amnesty International, "Gaza: Hamas must end brutal crackdown against protesters and rights defenders" (previously cited).

<sup>63</sup> Independent Commission for Human Rights, "ICHR condemns the execution of five citizens in Gaza and demands compliance with fair trial guarantees", 4 September 2022, <https://mail.ichr.ps/en/statements/6625.html>

<sup>64</sup> Amnesty International, *Israel/Gaza: Operation 'Cast Lead' – 22 Days of Death and Destruction* (previously cited); Amnesty International, "Israel's military investigations into Gaza conflict violations strengthen impunity", 17 April 2013, <https://www.amnesty.org/en/latest/news/2013/04/israels-military-investigations-into-gaza-conflict-violations-strengthen-impunity>; Amnesty International, *Families Under the Rubble: Israeli Attacks on Inhabited Homes* (Index: MDE 15/032/2014), 5 November 2014, <https://amnesty.org/en/documents/MDE15/032/2014/en>; Amnesty International, *'Black Friday': Carnage in Rafah During 2014 Israel/Gaza Conflict*, 29 July 2015, <https://blackfriday.amnesty.org>; Amnesty International, "Israel/OPT: Pattern of Israeli attacks on residential homes in Gaza must be investigated as war crimes", 17 May 2021, <https://www.amnesty.org/en/latest/news/2021/05/israelopt-pattern-of-israeli-attacks-on-residential-homes-in-gaza-must-be-investigated-as-war-crimes-2>; Amnesty International, *'They Were Just Kids': Evidence of War Crimes*

In 2018-2019, Amnesty International documented a pattern of unlawful killings and the intentional infliction of serious injuries by Israeli forces in the context of mass protests by Palestinians in Gaza, which became known as the “Great March of Return”, demanding the right to return for refugees and the end of the blockade. Israeli forces shot protesters who did not pose an imminent threat, deploying weapons designed to cause maximum harm against protesters, in violation of international human rights law.<sup>65</sup> They killed at least 214 Palestinians, including 46 children, and injured 36,100 others. Israeli forces systematically shot at protesters’ lower limbs in a deliberate strategy to inflict life-changing injuries, resulting in at least 156 amputations.<sup>66</sup>

Despite the establishment of a total of three UN-mandated commissions of inquiry, one following each of the 2008-2009 offensive,<sup>67</sup> the 2014 offensive,<sup>68</sup> and the Great March of Return protests,<sup>69</sup> the Israeli authorities have failed to conduct a single independent, effective and transparent investigation into violations of international law, including possible war crimes. Data collected by the Israeli human rights organization Yesh Din demonstrate that the Fact-Finding Assessment Mechanism, an internal military mechanism tasked with conducting preliminary inquiries into violations of international humanitarian law, has served as a tool to whitewash abuses by the Israeli military while providing the illusion that it can investigate its own violations. Of the hundreds of complaints transferred to the mechanism for review in relation to alleged violations perpetrated during the 2014 and 2021 offensives and 2018-2019 protests, more than 80% were closed without criminal investigation. Of those that led to criminal investigations, only one case has culminated in an indictment.<sup>70</sup> A further indication of the Israeli judicial system’s inability or unwillingness to adequately investigate allegations of crimes under international law in the OPT is the decision of the Office of the Prosecutor of the ICC in March 2021 to initiate an investigation with respect to the situation in Palestine.<sup>71</sup>

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*During Israel’s August 2022 Gaza Offensive* (Index: MDE 15/6079/2022), 25 October 2022, <https://amnesty.org/en/documents/mde15/6079/2022/en>; Amnesty International, “Israel/OPT: Investigate possible war crimes during Israel’s military offensive on Gaza in May 2023” (previously cited).

<sup>65</sup> Amnesty International, “One year on from protests, Gaza civilians’ devastating injuries highlight urgent need for arms embargo on Israel”, 28 March 2019, <https://www.amnesty.org/en/latest/press-release/2019/03/one-year-on-from-protests-gaza-civilians-devastating-injuries-highlight-urgent-need-for-arms-embargo-on-israel>

<sup>66</sup> Amnesty International, *Israel’s Apartheid Against Palestinians* (previously cited), p. 152.

<sup>67</sup> UN Fact Finding Mission on the Gaza Conflict, *Report of the United Nations Fact-Finding Mission on the Gaza Conflict* (previously cited).

<sup>68</sup> Independent Commission of Inquiry Established Pursuant to Human Rights Council Resolution S-21/1, *Report of the Detailed Findings of the Independent Commission of Inquiry Established Pursuant to Human Rights Council Resolution S-21/1*, 11 March 2019, UN Doc. A/HRC/29/CRP.4.

<sup>69</sup> Independent International Commission of Inquiry to Investigate All Violations of International Humanitarian Law and International Human Rights Law in the Occupied Palestinian Territory, Including East Jerusalem, Particularly in the Occupied Gaza Strip, in the Context of the Military Assaults on the Large-Scale Civilian Protests That Began on 30 March 2018, *Report of the Detailed Findings of the Independent International Commission of Inquiry on the Protests in the Occupied Palestinian Territory*, 18 March 2019, UN Doc. A/HRC/40/CRP.2.

<sup>70</sup> Yesh Din – Volunteers for Human Rights (Yesh Din), “The General Staff whitewashing mechanism: The Israeli law enforcement system and breaches of international law and war crimes in Gaza”, 9 July 2024, <https://www.yesh-din.org/en/the-general-staff-whitewashing-mechanism-the-israeli-law-enforcement-system-and-breaches-of-international-law-and-war-crimes-in-gaza>

<sup>71</sup> International Criminal Court (ICC), “Statement of ICC Prosecutor, Fatou Bensouda, respecting an investigation of the Situation in Palestine”, 3 March 2021, <https://www.icc-cpi.int/news/statement-icc-prosecutor-fatou-bensouda-respecting-investigation-situation-palestine>

When, in rare cases, victims sought justice before Israel's High Court of Justice, a function of Israel's Supreme Court when it exercises judicial review over executive authorities, following the decisions of the military to close the cases, the court also failed to offer them redress.<sup>72</sup>

Impunity has also persisted for serious violations of international humanitarian law, including possible war crimes, perpetrated by Hamas and other Palestinian armed groups during armed conflicts with Israel, in a pattern documented by Amnesty International since 2006.<sup>73</sup> Palestinian armed groups have indiscriminately fired thousands of rockets and mortar shells towards Israel, killing and injuring hundreds of civilians, including Israelis, Palestinian citizens of Israel and migrant workers. They have also stored munitions in, and fired indiscriminate rockets from, civilian areas, endangering Palestinian civilians.<sup>74</sup> Amnesty International has documented several incidents over the years in which rockets launched by Palestinian armed groups that misfired killed Palestinian civilians, including children, in Gaza.<sup>75</sup> Amnesty International also reported on abductions, torture and summary and extrajudicial executions, some of which amounted to war crimes, by Hamas forces against alleged Palestinian collaborators with Israel, during the 2014 armed conflict with Israel.<sup>76</sup> Hamas authorities have consistently failed to carry out any sort of investigation into these serious violations committed by Hamas forces and other Palestinian armed groups during previous conflicts with Israel.<sup>77</sup> Amnesty International is not aware of the existence of any independent body in Gaza tasked with investigating such violations and holding alleged perpetrators to account. Responding to Amnesty International's question in this regard, on 13 November 2024, Hamas's Political and International Relations Department said that, following the end of the conflict, they would look into allegations of any "transgressions" that might have been perpetrated during it and would establish "accountability mechanisms" to address them. The Hamas authorities failed to take such measures in the aftermath of previous Israeli offensives.

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<sup>72</sup> International Commission of Jurists, *Perpetuating Impunity: Israel's Failure to Ensure Accountability for Violations of International Law in the Occupied Palestinian Territory*, April 2022, <https://www.ici.org/wp-content/uploads/2022/04/PalestineIsrael-accountability-and-impunity-briefing-paper-2022-ENG.pdf>, p. 12.

<sup>73</sup> Amnesty International, *Civilian Population at Risk in Gaza* (Index: MDE 15/065/2006), 13 July 2006, <https://www.amnesty.org/en/documents/mde15/065/2006/en>

<sup>74</sup> Amnesty International, "Israel/OPT: Israeli attacks targeting Hamas and other armed group fighters that killed scores of displaced civilians in Rafah should be investigated as war crimes" (previously cited).

<sup>75</sup> Amnesty International, *Unlawful and Deadly: Rocket and Mortar Attacks by Palestinian Armed Groups During the 2014 Gaza/Israel Conflict* (Index: MDE 21/1178/2015), 26 March 2015, <https://www.amnesty.org/en/documents/mde21/1178/2015/en>; Amnesty International, *'They Were Just Kids'* (previously cited).

<sup>76</sup> Amnesty International, *'Strangling Necks': Abductions, Torture and Summary Killings of Palestinians by Hamas Forces During the 2014 Gaza/Israel Conflict*, 27 May 2015 (Index: MDE 21/1643/2015), <https://www.amnesty.org/en/documents/mde21/1643/2015/en>

<sup>77</sup> Amnesty International, "Amnesty International's assessment of Israeli and Palestinian investigations into Gaza conflict" (Index: MDE 15/022/2010), 27 September 2010, <https://www.amnesty.org/en/documents/mde15/022/2010/en>; Amnesty International, "Amnesty International's updated assessment of Israeli and Palestinian investigations into the Gaza conflict" (Index: MDE 15/018/2011), 18 March 2011, <https://www.amnesty.org/en/documents/MDE15/018/2011/en>; Amnesty International, "Time to address impunity: Two years after the 2014 Gaza/Israel war" (Index: MDE 15/4199/2016), 7 July 2016, <https://www.amnesty.org/en/documents/mde15/4199/2016/en>

## 3.2 EVENTS SINCE 7 OCTOBER 2023

### 3.2.1 HAMAS-LED ATTACKS ON 7 OCTOBER 2023

In the morning of 7 October 2023, shortly after indiscriminately firing a barrage of rockets into Israel, Hamas fighters and members of other Palestinian armed groups breached the border fence surrounding Gaza and entered southern Israel from multiple locations. Armed with heavy machine guns, rifles, grenades, rocket-propelled grenades and other weapons, they attacked civilian and military targets, carrying out deliberate mass killings, summary killings and other abuses, causing suffering and physical injuries. They destroyed civilian property by burning houses, making them uninhabitable and causing the internal displacement of civilians. They took scores of hostages. Some of their actions constituted war crimes under international law.<sup>78</sup> Later that day, Mohammed Al-Masri (known as Mohammed Deif), the head of Hamas's military wing, the Izz al-Din Al-Qassam Brigades, announced that the armed group had launched "Operation Al-Aqsa Flood" to end Israel's military occupation and "its crimes".<sup>79</sup>

These were the deadliest attacks perpetrated against Israel in a single day since Israel's establishment in 1948. Some 1,200 people, over 800 of them civilians, including at least 36 children, were killed during the attacks.<sup>80</sup> Most of the civilians killed were Jewish Israelis but Palestinian citizens of Israel, Palestinian workers from Gaza and migrant workers from South-East Asia and Africa were also among the fatalities. According to the Office of the UN High Commissioner for Human Rights (OHCHR), 295 Israeli soldiers were killed.<sup>81</sup> At least 3,300 other individuals – civilians and soldiers – were injured.<sup>82</sup> As a result of the attacks, areas in Israel close to the border fence between Israel and Gaza were evacuated; tens of thousands of Israeli residents were displaced.<sup>83</sup> Only some were subsequently able to return home.

During the attacks, Palestinian fighters abducted 223 civilians, including 30 children, and captured 27 Israeli soldiers as they attacked military facilities.<sup>84</sup> In October and November 2023, Hamas released 109 hostages, the majority of them in exchange for 240 Palestinians held in Israeli detention, in a deal with Israel negotiated by Qatar and other intermediaries. Several hostages were subsequently freed by Israeli forces in military operations that killed

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<sup>78</sup> Amnesty International, "Palestinian armed groups must be held accountable for deliberate civilian killings, abductions and indiscriminate attacks" (previously cited).

<sup>79</sup> Al Jazeera, محمد الضيف: أطلقنا خلال نصف ساعة ٥ آلاف صاروخ تجاه مستوطنات ومدن العدو ["Mohammed Deif: We launched within half an hour 5,000 rockets in the direction of settlements and cities of the enemy"], 7 October 2023, [https://www.youtube.com/watch?v=-cxL5\\_Nw1lQ](https://www.youtube.com/watch?v=-cxL5_Nw1lQ) (translation from the original Arabic into English by Amnesty International).

<sup>80</sup> HRW, "I Can't Erase All the Blood from My Mind": Palestinian Armed Groups' October 7 Assault on Israel, 17 July 2024, <https://www.hrw.org/report/2024/07/17/i-cant-erase-all-blood-my-mind/palestinian-armed-groups-october-7-assault-israel>

<sup>81</sup> OHCHR, *Human Rights Situation in the Occupied Palestinian Territory, Including East Jerusalem, and the Obligation to Ensure Accountability and Justice*, 13 February 2024, <https://www.ohchr.org/sites/default/files/2024-02/a-hrc-55-28-auv-for-publication.pdf>, p. 3.

<sup>82</sup> Amnesty International, *The State of the World's Human Rights* (Index: POL 10/7200/2024), April 2024, p. 212.

<sup>83</sup> See, for example, New Arab, "Over 100,000 Israelis displaced by October 7 unable to return home", 7 April 2024, <https://www.newarab.com/news/over-100000-israelis-displaced-oct-7-unable-go-home>

<sup>84</sup> Haaretz, שמות החטופים בעזה: מהקיבוצים, מהמסיבה ומבסיסי צה"ל ["The names of the abductees in Gaza: From the kibbutzim, the party and the IDF bases"], updated on 10 April 2024, <https://www.haaretz.co.il/news/2023-12-31/ty-article-magazine/notfe/0000018b-4196-d242-abef-53b654760000> (in Hebrew, accessed on 22 September 2024).



hundreds of Palestinians, while the bodies of others were retrieved by the Israeli military.<sup>85</sup> As of 30 September 2024, Hamas and other Palestinian armed groups had denied independent monitors, including the ICRC, access to civilian hostages and military captives. This left hostages' families deeply distressed as the fate and whereabouts of their loved ones remained unknown.

Amnesty International's detailed findings about the crimes perpetrated by Hamas and other Palestinian armed groups in the context of their attacks on Israel on 7 October 2023 are the focus of a forthcoming publication.

### 3.2.2 ISRAEL'S OFFENSIVE ON GAZA

The scale and nature of the attacks perpetrated by Hamas and other Palestinian armed groups on 7 October 2023, which were captured in part on cameras worn by fighters as well as on the phones of traumatized survivors, shocked Israeli society, and caused collective trauma and the ever-present fear that likely continues to this day. They also shocked much of the world, generating a wave of condemnation and solidarity with Israel.

In their wake, Israel launched a military offensive on Gaza, codenamed "Swords of Iron", of unprecedented intensity and duration. Many state leaders, particularly Israel's key Western allies, immediately expressed their strong support for Israel's retaliatory military attacks while refusing to call for a ceasefire, despite early signs that Palestinians living in Gaza were at risk of an unprecedented onslaught, which included crimes under international law.

Hours after the 7 October 2023 attacks, Israel conducted a first wave of retaliatory air strikes on Gaza, including on residential blocks in Gaza City. Prime Minister Benjamin Netanyahu stated that Israel would "return fire of a magnitude that the enemy has not known".<sup>86</sup> Referring to Gaza as a "wicked city", he warned its residents to "get out" and vowed to turn "all the places" where "Hamas is deployed, hiding and operating in" into "rubble".<sup>87</sup> A day later, Israel's security cabinet (also known as the State Security Cabinet and the Ministerial Committee on National Security Affairs), an inner cabinet within the Israeli government that is headed by the prime minister and is responsible for outlining and implementing foreign and defence policies, officially approved the war.<sup>88</sup> Meanwhile, Prime Minister Netanyahu stated that the offensive would continue "with neither limitations nor respite until the objectives are

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<sup>85</sup> See, for example, Amnesty International, "Israel/OPT: Hamas and other armed groups must immediately release civilians held hostage in Gaza" (previously cited).

<sup>86</sup> Israel, Prime Minister's Office, "Statement by PM Netanyahu", 7 October 2023, <https://www.gov.il/en/pages/spoke-statement071023>

<sup>87</sup> Israel, Ministry of Foreign Affairs, "Statement by Prime Minister Benjamin Netanyahu", 7 October 2023, <https://www.gov.il/en/pages/statement-by-pm-netanyahu-7-oct-2023>

<sup>88</sup> Israel, Ministry of Foreign Affairs, "Security Cabinet approves war situation", 8 October 2023, <https://www.gov.il/en/pages/security-cabinet-approves-war-situation-8-oct-2023>

achieved”.<sup>89</sup> These objectives included both destroying “ Hamas’s military and governing capabilities, and bringing the captives back” to Israel.<sup>90</sup>

As Israel embarked on a relentless bombing campaign of Gaza from the air, land and sea, the Israeli army spokesperson accused Hamas fighters of “hiding among Gazan civilians, inside Gazan homes and schools, hospitals and mosques” and seeking to “maximize civilian casualties in Gaza and Israel”, placing sole responsibility for the deaths of Palestinians on Hamas.<sup>91</sup> On 9 October 2023, Yoav Gallant, who was the minister of defence during the entire period covered by this report,<sup>92</sup> announced the imposition of a “total siege” on Gaza, further tightening the long-standing blockade and triggering a humanitarian crisis.<sup>93</sup> By 9 October 2023, Israeli aircraft had already dropped about 2,000 munitions and more than 1,000 tonnes of bombs on Gaza, including hundreds of tonnes of bombs on Beit Hanoun, in North Gaza governorate, and Gaza City alone, according to the army’s spokesperson.<sup>94</sup> At any given moment, he said, there were dozens of Israeli aircraft over Gaza, and the military planned to carry out “more intense and significant attacks”.<sup>95</sup> By 10 October 2023, Israeli forces had already dropped “thousands of tonnes of munitions”, the army’s spokesperson said.<sup>96</sup>

On 27 October 2023, Israel imposed the first of several total communications blackouts<sup>97</sup> in Gaza as it intensified air strikes and significantly expanded its ground invasion by moving in troops backed by tanks, and armoured bulldozers, despite mounting calls for a ceasefire, including a UN General Assembly resolution calling for an immediate and sustained truce leading to a cessation of hostilities.<sup>98</sup> In early January 2024, the Israeli military announced

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<sup>89</sup> Israel, Prime Minister, X post: “the goal of which is to achieve the destruction of the military and governing capabilities of Hamas and Islamic Jihad in a way that will preclude their ability and willingness to threaten and attack the citizens of Israel for many years”, 8 October 2023, <https://x.com/IsraeliPM/status/1710867499955150943>

<sup>90</sup> Israel, Ministry of Foreign Affairs, “Statement by PM Netanyahu”, 28 October 2023, <https://www.gov.il/en/pages/statement-by-pm-netanyahu-28-oct-2023>

<sup>91</sup> Israel Defense Forces (IDF), X post: “Hamas started a war against Israel with the worst massacre of innocent civilians in Israel’s history”, 8 May 2024, <https://x.com/IDF/status/1711138315628372110>

<sup>92</sup> Prime Minister Netanyahu dismissed Yoav Gallant as defence minister in early November 2024. Associated Press (AP), “Israel’s Netanyahu dismisses his defense minister as wars rage. Protests erupt across country”, 6 November 2024, <https://apnews.com/article/israel-netanyahu-gallant-gaza-war-lebanon-3810d3adb1603e8485b4be46a5b79f8b>

<sup>93</sup> See sections 6.2.3 “Denial and obstruction of essential services and life-saving supplies” and 7.3.1 “Calls for no humanitarian aid until hostages are released”.

<sup>94</sup> IDF Spokesperson, X post: 08:30, 2023 באוקטובר 9 | יום ב', עדכון מצב מלחמה - תמונת מצב מלחמה - עדכון לציבור [“War status update – public announcement: Monday, 9 October 2023, 08:30”], 9 October 2023, <https://x.com/IDFSpokesperson/status/1711254119099363636> (in Hebrew).

<sup>95</sup> IDF Spokesperson, X post: 08:30, 2023 באוקטובר 9 | יום ב', עדכון מצב מלחמה - תמונת מצב מלחמה - עדכון לציבור [“War status update – public announcement: Monday, 9 October 2023, 08:30”], <https://x.com/IDFSpokesperson/status/1711254119099363636> (translation from the original Hebrew into English by Amnesty International).

<sup>96</sup> IDF Spokesperson, X post: 08:30, 2023 באוקטובר 10 | יום ג', עדכון מצב מלחמה - תמונת מצב מלחמה - עדכון דובר צה"ל לציבור [“War status update – IDF spokesperson’s announcement to the public: Tuesday, 10 October 2023, 08:30”], 10 October 2023, <https://x.com/IDFSpokesperson/status/1711620517088608282> (translation from the original Hebrew into English by Amnesty International).

<sup>97</sup> Amnesty International, “Israel/OPT: Civilians in Gaza at unprecedented risk as Israel imposes communication black-out during bombardment and expanding ground attacks”, 27 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-civilians-in-gaza-at-unprecedented-risk-as-israel-imposes-communication-black-out-during-bombardment-and-expanding-ground-attacks>

<sup>98</sup> UNGA, Resolution 10/21: *Protection of civilians and upholding legal and humanitarian obligations*, adopted on 27 October 2023, UN Doc. A/ES-10/L.25.

that it had dismantled the command structure of Hamas in northern Gaza, where it claimed to have killed at least 8,000 fighters,<sup>99</sup> and that it would focus on dismantling Hamas in southern and central Gaza.<sup>100</sup>

Around mid-November 2023, Israeli forces began establishing a linear military zone on either side of an existing east-west road south of Gaza City. They would subsequently fortify it with military bases and checkpoints equipped with facial recognition technology, including ones located where the military zone intersected with Gaza's two main north-south roads.<sup>101</sup>

Referred to by Israel as the "Netzarim Corridor" (Netzarim being the name of an unlawful Israeli settlement that existed in Gaza before the Israeli "disengagement" in 2005), the military zone cut off the area north of Wadi Gaza, a river valley that runs across the width of Gaza from the eastern border with Israel to the Mediterranean coast, from the area south of it, in an apparent move to entrench Israel's military presence on the ground.<sup>102</sup> Hundreds of Palestinians, including many civilians, were arrested while trying to cross the checkpoint from north to south.<sup>103</sup>

By 30 September 2024, according to UNRWA estimates, 400,000 Palestinians were living in the area north of Wadi Gaza,<sup>104</sup> and were unable or, for fear of permanent displacement, unwilling to flee to the area south of it. Some 90% of Gaza's population had been internally displaced at least once; many of them had been displaced multiple times, some on up to 10 occasions.<sup>105</sup>

Except for a one-week humanitarian pause between 24 and 30 November 2023, which gave many civilians in Gaza some respite and the opportunity to search for their loved ones, and inspect the damage and destruction wrought upon their homes, Israel continued its relentless bombardments and ground operations across Gaza throughout the nine-month period under review, leaving no safe place for civilians. The Israeli authorities have made

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<sup>99</sup> Sky News, "Around 8,000 Hamas fighters killed in Gaza war, says IDF spokesman", 29 December 2023, <https://www.skynews.com.au/world-news/global-affairs/around-8000-hamas-fighters-killed-in-gaza-war-says-idf-spokesman/video/1bc009f0e121da67ff8671cebe72c1e0>

<sup>100</sup> BBC, "Hamas command in north Gaza destroyed, Israel says", 7 January 2024, <https://www.bbc.com/news/world-middle-east-67904259>

<sup>101</sup> Washington Post, "What Israel's strategic corridor in Gaza reveals about its postwar plans", 17 May 2024, <https://www.washingtonpost.com/world/2024/05/17/gaza-israel-netzarim-corridor-war-hamas>

<sup>102</sup> CNN, "Israeli road splitting Gaza in two has reached the Mediterranean coast, satellite imagery shows", 8 March 2024, <https://edition.cnn.com/2024/03/08/middleeast/israel-building-road-splitting-gaza-cmd-intl/index.html>

<sup>103</sup> UNRWA, "Detention and alleged ill-treatment of detainees from Gaza during Israel-Hamas War", 16 April 2024, <https://www.unrwa.org/resources/reports/detention-and-alleged-ill-treatment-detainees-gaza-during-israel-hamas-war>

<sup>104</sup> UNRWA, "UNRWA Situation Report #143 on the situation in the Gaza Strip and the West Bank, including East Jerusalem", 16 October 2024, <https://www.unrwa.org/resources/reports/unrwa-situation-report-143-situation-gaza-strip-and-west-bank-including-east-jerusalem>

The UN estimates for how many people remained living in the area north of Wadi Gaza, an area to which the UN and other humanitarian organizations had limited access following October 2023, evolved during the conflict. By early October 2024, the UN estimated that about 400,000 people remained in the area north of Wadi Gaza. Amnesty International has adopted this estimate as the most appropriate for the number of Palestinians living in the area north of Wadi Gaza as of 30 September 2024. See also OCHA, "Civilians in northern Gaza cut off from supplies and services critical for survival", 13 October 2024, <https://www.ochaopt.org/content/civilians-northern-gaza-cut-supplies-and-services-critical-survival>

<sup>105</sup> UN, "Palestine: Humanitarian situation & population – Press conference", 3 July 2024, <https://www.youtube.com/watch?v=-CyHR1jHmMs>

According to OCHA, by early July 2024, there were 2.1 million people in Gaza after approximately 110,000 had left Gaza and 37,000 others had been killed.

efforts to frame their attacks on Gaza as complying with international humanitarian law. In reality, however, they have systematically flouted the principles of distinction, proportionality and precaution with their infliction of enormous civilian casualties and massive destruction of civilian objects.<sup>106</sup>

By 7 October 2024, the Gaza-based Ministry of Health had recorded 42,010 Palestinian fatalities in Gaza, the vast majority of which were of Palestinians killed during Israel's offensive, and 97,590 Palestinians injured since 7 October 2023.<sup>107</sup>

### 3.2.3 ROCKET AND MORTAR FIRE BY PALESTINIAN ARMED GROUPS

During Israel's offensive, Hamas and other Palestinian armed groups in Gaza continued to fire unguided rockets and mortars, which are inherently inaccurate, towards populated areas in Israel as well as Israeli forces inside Gaza. Many of those directed towards Israel were intercepted by Israel's Iron Dome anti-missile system, although some landed in areas across the centre and the south of the country.<sup>108</sup> Media reports indicated that they had killed 15 civilians in Israel by the end of 2023, the vast majority of them on 7 October 2023.<sup>109</sup> Those killed included Jewish Israelis and Palestinian citizens of Israel living in unrecognized Palestinian villages in the Negev/Naqab region with no access to shelters. By 30 September 2024, no such deaths had been reported in 2024. The rocket attacks also damaged buildings in both Israel and the OPT and contributed to the displacement of some 135,000 Israelis from their homes in southern Israel, according to media.<sup>110</sup>

Hamas and other Palestinian armed groups also endangered Palestinian civilians inside Gaza. In its October 2024 letters to the Hamas authorities, Amnesty International asked what specific measures or precautions, if any, Hamas had taken to minimize harm to civilians in Gaza, including what precautions Hamas had taken to protect civilians from the effects of Israeli attacks and what measures, if any, Hamas was taking to locate military objectives outside of densely populated areas, including residential neighbourhoods, camps or shelters for internally displaced people, and hospitals or healthcare facilities. In its 13 November 2024 response, Hamas's Political and International Relations Department claimed it was difficult to minimize harm to civilians in Gaza in the face of Israel's widespread attacks and

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<sup>106</sup> Amnesty International, "Israel/OPT: New evidence of unlawful Israeli attacks in Gaza causing mass civilian casualties amid real risk of genocide" (previously cited).

<sup>107</sup> Gaza-based Ministry of Health, Facebook post: [إحصائيات وبيانات تداعيات... شاهد انفوجرافيك](#)... وزارة الصحة الفلسطينية بغزة: شاهد انفوجرافيك... إحصائيات وبيانات تداعيات تداعيات على القطاع الصحي، مع مرور أكثر من عام على العدوان [“Palestinian Ministry of Health in Gaza. See infographic... Statistics and data on the implications of the Israeli assault on the health sector after more than a year since the beginning of the assault”], 20 October 2024, <https://www.facebook.com/photo/?fbid=870019995302944&set=a.534218635549750> (in Arabic); OCHA, “Humanitarian situation update #231: Gaza Strip”, 22 October 2024, <https://www.ochaopt.org/content/humanitarian-situation-update-231-gaza-strip>

<sup>108</sup> See BBC, “Hamas launches rocket attack towards Tel Aviv”, 26 May 2024, <https://www.bbc.com/news/articles/ckrr0e3y29po>; Reuters, “Hamas says it targeted Tel Aviv with two rockets, explosions heard”, 13 August 2024, <https://www.reuters.com/world/middle-east/hamas-says-it-targeted-tel-aviv-with-two-rockets-explosions-heard-2024-08-13>

<sup>109</sup> New York Times, “Hamas and other militant groups are firing rockets into Israel every day”, 27 December 2023, <https://www.nytimes.com/2023/12/27/world/middleeast/israel-hamas-gaza-rockets.html>

<sup>110</sup> Haaretz, “The tragedy of Israel's 135,000 displaced citizens”, 27 February 2024, <https://www.haaretz.com/israel-news/2024-02-27/ty-article-magazine/.premium/what-makes-the-plight-of-israels-displaced-citizens-different/0000018d-ea95-d1e0-a1dd-fbf529ed0000>

the collapse of civilian infrastructure, but that there was a governmental body independent of Hamas that had taken measures to ensure some protection of civilians, including: designating certain locations as shelters for the displaced; ensuring relevant actors, including Israeli forces, were informed of the locations of these shelters and of hospitals; and preparing areas designated as “safe” by Israeli forces to receive the displaced. The letter, however, did not respond directly to the question of whether Hamas fighters might be locating themselves amongst internally displaced persons.

Amnesty International found that Hamas fired rockets from densely populated areas, including camps for displaced civilians. They operated from, or in the vicinity of, residential areas, including makeshift tented camps. Their fighters were present in schools and camps where internally displaced people were taking shelter, including places designated by Israel as “humanitarian zones”. They therefore violated their obligations to take all feasible precautions to protect civilians and civilian objects under their control against the effects of attacks, and to avoid locating, to the extent feasible, military targets in or around densely populated areas.<sup>111</sup> However, these violations do not release Israel from its own obligations under international humanitarian law.

### **3.2.4 INTERNATIONAL RESPONSE**

#### **DELAYED AND INSUFFICIENT DIPLOMATIC ACTION**

On 27 October 2023, the UN General Assembly passed, with a large majority of 121 members, a resolution calling for a humanitarian truce in Gaza.<sup>112</sup> In a rare move, UN Secretary-General António Guterres, who had vocally expressed his concerns about the war since its start, wrote to UN Security Council members on 6 December 2023, warning of “a severe risk of a collapse of the humanitarian system” and a catastrophe with “potentially irreversible implications for Palestinians as a whole and for peace and security in the region”.<sup>113</sup>

Despite this and the shocking levels of Palestinian civilian casualties and of destruction, the USA, Canada, the UK, some European states and other states continued to publicly back Israel’s offensive, refusing to call for a ceasefire, even though the majority of UN member states across the world did support such measures.<sup>114</sup> The USA abused its veto power at the

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<sup>111</sup> Amnesty International, “Israel/OPT: Israeli attacks targeting Hamas and other armed group fighters that killed scores of displaced civilians in Rafah should be investigated as war crimes” (previously cited).

<sup>112</sup> UNGA, Resolution 10/21 (previously cited).

<sup>113</sup> UN Secretary-General, Letter to the Security Council, 6 December 2023, [https://www.un.org/sites/un2.un.org/files/sg\\_letter\\_of\\_6\\_december\\_gaza.pdf](https://www.un.org/sites/un2.un.org/files/sg_letter_of_6_december_gaza.pdf)

<sup>114</sup> In October 2023, for example, in the face of UN Security Council (UNSC) failure, the UNGA adopted a resolution demanding “an immediate, durable and sustained humanitarian truce leading to a cessation of hostilities” in Gaza, with 121 votes in favour, 14 against and 44 abstentions. Those voting against, in addition to Israel, included Austria, Croatia, the Czech Republic, Fiji, Guatemala, Hungary, the Marshall Islands, Micronesia, Nauru, Papua New Guinea, Paraguay, Tonga and the USA. Those abstaining included Albania, Australia, Bulgaria, Cabo Verde, Cameroon, Canada, Cyprus, Denmark, Estonia, Ethiopia, Finland, Georgia, Germany, Greece, Haiti, Iceland, India, Iraq, Italy, Japan, Kiribati, Latvia, Lithuania, Monaco, the Netherlands, North Macedonia, Palau, Panama, the Philippines, Poland, Moldova, Romania, San Marino, Serbia, Slovakia, South Korea, South Sudan, Sweden, Tunisia, Tuvalu, Ukraine, the UK, Uruguay, Vanuatu and Zambia. In December 2023, the UN General Assembly passed another resolution demanding an immediate humanitarian ceasefire in Gaza, with 153 votes in favour, 10 against, and 23 abstaining. UN News, “Gaza crisis: General Assembly adopts resolution calling for

UN Security Council on three occasions to block resolutions calling for a humanitarian pause (in October 2023)<sup>115</sup> or an immediate humanitarian ceasefire (in December 2023 and March 2024).<sup>116</sup> On 15 November 2023, the UN Security Council passed a resolution calling for humanitarian pauses and corridors throughout Gaza, full humanitarian access, the continuous, sufficient and unhindered provision of essential goods and services, including water, electricity, fuel, food, and medical supplies, medical evacuations and repairs to essential infrastructure.<sup>117</sup> On 22 December 2023, the UN Security Council adopted a resolution calling for “urgent steps to immediately allow safe and unhindered and expanded humanitarian access” to Gaza and creating “the conditions for a sustainable cessation of hostilities” but falling short of calling for an immediate ceasefire due to objections from the US mission.<sup>118</sup>

It was not until 25 March 2024 – some five months after the start of the offensive – that the UN Security Council adopted a resolution calling for an immediate ceasefire, albeit one limited to the remainder of the month of Ramadan, “leading to a lasting sustainable ceasefire” and demanding the immediate and unconditional release of hostages in addition to greater humanitarian access.<sup>119</sup> On 10 June 2024, the UN Security Council adopted another resolution endorsing a three-phase ceasefire plan to end the war in Gaza.<sup>120</sup>

On 18 September 2024, the UN General Assembly adopted a resolution responding to the advisory opinion issued by the ICJ on 19 July 2024. It demanded that Israel end its unlawful presence and policies in the OPT within 12 months. It called on all states to “take steps towards ceasing the importation of any products originating in the Israeli settlements, as well as the provision or transfer of arms, munitions and related equipment to Israel, the occupying Power, in all cases where there are reasonable grounds to suspect that they may be used in the Occupied Palestinian Territory”. It also recognized “the need for the establishment of an international mechanism for reparation for all damage, loss or injury arising from the internationally wrongful acts of Israel in the Occupied Palestinian Territory”.<sup>121</sup>

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‘humanitarian truce’, civilian protection”, 27 October 2023, <https://news.un.org/en/story/2023/10/1142932>; UN Meetings Coverage, “General Assembly adopts resolution demanding immediate humanitarian ceasefire in Gaza, parties’ compliance with international law, release of all hostages”, 12 December 2023, <https://press.un.org/en/2023/ga12572.doc.htm>

<sup>115</sup> Al Jazeera English, “US vetoes resolution calling for humanitarian pause in Israel-Hamas war”, 19 October 2023, [https://www.youtube.com/watch?v=7cQzrXA2\\_2E](https://www.youtube.com/watch?v=7cQzrXA2_2E)

<sup>116</sup> Amnesty International, “Israel/OPT: US veto of ceasefire resolution displays callous disregard for civilian suffering in face of staggering death toll”, 8 December 2023, <https://www.amnesty.org/en/latest/news/2023/12/israel-opt-us-veto-of-ceasefire-resolution-displays-callous-disregard-for-civilian-suffering-in-face-of-staggering-death-toll/>; UNGA, “Veto of Security Council resolution calling for ceasefire in Gaza emboldens Israel to continue crimes against Palestinian people, speakers tell General Assembly”, 5 March 2024, <https://press.un.org/en/2024/ga12586.doc.htm>

<sup>117</sup> UNSC, Resolution 2712 (2023), adopted on 15 November 2023, UN Doc. S/RES/2712.

<sup>118</sup> UNSC, Resolution 2720 (2023), adopted on 22 December 2023, UN Doc. S/RES/2720. See also Amnesty International, “Adoption of UN resolution to expedite humanitarian aid to Gaza an important but insufficient step”, 22 December 2023, <https://www.amnesty.org/en/latest/news/2023/12/israel-opt-adoption-of-un-resolution-to-expedite-humanitarian-aid-to-gaza-an-important-but-insufficient-step>

<sup>119</sup> UNSC, Resolution 2728 (2024), adopted on 25 March 2024, UN Doc. S/RES/2728.

<sup>120</sup> UNSC, Resolution 2735 (2024), adopted on 10 June 2024, UN Doc. S/RES/2735.

<sup>121</sup> UNGA, Resolution 10/24: *Advisory Opinion of the International Court of Justice on the Legal Consequences Arising from Israel’s Policies and Practices in the Occupied Palestinian Territory, Including East Jerusalem, and*

Human rights and humanitarian organizations increasingly called for an arms embargo on Israel.<sup>122</sup> By April 2024, some arms suppliers, such as Belgium, Canada, Italy, Japan, the Netherlands and Spain, had announced a suspension of arms transfers to Israel or put new licences on hold.<sup>123</sup> In September 2024, the UK suspended a limited number of arms export licences.<sup>124</sup> In October 2024, French President Emmanuel Macron called for a halt on arms deliveries to Israel for use in Gaza.<sup>125</sup> However, Israel's main suppliers, particularly the USA and Germany, continued to arm Israel with weapons, despite evidence that US-made weapons had been used by Israel in serious violations of international humanitarian law and international human rights law.<sup>126</sup>

## MEASURES OF ACCOUNTABILITY

On 29 December 2023, South Africa instituted proceedings against Israel before the ICJ over alleged breaches by Israel of its obligations under the Genocide Convention in relation to Palestinians in Gaza, starting a much-needed process of accountability.<sup>127</sup>

On 26 January 2024, the ICJ ordered six provisional measures to protect, among other things, the right of Palestinians in Gaza to be protected from acts of genocide. They included an order for Israel to take all measures within its power to prevent the commission of prohibited acts under the Genocide Convention, to prevent and punish the direct and public incitement to genocide, and to take immediate and effective measures to enable the provision of humanitarian assistance to civilians in Gaza. Crucially, the ICJ also ordered Israel to ensure the preservation of evidence related to allegations of genocide and to submit a report to the ICJ, within one month, of all measures taken in line with its order.<sup>128</sup> South

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*from the Illegality of Israel's Continued Presence in the Occupied Palestinian Territory*, adopted on 18 September 2024, UN Doc. A/RES/ES-10/24.

<sup>122</sup> Amnesty International, "More than 250 humanitarian and human rights organisations call to stop arms transfers to Israel and Palestinian armed groups", 24 January 2024, <https://www.amnesty.org/en/latest/news/2024/01/more-than-250-humanitarian-and-human-rights-organisations-call-to-stop-arms-transfers-to-israel-palestinian-armed-groups>; OHCHR, "Arms exports to Israel must stop immediately: UN experts", 23 February 2024, <https://www.ohchr.org/en/press-releases/2024/02/arms-exports-israel-must-stop-immediately-un-experts>

<sup>123</sup> Times of Israel, "Italy arms exports to Israel continued despite block, minister says", 14 March 2024, [https://www.timesofisrael.com/liveblog\\_entry/italy-arms-exports-to-israel-continued-despite-block-minister-says](https://www.timesofisrael.com/liveblog_entry/italy-arms-exports-to-israel-continued-despite-block-minister-says); Guardian, "Which countries supply Israel with arms and why is Biden reluctant to stop?", 9 April 2024, <https://www.theguardian.com/world/2024/apr/09/us-israel-weapons>

<sup>124</sup> BBC, "UK suspends some arms exports to Israel", 2 September 2024, <https://www.bbc.co.uk/news/articles/cd05pk95j2xq>; Amnesty International UK, "UK: suspension of 30 arms export licences for Israel is 'too limited'", 2 September 2024, <https://www.amnesty.org.uk/press-releases/uk-suspension-30-arms-export-licences-israel-too-limited>

<sup>125</sup> BBC, "Macron calls to halt arms deliveries to Israel in Gaza war", 6 October 2024, <https://www.bbc.co.uk/news/articles/cjr3zd4d8y5o>

<sup>126</sup> Amnesty International USA, "U.S.-made weapons used by government of Israel in violation of international law and U.S. law", 29 April 2024, <https://www.amnestyusa.org/press-releases/u-s-made-weapons-used-by-government-of-israel-in-violation-of-international-law-and-u-s-law>

In May 2024, the USA announced the suspension of a shipment of heavy munitions to Israel over concerns that they would be used during Israeli attacks in Rafah but continued to ship other weapons. It agreed to resume the transfer of lower-impact bombs in July 2024, according to press reports. See, for example, CNN, "US paused shipment of bombs to Israel amid concerns over potential use in Rafah incursion", 8 May 2024, <https://edition.cnn.com/2024/05/07/politics/us-israel-bomb-shipment-pause-rafah-incursion/index.html>

<sup>127</sup> South Africa, Application Instituting Proceedings in the Name of the Republic of South Africa Against the State of Israel, 29 December 2023, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf>

<sup>128</sup> ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (*South Africa v. Israel*), Request for the Indication of Provisional Measures, order, 26 January 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>

Africa had also requested that the ICJ order Israel to immediately suspend its military operations in and against Gaza as part of its provisional measures,<sup>129</sup> but the ICJ declined to do so.<sup>130</sup>

On 28 March 2024, the ICJ ordered additional provisional measures, in response to a new request by South Africa, in light of the further deterioration of what the ICJ described as the “catastrophic living conditions of the Palestinians in the Gaza Strip” and the fact that Palestinians in Gaza were “no longer facing only a risk of famine” but that “famine [was] setting in”. Among other things, the ICJ ordered Israel to take “all necessary and effective measures to ensure, without delay... the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance... as well as medical supplies and medical care to Palestinians throughout Gaza, including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary”. Israel was also ordered to ensure that its military does not commit acts that violate the right of Palestinians in Gaza to be protected from acts of genocide, such as preventing “the delivery of urgently needed humanitarian assistance”.<sup>131</sup> South Africa had also asked that the ICJ call on Israel to immediately suspend its military operations in Gaza and to lift its blockade of Gaza,<sup>132</sup> both of which the ICJ declined to do.<sup>133</sup>

In May 2024, South Africa requested the ICJ to order further provisional measures in light of Israel’s launch, on 6 May 2024, of a long-threatened ground operation in Rafah, where over 1 million displaced Palestinians had taken shelter. In its May 2024 request, South Africa asked the ICJ to order Israel to immediately withdraw and cease its military offensive in the Rafah governorate.<sup>134</sup> On 24 May 2024, the ICJ ordered Israel to immediately stop military operations in the Rafah governorate,<sup>135</sup> which Israel did not.

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See also Amnesty International, “Israel defying ICJ ruling to prevent genocide by failing to allow adequate humanitarian aid to reach Gaza” (previously cited).

<sup>129</sup> South Africa, Application Instituting Proceedings in the Name of the Republic of South Africa Against the State of Israel, 29 December 2023 (previously cited).

<sup>130</sup> ICJ, *South Africa v. Israel*, order, 26 January 2024 (previously cited).

<sup>131</sup> ICJ, *South Africa v. Israel*, Request for the Modification of the Order of 26 January 2024 Indicating Provisional Measures, order, 28 March 2024, <https://www.ici-cij.org/sites/default/files/case-related/192/192-20240328-ord-01-00-en.pdf>

<sup>132</sup> South Africa, Application Instituting Proceedings in the Name of the Republic of South Africa Against the State of Israel, 6 March 2024, <https://www.ici-cij.org/sites/default/files/case-related/192/192-20240306-wri-01-00-en.pdf>

<sup>133</sup> ICJ, *South Africa v. Israel*, order, 28 March 2024 (previously cited).

<sup>134</sup> South Africa, Application Instituting Proceedings in the Name of the Republic of South Africa Against the State of Israel, 10 May 2024, <https://www.ici-cij.org/sites/default/files/case-related/192/192-20240510-wri-01-00-en.pdf>

<sup>135</sup> ICJ, *South Africa v. Israel*, Request for the Modification of the Order of 28 March 2024, order, 24 May 2024, <https://www.ici-cij.org/sites/default/files/case-related/192/192-20240524-ord-01-00-en.pdf>



Several states filed declarations of intervention in the proceedings between South Africa and Israel, including, in chronological order, Nicaragua<sup>136</sup>, Colombia<sup>137</sup>, Libya<sup>138</sup>, Mexico<sup>139</sup>, the State of Palestine<sup>140</sup>, Spain<sup>141</sup>, Türkiye<sup>142</sup>, Chile<sup>143</sup>, the Maldives<sup>144</sup> and Bolivia<sup>145</sup>.

On 20 May 2024, the Prosecutor of the International Criminal Court (ICC) applied to Pre-Trial Chamber I for arrest warrants against Israeli Prime Minister Netanyahu and then Minister of Defense Gallant over their alleged criminal responsibility for the war crimes of starvation of civilians, attacks directed at civilians, and wilful killing and causing great suffering, as well as the crimes against humanity of extermination, including through starvation, and persecution, among others, under the Rome Statute, committed in Gaza from at least 8 October 2023. He also applied for arrest warrants against Hamas leaders Yahya Sinwar, Mohammed Deif and Ismail Haniyeh over their alleged responsibility for the following war crimes and crimes against humanity committed from 7 October 2023 onwards: extermination, murder, hostage-taking, rape and other sexual violence, torture, other inhumane acts, cruel treatment and outrages upon personal dignity. Ismail Haniyeh and Yahya Sinwar were confirmed as killed and Mohammed Deif was reported as killed in Israeli attacks between July and October 2024.<sup>146</sup> On 21 November 2024, the Pre-Trial Chamber issued arrest warrants for Benjamin Netanyahu, Yoav Gallant and Mohammed Deif (in the absence of confirmation of his death) for charges of war crimes and crimes against humanity.<sup>147</sup>

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<sup>136</sup> Nicaragua, Application for Permission to Intervene, 22 January 2024, <https://www.ici-cij.org/sites/default/files/case-related/192/192-20240123-int-01-00-en.pdf>

<sup>137</sup> Colombia, Declaration of Intervention, 5 April 2024, <https://www.ici-cij.org/sites/default/files/case-related/192/192-20240405-int-01-00-en.pdf>

<sup>138</sup> Libya, Declaration of Intervention, 10 May 2024, <https://www.ici-cij.org/sites/default/files/case-related/192/192-20240510-int-01-00-en.pdf>

<sup>139</sup> Mexico, Declaration of Intervention, 28 May 2024, <https://www.ici-cij.org/sites/default/files/case-related/192/192-20240524-int-01-00-en.pdf>

<sup>140</sup> Palestine, Application for Permission to Intervene and Declaration of Intervention, 3 June 2024, <https://www.ici-cij.org/sites/default/files/case-related/192/192-20240603-int-01-00-en.pdf>

<sup>141</sup> Spain, Declaration of Intervention, 28 June 2024 <https://www.ici-cij.org/sites/default/files/case-related/192/192-20240628-int-01-00-en.pdf>

<sup>142</sup> Türkiye, Declaration of Intervention, 7 August 2024, <https://www.ici-cij.org/sites/default/files/case-related/192/192-20240807-int-01-00-en.pdf>

<sup>143</sup> Chile, Declaration of Intervention, 12 September 2024, <https://www.ici-cij.org/sites/default/files/case-related/192/192-20240912-int-01-00-en.pdf>

<sup>144</sup> Maldives, Declaration of Intervention, 1 October 2024, <https://www.ici-cij.org/sites/default/files/case-related/192/192-20241001-int-01-00-en.pdf>

<sup>145</sup> Bolivia, Declaration of Intervention, 8 October 2024, <https://www.ici-cij.org/sites/default/files/case-related/192/192-20241008-int-01-00-en.pdf>

<sup>146</sup> ICC, "Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine", 20 May 2024, <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>

The Israeli military claimed to have killed Mohammed Deif in a strike in which scores of civilians were also killed in Khan Younis on 13 July 2024. See BBC, "Hamas military chief was killed in July strike, Israel says", 1 August 2024, <https://www.bbc.com/news/articles/cpv3gpy74ydo>

Ismail Haniyeh was killed in Iran on 31 July 2024. Many media reports linked the killing to the Israeli state. See, for example, New York Times, "Bomb smuggled into Tehran guesthouse months ago killed Hamas leader", 1 August 2024, <https://www.nytimes.com/2024/08/01/world/middleeast/how-hamas-leader-haniyeh-killed-iran-bomb.html> Yahya Sinwar was killed in Gaza on 16 October 2024. See, for example, CNN, "Hamas leader Yahya Sinwar killed in Gaza, Israeli military says", 17 October 2024, <https://edition.cnn.com/2024/10/17/middleeast/israel-hamas-leader-yahya-sinwar-gaza-intl/index.html>

<sup>147</sup> ICC, "Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel's challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant", 21 November 2024, <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges>; ICC,

The State of Palestine had become a party to the Rome Statute and accepted the jurisdiction of the ICC over alleged crimes committed “in the occupied Palestinian territory, including East Jerusalem, since 13 June 2014,” in January 2015.<sup>148</sup> In May 2018, the State of Palestine referred to the ICC Prosecutor the situation since 13 June 2014, with no end date.<sup>149</sup> In February 2021, the ICC Pre-Trial Chamber ruled that the ICC’s territorial jurisdiction extends to the “Palestinian territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem.”<sup>150</sup> After October 2023, other states, namely Bangladesh, Bolivia, Chile, the Comoros, Djibouti, Mexico and South Africa, also referred the situation in the State of Palestine to the Office of the Prosecutor, who confirmed that an investigation was ongoing and included the escalation of violence and hostilities since 7 October 2023.<sup>151</sup>

Meanwhile, Israel’s strongest allies publicly defended it, but did so with expressions of political support rather than articulating any legal positions. For example, the USA, Germany and the UK rejected South Africa’s case before the ICJ as unfounded.<sup>152</sup> Following the ICC’s prosecutor’s application for arrest warrants against Hamas leaders and Israeli officials, US President Joe Biden denounced the decision as “outrageous” and vowed to “stand with Israel against threats to its security”.<sup>153</sup> As for Germany, it expressed support for the ICC in general, but questioned the prosecutor’s approach of applying for arrest warrants for Hamas leaders and Israeli officials at the same time, denouncing the “incorrect implication of equivalence”.<sup>154</sup> Similarly, the UK denounced the move as “unhelpful”.<sup>155</sup> After the ICC’s Pre-Trial Chamber issued arrest warrants, US President Joe Biden said the “issuance of

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“Situation in the State of Palestine: ICC Pre-Trial Chamber I issues warrant of arrest for Mohammed Diab Ibrahim Al-Masri (Deif)”, 21 November 2024, <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-issues-warrant-arrest-mohammed-diab-ibrahim>

See also Amnesty International, “Israel/OPT: Netanyahu, Gallant and Al-Masri must face justice at the ICC for charges of war crimes and crimes against humanity”, 21 November 2024, <https://www.amnesty.org/en/latest/news/2024/11/israel-opt-netanyahu-gallant-and-al-masri-must-face-justice-at-the-icc-for-charges-of-war-crimes-and-crimes-against-humanity>

<sup>148</sup> UN Secretary-General, Rome Statute of the International Criminal Court: State of Palestine – Accession, 6 January 2015, UN Doc. C.N.13.2015.TREATIES-XVIII.10 (Depositary Notification).

<sup>149</sup> ICC, *Situation in the State of Palestine*, Case ICC-01/18, Background, <https://www.icc-cpi.int/palestine>

<sup>150</sup> ICC, *Situation in the State of Palestine*, Case ICC-01/18, Pre-Trial Chamber, Decision on the Prosecution Request Pursuant to Article 19(3) for a Ruling on the Court’s Territorial Jurisdiction in Palestine, 5 February 2021, para. 118.

<sup>151</sup> ICC, *Situation in the State of Palestine*, Case ICC-01/18, Background (previously cited).

<sup>152</sup> USA, State Department, “This week’s International Court of Justice hearings”, 10 January 2024, <https://www.state.gov/this-weeks-international-court-of-justice-hearings>; CNN, “Israel denies genocide accusations, says war in Gaza is self-defense”, 12 January 2024, <https://edition.cnn.com/2024/01/12/middleeast/ici-israel-gaza-hamas-genocide-hearing-hague-day-two-intl/index.html>; BBC, “Israel says South Africa distorting the truth in ICJ genocide case”, 12 January 2024, <https://www.bbc.co.uk/news/world-middle-east-67944903>

<sup>153</sup> USA, White House, “Statement from President Joe Biden on the warrant applications by the International Criminal Court”, 20 May 2024, <https://tinyurl.com/4tfe6xaj>

<sup>154</sup> Germany, Federal Foreign Office, “Federal Foreign Office on the application for arrest warrants at the International Criminal Court”, 20 May 2024, <https://www.auswaertiges-amt.de/en/newsroom/news/-/2657664>

<sup>155</sup> Politico, “UK’s Sunak slams ICC warrant for Netanyahu”, 21 May 2024, <https://www.politico.eu/article/uk-rishi-sunak-slams-icc-arrest-warrant-for-benjamin-netanyahu-no-moral-equivalence>

arrest warrant against Israeli leaders is outrageous”.<sup>156</sup> European leaders had mixed reactions.<sup>157</sup>

### 3.2.5 ISRAELI SETTLEMENT EXPANSION AND SETTLER VIOLENCE

Since the start of the offensive on Gaza, the Israeli authorities have rapidly – and unlawfully – advanced Jewish settlement in the occupied West Bank, including East Jerusalem, forcing Palestinians from their homes and historic land. They have done so through the adoption of new seizure orders, plans and other measures, in line with long-standing apartheid policies and practices; the demolition of Palestinian homes and other property; and by backing, or failing to prevent, the dramatic increase in attacks by Israeli settlers perpetrated against Palestinian farming and herding communities at an unprecedented rate.<sup>158</sup> These state-backed attacks, coupled with increased movement restrictions following 7 October 2023, had resulted in significant displacement. In the year following 7 October 2023, 277 households comprising some 1,628 Palestinians, including 794 children, in Bedouin and herding communities had been displaced across the West Bank, with attacks by settlers and settlers’ impeding access to people’s grazing lands a key catalyst of displacement, according to OCHA.<sup>159</sup>

From 7 October 2023, the Israeli authorities fast-tracked the approval of new settlement units in the West Bank, including East Jerusalem, retroactively legalized eight outposts, which are illegal even under Israeli law,<sup>160</sup> and designated an unprecedented vast area of the West Bank as “state land”, paving the way for its permanent confiscation.<sup>161</sup> In addition, Israeli settlers established 25, mostly agricultural, outposts with the direct or indirect support of the Israeli military.<sup>162</sup>

While settlement expansion significantly spiked after 7 October 2023, an intensification of such unlawful practices, along with the repression of Palestinians, had been prominent features of the 37th Israeli coalition government formed by Prime Minister Netanyahu in December 2022. The coalition included the National Religious Party – Religious Zionism,<sup>163</sup> led by Minister of Finance Bezalel Smotrich, and Jewish Power (Otzma Yehudit), a religious

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<sup>156</sup> USA, White House, “Statement from President Joe Biden on warrants issued by the International Criminal Court”, 21 November 2024, <https://www.whitehouse.gov/briefing-room/statements-releases/2024/11/21/statement-from-president-joe-biden-on-warrants-issued-by-the-international-criminal-court>

<sup>157</sup> Euronews, “European leaders give mixed reactions on Netanyahu’s war crimes arrest warrant”, 22 November 2024, <https://www.euronews.com/2024/11/22/biden-calls-icc-war-crimes-arrest-warrant-for-netanyahu-outrageous>

<sup>158</sup> Between 7 October 2023 and 15 July 2024, OCHA recorded 1,222 attacks by settlers against Palestinians and their property. OCHA, “Humanitarian situation update #192: West Bank”, 17 July 2024, <https://www.ochaopt.org/content/humanitarian-situation-update-192-west-bank>

<sup>159</sup> OCHA, “Humanitarian situation update #225: West Bank”, 2 October 2024, <https://www.ochaopt.org/content/humanitarian-situation-update-225-west-bank>

<sup>160</sup> Peace Now, “While we were at war: The government’s annexation revolution in the West Bank since October 7th”, 22 July 2024, <https://peacenow.org.il/wp-content/uploads/2024/07/While-We-Were-at-War-The-Government-Annexation-Revolution-in-the-West-Bank-Since-October-7th-Special-Report-Peace-Now-Settlement-Watch-1.pdf>

<sup>161</sup> Guardian, “Revealed: Israel has sped up settlement-building in East Jerusalem since Gaza war began”, 17 April 2024, <https://www.theguardian.com/world/2024/apr/17/revealed-israel-has-spiced-up-settlement-building-in-east-jerusalem-since-gaza-war-began>; Peace Now, “The government declares 12,000 dunams in the Jordan Valley as state lands”, 3 July 2024, <https://peacenow.org.il/en/state-land-declaration-12000-dunams>

<sup>162</sup> Peace Now, “While we were at war” (previously cited), p. 1.

<sup>163</sup> Jewish Virtual Library, “Religious Zionism party (formerly Tkuma)”, <https://www.jewishvirtuallibrary.org/tkuma-political-party>

Zionist, ultra-nationalist and anti-Palestinian party,<sup>164</sup> led by Minister of National Security Itamar Ben-Gvir. Both ministers are settlers and leading figures in a settler movement that pursues Jewish settlement expansion in, and annexation of, the West Bank, including East Jerusalem, whilst denying Palestinians their civil and political rights. Since the start of the offensive, they have vocally advocated and rallied support for the re-establishment of Jewish settlements in Gaza.<sup>165</sup> In just two years, they rose from the political periphery to the centre of power and decision-making after Prime Minister Netanyahu relied on their support to form a coalition.

Itamar Ben-Gvir, who in 2007 was convicted of incitement to racism and affiliation with a terror group and was known for his calls to deport Palestinian citizens of Israel “disloyal” to the state, was viewed until recently as a fringe extremist voice. Bezalel Smotrich had, in 2017, outlined three options for Palestinians in the West Bank in what he called “Israel’s Decisive Plan”. It envisaged allowing those Palestinians who give up their national aspirations to stay and live in Israel and encouraging those who do not to emigrate. It advocated waging war until military victory against those who choose to stay and continue to resist, “killing those who need to be killed” and “confiscating weapons to the last bullet”.<sup>166</sup>

Bezalel Smotrich’s subsequent transformation into the most influential man in the West Bank echoes the gradual growth of the nationalist settler movement. In February 2023, Minister of Finance Smotrich was appointed as the West Bank’s de facto civil governor following a memorandum of understanding with the ruling Likud party. He was granted sweeping powers over land management, planning, land designation and acquisition, the retroactive legalization of outposts and the expansion of settlements, among others.<sup>167</sup>

On 29 May 2024, the chief of the Israeli military’s Central Command signed a military order establishing the position of Deputy Head of Civil Administration for Civil Affairs and delegated to it key powers within the Civil Administration over Area C, which constitutes 60% of the West Bank and is under full Israeli control.<sup>168</sup> These powers applied to urban and rural planning, land zoning, real estate transactions, government property, tourism, arrangements related to land and water, forestation, administration of natural reserves and parks, and administration of holy sites, among many others.<sup>169</sup> The transfer of the management of civil matters from the Ministry of Defense to the Ministry of Finance and the appointment of a

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<sup>164</sup> Jewish Virtual Library, “Israeli political parties: Otzma Yehudit”, <https://www.jewishvirtuallibrary.org/otzma-yehudit>

<sup>165</sup> See, for example, Al Jazeera, “Israeli ministers join gathering calling for resettlement of Gaza”, 29 January 2024, <https://www.aljazeera.com/news/2024/1/29/israeli-ministers-join-gathering-calling-for-rebuilding-settlements-in-gaza>

<sup>166</sup> Haaretz, “Smotrich’s plan to subjugate the Palestinians goes ahead”, 12 March 2024; Bezalel Smotrich, “Israel’s decisive plan”, Hashiloach, <https://hashiloach.org.il/israels-decisive-plan> (accessed on 21 October 2024).

<sup>167</sup> Adalah – The Legal Center for Arab Minority Rights in Israel (Adalah), “Agreement detailing Smotrich’s authority in the Defense Ministry grants powers intended to expand settlement enterprise”, 17 April 2024, <https://www.adalah.org/en/content/view/11096>

<sup>168</sup> Times of Israel, “Drawing annexation claims, IDF hands many West Bank powers to civilian ally of Smotrich”, 23 June 2024, <https://www.timesofisrael.com/drawing-annexation-claims-idf-hands-many-west-bank-powers-to-civilian-ally-of-smotrich>

The person appointed to this position, Hillel Roth, is a close ally of Bezalel Smotrich.

<sup>169</sup> IDF, (33 תיקון מס' 2195, צו בדבר הקמת מינהל אזרחי (תיקון מס' 33)”, 29 May 2024, <https://www.idf.il/media/zsxnyj52-צו-בדבר-הקמת-מינהל-אזרחי-33-תיקון-מס-2195-תשפד-2024> (in Hebrew).

civilian deputy to the head of the Civil Administration constituted a shift in the legal paradigm in the OPT that consolidates the de facto unlawful annexation of occupied territory in violation of international law.<sup>170</sup> It also further entrenched the system of apartheid against Palestinians, also in contravention of international law.

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<sup>170</sup> Yesh Din, *State of The Occupation Year 57: A Joint Situation Report*, June 2024, [https://s3.eu-west-1.amazonaws.com/files.yesh-din.org/ReportAll2024\\_ENG.pdf](https://s3.eu-west-1.amazonaws.com/files.yesh-din.org/ReportAll2024_ENG.pdf), p. 24; Association for Civil Rights in Israel, “The appointment of a civilian as deputy head of the Civil Administration constitutes a de facto annexation of the West Bank”, 7 July 2024, <https://www.english.acri.org.il/post/the-appointment-of-a-civilian-as-deputy-head-of-the-civil-administration-constitutes-a-de-facto-anne>

# 4. ISRAEL'S OBLIGATIONS UNDER INTERNATIONAL LAW

Under international law, the situation in Gaza and the West Bank is considered a military occupation. In the context of the current conflict, Israel has obligations under international humanitarian law, including the law of occupation, as well as applicable international human rights law.

International humanitarian law, also known as the law of armed conflict or the laws of war, includes rules protecting civilians and other individuals *hors de combat*, as well as rules regulating the means and methods of warfare. It also includes rules imposing obligations on states which are militarily occupying a territory. International humanitarian law binds all parties to an armed conflict, including non-state armed groups.

International human rights law, including civil, cultural, economic, political and social rights, applies both in peacetime and during armed conflict and is legally binding on states, their armed forces and other agents.<sup>171</sup> It establishes the right of victims of serious human rights violations to remedy, including justice, truth and reparation.

## 4.1 INTERNATIONAL HUMANITARIAN LAW

International humanitarian law is comprised of rules whose central purpose is to limit, to the maximum extent feasible, human suffering in times of armed conflict. It sets out standards of humane conduct and limits the means and methods of conducting military operations by balancing military necessity (the use of armed force to achieve legitimate military aims) with humanity. It seeks to protect primarily those who are not participating in hostilities, notably civilians, as well as combatants and fighters who are sick, wounded or captured.

The four Geneva Conventions of 1949 and their two Additional Protocols of 1977 are the principal instruments of international humanitarian law. Israel is a party to the 1949 Geneva

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<sup>171</sup> ICJ, Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem, advisory opinion (previously cited), paras 99-102; ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, advisory opinion, 9 July 2004, para. 106. See also UN Human Rights Committee (HRC), General Comment 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, 29 March 2004, UN Doc. CCPR/C/21/Rev.1/Add.13.

Conventions but is not a party to the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) or to the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

Nonetheless, Israel is bound by the rules – including those cited below – that form part of customary international law and therefore are obligatory for all parties to an armed conflict.<sup>172</sup>

#### 4.1.1 NATURE OF ARMED CONFLICT

Under international humanitarian law, military occupations are considered international armed conflicts.<sup>173</sup>

The occupation of Gaza is governed by international humanitarian law applicable to belligerent occupation, that is, occupation law,<sup>174</sup> as well as international human rights law.

Under normal circumstances, the occupying power's use of force is governed by law enforcement standards derived from international human rights law when maintaining order in occupied territory. For example, these would require the occupying power to seek to arrest, rather than kill, members of armed groups suspected of carrying out attacks, and to use the minimum amount of force necessary in countering any security threat.

However, in a context such as Gaza following 7 October 2023, when there is intense fighting between an organized armed group (or several such groups) and the military of the occupying power, international humanitarian law rules governing humane conduct in warfare apply alongside occupation law and international human rights law.<sup>175</sup> As regards the fighting in Gaza between Israel and Hamas and other organized armed groups, all sides are bound by the rules on the conduct of hostilities applicable in a non-international armed conflict. And Israel's obligations as the occupying power, including relevant human rights obligations, continue to apply in parallel vis-à-vis the civilian population of the occupied territory. In this regard it is important to note that, even when a conflict has broken out, which legal standards apply will depend on the circumstances of a particular situation. For example, in the case of a demonstration during a conflict, law enforcement standards and international human rights law would govern the conduct of forces policing the demonstration.<sup>176</sup>

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<sup>172</sup> ICRC, Customary International Humanitarian Law (IHL). This is available as a database (<https://ihl-databases.icrc.org/en/customary-ihl>), an online version of the ICRC's study on customary international humanitarian law, originally published in 2005. The rules remain the same. Information on the practice underlying them is regularly updated.

<sup>173</sup> Article 2 common to the Four Geneva Conventions of 1949.

<sup>174</sup> These rules primarily are found in the Annex to Hague Convention IV: Regulations Concerning the Law and Customs of War on Land (Hague Regulations); and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention).

<sup>175</sup> ICRC, *How is the Term "Armed Conflict" Defined in International Humanitarian Law?*, 16 April 2024, <https://www.icrc.org/en/document/icrc-opinion-paper-how-term-armed-conflict-defined-international-humanitarian-law>, pp. 13-14.

<sup>176</sup> HRC, General Comment 37: On the Right of Peaceful Assembly (Article 21), 17 September 2020, UN Doc. CCPR/C/GC/37, para. 97.

## 4.1.2 LAW OF BELLIGERENT OCCUPATION

Article 42 of the Annex to Hague Convention IV: Regulations Concerning the Law and Customs of War on Land of 1907 (Hague Regulations) defines belligerent occupation as follows: “Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised.”

In interpreting this definition, the notion of “effective control” over the territory in question is central.<sup>177</sup> The key elements of belligerent occupation are: the presence of foreign forces to establish and exert control; the ability to exercise authority over the occupied territory and population; and the fact that the presence of foreign forces is not consented to.<sup>178</sup>

Israel has been militarily occupying Gaza since June 1967. In 2005, as part of what it termed “disengagement” from Gaza, Israel removed its settlements and settlers. Yet despite the redeployment of its troops in 2005, the Israeli military has retained effective control over Gaza. Israel maintains sole control of Gaza’s airspace and territorial waters and does not allow any movement of people or goods in or out of Gaza via air or sea. It controls all land crossings into Israel (and consequently access to the rest of the OPT). It has continued to exercise varying degrees of control over Gaza’s border with Egypt. It has also continued to control electricity, water and telecommunication in Gaza, as well as its population registry.

In cases like this, where the occupying power has withdrawn its forces from all or parts of the occupied territory but has maintained key elements of an occupying power’s authority – in this case, after the 2005 redeployment of Israeli forces – this retention of authority can amount to effective control. In such cases, occupation law – or at least the provisions relevant to the powers the occupant continues to exercise – remains in force.<sup>179</sup> The ICJ reached a similar conclusion in its advisory opinion on the legality of Israel’s occupation of the OPT when it noted, concerning Gaza prior to 7 October 2023:

**“Israel’s withdrawal from the Gaza Strip has not entirely released it of its obligations under the law of occupation. Israel’s obligations have remained commensurate with the degree of its effective control over the Gaza Strip.”**<sup>180</sup>

In the context of its offensive on Gaza and particularly after the start of its ground operations, Israel has re-established a degree of control similar to that which it exercised prior to the

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<sup>177</sup> ICJ, Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem, advisory opinion (previously cited), para. 90.

<sup>178</sup> ICJ, Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem, advisory opinion (previously cited), para. 90.

<sup>179</sup> ICJ, Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem, advisory opinion (previously cited), paras 91-94; ICRC, Updated Commentary on Article 2 Common to the Four Geneva Conventions of 1949, 2016, <https://ihl-databases.icrc.org/ihl/full/GCI-commentary>, paras 307-313. See also Tristan Ferraro, “Determining the beginning and end of an occupation under international humanitarian law”, International Review of the Red Cross, March 2012, <https://international-review.icrc.org/articles/determining-beginning-and-end-occupation-under-international-humanitarian-law>; ICRC, “Fifty years of occupation: Where do we go from here?”, 2 June 2017, <https://www.icrc.org/en/document/fifty-years-occupation-where-do-we-go-here>; Declaration of the Conference of High Contracting Parties to the Geneva Conventions, <https://www.un.org/unispal/document/auto-insert-198189>

<sup>180</sup> ICJ, Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem, advisory opinion (previously cited), para. 94.



2005 disengagement. It is once again bound by all applicable rules of occupation law, including relevant provisions of the Hague Regulations and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention).

The Fourth Geneva Convention imposes obligations on an occupying power in relation to the inhabitants of the occupied territory, who are “protected persons” and entitled to special protection and humane treatment.<sup>181</sup> Among other things, such persons are protected against all acts of violence and threats, and against torture and other ill-treatment; must not be used as human shields or hostages; and must be treated humanely at all times.<sup>182</sup> The occupying power is responsible for the welfare of the population under its control. This means it must ensure that law and order is maintained and basic necessities are provided for.<sup>183</sup>

### **MEASURES OF CONTROL OR SECURITY**

According to Article 43 of the Hague Regulations, the occupying power “shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.”

Measures of control or security must be “necessary as a result of the war.”<sup>184</sup> However, even when measures are justified on the grounds of security, “regulations concerning occupation... are based on the idea of the personal freedom of civilians remaining in general unimpaired... What is essential is that the measures of constraint they adopt should not affect the fundamental rights of the persons concerned... those rights must be respected even when measures of constraint are justified.”<sup>185</sup>

### **DESTRUCTION OF HOMES AND PROPERTY**

As the occupying power, Israel is forbidden from destroying the property of Palestinians, unless it is militarily necessary to do so.<sup>186</sup> Article 53 of the Fourth Geneva Convention stipulates:

**“Any destruction by the occupying power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.”<sup>187</sup>**

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<sup>181</sup> Fourth Geneva Convention, Article 4.

<sup>182</sup> Fourth Geneva Convention, Articles 27-28 and 32-34.

<sup>183</sup> Hague Regulations, Article 43; Fourth Geneva Convention, Articles 55-56.

<sup>184</sup> Fourth Geneva Convention, Article 27.

<sup>185</sup> ICRC, Commentary on the Fourth Geneva Convention, 1958, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949>, Article 27.

<sup>186</sup> The principle of military necessity allows a party to the conflict to take measures which are necessary to weaken the military forces of its adversary, and which are not otherwise prohibited by international humanitarian law. In the case of the prohibition of destruction of an adversary’s property, there is an explicit exception for “imperative military necessity”, allowing for destruction of property when it serves a legitimate military purpose and does not violate other rules of international humanitarian law. An example of a legitimate purpose would be destroying a structure providing cover for an enemy to fire at one’s own forces during active combat. Even when destruction may serve a legitimate military purpose, the extent and manner of such destruction is limited by the principle of proportionality, the prohibition of collective punishment and other rules of international humanitarian law.

<sup>187</sup> See also ICRC, Customary IHL, Rule 50.

Article 56 of the Hague Regulations prohibits “all seizure of, and destruction, or intentional damage done to” institutions dedicated to religion, charity, education, the arts and sciences, historic monuments and works of art and science.

Furthermore, “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly” is a grave breach of the Geneva Conventions and constitutes a war crime.<sup>188</sup> “Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives” also constitutes a war crime.<sup>189</sup>

## **DISPLACEMENT**

The occupying power may not deport or forcibly transfer the civilian population of an occupied territory, in whole or in part, unless the security of the civilians involved or imperative military reasons so demand.<sup>190</sup> In case of displacement, all possible measures must be taken in order that the civilians concerned are received under satisfactory conditions of shelter, hygiene, health, safety and nutrition and that members of the same family are not separated.<sup>191</sup> The deportation or transfer of all or parts of the population of the occupied territory within or outside the occupied territory is a war crime.<sup>192</sup>

## **FOOD, MEDICAL SUPPLIES AND RELIEF**

As the occupying power, Israel has an obligation to ensure the population of Gaza has adequate access to food, essential supplies, medicine and medical care.

Article 55 of the Fourth Geneva Convention states:

**“To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.”**

Article 61(1) of Protocol I extends the occupying power’s obligations, to the fullest extent of the means available to it and without any adverse distinction, to “the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.” And the authoritative commentary of the ICRC specifies:

**“Urgent action to provide shelter applies particularly if the occupied territory has suffered damage from bombing. The immediate provision of makeshift shelters (tents, prefabricated or other forms of housing), is an essential preliminary step to more long-term reconstruction.”<sup>193</sup>**

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<sup>188</sup> Fourth Geneva Convention, Article 147; Rome Statute, Article 8(2)(a)(iv); ICRC, Customary IHL, Rule 156.

<sup>189</sup> Rome Statute, Article 8(2)(b)(ix).

<sup>190</sup> Fourth Geneva Convention, Article 49(1); ICRC, Customary IHL, Rule 129.

<sup>191</sup> Fourth Geneva Convention, Article 49(3); ICRC, Customary IHL, Rule 131.

<sup>192</sup> Rome Statute, Article 8(2)(b)(viii); ICRC, Customary IHL, Rule 156.

<sup>193</sup> ICRC, Commentary on Protocol I, 1987, <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977>, Article 69, p. 812.

Article 56 of the Fourth Geneva Convention states:

**“To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory... Medical personnel of all categories shall be allowed to carry out their duties.”**

Article 59 is particularly relevant to the situation in Gaza since 7 October 2023. It stipulates:

**“If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.”**

It must be emphasized that the obligation of the occupying power to agree to allow humanitarian assistance to enter and be distributed throughout the occupied territory is unconditional. And the occupying power must not only agree to such relief schemes but also “facilitate’ them by all the means at its disposal.”<sup>194</sup> And the obligation to facilitate relief schemes means that “[t]he occupation authorities must therefore co-operate wholeheartedly in the rapid and scrupulous execution of these schemes.”<sup>195</sup>

### **COLLECTIVE PUNISHMENT**

The Fourth Geneva Convention specifically prohibits collective punishment. Article 33 states: “No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.”

The authoritative commentary of the ICRC explains that the prohibition of collective penalties is meant to be broad – not limited to sentences by a court or to formal administrative measures: “This paragraph then lays a prohibition on collective penalties... penalties of any kind inflicted on persons or entire groups of persons, in defiance of the most elementary principles of humanity, for acts that these persons have not committed.”<sup>196</sup> Imposing collective punishments is a war crime.<sup>197</sup>

## **4.1.3 RULES ON CONDUCT OF HOSTILITIES**

### **PRINCIPLE OF DISTINCTION AND PROHIBITION OF DIRECT ATTACKS**

A fundamental rule of international humanitarian law is that parties to an armed conflict must at all times “distinguish between civilians and combatants”, especially in that “[a]ttacks may only be directed against combatants” and “must not be directed against civilians”.<sup>198</sup> A

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<sup>194</sup> ICRC, Commentary on the Fourth Geneva Convention (previously cited), Article 59, p. 320.

<sup>195</sup> ICRC, Commentary on the Fourth Geneva Convention (previously cited), Article 59, p. 320.

<sup>196</sup> ICRC, Commentary on the Fourth Geneva Convention (previously cited), Article 33, p. 225.

<sup>197</sup> ICRC, Customary IHL, Rule 156.

<sup>198</sup> ICRC, Customary IHL, Rule 1. See also Additional Protocol I to the Geneva Conventions (Protocol I), Article 48; Additional Protocol II to the Geneva Conventions (Protocol II), Article 12(2).

similar rule requires parties to distinguish between “civilian objects” and “military objectives”.<sup>199</sup> These rules are part of the fundamental principle of distinction.

“Civilian objects are all objects that are not military objectives”;<sup>200</sup> military objectives are “those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.”<sup>201</sup> Military advantage must not be interpreted so broadly as to render the rule ineffective. Using this provision to justify attacks aimed at harming the economy of a state, or demoralizing the civilian population in order to weaken the ability to fight, distorts the legal meaning of military advantage, undermines fundamental principles of international humanitarian law, and poses a severe threat to civilians.

Objects (or locations) that do not meet the criteria to be qualified as military objectives are civilian objects. In cases where it is unclear whether a specific object such as a home or residential building, place of worship, school, media office, medical facility or government building is being used for military purposes, “it shall be presumed not to be so used”.<sup>202</sup>

According to the Rome Statute of the International Criminal Court (Rome Statute) and customary international humanitarian law, intentionally directing attacks against the civilian population as such or against individual civilians not taking a direct part in hostilities, and intentionally directing attacks against civilian objects, constitute war crimes.<sup>203</sup>

## **PROHIBITION OF INDISCRIMINATE AND DISPROPORTIONATE ATTACKS**

The corollary of the rule of distinction is that “indiscriminate attacks are prohibited”.<sup>204</sup> Indiscriminate attacks are those that are of a nature to strike military objectives and civilians or civilian objects without distinction, either because the attack is not directed at a specific military objective, or because it employs a method or means of combat that cannot be directed at a specific military objective or has effects that cannot be limited as required by international humanitarian law.<sup>205</sup>

International humanitarian law also prohibits disproportionate attacks, which are those “which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”<sup>206</sup>

Intentionally launching an indiscriminate attack resulting in death or injury to civilians or destruction or damage to civilian objects, or intentionally launching a disproportionate attack

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<sup>199</sup> ICRC, Customary IHL, Rule 7; Protocol I, Articles 48 and 52(2).

<sup>200</sup> ICRC, Customary IHL, Rule 9; Protocol I, Article 52(1).

<sup>201</sup> ICRC, Customary IHL, Rule 8; Protocol I, Article 52(2).

<sup>202</sup> ICRC, Customary IHL, Rule 8; Protocol I, Article 52(3). The authoritative ICRC commentary on Protocol I interprets the expression “definite military advantage anticipated” by stating that “it is not legitimate to launch an attack which only offers potential or indeterminate advantages”. ICRC, Commentary on Protocol I (previously cited), Article 52, para. 2024.

<sup>203</sup> Rome Statute, Article 8(2)(b)(i) and (ii); 8(2)(e)(i); ICRC, Customary IHL, Rule 156; Protocol I, Article 85(3)(a).

<sup>204</sup> ICRC, Customary IHL, Rule 11; Protocol I, Article 51(4).

<sup>205</sup> ICRC, Customary IHL, Rule 12; Protocol I, Article 51(4)(a).

<sup>206</sup> ICRC, Customary IHL, Rule 14; Protocol I, Articles 51(5)(b), 57(2)(a)(iii) and 57(2)(b).

(that is, doing so knowing that the attack will cause excessive incidental civilian loss, injury or damage) constitute war crimes.<sup>207</sup>

### **PRECAUTIONS IN ATTACK**

The protection of the civilian population and civilian objects is further underpinned by the requirement that all parties to a conflict take precautions in attack. In the conduct of military operations, “constant care must be taken to spare the civilian population, civilians and civilian objects”; “all feasible precautions” must be taken to avoid and minimize incidental loss of civilian life, injury to civilians and damage to civilian objects.<sup>208</sup> The parties must choose means and methods of warfare with a view to avoiding, and in any event minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects. Everything feasible must be done to verify that targets are military objectives, to assess the proportionality of attacks, and to halt attacks if it becomes apparent they are wrongly directed or disproportionate.<sup>209</sup> Parties must give effective advance warning of attacks which may affect the civilian population, unless circumstances do not permit.<sup>210</sup>

Parties must choose appropriate means and methods of attack when military targets are located within residential areas. This requirement rules out the use of certain types of weapons and tactics. The use of explosive weapons with wide area effects on targets located in densely populated civilian areas is likely to result in indiscriminate attacks, which are prohibited.<sup>211</sup> Choosing methods of attack that do not minimize the risk to civilians – for example, attacking objectives at times when many civilians are most likely to be present – is also contrary to international humanitarian law.

### **PRECAUTIONS AGAINST EFFECTS OF ATTACKS**

Parties to the conflict have obligations to take all feasible precautions to protect civilians and civilian objects under their control against the effects of attacks.<sup>212</sup> This includes the obligation, to the maximum extent feasible, to avoid locating military objectives within or near densely populated areas; and the obligation, to the extent feasible, to remove civilian persons and objects under a party’s control from the vicinity of military objectives.<sup>213</sup> As with precautions in attack, these rules are particularly important when fighting is taking place in areas with concentrations of civilians.

The fact that a party to the conflict fails to take precautions against the effects of attacks does not release the attacking party from its obligations under the principles of distinction, proportionality and precaution in attacks.

### **SPECIALLY PROTECTED PERSONS AND OBJECTS**

In addition to benefiting from the protection accorded to civilians and civilian objects, certain persons and objects are afforded special protection under international humanitarian law.

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<sup>207</sup> ICRC, Customary IHL, Rule 156; Protocol I, Article 85(3)(b); Rome Statute, Article 8(2)(b)(iv).

<sup>208</sup> ICRC, Customary IHL, Rule 15; Protocol I, Article 57(1) and (2)(a).

<sup>209</sup> ICRC, Customary IHL, Rules 16-19; Protocol I, Article 57(2)(a) and (b).

<sup>210</sup> ICRC, Customary IHL, Rule 20; Protocol I, Article 57(2)(c).

<sup>211</sup> See Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas, 18 November 2022, <https://ewipa.org/the-political-declaration>

<sup>212</sup> ICRC, Customary IHL, Rule 22; Protocol I, Article 58(c).

<sup>213</sup> ICRC, Customary IHL, Rules 23-24; Protocol I, Article 58(a) and (b).

Medical personnel, hospitals and medical transports exclusively assigned to medical duties and purposes must be respected and protected in all circumstances.<sup>214</sup> Hospitals lose their protection if they are being used, outside their humanitarian function, to commit acts harmful to the enemy. In such circumstances, an attacking party must issue a warning setting, whenever appropriate, a reasonable time limit, and an attack can only take place after such a warning has remained unheeded.<sup>215</sup> Any such attack must adhere to the rules on precautions, distinction and proportionality and consider carefully the particularly adverse effects that attacking medical facilities has on civilians, the sick and the wounded. Humanitarian relief personnel and humanitarian relief objects must be respected and protected.<sup>216</sup> “Special care must be taken in military operations to avoid damage to buildings dedicated to religion, art, science, education or charitable purposes and historic monuments unless they are military objectives.”<sup>217</sup> Intentionally directing attacks against such buildings is a war crime.<sup>218</sup>

## HUMAN SHIELDS

International humanitarian law expressly prohibits methods of warfare such as using “human shields” to prevent an attack on military targets. Article 28 of the Fourth Geneva Convention states: “The presence of a protected person may not be used to render certain points or areas immune from military operations.” In its accompanying commentary, the ICRC defined the scope of the provision: “The prohibition is expressed in an absolute form and applies to the belligerents’ own territory as well as to occupied territory, to small sites as well as to wide areas.”<sup>219</sup>

The prohibition against the use of “human shields” is further clarified in Article 51(7) of Protocol I, which states:

**“The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.”<sup>220</sup>**

Intentionally shielding a military objective using civilians or other protected persons is a war crime.<sup>221</sup>

However, Protocol I also makes clear that even if one side is shielding itself behind civilians, such a violation “... shall not release the Parties to the conflict from their legal obligations with respect to the civilian population and civilians.”<sup>222</sup> Furthermore, Article 50(3) states: “The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character.”

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<sup>214</sup> ICRC, Customary IHL, Rules 26 and 28-29; Fourth Geneva Convention, Articles 18 and 21.

<sup>215</sup> ICRC, Customary IHL, Rule 28; Fourth Geneva Convention, Article 19; Additional Protocol I, Article 13(1).

<sup>216</sup> ICRC, Customary IHL, Rules 31-32; Fourth Geneva Convention, Article 59.

<sup>217</sup> ICRC, Customary IHL, Rule 38.

<sup>218</sup> ICRC, Customary IHL, Rule 156. ICC Statute, Article 8(2)(b)(ix) and 8(2)(e)(iv).

<sup>219</sup> ICRC, Commentary on the Fourth Geneva Convention (previously cited), Article 28, p. 209.

<sup>220</sup> See also ICRC, Customary IHL, Rule 9, which concludes that “the use of human shields requires an intentional co-location of military objectives and civilians or persons *hors de combat* with the specific intent of trying to prevent the targeting of those military objectives.”

<sup>221</sup> Rome Statute, Article 8(2)(b)(xxiii); ICRC, Customary IHL, Rule 156.

<sup>222</sup> Protocol I, Article 51(8).

In its commentary, the ICRC has indicated:

**“In wartime conditions it is inevitable that individuals belonging to the category of combatants become intermingled with the civilian population, for example, soldiers on leave visiting their families. However, provided that these are not regular units with fairly large numbers, this does not in any way change the civilian character of a population.”<sup>223</sup>**

### **SURVIVAL OF CIVILIAN POPULATION AND HUMANITARIAN ACCESS**

Israel’s obligations as the occupying power regarding ensuring supplies of food, medicines and other essential goods and services are explained in section 4.1.2 “Law of belligerent occupation”. All parties to armed conflicts have clear obligations under international humanitarian law to refrain from depriving civilians of the means of survival and to allow humanitarian access to civilians in need. Attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population is prohibited, as is the use of starvation of the civilian population as a method of warfare.<sup>224</sup>

In order to ensure the survival of civilians in armed conflicts, international humanitarian law recognizes the importance of humanitarian access. If a party fails to provide basic necessities for the population under its control, an impartial humanitarian organization may offer their services.<sup>225</sup> And the parties to the conflict must allow and facilitate rapid and unimpeded passage of impartial humanitarian relief for civilians in need, subject to their right of control.<sup>226</sup> Consent to relief schemes from impartial humanitarian actors for civilians in need must not be arbitrarily refused. In fact, “[if] it is established that a civilian population is threatened with starvation and a humanitarian organisation which provides relief on an impartial and non-discriminatory basis is able to remedy the situation, a party is obliged to give consent.”<sup>227</sup>

The importance of humanitarian actors and relief is further underpinned by the requirement that humanitarian relief personnel and humanitarian relief objects must be respected and protected.<sup>228</sup> This protection under international humanitarian law supplements the protection that humanitarian personnel and relief objects enjoy due to their civilian status. The ICRC points out that this protection extends beyond the prohibition of attacks and “that harassment, intimidation and arbitrary detention of humanitarian relief personnel are prohibited under this rule.”<sup>229</sup>

Under the Rome Statute, the following acts constitute war crimes:

- intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance mission in accordance with the UN Charter;

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<sup>223</sup> ICRC, Commentary on Protocol I (previously cited), Article 50, para. 1922.

<sup>224</sup> ICRC, Customary IHL, Rules 53-54; Protocol I, Article 54(1-2); Protocol II, Article 14.

<sup>225</sup> Fourth Geneva Convention, Article 10; Protocol I, Article 70(1).

<sup>226</sup> ICRC, Customary IHL, Rule 55; Fourth Geneva Convention, Article 23; Protocol I, Article 70(2); Protocol II, Article 18. The specific duties of an occupying power in this regard are discussed above.

<sup>227</sup> ICRC, Customary IHL, Rule 55, “Consent”.

<sup>228</sup> ICRC, Customary IHL, Rules 31-32; Fourth Geneva Convention, Article 59.

<sup>229</sup> ICRC, Customary IHL, Rule 31.

- intentionally directing attacks against medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
- intentionally using starvation of civilians as a method of warfare, by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions.<sup>230</sup>

## INVESTIGATION

Under international humanitarian law, “[s]tates must investigate war crimes allegedly committed by their nationals or armed forces, or on their territory, and, if appropriate, prosecute the suspects. They must also investigate other war crimes over which they have jurisdiction and, if appropriate, prosecute the suspects.”<sup>231</sup>

In the case of grave breaches of the Geneva Conventions, all states parties have an obligation to search for those suspected of criminal responsibility and prosecute or extradite them.<sup>232</sup> The duty to investigate extends beyond war crimes to other violations of international humanitarian law. This derives from the obligations of states to suppress all breaches of international humanitarian law.<sup>233</sup>

## 4.2 INTERNATIONAL HUMAN RIGHTS LAW

As affirmed by the ICJ and the UN Human Rights Committee, the UN treaty body entrusted with overseeing the implementation of the International Covenant on Civil and Political Rights (ICCPR), human rights law remains applicable during times of armed conflict and in situations of military occupation, in a way that is complementary to international humanitarian law. According to the ICJ, “the protection offered by human rights conventions does not cease in case of armed conflict or of occupation. Some rights may be exclusively matters of international humanitarian law; others may be exclusively matters of human rights law; yet others may concern both these branches of international law”.<sup>234</sup>

Israel’s actions in the OPT are bound by its obligations under the international human rights treaties that it has ratified, as well as customary rules of international human rights law.<sup>235</sup> Treaties ratified by Israel include: the International Covenant on Economic, Social and

<sup>230</sup> Rome Statute, Article 8(2)(b)(iii), 8(2)(b)(xxiv-xxv) and 8(2)(e)(ii-iv); ICRC, Customary IHL, Rule 156.

<sup>231</sup> ICRC, Customary IHL, Rule 158.

<sup>232</sup> Fourth Geneva Convention, Article 146.

<sup>233</sup> Fourth Geneva Convention, Article 146; Protocol I, Article 86(1).

<sup>234</sup> ICJ, Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem, advisory opinion (previously cited), para. 99; ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, advisory opinion (previously cited), para. 106; HRC, General Comment 31 (previously cited), para. 11: “the Covenant applies also in situations of armed conflict to which the rules of international humanitarian law are applicable. While, in respect of certain Covenant rights, more specific rules of international humanitarian law may be especially relevant for the purposes of the interpretation of Covenant rights, both spheres of law are complementary, not mutually exclusive.”

<sup>235</sup> UN treaty monitoring bodies and the ICJ have consistently rejected Israel’s claim that its treaty obligations do not extend to the OPT, insisting that Israel is obliged to extend the application of the human rights treaties to which it is a state party to people in the OPT. ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, advisory opinion (previously cited), paras 110-113; HRC, General Comment 31 (previously cited), para. 10; HRC, Concluding Observations: Israel, 3 September 2010, UN Doc. CCPR/C/ISR/CO/3, para. 9.



Cultural Rights (ICESCR); the ICCPR; the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT); the Convention on the Rights of the Child (CRC); and the Convention on the Rights of Persons with Disabilities (CRPD).

As international human rights law is applicable in times of armed conflict, alongside international humanitarian law, the same conduct can constitute a breach of both international human rights law and international humanitarian law.

During the conflict in Gaza, the human rights obligations that are most relevant include the obligations to respect, protect and promote: the right to life and the prohibition of torture and other ill-treatment;<sup>236</sup> the right to adequate food and housing, which also includes the right to water;<sup>237</sup> the enjoyment of the highest attainable standard of physical and mental health;<sup>238</sup> and the right to education.<sup>239</sup> Actions that are aimed towards or are likely to result in the destruction or impairment of infrastructure necessary for the enjoyment of those rights, including hospitals and schools, are violations for which states parties can be held responsible.

## **RIGHT TO LIFE**

The right not to be arbitrarily deprived of life is a foundational and universally recognized right, applicable at all times and in all circumstances, including during armed conflict. The right to life is protected by international and regional treaties and customary international law.<sup>240</sup>

States must prevent the arbitrary deprivation of life, including through an appropriate framework of laws, institutions and procedures. States must respect the right to life by ensuring that their organs and agents do not deprive any person of life arbitrarily. They must also protect and fulfil the right to life by exercising due diligence to prevent the deprivation of life by private actors. Protecting the right to life also requires accountability for the arbitrary deprivation of life whenever it occurs.<sup>241</sup>

The deprivation of life by the state cannot be justified on any basis other than that it is required to save life. Limitations on the right to life cannot be justified on the grounds of national security, the protection of property, the assertion of the authority of the state or the imposition of moral or religious values.<sup>242</sup>

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<sup>236</sup> International Covenant on Civil and Political Rights (ICCPR), Articles 6-7.

<sup>237</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 11; UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment 15: The Right to Water, 20 January 2000, UN Doc. E/C.12/2002/11.

<sup>238</sup> ICESCR, Article 12.

<sup>239</sup> ICESCR, Article 13.

<sup>240</sup> UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, *Unlawful Death of Refugees and Migrants*, 15 August 2017, UN Doc. A/72/335, para. 14.

<sup>241</sup> Minnesota Protocol on the Investigation of Potentially Unlawful Death, 2016, para. 8.

<sup>242</sup> See UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Report, 2 September 2016, UN Doc. A/71/372.

Acts prohibiting or otherwise impeding humanitarian services violate the obligation of states to respect the right to life. Any death linked to such prohibition would constitute an arbitrary deprivation of life.

The UN Committee on Economic, Social and Cultural Rights (CESCR), the UN treaty body entrusted with overseeing the implementation of the ICESCR, has stated that the realization of such rights to the maximum of a state's available resources refers to both the resources existing within a state and those available from the international community through international cooperation and assistance.<sup>243</sup> The CESCR listed direct violations of the right to life related to access to food, including: denial of access to food to particular individuals or groups, whether the discrimination is based on legislation or is proactive; the prevention of access to humanitarian food aid in internal conflicts or other emergency situations; adoption of legislation or policies which are manifestly incompatible with pre-existing legal obligations relating to the right to food; and failure to regulate activities of individuals or groups so as to prevent them from violating the right to food of others, or the failure of a state to take into account its international legal obligations regarding the right to food when entering into agreements with other states or with international organizations.<sup>244</sup>

When the state is not providing food, water, shelter or rescue mechanisms sufficient to protect life and dignity, humanitarian actors are indispensable in delivering those services. As highlighted in the judgment from a French court excerpted below, the state has a positive obligation to seek and facilitate humanitarian action (through an act of delegation) and a negative obligation not to prevent it:

**“Whereas, it being a matter of a fundamental freedom, the State, if it does not have the means to satisfy a request of a homeless person for shelter, must delegate this duty to provide emergency shelter to any other legal or natural person having the capacity to accommodate homeless people; ...**

**“Whereas it is therefore paradoxical that the State continues today to prosecute [Father Riffard] for having done what it should have done itself;”<sup>245</sup>**

Finally, both in and outside the context of armed conflict, laws and policies aimed at seeking to prevent the provision of life-saving and life-sustaining services to populations because of their ethnicity, religion or immigration status constitute a violation of Article 6 of the ICCPR. The state may not fail to discharge its obligation to respect and protect the right to life and then exacerbate and compound that failure by precluding others from undertaking activities aimed at providing that core obligation, particularly if the actions or inactions of the state are driven by discriminatory motives or result in discrimination.

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<sup>243</sup> CESCR, General Comment 3: The Nature of States Parties' Obligations (Article 2, Paragraph 1, of the Covenant), 14 December 1990, UN Doc. E/1991/23, Annex III, para. 13.

<sup>244</sup> CESCR, General Comment 12: On the Right to Adequate Food, 12 May 1999, UN Doc. E/C.12/1999/5, para. 19.

<sup>245</sup> Tribunal de police, Saint-Étienne, France, 11 June 2014.

## RIGHT TO FOOD

The right to food is enshrined in Article 11 of the ICESCR. General Comment 12 of the CESCR states:

**“The right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement”.**<sup>246</sup>

It is also included in other international human rights treaties, including the CRC, the CEDAW, and the CRPD.<sup>247</sup> The right to food includes obligations on states to take proactive steps and put in place measures to “strengthen people’s access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, states have the obligation to fulfil (provide) that right directly”.<sup>248</sup>

States have a core obligation to alleviate hunger, including during conflicts, disasters and other crises. State obligations under the right to food also include duties to collectively and separately address issues of food scarcity. International cooperation and assistance are key to protecting the right to food, especially in the context of crisis. The CESCR has therefore called on states to respect and protect the right to food in other countries, to facilitate access to food and to provide the necessary aid when required.<sup>249</sup> The CESCR has also stipulated that, to the extent that a state is unable, for reasons beyond its control, to fulfil its minimum obligations with respect to the right to food, that state must seek international support to ensure the availability and accessibility of the necessary food.<sup>250</sup>

## RIGHT TO HOUSING AND PROHIBITION OF FORCED EVICTIONS

With respect to the right to housing, certain actions during armed conflict – namely, the widespread destruction of thousands of homes – may constitute forced evictions, a breach of Article 11 of the ICESCR. The CESCR defines “forced evictions” as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.” The CESCR includes among such evictions those resulting from “international armed conflicts, internal strife and communal or ethnic violence.”<sup>251</sup>

## RIGHT TO HEALTH

Israel is a party to several international human rights law treaties, including the ICESCR,<sup>252</sup> which contain provisions that guarantee the right of everyone to the highest attainable

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<sup>246</sup> CESCR, General Comment 12 (previously cited), para. 6.

<sup>247</sup> Convention of the Rights of Child, Articles 24(2) and 27(3); Convention on the Elimination of all forms of Discrimination against Women, Articles 12 and 14; Convention on the Rights of Persons with Disabilities, Articles 25 and 28.

<sup>248</sup> CESCR, General Comment 12 (previously cited), para. 15.

<sup>249</sup> CESCR, General Comment 12 (previously cited), para. 36.

<sup>250</sup> CESCR, General Comment 12 (previously cited), para. 17.

<sup>251</sup> CESCR, General Comment 7: Forced Evictions, and the Right to Adequate Housing, 1997, UN Doc. E/1998/22, Annex IV at p. 113, paras 4 and 7.

<sup>252</sup> ICESCR, Article 12.

standard of physical and mental health.<sup>253</sup> The CESCR has set out the core obligations of states as regards the right to health, including: to ensure the right of access to health facilities, goods and services on a non-discriminatory basis; access to the minimum essential food which is nutritionally adequate and safe, to ensure freedom from hunger to everyone; access to basic shelter, housing and sanitation, and an adequate supply of safe and potable water; to provide essential drugs; and to ensure equitable distribution of all health facilities, goods and services.<sup>254</sup> These obligations cannot be derogated from and continue to apply in situations of armed conflict.<sup>255</sup> The CESCR also has specified that “limiting access to health services as a punitive measure, e.g. during armed conflicts in violation of international humanitarian law”, violates the right to health; and that states should refrain at all times from imposing embargoes or similar measures restricting the supply of adequate medicines and medical equipment.<sup>256</sup>

### **RIGHT TO REMEDY AND REPARATION**

The right to an effective remedy for victims of human rights violations and crimes under international law is enshrined in Article 2(3) of the ICCPR. It is also recognized in Article 8 of the Universal Declaration of Human Rights; Article 6 of the ICERD; Article 14 of the CAT; Article 39 of the CRC; Article 3 of the 1907 Hague Convention concerning the Laws and Customs of War on Land; Article 91 of Protocol I; and Article 75 of the Rome Statute.

The ICRC Customary International Humanitarian Law Study concludes in Rule 150: “A state responsible for violations of international humanitarian law is required to make full reparations for the loss or injury caused.”<sup>257</sup>

The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law enshrine the duty of states to provide effective remedies, including reparation to victims. This instrument sets out the appropriate form of reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.<sup>258</sup>

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<sup>253</sup> In addition to the ICESCR, these include: the Convention on the Elimination of All Forms of Discrimination against Women (Article 12); the International Convention on the Elimination of All Forms of Racial Discrimination (Article 5); the Convention on the Rights of the Child (Article 24); and the Convention on the Rights of Persons with Disabilities (Article 25).

<sup>254</sup> CESCR, General Comment 14: The Right to the Highest Attainable Standard of Health (Article 12), 11 August 2000, UN Doc. E/C.12/2000/4, para. 43.

<sup>255</sup> CESCR, General Comment 14 (previously cited), para. 47.

<sup>256</sup> CESCR, General Comment 14 (previously cited), paras 34 and 41.

<sup>257</sup> ICRC, Customary IHL, Rule 150. See also Hague Convention IV, Article 3; Protocol I, Article 91.

<sup>258</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted and proclaimed by UNGA Resolution 60/147 of 16 December 2005, UN Doc. A/RES/60/147, Principles 19-23.

# 5. GENOCIDE UNDER INTERNATIONAL LAW

## 5.1 PROHIBITION

The term “genocide” was first used by Raphael Lemkin in his 1944 book, *Axis Rule in Occupied Europe*, to refer to “the destruction of a nation or of an ethnic group.”<sup>259</sup> In 1946, the UN General Assembly declared that “[g]enocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings”, and affirmed its status as a crime under international law.<sup>260</sup> In 1948, the Genocide Convention, the first international treaty to explicitly define and criminalize genocide, was unanimously adopted by the UN General Assembly.

Genocide is a crime under international law, whether committed in times of peace or armed conflict.<sup>261</sup> Currently, two principal international treaties prohibit and criminalize genocide: the Genocide Convention and the Rome Statute. The principles enshrined in the Genocide Convention, including the definition of genocide contained in Article II thereof, are recognized as forming part of customary international law.<sup>262</sup> Further, the prohibition on genocide is considered to be a peremptory norm of international law (*jus cogens*), from which no derogation is permitted.<sup>263</sup>

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<sup>259</sup> Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, 1944, p. 79.

<sup>260</sup> UNGA, Resolution 96(I): *The Crime of Genocide*, adopted on 11 December 1946, UN Doc. A/RES/96(I).

<sup>261</sup> Genocide Convention, Article I.

<sup>262</sup> ICJ, Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, advisory opinion, 28 May 1951, p. 24/13; ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Croatia v. Serbia*), judgment, 3 February 2015, para. 87; International Criminal Tribunal for Rwanda (ICTR), *Prosecutor v. Akayesu*, Case ICTR-9604-T, Trial Chamber judgment, 2 September 1998, para. 495; ICTR, *Prosecutor v. Kayishema and Ruzindana*, Case ICTR-95-1-T, Trial Chamber judgment, 21 May 1999, para. 88; ICTR, *Prosecutor v. Rutaganda*, Case ICTR-96-3-T, Trial Chamber judgment, 6 December 1999, para. 46; International Criminal Tribunal for the former Yugoslavia (ICTY), *Prosecutor v. Jelisić*, Case IT-95-10, Trial Chamber judgment, 14 December 1999, para. 60; ICTY, *Prosecutor v. Krstić*, Case IT-98-33, Trial Chamber judgment, 2 August 2001, para. 541; ICTY, *Prosecutor v. Stakić*, Case IT-97-24-T, Trial Chamber judgment, 31 July 2003, para. 500; ICTY, *Prosecutor v. Brdjanin*, Case IT-99-36-T, Trial Chamber judgment, 1 September 2004, para. 680. See also District Court of Jerusalem, *Attorney-General Israel v. Eichmann*, judgment, 12 December 1961, para. 21.

<sup>263</sup> Vienna Convention on the Law of Treaties, Article 53. See ICJ, Armed Activities on the Territory of the Congo (New Application: 2002) (*Democratic Republic of the Congo v. Rwanda*), judgment, 3 February 2006, para. 64.

Genocide entails both individual criminal responsibility and state responsibility under international law.<sup>264</sup> Individual criminal responsibility arises for individuals who commit genocide or any of the related punishable acts, namely conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide and complicity in genocide.<sup>265</sup> State responsibility arises where an organ of the state, or a person or group whose acts are attributable to the state, commits genocide or any of the related punishable acts.<sup>266</sup>

The Genocide Convention imposes a duty on states to both prevent and punish the crime of genocide, including through the enactment of national legislation that provides for the punishment of individuals responsible for the commission of genocide or any of the related punishable acts.<sup>267</sup> Moreover, the ICJ has held that the Genocide Convention imposes an obligation on states to refrain from committing genocide or any of the related acts, through the actions of “their organs or persons or groups whose conduct is attributable to them.”<sup>268</sup> The obligations arising from Articles I and III of the Genocide Convention are not limited to a state’s territory but apply to a state “wherever it may be acting or may be able to act in ways appropriate to meeting the obligations in question.”<sup>269</sup> There are currently 153 states parties to the Genocide Convention; Israel ratified it on 9 March 1950, without any reservation or declaration.<sup>270</sup>

Genocide is also included as a crime in Article 6 of the Rome Statute and is, accordingly, an offence within the subject matter jurisdiction of the ICC. There are currently 124 states parties to the Rome Statute; Israel signed it in 2000 but withdrew its signature in 2002.<sup>271</sup> In 2015, the State of Palestine became a party to the Rome Statute and accepted the jurisdiction of the ICC over alleged crimes committed in the “occupied Palestinian territory,

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See also ICTR, *Prosecutor v. Kayishema and Ruzindana*, Trial Chamber judgment (previously cited), para. 88; ICTY, *Prosecutor v. Krstić*, Trial Chamber judgment (previously cited), para. 541; ICTY, *Prosecutor v. Stakić*, Trial Chamber judgment (previously cited), para. 500; ICTY, *Prosecutor v. Brdjanin*, Trial Chamber judgment (previously cited), para. 680. See also International Law Commission (ILC), *Fourth Report on Peremptory Norms of General International Law (Jus Cogens) by Dire Tladi, Special Rapporteur*, 31 January 2019, UN Doc. A/CN.4.727, paras 78-83.

<sup>264</sup> UNGA, Resolution 180(III): *Draft Convention on Genocide*, adopted on 21 November 1947, UN Doc A/RES/180 (II); ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, judgment, 26 February 2007, paras 169-179.

<sup>265</sup> Genocide Convention, Articles II and III.

<sup>266</sup> ILC, “Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries”, *Yearbook of the International Law Commission, 2001*, Volume II, Part Two, Articles 2, 4 and 8; ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 179; ICJ, *Croatia v. Serbia*, judgment (previously cited), paras 128-129. The ICJ has confirmed that state responsibility for genocide can arise in the absence of a prior conviction of an individual for genocide by a court or tribunal exercising criminal jurisdiction. ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), paras 180-182.

<sup>267</sup> Genocide Convention, Articles I, III and IV. Article IV requires that individuals responsible for the commission of genocide or any of the aforementioned related acts be punished, regardless of whether they are public officials or private individuals. In other words, government officials, including heads of state and government, may not invoke their official capacity or status if charged with genocide. See William Schabas, *Genocide in International Law: The Crime of Crimes*, 2nd edition, 2009, pp. 369-370.

<sup>268</sup> ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 179.

<sup>269</sup> ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 183.

<sup>270</sup> UN Treaty Collection, *Convention on the Protection and Punishment of the Crime of Genocide*, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-1&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4&clang=en) (accessed on 22 September 2024).

<sup>271</sup> UN Treaty Collection, *Rome Statute of the International Criminal Court*, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-10&chapter=18&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10&chapter=18&clang=en) (accessed on 22 September 2024).

including East Jerusalem, since June 13, 2014.”<sup>272</sup> In February 2021, the ICC Pre-Trial Chamber ruled that the ICC’s territorial jurisdiction extends to the “Palestinian territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem.”<sup>273</sup> As noted in Chapter 3 “Background and context”, on 20 May 2024, the Prosecutor of the ICC applied to Pre-Trial Chamber I for arrest warrants against Israeli Prime Minister Netanyahu and then Minister of Defense Gallant as well as Hamas leaders Yahya Sinwar, Mohammed Deif and Ismail Haniyeh for their respective alleged criminal responsibility for crimes under international law committed in Israel and the OPT (specifically in Gaza) from October 2023 onwards.<sup>274</sup>

In this report, Amnesty International considers the possible commission of genocide by Israel from the perspective of state responsibility. For the assessment of state responsibility, two elements must be taken into account: attribution of allegedly wrongful conduct to a state and a breach of an applicable international obligation.<sup>275</sup> As noted above, Israel is a state party to the Genocide Convention, and the commission of genocide by organs of the state or persons or groups whose conduct is attributable to the state accordingly gives rise to state responsibility.<sup>276</sup>

The Articles on the Responsibility of States for Internationally Wrongful Acts, adopted by the International Law Commission, a body of experts elected by the UN General Assembly to help develop and codify international law, provide that the conduct of “any State organ” is attributable to the state “whether the organ exercises legislative, executive, judicial or any other functions, whatever position it holds in the organization of the State, and whatever its character as an organ of the central Government or of a territorial unit of the State.”<sup>277</sup> This is also an established rule of customary international law.<sup>278</sup> Such conduct includes the conduct of members of the armed forces.<sup>279</sup> Moreover, conduct of a state organ which “exceeds its authority or contravenes instructions” (also known as *ultra vires*) is equally attributable to the state.<sup>280</sup>

The alleged prohibited acts under the Genocide Convention considered in this report are all connected to the conduct of official organs of the state of Israel, including the military, the government and other relevant bodies, such as COGAT. As such, their statements, policies, acts and/or omissions are attributable to the state of Israel. Whether the conduct of relevant Israeli authorities amounts to prohibited acts under the Genocide Convention will be analysed

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<sup>272</sup> UN Secretary-General, Rome Statute of the International Criminal Court: Rome, 17 July 1998: State of Palestine: Accession, 6 January 2015, UN Doc. C.N.13.2015.TREATIES-XVIII.10 (Depositary Notification).

<sup>273</sup> ICC, *Situation in the State of Palestine*, Pre-Trial Chamber, Decision on the Prosecution Request Pursuant to Article 19(3) for a Ruling on the Court’s Territorial Jurisdiction in Palestine (previously cited), para. 118.

<sup>274</sup> ICC, “Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine” (previously cited).

<sup>275</sup> ILC, “Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries” (previously cited), Article 2. The text was reproduced in the annex to UNGA Resolution 56/83 of 12 December 2001.

<sup>276</sup> ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), paras 181-182.

<sup>277</sup> ILC, “Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries” (previously cited), Article 4.

<sup>278</sup> ICJ, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, judgment, 19 December 2005, para. 213.

<sup>279</sup> See ICJ, *Democratic Republic of the Congo v. Uganda*, judgment (previously cited), para. 213.

<sup>280</sup> ILC, “Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries” (previously cited), Article 7; ICJ, *Democratic Republic of the Congo v. Uganda*, judgment (previously cited), para. 214.

in Chapter 6 “Israel’s actions in Gaza”. Whether specific intent is evidenced by the statements of Israeli officials and soldiers, or can be inferred from a pattern of conduct by relevant Israeli authorities, will be analysed in Chapter 7 “Israel’s intent in Gaza”.

While individual criminal responsibility for genocide or any of the related prohibited acts remains outside the scope of this report, in defining the constitutive elements of genocide Amnesty International makes reference to the jurisprudence of international criminal tribunals, particularly the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), as well as the Rome Statute and the ICC Elements of Crimes<sup>281</sup>. This is because it is mainly such jurisprudence that has interpreted the constitutive elements of genocide, as included in the definition provided for in Article II of the Genocide Convention. This same approach was followed by the ICJ when looking into state responsibility for genocide.<sup>282</sup>

## 5.2 DEFINITION

The principal definition of the crime of genocide is provided for in Article II of the Genocide Convention, which reads:

**“... genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:**

- (a) Killing members of the group;**
- (b) Causing serious bodily or mental harm to members of the group;**
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;**
- (d) Imposing measures intended to prevent births within the group;**
- (e) Forcibly transferring children of the group to another group.”<sup>283</sup>**

Article II of the Genocide Convention enumerates five specific acts that constitute the underlying criminal conduct (*actus reus*) of the crime of genocide. With regard to the mental element (*mens rea*) of the crime, Article II requires that such acts be committed “with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such...” As the ICJ explained, this is “regarded as a *dolus specialis*, that is to say a specific intent, which, in order for genocide to be established, must be present in addition to the intent required for each of the individual acts involved.”<sup>284</sup>

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<sup>281</sup> ICC, Elements of Crimes, 2 November 2000, UN Doc. PCNICC/2000/1/Add.2. The Elements of Crimes were adopted by the Assembly of States Parties to “assist the Court in the interpretation and application” of the definitions of crimes set out in Articles 6 to 8 in the Rome Statute. The Elements of Crime therefore form part of the “applicable law” to be applied by the ICC. However, in case of a conflict with the Rome Statute itself, the Statute takes precedence over the Elements of Crimes. See Rome Statute, Articles 9(1), 9(3) and 21(1)(a). See also William Schabas, *Genocide in International Law* (previously cited), p. 110.

<sup>282</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 129.

<sup>283</sup> Genocide Convention, Article II.

<sup>284</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 132.



The definition provided for in the Genocide Convention has been incorporated into the statutes of the ICTY and the ICTR.<sup>285</sup> Article 6 of the Rome Statute also replicates the definition included in Article II of the Genocide Convention.<sup>286</sup>

## 5.3 GENOCIDAL ACTS

As mentioned, the Genocide Convention enumerates five specific acts that constitute the underlying criminal conduct (*actus reus*) of genocide.<sup>287</sup> These acts are: killing members of the group;<sup>288</sup> causing serious bodily or mental harm to members of the group;<sup>289</sup> deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;<sup>290</sup> imposing measures intended to prevent births within the group;<sup>291</sup> and forcibly transferring children of the group to another group.<sup>292</sup> In terms of the mental element (*mens rea*), in addition to the specific intent characterizing the crime of genocide, each of these acts must be committed with general intent to commit the underlying act.<sup>293</sup>

The first prohibited act, “killing members of the group”, has been interpreted by international jurisprudence to refer to deliberate or intentional killing.<sup>294</sup> Within the context of armed conflict, “killing” may also include causing the deaths of civilians through direct attacks on civilians and civilian objects, as well as through indiscriminate attacks that are directed deliberately at the civilian population alongside military objectives.<sup>295</sup> In fact, the ICJ has found that an indiscriminate attack, which was “not confined to military objectives” and was “also directed at the then predominantly Croat civilian population,” constituted “killings” within the meaning of Article II(a) of the Genocide Convention.<sup>296</sup> Based on the ICTY Trial Chamber’s ruling in the *Mrkšić* case, directly quoted by the ICJ, to constitute “killings” under the Genocide Convention, indiscriminate attacks need to be “also directed in part deliberately against the civilian population.”<sup>297</sup> This would include attacks which are directed at military objectives, but which are both intended to damage or destroy those military

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<sup>285</sup> ICTY Statute, Article 4; ICTR Statute, Article 2.

<sup>286</sup> Article 6 of the Rome Statute does not list the punishable acts related to genocide which are found in Article III of the Genocide Convention. However, these are dealt with in Article 25 of the Rome Statute on individual criminal responsibility.

<sup>287</sup> Genocide Convention, Article II. The Rome Statute replicates the list of enumerated acts under the Genocide Convention. Rome Statute, Article 6. The list of enumerated acts is exhaustive: no acts other than those listed may constitute the *actus reus* of the crime of genocide.

<sup>288</sup> Genocide Convention, Article II(a); Rome Statute, Article 6(a).

<sup>289</sup> Genocide Convention, Article II(b); Rome Statute, Article 6(b).

<sup>290</sup> Genocide Convention, Article II(c); Rome Statute, Article 6(c).

<sup>291</sup> Genocide Convention, Article II(d); Rome Statute, Article 6(d).

<sup>292</sup> Genocide Convention, Article II(e); Rome Statute, Article 6(e).

<sup>293</sup> See Rome Statute, Article 30; ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), paras 186-187; ICC, *Prosecutor v. Al Bashir*, Case ICC-02/05-01/09, Pre-Trial Chamber, Decision on the Prosecution’s Application for a Warrant of Arrest Against Omar Al-Bashir, 4 March 2009, para. 139.

<sup>294</sup> ICTR, *Prosecutor v. Kayishema and Ruzindana*, Case ICTR-95-1-A, Appeals Chamber judgment, 1 June 2001, para. 151; ICTY, *Prosecutor v. Blagojević and Jokić*, Case IT-02-60-T, Trial Chamber judgment, 17 January 2005, para. 642; ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 186; ICJ, *Croatia v. Serbia*, judgment (previously cited), paras 156 and 474.

For purposes of determining individual criminal responsibility under the Rome Statute, the ICC Elements of Crimes provide that “killing” is interchangeable with “caused death”. ICC, Elements of Crimes, Article 6(a), fn. 2.

<sup>295</sup> See ICJ, *Croatia v. Serbia*, judgment (previously cited), paras 218-219 and 224.

<sup>296</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), paras 218 and 224.

<sup>297</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 218.

objectives *and* to kill civilians in or near those military objectives. In such cases, civilian casualties would be caused “deliberately” as they would be intended and not merely foreseen. On the other hand, the ICJ held that attacks which are “exclusively directed at military targets” and that cause civilian casualties, albeit not deliberately, do not fall within the scope of “killings” within Article II(a).<sup>298</sup>

The second prohibited act, “causing serious bodily or mental harm to members of the group”, requires the causation of harm which is so serious as to threaten or contribute to the physical or biological destruction of the group.<sup>299</sup>

In relation to serious bodily harm, the Trial Chamber of the ICTR has defined it as bodily harm that “seriously injures the health, causes disfigurement or causes any serious injury to the external, internal organs or senses.”<sup>300</sup> Serious mental harm has been interpreted by the Appeals Chamber of the ICTR to require “more than minor or temporary impairment of mental faculties such as the infliction of strong fear or terror, intimidation or threat.”<sup>301</sup> Although the serious bodily or mental harm need not be permanent or irreversible,<sup>302</sup> the jurisprudence of the ICTY and ICTR has required that it go “beyond temporary unhappiness, embarrassment or humiliation” and inflict “grave and long-term disadvantage to a person’s ability to lead a normal and constructive life.”<sup>303</sup> For example, the following acts have been found to constitute “serious bodily or mental harm”: torture; inhumane or degrading treatment; sexual violence, including rape; interrogations combined with beatings; threats of death; and deportation.<sup>304</sup> In their joint declaration of intervention in *The Gambia v. Myanmar* case before the ICJ, the six intervening states have argued that there should be a lower threshold for “serious bodily or mental harm” in the case of children, noting the importance

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<sup>298</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 474.

<sup>299</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 157; ICTY, *Prosecutor v. Krajišnik*, Case IT-00-39-T, Trial Chamber judgment, 27 September 2006, para. 862; ICTR, *Prosecutor v. Seromba*, Case ICTR-2001-66-A, Appeals Chamber judgment, 12 March 2008, para. 46; ICTY, *Prosecutor v. Tolimir*, Case IT-05-88/2-T, Trial Chamber judgment, 12 December 2012, para. 738. See also ILC, “Draft Code of Crimes against the Peace and Security of Mankind”, *Yearbook of the International Law Commission, 1996*, Volume II, Part Two, commentary to Article 17, para. 14: “The bodily harm or the mental harm inflicted on members of a group must be of such a serious nature as to threaten its destruction in whole or part.”

<sup>300</sup> ICTR, *Prosecutor v. Kayishema and Ruzindana*, Trial Chamber judgment (previously cited), 21 May 1999, para. 109.

<sup>301</sup> ICTR, *Prosecutor v. Seromba*, Appeals Chamber judgment (previously cited), para. 46.

<sup>302</sup> ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), paras 502-504; ICTR, *Prosecutor v. Kayishema and Ruzindana*, Trial Chamber judgment (previously cited), para. 108; ICTR, *Prosecutor v. Musema*, Case ICTR-96-13-A, Trial Chamber judgment, 27 January 2000, para. 156; ICTR, *Prosecutor v. Bagilishema*, Case ICTR-95-1A, Trial Chamber judgment, 7 June 2001, para. 59; ICTY, *Prosecutor v. Stakić*, Trial Chamber judgment (previously cited), para. 516; ICTY, *Prosecutor v. Brdjanin*, Trial Chamber judgment (previously cited), para. 690; ICTR, *Prosecutor v. Bagosora, Kabiligi, Ntabakuze and Nsengiyumva*, Case ICTR-98-41-T, Trial Chamber judgment, 18 December 2008, para. 2117; ICTY, *Prosecutor v. Tolimir*, Trial Chamber judgment (previously cited), para. 738.

<sup>303</sup> ICTY, *Prosecutor v. Krstić*, Trial Chamber judgment (previously cited), para. 513. See also ICTY, *Prosecutor v. Blagojević and Jokić*, Trial Chamber judgment (previously cited), para. 645; ICTR, *Prosecutor v. Gatete*, Case ICTR-2000-61-T, Trial Chamber judgment, 31 March 2011; para. 584; ICTY, *Prosecutor v. Tolimir*, Trial Chamber judgment (previously cited), para. 738.

<sup>304</sup> See, for example, ICTY, *Prosecutor v. Blagojević and Jokić*, Trial Chamber judgment (previously cited), para. 646; ICTY, *Prosecutor v. Brdjanin*, Trial Chamber judgment (previously cited), para. 690. See also the ICC Elements of Crimes, which provides that serious bodily and mental harm “may include, but is not necessarily restricted to, acts of torture, rape, sexual violence or inhuman or degrading treatment.” ICC, Elements of Crimes, Article 6(b), fn. 3.

of recognizing that “what it means for a child to suffer ‘grave and long-term damage to [their] ability to lead a normal and constructive life’ may be different than for an adult.”<sup>305</sup>

The third prohibited act, “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction”, refers to methods of destruction that do not immediately kill members of the group, but which, ultimately, seek to bring about their physical or biological destruction.<sup>306</sup> However, proof of result – in other words, the actual physical destruction of the group as a result of such conditions – is not required.<sup>307</sup> International jurisprudence has provided the following examples of conditions calculated to bring about the physical destruction of a group: subjecting the group to a subsistence diet, reducing essential medical services below a minimum requirement, systematically expelling members of the group from their homes, and “generally creating circumstances that would lead to a slow death”, such as the lack of proper food, water, shelter, clothing or sanitation or subjecting members of the group to excessive work or physical exertion.<sup>308</sup>

However, as one legal commentator has noted, “[i]t is impossible to enumerate in advance the ‘conditions of life’ that would come within the prohibition of Article II”.<sup>309</sup> In the absence of direct evidence of the underlying intent with which conditions of life were imposed – in other words, whether they were calculated to bring about physical destruction – the ICTY has ruled that consideration may be given to “the objective probability of these conditions leading to the physical destruction of the group.”<sup>310</sup> In this regard, the ICTY has held that the following constitute “illustrative factors to be considered” in evaluating such a probability: the actual nature of the conditions of life, the length of time that members of the group were subjected to them, and the characteristics of the group such as its vulnerability. The particular needs and vulnerability of children is an additional factor that should be taken into account when assessing the probability of conditions leading to the physical destruction of a group. In their joint intervention in *The Gambia v. Myanmar* case, the six states have argued

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<sup>305</sup> Canada, Denmark, France, Germany, the Netherlands and the UK, Joint Declaration of Intervention Pursuant to Article 63 of the Statute of the International Court of Justice in the Case of Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*The Gambia v. Myanmar*), 15 November 2023, para. 40.

<sup>306</sup> See ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), paras 505-506; ICTR, *Prosecutor v. Rutaganda*, Trial Chamber judgment (previously cited), para. 52; ICTR, *Prosecutor v. Musema*, Trial Chamber judgment (previously cited), para. 157; ICTY, *Prosecutor v. Krstić*, Trial Chamber judgment (previously cited); paras 517-518; ICTY, *Prosecutor v. Brđjanin*, Trial Chamber judgment (previously cited), para. 691; ICTY, *Prosecutor v. Popović and Others* Case IT-05-88-T, Trial Chamber judgment, 10 June 2010, para. 814; ICTY, *Prosecutor v. Tolimir*, Trial Chamber judgment (previously cited), para. 740.

<sup>307</sup> See ICTY, *Prosecutor v. Brđjanin*, judgment (previously cited), para. 691; ICTY, *Prosecutor v. Stakić*, Trial Chamber judgment (previously cited), para. 517.

<sup>308</sup> See ICTY, *Prosecutor v. Stakić*, Trial Chamber judgment (previously cited), para. 517; ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 161; ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), para. 506; ICTR, *Prosecutor v. Kayishema and Ruzindana*, Trial Chamber judgment (previously cited), paras 115-116; ICTR, *Prosecutor v. Musema*, Trial Chamber judgment (previously cited), para. 157; ICTY, *Prosecutor v. Brđjanin*, Trial Chamber judgment (previously cited), para. 691; ICTY, *Prosecutor v. Tolimir*, Trial Chamber judgment (previously cited), para. 740. See also the ICC Elements of Crimes, which provides that the term “conditions of life” may include, but is not necessarily restricted to, “deliberate deprivation of resources indispensable for survival, such as food or medical services, or systematic expulsion from homes.” ICC, Elements of Crimes, Article 6(c), fn. 4.

<sup>309</sup> Nehemiah Robinson, *The Genocide Convention: A Commentary*, 1960, p. 64, para. 906, fn. 2257.

<sup>310</sup> ICTY, *Prosecutor v. Karadžić*, Case IT-95-5/18-T, Trial Chamber judgment, 24 March 2016, para. 548; ICTY, *Prosecutor v. Tolimir*, Trial Chamber judgment (previously cited), para. 742; ICTY, *Prosecutor v. Popović and Others*, Trial Chamber judgment (previously cited), para. 816; ICTY, *Prosecutor v. Brđjanin*, Trial Chamber judgment (previously cited), para. 906.

that “[w]hen considering the deprivation of food or the imposition of a subsistence diet, it would be relevant to consider that the amount of food that would ultimately lead to the death of an adult is different than that which would lead to the death of a child. Similarly, the medical needs of children are different to those of adults, and account needs to be taken of those differences in considering whether the absence of particular medical services amounts to the imposition of conditions of life that would bring about the destruction of specific members of the group.”<sup>311</sup>

Regarding ethnic cleansing<sup>312</sup> or forcible transfer, displacement or expulsion of a group, international jurisprudence has held that this does not constitute, in and of itself, a genocidal act.<sup>313</sup> In this regard, the ICJ observed that “deportation or displacement of the members of a group, even if effected by force, is not necessarily equivalent to destruction of that group, nor is such destruction an automatic consequence of the displacement.”<sup>314</sup> Nonetheless, the ICJ has recognized that this does not mean that acts of ethnic cleansing or forced displacement may never constitute genocidal acts.<sup>315</sup> For example, forced displacement may take place “in such circumstances that they were calculated to bring about the physical destruction of the group.”<sup>316</sup> In ascertaining whether forced displacements were calculated to bring about such destruction, the ICJ has held that “[t]he circumstances in which the forced displacements were carried out are critical.”<sup>317</sup> In their joint intervention in *The Gambia v. Myanmar* case, six states have argued that circumstances of forced displacement that involve a “situation in which children are unable to survive” may also lead to “the inability of the group as a whole to regenerate itself”, thus constituting conditions calculated to bring about the destruction of the group.<sup>318</sup>

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<sup>311</sup> Canada, Denmark, France, Germany, the Netherlands and the UK, Joint Declaration of Intervention in *The Gambia v. Myanmar* (previously cited), para. 42.

<sup>312</sup> The ICJ has defined “ethnic cleansing” as “rendering an area ethnically homogenous by using force or intimidation to remove persons of given groups from the area.” See ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 190.

<sup>313</sup> ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 190; ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 162; ICTY, *Prosecutor v. Stakić*, Trial Chamber judgment (previously cited), para. 519; ICTY, *Prosecutor v. Krstić*, Case IT-98-33-A, Appeals Chamber judgment, 19 April 2004, para. 33.

<sup>314</sup> ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 190; ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 162.

<sup>315</sup> ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 190; ICJ, *Croatia v. Serbia*, judgment (previously cited), paras 162-163.

<sup>316</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 163. See also ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 190: “if they are such as to be characterized as, for example, ‘deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part’, contrary to Article II, paragraph (c), of the Convention, provided such action is carried out with the necessary specific intent (*dolus specialis*), that is to say with a view to the destruction of the group, as distinct from its removal from the region”.

<sup>317</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 162. See also ICTY, *Prosecutor v. Blagojević and Jokić*, Trial Chamber judgment (previously cited), paras 665-666: “The Trial Chamber finds that the term ‘destroy’ in the genocide definition can encompass the forcible transfer of a population... the physical or biological destruction of the group is the likely outcome of a forcible transfer of the population when this transfer is conducted in such a way that the group can no longer reconstitute itself – particularly when it involves the separation of its members. In such cases the Trial Chamber finds that the forcible transfer of individuals could lead to the material destruction of the group, since the group ceases to exist as a group, or at least as the group it was.”

<sup>318</sup> Canada, Denmark, France, Germany, the Netherlands and the UK, Joint Declaration of Intervention in *The Gambia v. Myanmar* (previously cited), para. 43.

## 5.4 PALESTINIANS AS A PROTECTED GROUP

The definition of genocide in the Genocide Convention enumerates four types of protected groups in its use of the term “national, ethnical, racial or religious group”.<sup>319</sup> To amount to genocide, the abovementioned acts must be committed with intent to destroy, in whole or in part, a protected group of one or more of these four types.<sup>320</sup>

The term “national, ethnical, racial or religious group” is not defined in the Genocide Convention or the Rome Statute, and neither instrument provides any further guidance on how to identify each of the enumerated types of groups. International jurisprudence has provided some limited clarity on how to determine whether a targeted group constitutes a “national, ethnical, racial or religious group” within the meaning of the definition of genocide. According to this jurisprudence, such a determination must be done on a case-by-case basis, using both objective and subjective criteria, and in light of the particular political, social, historical and cultural context.<sup>321</sup>

In one of the few judicial interpretations of the term, the ICTR Trial Chamber defined a “national group” as “a collection of people who are perceived to share a legal bond based on common citizenship, coupled with reciprocity of rights and duties.”<sup>322</sup> This interpretation has, however, been subject to criticism for conflating the concept of “nationality” with membership in a “national group”.<sup>323</sup> Although there is no generally or internationally accepted definition of “national group”, commentators on the Genocide Convention have suggested that a “national group” is broader than common citizenship and incorporates elements of a shared history, culture or language.<sup>324</sup> It is this broader understanding of “national group” that Amnesty International applies in this report.

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<sup>319</sup> Genocide Convention, Article II; Rome Statute, Article 6.

<sup>320</sup> The list of protected groups set out in Article II of the Genocide Convention is considered a closed and exhaustive list (*numerus clausus*).

<sup>321</sup> See, for example, ICTR, *Prosecutor v. Rutaganda*, Trial Chamber judgment (previously cited), para. 56; ICTR, *Prosecutor v. Bagilishema*, Trial Chamber judgment (previously cited), para. 65; ICTR, *Prosecutor v. Semanza*, Case ICTR-97-20-T, Trial Chamber judgment, 15 May 2003, para. 317; ICTR, *Prosecutor v. Kajelijeli*, Case ICTR-98-44A-T, Trial Chamber judgment, 1 December 2003, para. 811; ICTY, *Prosecutor v. Brdjanin*, Trial Chamber judgment (previously cited), para. 684; ICTY, *Prosecutor v. Blagojević and Jokić*, Trial Chamber judgment (previously cited), para. 667; ICTY, *Prosecutor v. Stakić*, Case IT-97-A, Appeals Chamber judgment, 22 March 2006, para. 25. See also UN International Commission of Inquiry on Darfur, *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General*, 25 January 2005, para. 501.

<sup>322</sup> ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), para. 512.

<sup>323</sup> See, for example, William Schabas, *Genocide in International Law* (previously cited), pp. 134-135; Fanny Martin, “The notion of ‘Protected Group’ in the Genocide Convention and its Application” (previously cited) pp. 118-119; David Lisson, “Defining ‘National Group’ in the Genocide Convention: A Case Study of Timor-Leste”, 2008, *Stanford Law Review*, Volume 60, pp. 1467-1468.

<sup>324</sup> Nicodème Ruhashyankiko, a former Special Rapporteur on Prevention and Punishment of the Crime of Genocide, observed: “Obviously a national group comprises persons of a common national origin”. He also noted: “The words ‘national origin’ and ‘nationality’ had been widely used in international instruments and in literature as relating, not to persons who were citizens of or held passports issued by a given State, but to those having a certain culture, language and traditional way of life peculiar to a nation but living within another State.” UN Special Rapporteur on Prevention and Punishment of the Crime of Genocide, *Study of the Question of the Prevention and Punishment of the Crime of Genocide by Nicodème Ruhashyankiko, Special Rapporteur*, 4 July 1978, UN Doc. E/CN.4/Sub.2/416, paras 59 and 61.

In his commentary on the Genocide Convention, Stefan Glaser observed: “What characterizes a nation is not only a community of political destiny, but above all, a community marked by distinct historical and cultural links or features. On the other hand, a ‘territorial’ or ‘state’ link (with the State) does not appear to me to be essential.” Stefan Glaser, *Droit international penal conventionnel*, 1970, pp. 111-112, translated and quoted in UN Special

Regarding the term “racial group”, the ICTR Trial Chamber held: “The conventional definition of racial group is based on the hereditary physical traits often identified with a geographical region, irrespective of linguistic, cultural, national or religious factors.”<sup>325</sup> However, this interpretation has been criticized for employing purely physical and biological criteria to define a racial group, while failing to consider the broader social and historical context of the group.<sup>326</sup> The concept of distinct biological races has been scientifically discredited, and there is now a wide recognition that “race” is a social construction with no basis in human genetics or biology.<sup>327</sup> International courts have also since acknowledged that membership in a racial group is largely “a subjective rather than objective concept”.<sup>328</sup> As a result, international courts have increasingly (though not always consistently) referred to such groups in terms of perceptions, at times by victims but more often by perpetrators, since it is the latter who determine who is to be victimized, and on a case-by-case basis.<sup>329</sup> Racial groups can therefore be considered as groups “who are perceived as being different and

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Rapporteur on Prevention and Punishment of the Crime of Genocide, *Study of the Question of the Prevention and Punishment of the Crime of Genocide* (previously cited), para. 57.

Describing “national and ethnical groups”, Claus Kreß observes that a “common culture, history, way of living, language or religion may form the common denominator of those concepts, though these elements need not be present cumulatively” and that “constitution recognition of the group as people or minority may be an indicative factor.” Claus Kreß, “The Crime of Genocide under International Law”, 2006, *International Criminal Law Review*, Volume 6, p. 476.

William Schabas has suggested that “the term ‘national group’ dictates a large scope corresponding to the concept of ‘minority’ or ‘national minority,’ one that in reality is broad enough to encompass racial, ethnic and religious groups as well.” William Schabas, *Genocide in International Law* (previously cited), p. 138.

The commentary to the Rome Statute interprets the concept of “national”, albeit in the context of crimes against humanity, as follows: “The concept of ‘national’ is broader than citizenship and includes attributes of a group which considers that it is a nation even though the members of the group are located in more than one State.” Christopher Hall and others, “Article 7 – Crimes against Humanity” in Kai Ambos and Otto Triffterer (editors), *The Rome Statute of the International Criminal Court: A Commentary*, 3rd edition, 2016, p. 224.

<sup>325</sup> See ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), para. 514; ICTR, *Prosecutor v. Kayishema and Ruzindana*, Trial Chamber judgment (previously cited), para. 98.

<sup>326</sup> For example, Carola Lingaas observes: “The reference to ‘hereditary physical traits’ implies an objective approach to a scientifically highly disputed method, namely the identification of people by means of their physical appearance, such as their skin colour... Defining race as the genetic transmission of physical traits is not only scientifically wrong, it also preserves outdated and contentious methods of classifying people.” Carola Lingaas, *The Concept of Race in International Criminal Law*, 2019, p. 91

<sup>327</sup> See, for example, International Convention for the Elimination of All Forms of Racial Discrimination, adopted on 21 December 1965, UN Doc. A/RES/2106(XX), preamble; UNESCO, Statement on Race and Racial Prejudice, adopted on September 1967, <https://unesdoc.unesco.org/ark:/48223/pf0000039429>, Articles 3-4; World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, *Declaration and Programme of Action*, 31 August - 8 September 2001, *Durban Declaration and Programme of Action*, p. 14; UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, *Global Extractivism and Racial Equality*, 14 May 2019, UN Doc. A/HRC/41/54, para. 12; UN Human Rights Council Advisory Committee, *Advancing Racial Justice and Equality by Uprooting Systemic Racism*, 8 August 2023, UN Doc. A/HRC/54/70, para. 4.

<sup>328</sup> ICTR, *Prosecutor v. Rutaganda*, Case ICTR-96-3, Trial Chamber judgment, 26 May 2003, para. 56; ICTY, *Prosecutor v. Jelisić*, Case IT-95-10, Appeals Chamber judgment, 14 December 1999, para. 70.

<sup>329</sup> ICTR, *Prosecutor v. Bagilishema*, Trial Chamber judgment (previously cited), para. 65; ICTR, *Prosecutor v. Nahimana and Others*, Case ICTR-99-52, Appeals Chamber judgment, 28 November 2007, para. 496; ICTY, *Prosecutor v. Brđjanin*, Trial Chamber judgment (previously cited), para. 683. In the *Prosecutor v. Ntaganda* case, the ICC Pre-Trial Chamber used terms such as “policy to attack civilians perceived to be non-Hema” and “those perceived to be non-originares” rather than “objective” descriptions of victim groups. See ICC, *Prosecutor v. Ntaganda*, Case ICC-01/04-02/06, Pre-Trial Chamber, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Bosco Ntaganda, 9 June 2014, paras 19-21. However, in the ICC’s *Prosecutor v. Al Bashir* case, the Pre-Trial Chamber appeared to adopt a more “objective” approach, although it stated that it need not go into the objective/subjective debate. ICC, *Prosecutor v. Al Bashir*, Pre-Trial Chamber, Decision on the Prosecution’s Application for a Warrant of Arrest Against Omar Al-Bashir (previously cited), paras 136-137 and fn. 52. See also the partly dissenting opinion of Judge Anita Ušacka in the latter case, paras 24-26.

possibly inferior by other groups on account of particular physical and/or cultural attributes”.<sup>330</sup> This position has been summarized as follows: “the question of race is connected to the labelling and stigmatisation of members of a group, singled out by the perpetrator as targets of his criminal acts. The perpetrator dominates a group he considers and treats as inferior.”<sup>331</sup> For purposes of this report, Amnesty International applies this subjective understanding of “racial group” with regard to the crime of genocide.

The ICTR Trial Chamber has interpreted “ethnic group” to mean a group whose members share “a common language or culture.”<sup>332</sup> The Trial Chamber also held that an “ethnic group” includes a group which “distinguishes itself, as such (self-identification)” as well as groups “identified as such by others, including perpetrators of the crimes (identification by others).”<sup>333</sup>

Amnesty International considers, based on the above, that Palestinians constitute a distinct national, ethnic and racial group within the meaning of Article II of the Genocide Convention.<sup>334</sup> Regardless of whether individual Palestinians are citizens of Israel living in Israel, are living under Israeli military rule in the OPT or are Palestinian refugees, they overwhelmingly identify as Palestinian and have deep and shared political, ethnic, social and cultural ties.<sup>335</sup> Palestinians share a common language and have similar customs and cultural practices, despite having different religions, regardless of the territory on which they reside.<sup>336</sup> The ICJ, too, has made a preliminary finding that Palestinians “appear to constitute a distinct ‘national, ethnic, racial or religious group,’ and hence a protected group within the meaning of Article II of the Genocide Convention.”<sup>337</sup>

The intent to destroy a protected group does not require that a perpetrator seek to achieve the “complete annihilation of a group from every corner of the globe.”<sup>338</sup> An intention to destroy a group “in part” suffices to establish the requisite specific intent for the crime of genocide. In determining what constitutes “part” of the group for purposes of such intent, international jurisprudence has adopted a requirement of substantiality rather than a specific

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<sup>330</sup> Walter Kälin and Jörg Künzli, *The Law of International Human Rights Protection*, 2009, p. 369.

<sup>331</sup> Carola Lingaas, *The Concept of Race in International Criminal Law* (previously cited), p. 16.

<sup>332</sup> ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), para. 512; ICTR, *Prosecutor v. Kayishema and Ruzindana*, Trial Chamber judgment (previously cited), para. 98. See also ILC, *Fourth Report on the Draft Code of Offences Against the Peace and Security of Mankind by Doudou Thiam, Special Rapporteur*, 11 March 1986, UN Doc. A/CN.4/398, para. 58: “It seems that the ethnic bond is more cultural. It is based on cultural values and is characterized by a way of life, a way of thinking and the same way of looking at life and things. On a deeper level, the ethnic group is based on a cosmogony.”

<sup>333</sup> ICTR, *Prosecutor v. Kayishema and Ruzindana*, Trial Chamber judgment (previously cited), para. 98.

<sup>334</sup> Amnesty International considers that Palestinians also constitute a distinct national, ethnic and racial group within the meaning of Article 6 of the Rome Statute.

<sup>335</sup> Amnesty International, *Israel's Apartheid Against Palestinians* (previously cited), p. 74.

<sup>336</sup> Amnesty International, *Israel's Apartheid Against Palestinians* (previously cited), p. 74.

<sup>337</sup> ICJ, *South Africa v. Israel*, order, 26 January 2024 (previously cited), para. 45.

<sup>338</sup> ICTR, *Prosecutor v. Kayishema and Ruzindana*, Trial Chamber judgment (previously cited), para. 95; ICTY, *Prosecutor v. Krstić*, Appeals Chamber judgment (previously cited), para. 80; ICTR, *Prosecutor v. Seromba*, Case ICTR-2001-66-I, Trial Chamber judgment, December 13, 2006, para. 319; ICTR, *Prosecutor v. Muhimana*, Case ICTR-95-1B-T, Trial Chamber judgment and sentence, 28 April 2005, para. 498. See also *Prosecutor v. Gacumbitsi*, Case ICTR-2001-64-T, Trial Chamber judgment, 17 June 2004, para. 253 (similar); ICTR, *Prosecutor v. Kamuhanda*, Case ICTR-99-54A-T, Trial Chamber judgment, 22 January 2004, para. 628 (similar); ICTR, *Prosecutor v. Kajelijeli*, Trial Chamber judgment (previously cited), para. 809 (similar).

numeric threshold.<sup>339</sup> This standard requires that the perpetrator must intend to destroy at least a “substantial part” of the group in question.<sup>340</sup> In this regard, the ICJ has held that “the part targeted must be significant enough to have an impact on the group as a whole.”<sup>341</sup>

Whether the targeted portion of the group meets the substantiality requirement is determined with respect to a range of considerations including, but not limited to: the numeric size of the targeted portion of the group (both in absolute terms and relative to the overall size of the entire group), and the prominence of the targeted members within the group as a whole and their importance to the survival of the group.<sup>342</sup> The ICJ has also ruled that “it is widely accepted that genocide may be found to have been committed where the intent is to destroy the group within a geographically limited area.”<sup>343</sup> Accordingly, the geographic location of the group and the associated opportunity available to the perpetrator, including the area of the perpetrator’s activity and control, may also be relevant considerations.<sup>344</sup> In this regard, the ICTY Appeals Chamber has observed that “[t]he intent to destroy formed by a perpetrator of genocide will always be limited by the opportunity presented to him. While this factor alone will not indicate whether the targeted group is substantial, it can – in combination with other factors – inform the analysis.”<sup>345</sup>

Amnesty International considers that Palestinians in Gaza constitute a “substantial part” of the whole group of Palestinians. In 2023, Palestinians living in Gaza comprised approximately 40% of the nearly 5.5 million Palestinians living in the OPT.<sup>346</sup> In its provisional order of January 2024, the ICJ also made a preliminary finding that “Palestinians in the Gaza

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<sup>339</sup> ICTR, *Prosecutor v. Seromba*, Trial Chamber judgment (previously cited), para. 319. See also ICTR, *Prosecutor v. Simba*, Case ICTR-01-76-T, Trial Chamber judgment and sentence, 13 December 2005, para. 412 (similar); ICTR, *Prosecutor v. Muhimana*, Trial Chamber judgment and sentence (previously cited), para. 498 (same as *Prosecutor v. Seromba*); ICTR, *Prosecutor v. Gacumbitsi*, Trial Chamber judgment (previously cited), para. 253 (same as *Prosecutor v. Seromba*); ICTR, *Prosecutor v. Kamuhanda*, Trial Chamber judgment (previously cited), para. 628 (similar); *Prosecutor v. Kajelijeli*, Trial Chamber judgment (previously cited), para. 809 (similar); ICTR, *Prosecutor v. Muvunyi*, Case ICTR-2000-55A-T, Trial Chamber judgment, 12 September 2006, para. 479: “there is no upper or lower limit to the number of victims from the protected group”; ICTR, *Prosecutor v. Muhimana*, Trial Chamber judgment and sentence (previously cited), para. 514: “the phrase ‘destroy in whole or in part a[n] ethnic group’ does not imply a numeric approach.” See also ICTR, *Prosecutor v. Gacumbitsi*, Trial Chamber judgment (previously cited), para. 258 (similar).

<sup>340</sup> ICTY, *Prosecutor v. Jelisić*, Trial Chamber judgment (previously cited), para. 82; ICTY, *Prosecutor v. Sikirica*, Case IT-95-8-T, judgment on Defence Motions to Acquit, 20 September 2001 (previously cited), para. 65; ICTR, *Prosecutor v. Bagilishema*, Trial Chamber judgment (previously cited), para. 64; ICTR, *Prosecutor v. Semanza*, Trial Chamber judgment (previously cited), para. 316; ICTY, *Prosecutor v. Krstić*, Appeals Chamber judgment (previously cited), para. 12; ICTR, *Prosecutor v. Gacumbitsi*, Trial Chamber judgment (previously cited), para. 258; ICTR, *Prosecutor v. Simba*, Trial Chamber judgment (previously cited), para. 412; ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 98; ICTR, *Prosecutor v. Muvunyi*, Trial Chamber judgment (previously cited), para. 483; ICTR, *Prosecutor v. Karera*, Case ICTR-01-74-T, Trial Chamber judgment, 7 December 2007, para. 534; ICTR, *Prosecutor v. Bagosora, Kabiligi, Ntabakuze and Nsengiyumva*, Trial Chamber judgment (previously cited), para. 2115. See also ILC, “Draft Code of Crimes against the Peace and Security of Mankind” (previously cited), commentary to Article 17, para. 8.

<sup>341</sup> ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 193.

<sup>342</sup> ICTY, *Prosecutor v. Krstić*, Appeals Chamber judgment (previously cited), para. 12: “If a specific part of the group is emblematic of the overall group, or is essential to its survival, that may support a finding that the part qualifies as substantial within the meaning of Article 4.” See also ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), paras 198-200; ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 142.

<sup>343</sup> ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 199.

<sup>344</sup> ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 199.

<sup>345</sup> ICTY, *Prosecutor v. Krstić*, Appeals Chamber judgment (previously cited), para. 13.

<sup>346</sup> PCBS, “Population data”, 2023, [https://www.pcbs.gov.ps/site/lang\\_en/881/default.aspx#Population](https://www.pcbs.gov.ps/site/lang_en/881/default.aspx#Population)



Strip form a substantial part of the protected group,” on this basis finding that “the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts” to be sufficiently plausible to warrant the indication of provisional measures intended to preserve that right.<sup>347</sup>

Importantly, it is not a requirement that the perpetrator actually succeed in destroying the targeted group, either in whole or in part, for genocide to be established.<sup>348</sup> As the ICTY Trial Chamber has ruled, “the term ‘in whole or in part’ refers to the *intent*, as opposed to the actual destruction” (emphasis added).<sup>349</sup>

## 5.5 SPECIFIC INTENT

In order for the abovementioned acts to amount to genocide, it must be established that they have been committed with the specific intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such. In considering state responsibility for genocide, the ICJ has held:

**“It is not enough that the members of the group are targeted because they belong to that group... Something more is required. The acts... must be done with the intent to destroy the group as such in whole or in part.”<sup>350</sup>**

The specific intent (*dolus specialis*) is an essential element of genocide, which distinguishes it from other crimes under international law.<sup>351</sup> Determining the existence of specific intent is necessary for the purposes of establishing both state responsibility and individual criminal responsibility for genocide. As explained later, the specific intent to destroy the group, in whole or in part, does not mean that it is the *only* intent the state can have. Specific intent does not mean single intent. Rather, the state can have additional goals and purposes, as long as it is clear, and is the only reasonable inference, that the state also has the intent to destroy the group, in whole or in part. To construe the law otherwise would make the prohibition of genocide meaningless in armed conflicts, where there will almost always be military goals at play as well.

This section will begin by highlighting some of the key elements of the jurisprudence on genocidal intent and individual criminal responsibility (by far, the most elaborate

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<sup>347</sup> ICJ, *South Africa v. Israel*, order, 26 January 2024 (previously cited), paras 45 and 54.

<sup>348</sup> ICTY, *Prosecutor v. Karadžić and Mladić*, Case IT-95-5-R61 and IT-95-18-R61, Trial Chamber, Review of Indictment Pursuant to Rule 61, 11 July 1996, para. 92: “The degree to which the group was destroyed in whole or in part is not necessary to conclude that genocide has occurred. That one of the acts enumerated in the definition was perpetrated with a specific intent suffices.” See also ICTY, *Prosecutor v. Krstić*, Trial Chamber judgment (previously cited), para. 584; ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), para. 497; ICTR, *Prosecutor v. Rutaganda*, Trial Chamber judgment (previously cited), paras 48-49.

<sup>349</sup> ICTY, *Prosecutor v. Krstić*, Trial Chamber judgment (previously cited), para. 584.

<sup>350</sup> See ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 187. See also ICTY, *Prosecutor v. Blagojević and Jokić*, Trial Chamber judgment (previously cited), para. 656.

<sup>351</sup> See, for example, ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), para. 498; ICTY, *Prosecutor v. Kupreškić and Others*, Case IT-95-16-T, Trial Chamber judgment, 14 January 2000, para. 636; ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 132.

jurisprudence to date) before turning to the limited jurisprudence on intent in the context of state responsibility for genocide.

## 5.5.1 INDIVIDUAL CRIMINAL RESPONSIBILITY

In discussing individual criminal responsibility, the International Law Commission has concluded that “a general intent to commit one of the enumerated acts combined with a general awareness of the probable consequences of such an act with respect to the immediate victim or victims is not sufficient for the crime of genocide. The definition of this crime requires a particular state of mind or a specific intent with respect to the overall consequence of the prohibited act.”<sup>352</sup>

The ICTR and ICTY have also held that, with respect to individual criminal responsibility, the special intent for genocide requires more than a general awareness or knowledge of the probable consequences of the prohibited acts on the part of the perpetrator: that is, the perpetrator must consciously desire or seek to achieve the destruction of the targeted group through the commission of the prohibited acts.<sup>353</sup> In interpreting the specific intent to destroy, the international jurisprudence has accordingly preferred a volitional or goal-based standard, over a cognitive or knowledge-based one.<sup>354</sup>

The specific intent to “destroy” refers to the physical or biological destruction of the targeted group and excludes attempts to destroy the national, linguistic, religious, cultural or other identity of the target group.<sup>355</sup> “Physical destruction” refers to the physical annihilation of a group, whereas “biological destruction” refers to the destruction of the reproductive or regenerative ability of the group.<sup>356</sup>

As noted above, the actual physical destruction of the targeted group, in whole or in part, is not a prerequisite for genocide to be established.<sup>357</sup> The destruction of the targeted group, in

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<sup>352</sup> ILC, “Draft Code of Crimes against the Peace and Security of Mankind” (previously cited), commentary to Article 17, para. 5.

<sup>353</sup> ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), paras 544-547; ICTY, *Prosecutor v. Kupreškić and Others*, Trial Chamber judgment (previously cited), para. 636; ICTY, *Prosecutor v. Jelisić*, Case IT-95-10, Appeals Chamber judgment, 5 July 2001, para. 46; ICTY, *Prosecutor v. Krstić*, Trial Chamber judgment (previously cited), para. 571; ICTY, *Prosecutor v. Blagojević and Jokić*, Trial Chamber judgment (previously cited), para. 656. See also UN International Commission of Inquiry on Darfur, *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General*, 25 January 2005, para. 491.

<sup>354</sup> See Lars Berster, “Article II”, in Christian Tams, Lars Berster and Björn Schiffbauer (editors), *Convention on the Prevention and Punishment of Genocide: A Commentary*, 2014, pp. 136-148, paras 104-131; Paul Behrens, “The mens rea of genocide”, in Paul Behrens and Ralph Henham (editors), *Elements of Genocide*, 2013, p. 76.

<sup>355</sup> ILC, “Draft Code of Crimes against the Peace and Security of Mankind” (previously cited), commentary to Article 17, para. 12: “As clearly shown by the preparatory work for the Convention, the destruction in question is the material destruction of a group either by physical or biological means, not the destruction of the national, linguistic, cultural or other identity of a particular group.” See also ICTY, *Prosecutor v. Stakić*, Trial Chamber judgment (previously cited), para. 518; ICTY, *Prosecutor v. Krstić*, Appeals Chamber judgment (previously cited), para. 25; ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 334.

<sup>356</sup> Canada, Denmark, France, Germany, the Netherlands and the UK, Joint Declaration of Intervention in *The Gambia v. Myanmar* (previously cited), para. 63; ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 136.

<sup>357</sup> ICTY, *Prosecutor v. Karadžić and Mladić*, Trial Chamber, Review of Indictment Pursuant to Rule 61 (previously cited), para. 92: “The degree to which the group was destroyed in whole or in part is not necessary to conclude that genocide has occurred. That one of the acts enumerated in the definition was perpetrated with a specific intent suffices.” See also ICTY, *Prosecutor v. Krstić*, Trial Chamber judgment (previously cited), para. 584. See also ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), para. 497; ICTR, *Prosecutor v. Rutaganda*, Trial Chamber judgment (previously cited), paras 48-49.

whole or in part, refers to the *intent* with which the prohibited act(s) must be carried out, as opposed to the actual outcome of these acts.<sup>358</sup>

Moreover, it is not a requirement that a perpetrator select or pursue the most efficient method of destroying the targeted group.<sup>359</sup> The ICTY Appeals Chamber has held that “[e]ven where the method selected will not implement the perpetrator’s intent to the fullest, leaving that destruction incomplete, this ineffectiveness alone does not preclude a finding of genocidal intent.”<sup>360</sup> As the Appeals Chamber recognized, international pressure may prevent the perpetrator of a “genocidal plan from putting it into action in the most direct and efficient way” and compel it instead to adopt “the method which would allow them to implement the genocidal design while minimizing the risk of retribution.”<sup>361</sup>

The specific intent of genocide must be to destroy the group as such, that is, “as a separate and distinct entity”,<sup>362</sup> rather than incidentally targeting one or more individuals who happen to belong to a particular group. Insofar as individuals are targeted, it must be specifically on account of their membership in the group and as a means to achieve the overall objective of destruction of that group, in whole or in part.<sup>363</sup>

### **INFERRING SPECIFIC INTENT**

International tribunals addressing individual criminal responsibility have held that evidence of a plan or policy would be “strong evidence” of the requisite specific intent.<sup>364</sup> The ICTR has conceded that “it would appear that it is not easy to carry out a genocide without such a plan, or organisation.”<sup>365</sup> Moreover, it may be difficult to establish the specific intent on the part of a single perpetrator if the crime with which they are charged “is not backed by an organisation or a system.”<sup>366</sup>

However, the existence of a state or organizational plan or policy of genocide is not, strictly speaking, “a legal ingredient of the crime.”<sup>367</sup> Conceding that direct evidence or overt manifestations of genocidal intent are exceedingly rare,<sup>368</sup> the practice of the ICTR and ICTY

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<sup>358</sup> ICTY, *Prosecutor v. Krstić*, Trial Chamber judgment (previously cited), para. 584.

<sup>359</sup> ICTY, *Prosecutor v. Krstić*, Appeals Chamber judgment (previously cited), para. 32; *Prosecutor v. Tolimir*, Trial Chamber judgment (previously cited), para. 748.

<sup>360</sup> ICTY, *Prosecutor v. Krstić*, Appeals Chamber judgment (previously cited), para. 32.

<sup>361</sup> ICTY, *Prosecutor v. Krstić*, Appeals Chamber judgment (previously cited), para. 32.

<sup>362</sup> ICTY, *Prosecutor v. Blagojević and Jokić*, Trial Chamber judgment (previously cited), para. 670.

<sup>363</sup> ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), para. 498; ICTY, *Prosecutor v. Krstić*, Trial Chamber judgment (previously cited), para. 561; ICTY, *Prosecutor v. Sikirica*, judgment on Defence Motions to Acquit (previously cited), para. 89; ICTY, *Prosecutor v. Brdjanin*, Trial Chamber judgment (previously cited), para. 698. See also ILC, “Draft Code of Crimes against the Peace and Security of Mankind” (previously cited), commentary to Article 17, para. 6: “The prohibited act must be committed against an individual because of his membership in a particular group and as an incremental step in the overall objective of destroying the group”.

<sup>364</sup> ICTR, *Prosecutor v. Kayishema and Ruzindana*, Trial Chamber judgment (previously cited), para. 276. See also ICTY, *Prosecutor v. Jelisić*, Appeals Chamber judgment (previously cited), para. 48.

<sup>365</sup> ICTR, *Prosecutor v. Kayishema and Ruzindana*, Trial Chamber judgment (previously cited), para. 94.

<sup>366</sup> ICTY, *Prosecutor v. Jelisić*, Trial Chamber judgment (previously cited), para. 101.

<sup>367</sup> ICTY, *Prosecutor v. Jelisić*, Appeals Chamber judgment (previously cited), para. 48.

<sup>368</sup> ICTR, *Prosecutor v. Kayishema and Ruzindana*, Appeals Chamber judgment (previously cited), para. 159: “explicit manifestations of criminal intent are, for obvious reasons, often rare in the context of criminal trials”; ICTR, *Gacumbitsi v. The Prosecutor*, Case ICTR-2001-64-A, Appeals Chamber judgment, 7 July 2006, para. 40: “By its nature, intent is not usually susceptible to direct proof. Only the accused himself has first-hand knowledge of his own mental state, and he is unlikely to testify to his own genocidal intent.” See also ICTR, *Rutaganda v. Prosecutor*, Case ICTR-96-3-A, Appeals Chamber judgment, 26 May 2003, para. 525; ICTY, *Prosecutor v. Popović and Others*, Trial Chamber judgment (previously cited), para. 823; ICTY, *Prosecutor v. Tolimir*, Trial Chamber judgment (previously cited), para. 745.

has been to infer the existence of such intent from a range of factors and circumstances.<sup>369</sup> The ICTR Appeals Chamber has held that “[i]n the absence of explicit, direct proof, the *dolus specialis* may therefore be inferred from relevant facts and circumstances.”<sup>370</sup> In other words, the existence of specific intent will, in many cases, be established by circumstantial evidence.<sup>371</sup>

The factors and circumstances considered by the ICTR and ICTY in determining the existence of specific intent by inference include, among others:

- the general context;
- the perpetration of other culpable acts systematically targeted at the same group;
- the scale of the atrocities committed;
- the number of victims;
- the targeting of members of the group without distinction of age and gender;
- the attempt to conceal evidence of crimes;
- the repetition of destructive and discriminatory acts;
- the use of derogatory language toward members of the targeted group; and
- the general political doctrine which gave rise to the culpable acts.<sup>372</sup>

In addition, while destruction of cultural property or symbols of the targeted group does not per se constitute genocidal acts within the meaning of Article II of the Genocide Convention, international jurisprudence has considered that such acts may serve as evidence of the existence of specific intent.<sup>373</sup> In this regard, the ICTY Trial Chamber has held that “where there is physical or biological destruction there are often simultaneous attacks on the cultural and religious property and symbols of the targeted group as well, attacks which may legitimately be considered as evidence of an intent to physically destroy the group.”<sup>374</sup>

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<sup>369</sup> ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), para. 523; ICTR, *Prosecutor v. Kayishema and Ruzindana*, Appeals Chamber judgment (previously cited), para. 159; ICTY, *Prosecutor v. Jelisić*, Appeals Chamber judgment (previously cited), para. 47; ICTR, *Gacumbitsi v. Prosecutor*, Appeals Chamber judgment (previously cited), para. 40; ICTR, *Prosecutor v. Nyiramasuhuko*, Case ICTR-98-42, Trial Chamber judgment, 24 June 2011, para. 5732, ICTY, *Prosecutor v. Tolimir*, Trial Chamber judgment (previously cited), para. 745.

<sup>370</sup> ICTR, *Rutaganda v. Prosecutor*, Appeals Chamber judgment (previously cited), para. 525. See also ICTY, *Prosecutor v. Tolimir*, Trial Chamber judgment (previously cited), para. 745; ICTY, *Prosecutor v. Jelisić*, Appeals Chamber judgment (previously cited), para. 47.

<sup>371</sup> ICTR, *Gacumbitsi v. Prosecutor*, Appeals Chamber judgment (previously cited), paras 40-41; ICTY, *Prosecutor v. Krstić*, Appeals Chamber judgment (previously cited), para. 34; ICTR, *Rutaganda v. Prosecutor*, Appeals Chamber judgment (previously cited), para. 525; ICTY, *Prosecutor v. Jelisić*, Appeals Chamber judgment (previously cited), para. 47; ICTR, *Prosecutor v. Kayishema and Ruzindana*, Appeals Chamber judgment (previously cited), para. 159.

<sup>372</sup> See, for example, ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), para. 523; ICTR, *Prosecutor v. Kayishema and Ruzindana*, Trial Chamber judgment (previously cited), para. 93; ICTY, *Prosecutor v. Jelisić*, Appeals Chamber judgment (previously cited), para. 47; *Prosecutor v. Krstić*, Trial Chamber judgment (previously cited), para. 536; ICTR, *Rutaganda v. Prosecutor*, Appeals Chamber judgment (previously cited), para. 525; ICTY, *Prosecutor v. Tolimir*, Trial Chamber judgment (previously cited), para. 745.

<sup>373</sup> ICTY, *Prosecutor v. Krstić*, Trial Chamber judgment (previously cited), para. 580; ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 344; ICTY, *Prosecutor v. Tolimir*, Trial Chamber judgment (previously cited), para. 746.

<sup>374</sup> ICTY, *Prosecutor v. Krstić*, Trial Chamber judgment (previously cited), para. 580.

When assessing whether specific intent can be inferred, the ICTY Appeals Chamber has cautioned that “a compartmentalized mode of analysis may obscure the proper inquiry.”<sup>375</sup> Rather than considering separately whether the accused intended to destroy a protected group through each of the underlying acts of genocide, the ICTY has held that “consideration ought to be given to all of the evidence, taken together.”<sup>376</sup>

### **SPECIFIC INTENT VERSUS MOTIVE**

International jurisprudence has further drawn a distinction between specific intent and the motives a perpetrator may have for the commission of genocide,<sup>377</sup> a position particularly relevant to the situation in Gaza.

In this regard, the ICTY has explained that “[t]he personal motive of the perpetrator of the crime of genocide may be, for example, to obtain personal economic benefits, or political advantage or some form of power. The existence of a personal motive does not preclude the perpetrator from also having the specific intent to commit genocide.”<sup>378</sup> Similarly, the ICTR has further clarified that the specific intent to commit genocide, that is, to destroy a national, ethnical, racial or religious group as such, need not be the sole motivation for the perpetrator’s actions: what matters is that “the proscribed acts were committed against the victim *because* of their membership in the protected group, but not *solely* because of such membership.”<sup>379</sup>

In other words, any personal motive harboured by a perpetrator may coexist with the specific intent to destroy the targeted group as such, in whole or in part.

## **5.5.2 STATE INTENT**

The jurisprudence on genocidal intent on the part of a state is more limited. The ICJ has accepted that, in the absence of direct proof, specific intent may be established indirectly by inference for purposes of state responsibility, and has adopted much of the reasoning of the international tribunals.<sup>380</sup> However, its rulings on inferring intent can be read extremely narrowly, in a manner that would potentially preclude a state from having genocidal intent alongside one or more additional motives or goals in relation to the conduct of its military operations. As outlined below, Amnesty International considers this an overly cramped interpretation of international jurisprudence and one that would effectively preclude a finding of genocide in the context of an armed conflict. The organization considers that the Genocide

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<sup>375</sup> ICTY, *Prosecutor v. Karadžić*, Case IT-95-5/18-AR98bis.1, Rule 98bis Appeal judgment, 11 July 2013, para. 56.

<sup>376</sup> See, for example, ICTY, *Prosecutor v. Stakić*, Appeals Chamber judgment (previously cited), para. 55; ICTY, *Prosecutor v. Karadžić*, Appeal judgment (previously cited), para. 56; ICTY, *Prosecutor v. Tolimir*, Case IT-05-88/2-A, Appeals Chamber judgment, 8 April 2015, para. 247; ICTY, *Prosecutor v. Mladić*, Case IT-09-92-T, Trial Chamber judgment, 22 November 2017, para. 3435.

<sup>377</sup> See, for example, ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 189; ICTR, *Prosecutor v. Kayishema and Ruzindana*, Appeals Chamber judgment (previously cited), para. 161; ICTY, *Prosecutor v. Jelisić*, Appeals Chamber judgment (previously cited), para. 49; ICTR, *Prosecutor v. Niyitegeka*, Case ICTR-96-14-A, Appeals Chamber judgment, 9 July 2004, para. 53; ICTR, *Prosecutor v. Bagosora, Kabiligi, Ntabakuze and Nsengiyumva*, Trial Chamber judgment (previously cited), para. 49.

<sup>378</sup> ICTY, *Prosecutor v. Jelisić*, Appeals Chamber judgment (previously cited), para. 49.

<sup>379</sup> ICTR, *Prosecutor v. Niyitegeka*, Appeals Chamber judgment (previously cited), paras 51-53 (emphasis in the original).

<sup>380</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 148.

Convention must be interpreted in a manner that ensures that genocide remains prohibited in both peacetime and in war and that ICJ jurisprudence should not be read to effectively preclude a finding of genocide during war.

### **ICJ'S THRESHOLD FOR INFERRING GENOCIDE**

The ICJ has explained that “the specific intent to destroy the group in whole or in part, has to be convincingly shown by reference to particular circumstances, unless a general plan to that end can be convincingly demonstrated to exist; and for a pattern of conduct to be accepted as evidence of its existence, it would have to be such that it could only point to the existence of such intent.”<sup>381</sup>

Where specific intent is established by inference, the ICJ has cautioned that such intent is difficult to establish on the basis of isolated acts.<sup>382</sup> It has accordingly required evidence of a pattern of conduct or acts on a scale that “establishes an intent not only to target certain individuals because of their membership to a particular group, but also to destroy the group itself in whole or in part.”<sup>383</sup>

In the *Croatia v. Serbia* case, the ICJ considered a range of factors (similar to that of the ICTY aforementioned) in order to “establish the existence of a pattern of conduct revealing a genocidal intent”, and in particular:

- “the scale and allegedly systematic nature of the attacks”;
- “the fact that those attacks are said to have caused casualties and damage far in excess of what was justified by military necessity”;
- “the specific targeting of Croats [that is, the protected group under the Genocide Convention]”; and
- “the nature, extent and degree of the injuries caused to the Croat population”.<sup>384</sup>

The ICJ has held that “in order to infer the existence of *dolus specialis* from a pattern of conduct, it is necessary and sufficient that this is the only inference that could reasonably be drawn from the acts in question”,<sup>385</sup> meaning that “intent to destroy the group, in whole or in part, must be the only reasonable inference which can be drawn from the pattern of conduct.”<sup>386</sup>

### **CAUTIONARY COMMENTS ON ICJ'S STANDARD ON INTENT**

In his dissenting opinion in *Croatia v. Serbia*, Judge Cançado Trindade argued that the ICJ “seems to have imposed too high a threshold for the determination of *mens rea* of genocide” and that the standard of proof adopted by the majority is “entirely inadequate for the determination of State responsibility”.<sup>387</sup>

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<sup>381</sup> ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 373.

<sup>382</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 139.

<sup>383</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), paras 139 and 148; ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 373.

<sup>384</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 413.

<sup>385</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 148.

<sup>386</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 417.

<sup>387</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), dissenting opinion of Judge Cançado Trindade, para. 467.

Interpreting the ICJ's standard of "only reasonable inference", six states intervening in *The Gambia v. Myanmar* case also warned against "rendering the threshold for inferring genocidal intent so difficult to meet so as to make findings of genocide near-impossible."<sup>388</sup> They have contended that ICJ's "only reasonable inference" test "should be used with respect to drawing an inference of specific intent from a 'pattern' of conduct only. This cannot be the threshold of the test when other methods of inference are also present, such as when examining the scope and severity of a perpetrator's conduct to evidence specific intent."<sup>389</sup>

The six states have especially contended that, while "[l]arge-scale killing of group members is the most obvious and immediate manifestation of an intention to destroy a group in whole or in part... the presence of several underlying acts of genocide can also be indicative of genocidal intent. Accordingly... the specific intent requirement in Article II should be construed in such a way that the overall factual picture is taken into account, rather than each individual incident or alleged underlying act of genocide being considered in isolation."<sup>390</sup>

They added that "the question of scale – as a basis on which to infer intent – does not relate solely to killings... in undertaking a quantitative assessment of the other relevant factors, the victimized population should be taken to include all victims targeted by the various underlying acts of genocide and not be limited to those victims who were killed."<sup>391</sup> The six intervening states further argued that "a court or tribunal must assess the evidence available to it comprehensively and holistically" when determining specific intent.<sup>392</sup> In her separate opinion in the *Croatia v. Serbia* case, Judge Sebutinde confirmed the necessity to "take a global view of all the evidence..."<sup>393</sup>

## **STATE INTENT IN CONTEXT OF ARMED CONFLICT**

The jurisprudence on individual criminal responsibility has found that a perpetrator's genocidal intent may coincide with several other motives. This recognition of multiple motives is especially important in determining the specific intent of a state – arguably made up of multiple key state officials – in the absence of evidence of a genocidal state policy or master plan. It is even more critical in the context of an armed conflict, a context which by its very nature is characterized by a party's pursuit of specific military aims. Article I of the Genocide Convention confirms that genocide is a crime "whether committed in time of peace or in time of war". In that regard, in his dissenting opinion in the *Croatia v. Serbia* case, Judge Cançado Trindade stated:

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<sup>388</sup> Canada, Denmark, France, Germany, the Netherlands and the UK, Joint Declaration of Intervention in *The Gambia v. Myanmar* (previously cited), para. 51, citing also the dissenting opinion of Judge Trindade. See also ICJ, *Croatia v. Serbia*, judgment (previously cited), dissenting opinion of Judge Cançado Trindade, para. 467.

<sup>389</sup> Canada, Denmark, France, Germany, the Netherlands and the UK, Joint Declaration of Intervention in *The Gambia v. Myanmar* (previously cited), para. 53.

<sup>390</sup> Canada, Denmark, France, Germany, the Netherlands and the UK, Joint Declaration of Intervention in *The Gambia v. Myanmar* (previously cited), para. 56.

<sup>391</sup> Canada, Denmark, France, Germany, the Netherlands and the UK, Joint Declaration of Intervention in *The Gambia v. Myanmar* (previously cited), para. 59.

<sup>392</sup> Canada, Denmark, France, Germany, the Netherlands and the UK, Joint Declaration of Intervention in *The Gambia v. Myanmar* (previously cited), para. 54.

<sup>393</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), separate opinion of Judge Sebutinde, para. 21.

**“One cannot characterize a situation as one of armed conflict, so as to discard genocide. The two do not exclude each other. In this connection... ‘genocide may be a means for achieving military objectives.’”<sup>394</sup>**

In his separate opinion in the same case, Judge Bhandari also affirmed that “genocidal *intent* may exist *simultaneously* with other, *ulterior motives*”, finding that “the majority has committed a basic error of law in finding that the existence of a punitive motive for the attack on Vukovar precludes genocidal intent as ‘the only reasonable inference that can be drawn from the illegal attack.’”<sup>395</sup>

A number of commentators have also proposed that the requisite specific intent to destroy a group as such, in whole or in part, may coexist with an additional, yet complementary, aim.<sup>396</sup> From this perspective, in the context of an armed conflict, the destruction of a group as such with specific intent, that is, the commission of genocide, may be instrumental to achieve a certain military result, or it may be pursued in parallel to particular military aims, for instance defeating enemy forces.

### 5.5.3 APPROACHING ISRAEL’S INTENT IN GAZA

Amnesty International is concerned in this report with assessing whether Israel demonstrated genocidal intent in the conduct of its offensive on Gaza. Chapter 7 “Israel’s intent in Gaza” provides Amnesty International’s in-depth legal and factual analysis on intent but it has identified the following elements to guide the analysis, based on the jurisprudence outlined above.

First, the jurisprudence and commentary above suggest that the evidence for a state’s intent must be approached and considered holistically; it must be assessed based on direct, contextual and circumstantial evidence, alongside the existence of a pattern of conduct.

Second, the context in which Israel’s military campaign took place must be part of this holistic examination. This includes its unlawful military occupation of the OPT, including Gaza, and the system of apartheid it imposes on Palestinians. It also includes the political situation in Israel, as well as the more immediate circumstances and state of mind resulting from the attacks perpetrated by Hamas and other Palestinian armed groups on 7 October 2023.

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<sup>394</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), dissenting opinion of Judge Cançado Trindade, para. 144, citing Ryan Park, “Proving Genocidal Intent: International Precedent and ECCC Case 002”, *Rutgers Law Review*, Volume 63, 2010, p. 170. See also Rana Moustafa Essawy, “The Attainability of the Evidentiary Standard for Genocidal Intent in Gaza”, *EJIL: Talk!*, <https://www.ejiltalk.org/the-attainability-of-the-evidentiary-standard-for-genocidal-intent-in-gaza>, 3 May 2024; Gabor Rona and Natalie Orpett, “Can Armed Attacks That Comply With IHL Nonetheless Constitute Genocide?”, *Lawfare*, 5 June 2024, <https://www.lawfaremedia.org/article/can-armed-attacks-that-comply-with-ihl-nonetheless-constitute-genocide>

<sup>395</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), separate opinion of Judge Bhandari, para. 50 (emphasis in the original).

<sup>396</sup> See, for example, John Quigley, *The Genocide Convention: An International Law Analysis*, 2006, pp. 120-125; Paul Behrens, “Genocide and the Question of Motives”, 2012, *Journal of International Criminal Justice*, Volume 10, pp. 501-523.



Third, Hamas's control over the political and economic systems in Gaza and the extremely high population density there are also contextual dimensions that influence the nature of the assessment of Israel's conduct and intent that may be made.

Fourth, and critically in the context of armed conflict, genocidal intent can coexist with military goals. In armed conflict, there will always be military goals. If their existence automatically precludes the possibility of genocide, then the prohibition on genocide in armed conflict will be meaningless. Amnesty International considers that genocidal intent must be clear – its existence must be the only reasonable inference drawn from a pattern of conduct – but that does not mean it must be the only goal being pursued by the state. A state's actions can serve the dual goal of achieving a military result and destroying a group as such. Genocide can also be the means for achieving a military result. In other words, a finding of genocidal intent may be drawn when the state intends to pursue the destruction of a protected group in order to achieve a certain military result, as a means to an end, or until it has achieved it. Amnesty International does not consider ICJ jurisprudence to preclude either instrumental or dual intent, as long as genocidal intent is clearly assessed to be the state's intent based on the totality of the evidence. Allowing for dual or instrumental intent is the only way to ensure that genocide remains prohibited during times of war.

Fifth, the existence of a variety of motives on the part of state officials does not negate the existence of genocidal intent. There may be political motives to preserve political coalitions, or even personal hatred and bigotry. As the jurisprudence makes clear, the motive for genocide on the part of individuals is irrelevant as long as the intent to destroy the targeted group, as such, is clear.

Finally, Amnesty International acknowledges that many Israeli policies and actions outlined in this report amount to violations of international humanitarian law, including war crimes. The organization has published several outputs that showed that air strikes, acts of torture and other ill-treatment, the wanton destruction of agricultural land and civilian buildings across eastern Gaza, the deliberate denial of essential services and goods, and the use of "evacuation" orders violated international humanitarian law, and likely amounted to war crimes.<sup>397</sup>

Viewed in isolation, some of the acts investigated by Amnesty International and presented in this report constitute serious violations of international humanitarian law, or gross violations of human rights.

Approached holistically, that is contextually and cumulatively, taking into account the entire offensive, including acts that may not be prohibited under the Genocide Convention, such as the destruction of cultural and religious sites, and in view of the repeated warnings by the UN and Israel's own allies and legally binding orders by the ICJ, a different and much more disturbing picture emerges. It is this broader picture that must be analysed for a determination on genocide.

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<sup>397</sup> See Chapter 2 "Scope and methodology" for further details.

# 6. ISRAEL'S ACTIONS IN GAZA

Amnesty International assessed whether Israel's policies and actions in Gaza between 7 October 2023 and early July 2024 amount to prohibited acts under the Genocide Convention. In particular, it considered evidence that Israel carried out the following prohibited acts against Palestinians: "killing members of the group"; "causing serious bodily or mental harm to members of the group"; and "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part". It did so with reference to the definitions of these acts presented in Chapter 5 "Genocide under international law". It has concluded that Israel did carry out these prohibited acts.

## 6.1 KILLING AND CAUSING SERIOUS HARM

To determine whether Israel perpetrated the acts of "killing members of the group" and "causing serious bodily or mental harm to members of the group", as prohibited under Article II(a) and (b) of the Genocide Convention, Amnesty International reviewed the results of investigations it had conducted into 15 air strikes that took place between 7 October 2023 and 20 April 2024. The air strikes killed at least 334 people, including at least 141 children, and wounded hundreds of others. It assessed the lawfulness of the air strikes under the rules on the conduct of hostilities in international humanitarian law presented in Chapter 4 "Israel's obligations under international law". As illustrated by the conclusions of other human rights organizations, the cases investigated by Amnesty International are demonstrative of a broader pattern of violations of international humanitarian law, including war crimes, by the Israeli military in Gaza following 7 October 2023.

Amnesty International also reviewed, more broadly, the unprecedented numbers of killings and injuries among the Palestinian population in Gaza resulting from Israeli air strikes, as well as contributing factors such as Israel's use of heavy explosive weapons in populated urban areas.

## 6.1.1 DIRECT ATTACKS ON CIVILIANS OR INDISCRIMINATE ATTACKS

The 15 air strikes investigated by Amnesty International took place in 15 locations across Gaza. These include four locations in the area north of Wadi Gaza, namely Gaza City and Jabalia refugee camp in North Gaza governorate (in October 2023), five in central Gaza, namely Deir al-Balah City (in October 2023), Nuseirat refugee camp (in October 2023) and Al-Maghazi refugee camp (in April 2024), both in Deir al-Balah governorate, and six in southern Gaza, namely Rafah (in December 2023, January 2024 and April 2024). The strikes hit homes and other residential buildings, a church, a market street and a public market. More specifically, Amnesty International investigated the following air strikes:<sup>398</sup>

1. Attack on the Al-Dos family home, Zeitoun neighbourhood, Gaza City, on 7 October 2023. The strike killed 15 civilians, including seven children. Amnesty International did not find any evidence of a military objective.<sup>399</sup>
2. Attack on the Al-Naqla family home, Nuseirat refugee camp, Deir al-Balah governorate, on 8 October 2023. The strike killed four civilians, including two children. Amnesty International did not find any evidence of a military objective.<sup>400</sup>
3. Attack on Jabalia refugee camp market, Jabalia refugee camp, North Gaza governorate, on 9 October 2023. The strike killed at least 70 civilians, including at least 15 children. Amnesty International did not find any evidence of a military objective. The Israeli military made contradictory remarks and failed to substantiate them.<sup>401</sup>
4. Attack on the Hijazi family home, Sahaba Street, Gaza City, on 10 October 2023. The strike killed 16 civilians, including three children. Amnesty International did not find any evidence of a military objective.<sup>402</sup>
5. Attack on the Al-Najjar family home, Deir al-Balah, on 10 October 2023. The strike, using a US-made JDAM bomb, killed 24 civilians, including nine children. Amnesty International did not find any evidence of a military objective.<sup>403</sup>

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<sup>398</sup> In this list and on first mention of localities in Gaza in the text below, the name of the governorate is provided except in the case of the cities that bear the same name as the governorate in which they are located, namely Deir al-Balah, Gaza City, Khan Younis and Rafah. When these names are used on their own, they refer to the city. When the governorate of the same name is referred to, the word “governorate” is added.

<sup>399</sup> Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza” (previously cited).

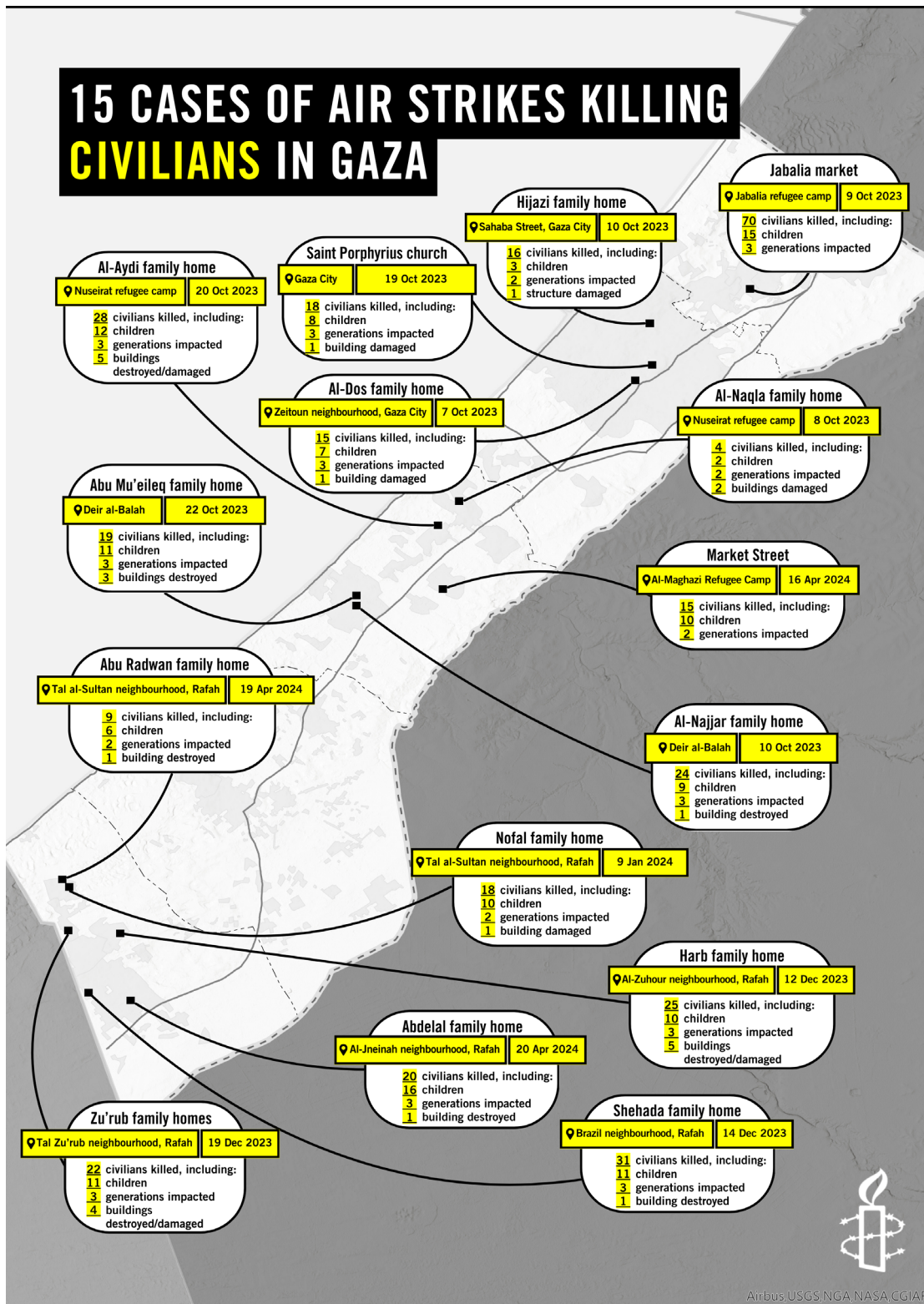
<sup>400</sup> Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza” (previously cited).

<sup>401</sup> Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza” (previously cited). At the time of publication of this press release, the number of individuals recorded as killed was at least 69. The number later rose to at least 70 after a child succumbed to his wounds.

<sup>402</sup> Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza” (previously cited).

<sup>403</sup> Amnesty International, “Israel/OPT: US-made munitions killed 43 civilians in two documented Israeli air strikes in Gaza – new investigation” (previously cited).

FIGURE 1



↑ This map shows the location and key details of the impact of 15 Israeli air strikes investigated by Amnesty International between October 2023 and April 2024. The strikes killed at least 334 civilians, including at least 141 children.

6. Attack on Saint Porphyrius church, Gaza City, on 19 October 2023. The strike killed 18 civilians, including eight children. Amnesty International did not find any evidence of a military objective.<sup>404</sup>
7. Attack on the Al-Aydi family home, Nuseirat refugee camp, Deir al-Balah governorate on 20 October 2023. The strike killed 28 civilians, including 12 children. Amnesty International did not find any evidence of a military objective.<sup>405</sup>
8. Attack on the Abu Mu'eileq family home, Deir al-Balah, on 22 October 2023. The strike, using a JDAM bomb, killed 19 civilians, including 11 children. Amnesty International did not find any evidence of a military objective.<sup>406</sup>
9. Attack on the Harb family homes, Al-Zuhour neighbourhood, Rafah, on 12 December 2023. The strike killed 25 civilians, including 10 children. Amnesty International did not find any evidence of a military objective.<sup>407</sup>
10. Attack on the Shehada family home, Brazil neighbourhood, Rafah, on 14 December 2023. The strike killed 31 civilians, including 11 children. Amnesty International did not find any evidence of a military objective.<sup>408</sup>
11. Attack on the Zu'rub family homes, Tal Zu'rub neighbourhood, Rafah, on 19 December 2023. The strike killed 22 civilians, including 11 children. Amnesty International did not find any evidence of a military objective.<sup>409</sup>
12. Attack on the Nofal family home, Tal al-Sultan neighbourhood, Rafah, on 9 January 2024. The strike, using a US-made GBU-39, killed 18 civilians, including 10 children. Amnesty International did not find any evidence of a military objective.<sup>410</sup>
13. Attack on Market Street, Al-Maghazi refugee camp, Deir al-Balah governorate, on 16 April 2024. The strike killed 15 civilians, including 10 children. Amnesty International did not find any evidence of a military objective. The Israeli military claimed it was investigating the strike.<sup>411</sup>

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<sup>404</sup> Amnesty International, “‘Nowhere safe in Gaza’: Unlawful Israeli strikes illustrate callous disregard for Palestinian lives” (previously cited).

<sup>405</sup> Amnesty International, “‘Nowhere safe in Gaza’: Unlawful Israeli strikes illustrate callous disregard for Palestinian lives” (previously cited).

<sup>406</sup> Amnesty International, “Israel/OPT: US-made munitions killed 43 civilians in two documented Israeli air strikes in Gaza – new investigation” (previously cited).

<sup>407</sup> Amnesty International, “New evidence of unlawful Israeli attacks in Gaza causing mass civilian casualties amid real risk of genocide” (previously cited).

<sup>408</sup> Amnesty International, “New evidence of unlawful Israeli attacks in Gaza causing mass civilian casualties amid real risk of genocide” (previously cited). At the time of publication of this press release, the number of individuals recorded as killed was 30. Amnesty International later learned that a passer-by was also among those killed.

<sup>409</sup> Amnesty International, “New evidence of unlawful Israeli attacks in Gaza causing mass civilian casualties amid real risk of genocide” (previously cited).

<sup>410</sup> Amnesty International, “New evidence of unlawful Israeli attacks in Gaza causing mass civilian casualties amid real risk of genocide” (previously cited).

<sup>411</sup> Amnesty International, “Israeli air strikes that killed 44 civilians further evidence of war crimes – new investigation” (previously cited).

14. Attack on the Abu Radwan family home, Tal al-Sultan neighbourhood, Rafah, on 19 April 2024. The strike, using an MPR 500 bomb, killed nine civilians, including six children. Amnesty International did not find any evidence of a military objective.<sup>412</sup>
15. Attack on the Abdelal family home, Al-Jneinah neighbourhood, Rafah, on 20 April 2024. The strike killed 20 civilians, including 16 children. Amnesty International did not find any evidence of a military objective.<sup>413</sup>

Amnesty International investigated the attacks between October 2023 and May 2024. Its fieldworkers visited all 15 locations to collect evidence and identify survivors and other witnesses for follow-up remote interviews by the organization's researchers. Fieldworkers also visited hospitals where people wounded in the attacks were receiving treatment. They took photographs of the aftermath of the destruction and of weapon fragments recovered from the rubble. They also surveyed, photographed and filmed the locations of the strikes to look for any indication or evidence of the presence of military targets nearby.

Amnesty International's researchers then remotely interviewed 74 people affected by the attacks. Of these, 66 were survivors and other witnesses and eight were relatives of individuals killed in the air strikes. Its specialists reviewed relevant medical reports, videos and photographs showing the sites. It analysed satellite imagery for all 15 strike locations to determine the extent of the damage or destruction. It analysed pictures of weapon fragments as well as relevant satellite imagery to identify the weapons used and possible targets. It also reviewed relevant statements by the Israeli military and other official bodies. While the Israeli military provided a response on two occasions to the media about two attacks documented by Amnesty International – the attack on the Saint Porphyrius church compound and the attack on the street market in Al-Maghazi – the explanations were vague and general, and the Israeli military failed to substantiate its claim that there were legitimate military targets or fighters in the targeted buildings or in their vicinity. To the best of the organization's knowledge, no criminal investigation had been opened into any of these cases by the office of the Military Advocate General as of 30 September 2024.

On the basis of its investigations, Amnesty International concluded that, in all 15 cases, the locations struck were civilian objects and that Israel had launched the air strikes. It also concluded that, in 14 of the attacks, the individuals in the locations hit received no prior warning and that, in the 15th, the attack on the Al-Naqla family home in Nuseirat refugee camp on 8 October 2023, the individuals did receive a warning, but it was not an effective one. In that case, the family had left their home immediately after their neighbour had received a warning that his home would be bombed. Since five hours had elapsed and no bombing had taken place, the family thought it was safe to return to collect their necessities. It was upon their return that the home was bombed by Israeli forces, killing four people and injuring some 20 others.<sup>414</sup> Amnesty International did not find any evidence in any of the

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<sup>412</sup> Amnesty International, "Israeli air strikes that killed 44 civilians further evidence of war crimes – new investigation" (previously cited).

<sup>413</sup> Amnesty International, "Israeli air strikes that killed 44 civilians further evidence of war crimes – new investigation" (previously cited).

<sup>414</sup> Amnesty International, "Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza" (previously cited).

cases that there was any legitimate military objective in or near the location struck, or that any of the strikes were directed at a particular military objective. In several cases, the organization was able to identify that large bombs, such as US-manufactured Joint Direct Attack Munitions (JDAM), were used by Israel.

To compile a full list of victims, Amnesty International collected the names of those killed and injured from family members and compared them with those provided by the hospitals and with records made public by the Gaza-based Ministry of Health. It cross-checked the list with names of victims mentioned in other sources, such as eulogies on social media, statements by syndicates and unions, and official and unofficial pages affiliated with Palestinian factions.

Amnesty International then assessed whether those individuals were civilians or fighters and, if they were civilians, whether they were or were not taking a direct part in hostilities based on available evidence. It did so based on interviews with local residents and desk research, including a review of content posted on the social media accounts of armed groups and others publishing tributes to those killed, and of statements by the Israeli military and Palestinian armed groups. The organization concluded that all those killed in these 15 strikes were civilians not taking a direct part in hostilities. In total, at least 334 civilians, including at least 141 children, were killed.

Amnesty International found that 12 of the 15 attacks it investigated struck homes and other residential buildings. Of those, five homes were hit between 11pm and 4am when their residents were likely to be sleeping.<sup>415</sup> In one example, 25 members of the Harb family, all civilians, were killed in a strike on their home just before dawn on 12 December 2023, while they were all sleeping.<sup>416</sup> The timing of the attacks and the lack of apparent military target indicate that the massive death toll that would result from them was likely intended. In addition, 11 of the 15 attacks were carried out on homes and other buildings in the area south of Wadi Gaza, to which residents of the area north of Wadi Gaza were ordered to flee following the “evacuation” order of 13 October 2023. The locations struck in the area south of Wadi Gaza, already known for their population density, were even more overcrowded than usual as a result of the influx of displaced people. Many people in the area south of Wadi Gaza were offering shelter to relatives, friends and others in need of a place to stay. As a result, many residential homes were hosting several extended families. Accordingly, in view of the absence of military targets, it can be reasonably concluded that the bombings of these locations were intended to lead to a high number of deaths and injuries among civilians. Illustrating the impossibility of finding safety anywhere in Gaza, one of the children who was killed in a strike on Al-Maghazi camp in April 2024 while playing table football had earlier

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<sup>415</sup> Forensic Architecture concluded that, in “the first three weeks of the aerial bombing campaign in Gaza (7-28 October 2023)... [s]trikes on residential buildings happened more at night than during the day”. Forensic Architecture also found that the timing of Israeli military’s attacks on other objects correlated with times when there was likely to be a significant number of civilians present. For example, Forensic Architecture concluded that the “timing of the Israeli military’s attacks on hospitals correlates with the presence of displaced civilians at those hospitals” and that “strikes on commercial spaces, including bakeries and markets, happened more during operational hours than outside of operational hours.” Forensic Architecture, *A Spatial Analysis of the Israeli Military’s Conduct in Gaza Since October 2023*, 15 October 2024, [https://content.forensic-architecture.org/wp-content/uploads/2024/10/FA\\_A-Spatial-Analysis-of-the-Israeli-militarys-conduct-in-Gaza-since-October-2023.pdf](https://content.forensic-architecture.org/wp-content/uploads/2024/10/FA_A-Spatial-Analysis-of-the-Israeli-militarys-conduct-in-Gaza-since-October-2023.pdf), pp. 42 and 45.

<sup>416</sup> Amnesty International, “New evidence of unlawful Israeli attacks in Gaza causing mass civilian casualties amid real risk of genocide” (previously cited).

fled Gaza City along with his family due to starvation. “[He] fled hunger only to be met by death,” one witness told Amnesty International.<sup>417</sup>

As mentioned in section 2.2 “Methodology”, Amnesty International submitted to the Israeli Ministry of Defense a summary of its findings on each of the 15 attacks. It did this in five pieces of correspondence, each covering different attacks, which were dated 30 October 2023, 23 November 2023, 18 January 2024, 24 January 2024 and 7 May 2024. Amnesty International renewed its request to the Israeli Ministry of Defense for information on all 15 air strikes on 16 October 2024. However, it had not received any response by the time of publication.

Amnesty International considers that all 15 attacks either constitute direct attacks on civilians and civilian objects or were indiscriminate attacks that killed civilians. It therefore considers that they are all likely to amount to war crimes. Other human rights organizations have concluded, in the case of other air strikes, that Israel carried out direct attacks on civilians and civilian objects or indiscriminate attacks that resulted in the death of civilians.<sup>418</sup>

Amnesty International has included below the details of three cases emblematic of the 15 attacks.

### **SAINT PORPHYRIUS CHURCH, GAZA CITY**

Following the Israeli military’s mass “evacuation” order on 13 October 2023,<sup>419</sup> hundreds of thousands of civilians were forced to flee their homes in unsafe conditions. Many were displaced to the central area or further south, while Gaza’s small Christian community, numbering at the time just over 1,000 people, sought refuge in the compounds of Gaza City’s two churches: Saint Porphyrius Greek Orthodox church, a site of cultural and religious importance, considered to be the world’s third oldest church,<sup>420</sup> and the Holy Family Latin church.

On 19 October 2023, at around 9.30pm, an Israeli air strike destroyed a building in the compound of the Saint Porphyrius church, located in the Al-Zaitoun neighbourhood of Gaza City, where an estimated 450 displaced Christians were sheltering. The strike killed 18

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<sup>417</sup> Amnesty International, “Israeli air strikes that killed 44 civilians further evidence of war crimes - new investigation” (previously cited).

<sup>418</sup> For example, one of the deadliest single attacks on residential buildings was launched by Israeli forces on the Engineers’ residential tower in Deir al-Balah on 31 October 2023, killing, according to an investigation by HRW, 106 civilians, including 54 children, absent any apparent military target. See HRW, “Gaza: Israeli strike killing 106 civilians an apparent war crime”, 4 April 2024, <https://www.hrw.org/news/2024/04/04/gaza-israeli-strike-killing-106-civilians-apparent-war-crime>

See also HRC, *Human Rights Situation in the Occupied Palestinian Territory, Including East Jerusalem, and the Obligation to Ensure Accountability and Justice* (previously cited), pp. 6-7; Al-Haq, “Israeli military escalates bombing of civilian homes in Rafah amid threats of ground invasion”, 2 May 2024, <https://www.alhaq.org/advocacy/22940.html>; OHCHR, “UN report: Israeli use of heavy bombs in Gaza raises serious concerns under the laws of war”, 19 June 2024, <https://www.ohchr.org/en/press-releases/2024/06/un-report-israeli-use-heavy-bombs-gaza-raises-serious-concerns-under-laws>; Forensic Architecture, *A Spatial Analysis of the Israeli Military’s Conduct in Gaza Since October 2023* (previously cited).

<sup>419</sup> Amnesty International, “Appalling Gaza ‘evacuation order’ must be rescinded by Israel immediately”, 13 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-appalling-gaza-evacuation-order-must-be-rescinded-by-israel-immediately>

<sup>420</sup> World Bank, EU and UN, *Gaza Strip: Interim Damage Assessment*, 29 March 2024, <https://thedocs.worldbank.org/en/doc/14e309cd34e04e40b90eb19afa7b5d15-0280012024/original/Gaza-Interim-Damage-Assessment-032924-Final.pdf>, p. 13.



civilians and injured at least 12 others.<sup>421</sup> The oldest victim of the attack was 80 while the youngest was a two-month-old infant, killed along with his mother and sister.

FIGURE 2

# SAINT PORPHYRIUS CHURCH

📍 Al-Zaitoun neighbourhood, Gaza City
📅 19 October 2023, Approx. 9.30pm

All individuals in the collage were killed by an Israeli strike on the compound of the Saint Porphyrius church in the Al-Zaitoun neighbourhood on 19 October 2023. In total, 18 civilians, including eight children, lost their lives. The numbers represent the ages of each individual at the time of their death. All photographs © Private

<sup>421</sup> Amnesty International, “‘Nowhere safe in Gaza’, Unlawful Israeli strikes illustrate callous disregard for Palestinian lives” (previously cited).


Ramez al-Sury, whose three children were killed in the attack, told Amnesty International:

**“We left our homes and came to stay at the church because we thought we would be protected here. We have nowhere else to go... There is nowhere safe in Gaza during this war.”<sup>422</sup>**

Amnesty International reviewed a video of the attack that the Israeli military posted – and shortly afterwards deleted – on its official account on X (formerly known as Twitter), as well as other photographs taken by its fieldworkers, concluding that a large air-delivered munition directly struck a building at the church where those killed and injured were sheltering. Amnesty International did not find any evidence that there was any legitimate military objective in or near the targeted building.

**FIGURE 3**



 *Civil defence teams and residents conduct search and rescue efforts on 20 October 2023 in the historical Saint Porphyrius Greek Orthodox church, where civilians took shelter, after an Israeli air strike in Gaza City, Gaza. © Ali Jadallah/Anadolu via Getty Images*

### **SHEHADA AND NASMAN FAMILIES, RAFAH**

About 20 members of the extended Nasman family were among thousands of families who were displaced from Gaza City to the south of Gaza in search of safety at their distant relatives' houses.

On 14 December 2023, at around 11.45am, an Israeli strike hit and destroyed the house in Rafah where they had settled: a three-storey house belonging to Abdallah Shehada in the

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<sup>422</sup> Amnesty International, “‘Nowhere safe in Gaza’, Unlawful Israeli strikes illustrate callous disregard for Palestinian lives” (previously cited).

Brazil neighbourhood. Abdallah Shehada, a 69-year-old retired surgeon and former director of Abu Yousef Al-Najjar hospital, was killed alongside 30 other civilians: 11 children, eight men and 11 women. At least 10 others were wounded. Some 45 people had been residing in the building.

**FIGURE 4**



👁️ ↑ *The satellite imagery from 6 December 2023 (on the left) shows the three-storey house of the Shehada family in Rafah. The satellite imagery from 24 December 2023 (on the right) shows the house destroyed, as highlighted by the orange box.*

The oldest victim of the attack was Hamdi Abu Daff, a displaced 86-year-old man, while the youngest was Ayla Nasman, aged only three months. Ayla Nasman's grandparents, mother and two siblings, aged five and four, were all killed in the attack. Her father, Ahmad Nasman, a physiotherapist, was among the few members of the extended Nasman family to survive the attack.

FIGURE 5



He told Amnesty International that he and his wife and three children made the gruelling journey from Gaza City to the south in mid-November 2023 on a horse-drawn cart. By then, Israeli forces had set up a checkpoint that cut off the area north of Wadi Gaza from the area south of it and were forcing civilians to move southwards through a designated route which they referred to as a “safe corridor”. He told Amnesty International that, for his family, the so-called “safe corridor” meant fear and humiliation by Israeli soldiers.


Ahmad Nasman said that it took him four days to retrieve Ayla’s body, who was only recognizable through her clothes, from the rubble; the blast had decapitated his five-year-old child Arwa. “My body survived but my spirit died with my children, it was crushed under the rubble with them,” he told Amnesty International. Amnesty International found no evidence of a military objective.

### **ABDELAL FAMILY, RAFAH**

On 20 April 2024, at approximately 11.20pm, an Israeli air strike destroyed the Abdelal family house in the Al-Jneinah neighbourhood in eastern Rafah, killing 16 children and four women – all members of the same family – and wounding five others. At the time, Rafah was by far Gaza’s most densely populated governorate. Some 25 members of the same family had been staying in the building. The victims were asleep when the house was hit. Like most of the 15 attacks, the attack on the Abdelal family killed three generations of Palestinians.

**FIGURE 6**



 ↑ *The satellite imagery from 20 April 2024 (on the left) shows the Abdelal family house in the Al-Jneinah neighbourhood in eastern Rafah. The satellite imagery from 21 April 2024 (on the right) shows the house destroyed, as highlighted by the orange box.*


Hussein Abdelal, whose mother, two wives and 10 of his children – the youngest aged 18 months and the oldest aged 16 years – were all killed in the strike, told Amnesty International that all he had left of his family members were shreds and pieces of clothing.<sup>423</sup> “I keep looking in the rubble for whatever I can find from my mother and my children. Their bodies


<sup>423</sup> Amnesty International, “Israeli air strikes that killed 44 civilians further evidence of war crimes – new investigation” (previously cited).

were torn to shreds. I find shreds, body parts of my children. I find them without heads,” he said. Again, Amnesty International found no evidence of a military objective.

FIGURE 7


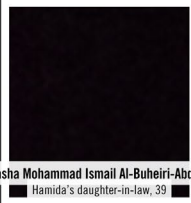

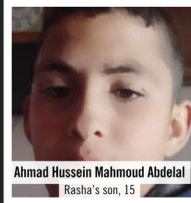





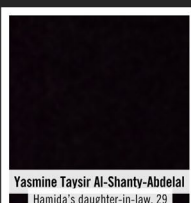



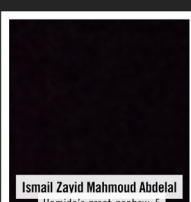
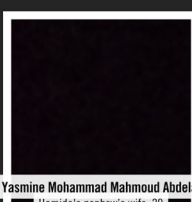


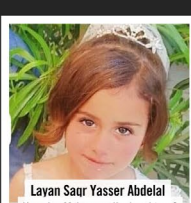
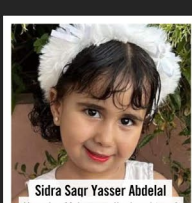
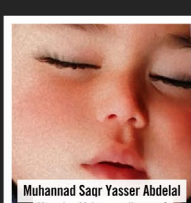
# ABDELAL FAMILY






Al-Jneinah neighbourhood  
Eastern Rafah

20 April 2024  
Approx. 11.20pm

 <p><b>Hamida Mohammad Abdulkarim Abdelal</b> 76 Rasha's daughter-in-law, 39</p>	 <p><b>Rasha Mohammad Ismail Al-Buheiri-Abdelal</b> Rasha's daughter, 16</p>	 <p><b>Sujoud Hussein Mahmoud Abdelal</b> Rasha's daughter, 16</p>	 <p><b>Ahmad Hussein Mahmoud Abdelal</b> Rasha's son, 15</p>
 <p><b>Ismail Hussein Mahmoud Abdelal</b> Rasha's son, 13</p>	 <p><b>Sajida Hussein Mahmoud Abdelal</b> Rasha's daughter, 11</p>	 <p><b>Shagd Hussein Mahoud Abdelal</b> Rasha's daughter, 10</p>	 <p><b>Yasser Hussein Mahmoud Abdelal</b> Rasha's son, 8</p>
 <p><b>Othman Hussein Mahmoud Abdelal</b> Rasha's son, 1</p>	 <p><b>Yasmine Taysir Al-Shanty-Abdelal</b> Hamida's daughter-in-law, 29</p>	 <p><b>Mahmoud Hussein Mahmoud Abdelal</b> Yasmine Taysir's son, 8</p>	 <p><b>Abdullah Hussein Mahmoud Abdelal</b> Yasmine Taysir's son, 7</p>
 <p><b>Usama Zayid Mohmoud Abdelal</b> Hamida's great-nephew, 12</p>	 <p><b>Ismail Zavid Mahmoud Abdelal</b> Hamida's great-nephew, 5</p>	 <p><b>Yasmine Mohammad Mahmoud Abdelal</b> Hamida's nephew's wife, 29</p>	 <p><b>Yasser Saqr Yasser Abdelal</b> Yasmine Mohammad's son, 9</p>
 <p><b>Mohammad Saqr Yasser Abdelal</b> Yasmine Mohammad's son, 7</p>	 <p><b>Layan Saqr Yasser Abdelal</b> Yasmine Mohammad's daughter, 6</p>	 <p><b>Sidra Saqr Yasser Abdelal</b> Yasmine Mohammad's daughter, 4</p>	 <p><b>Muhannad Saqr Yasser Abdelal</b> Yasmine Mohammad's son, 2</p>

.....

All individuals in the collage were killed by an Israeli strike on the Al-Jneinah neighbourhood on 20 April 2024.  
In total, 20 family members, including 16 children, lost their lives.  
The numbers represent the ages of each individual at the time of their death.  
All photographs © Private



## 6.1.2 SCALE OF KILLINGS AND INJURIES

Between 7 October 2023 and 7 October 2024, the Gaza-based Ministry of Health recorded 42,010 Palestinian fatalities in Gaza. Of those, the ministry confirmed the identity, age and gender of 40,717 individuals, of whom 13,319 were children, including 786 children under the age of one, 7,216 were women, 3,447 were older people and 16,735 were men.<sup>424</sup> The Ministry of Health's data do not include a breakdown of fighters and civilians, but just under 60% of fully identified fatalities were children, women and older people. The remaining 40% of confirmed fatalities were men under 60, with no independent organization able to establish how many of those were fighters and how many were civilians.<sup>425</sup>

In addition, the Gaza-based Ministry of Health estimated that 97,590 Palestinians had been injured by 7 October 2024.<sup>426</sup> By 23 July 2024, at least 22,500 Palestinians in Gaza had been left with life-changing injuries requiring long-term rehabilitation, according to the WHO.<sup>427</sup> Initial data from the Gaza-based Ministry of Health shared with Amnesty International indicate that, by 30 September 2024, it had registered 1,200 conflict-related amputations but estimated that the actual number of amputees would be around 4,500, given a significant reporting lag resulting from the collapse of the healthcare system. The WHO had also recorded some 2,000 cases of major burns and 2,000 spinal cord and severe traumatic brain injuries.<sup>428</sup> In addition to the life-changing injuries, medical professionals consider that many of those injured will face trauma and mental health issues for years to come.

While Amnesty International cannot determine the cause of death or injury of all those included in the Ministry of Health records – with some cases likely to be the result of misfiring rockets launched by Palestinian armed groups – what is well established is that during the nine-month period under review, Israeli forces launched tens of thousands of air strikes on Gaza, resulting in unprecedented numbers of killings and injuries among the Palestinian population. In addition to the 15 cases presented above, by 30 June 2024, Amnesty International had conducted preliminary fieldwork into 124 other air strikes across

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<sup>424</sup> Gaza-based Ministry of Health, Facebook post: [شاهد انفوجرافيك... إحصائيات وبيانات تداعيات](https://www.facebook.com/photo/?fbid=870019995302944&set=a.534218635549750) [“Palestinian Ministry of Health in Gaza. See infographic... Statistics and data on the implications of the Israeli assault on the health sector after more than a year since the beginning of the assault”], 20 October 2024, <https://www.facebook.com/photo/?fbid=870019995302944&set=a.534218635549750> (in Arabic); OCHA, “Humanitarian situation update #231: Gaza Strip” (previously cited).

<sup>425</sup> Zaher Al-Wuheidi, head of the Gaza-based Ministry of Health's medical information department, explained to Amnesty International that the official figure published by the ministry includes only individuals whose deaths were registered by hospitals and medical facilities or whose deaths were reported to hospitals and other medical facilities or to the Ministry of Health by their family members. It does not include individuals missing under the rubble or individuals whose deaths were not reported by relatives, believed to be in the thousands. Interview by voice call with Zaher Al-Wuheidi, 5 June 2024.

<sup>426</sup> Gaza-based Ministry of Health, Facebook post: [شاهد انفوجرافيك... إحصائيات وبيانات تداعيات](https://www.facebook.com/photo/?fbid=870019995302944&set=a.534218635549750) [“Palestinian Ministry of Health in Gaza. See infographic... Statistics and data on the implications of the Israeli assault on the health sector after more than a year since the beginning of the assault”], 20 October 2024, <https://www.facebook.com/photo/?fbid=870019995302944&set=a.534218635549750> (in Arabic).

<sup>427</sup> WHO, *Estimating Trauma Rehabilitation Needs in Gaza Using Injury Data from Emergency Medical Teams*, 30 July 2024, <https://cdn.who.int/media/docs/default-source/documents/emergencies/rehab-injury-estimate-gaza---final.pdf>

<sup>428</sup> WHO, *Estimating Trauma Rehabilitation Needs in Gaza Using Injury Data from Emergency Medical Teams* (previously cited).

Gaza. For 52 of them, it had also completed extensive desk research. Amnesty International was not able to pursue additional research into those cases or establish conclusive evidence as to their lawfulness for several reasons, including: the safety of its fieldworkers; the high number of internally displaced people present who were unknown to local residents; the inability to re-establish contact with survivors of the attacks or to conduct follow-up visits to the strike locations; and Israel's continued denial of Amnesty International's staff – and indeed any other human rights investigators – access to Gaza. However, in all of the cases, the organization established that Israel carried out the attacks. In many of them, it found no legitimate military target.

Many of Israel's attacks in Gaza were carried out through the use of heavy explosive weapons. During the first month of Israel's military offensive on Gaza, a CNN and Synthetac investigation identified numerous craters that are consistent with the use of 2,000-pound (900kg) bombs, which were only used by Israel in this conflict.<sup>429</sup> An OHCHR assessment published in June 2024 also identified the use of large and heavy munitions, including the suspected use of 250-pound (110kg), 1,000-pound (450kg) and 2,000-pound (900kg) bombs, in six emblematic attacks by Israel between October and December 2023.<sup>430</sup> In a number of cases it has documented, Amnesty International was able to identify that large bombs, such as US-manufactured Joint Direct Attack Munitions (JDAM), were used by Israel. For example, it has concluded that the air strike on the Al-Mawasi refugee camp on 10 September 2024 was carried out with several 2,000-pound (900kg) bombs, including, based on an analysis of fragments found by Amnesty International's fieldworkers, a JDAM.<sup>431</sup>

The use of explosive weapons in populated urban areas is one of the most immediate causes of deaths of and injuries to civilians in the context of armed conflict.<sup>432</sup> According to humanitarian organizations operating in Gaza, the most commonly reported injuries caused by explosive weapons during the armed conflict include severe burns, traumatic brain injuries, injuries requiring amputations to one or more limbs, fractures and spinal cord injuries, as well as crush injuries to the chest and abdomen.<sup>433</sup> One Palestinian doctor told Amnesty International that, at Al-Ahli Arab Baptist hospital in Gaza City, they had to dedicate one day a week where they only performed amputations. He explained that most amputations were the result of injuries caused by explosive weapons, where amputation was

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<sup>429</sup> CNN, "'Not seen since Vietnam': Israel dropped hundreds of 2,000-pound bombs on Gaza, analysis shows", 22 December 2023, <https://edition.cnn.com/gaza-israel-big-bombs/index.html>

<sup>430</sup> OHCHR, "UN report: Israeli use of heavy bombs in Gaza raises serious concerns under the laws of war" (previously cited).

<sup>431</sup> CNN, "Weapons experts say 2,000-pound bombs were likely used in Al-Mawasi strike", 10 September 2024, [https://edition.cnn.com/world/live-news/israel-gaza-al-mawasi-strike-09-10-24#h\\_f6b4e9c0aa45c7f56ce1c06f3f97ace5](https://edition.cnn.com/world/live-news/israel-gaza-al-mawasi-strike-09-10-24#h_f6b4e9c0aa45c7f56ce1c06f3f97ace5)

<sup>432</sup> OCHA, "Explosive weapons in populated areas", <https://www.unocha.org/explosive-weapons-populated-areas> (accessed on 5 November 2024); ICRC, *Explosive Weapons with Wide Area Effects: A Deadly Choice in Populated Areas*, 26 January 2022, [https://www.icrc.org/sites/default/files/document\\_new/file\\_list/ewipa\\_explosive\\_weapons\\_with\\_wide\\_area\\_effect\\_fin\\_al.pdf](https://www.icrc.org/sites/default/files/document_new/file_list/ewipa_explosive_weapons_with_wide_area_effect_fin_al.pdf)

<sup>433</sup> Humanity & Inclusion, *Gaza: Amputations, Nerve Injuries and Fractures – New Report on Injuries Caused by Heavy Bombing*, 12 December 2023, <https://www.humanity-inclusion.org.uk/en/gaza-amputations-nerve-injuries-and-fractures-new-report-on-injuries-caused-by-heavy-bombing>; WHO and Health Cluster, *Hostilities in the Occupied Palestinian Territory (OPT): Public Health Situation Analysis (PHSA)*, 2 May 2024, <https://www.un.org/unispal/wp-content/uploads/2024/05/WHO-PHSA-oPt-020524-FINAL.pdf>



the only option.<sup>434</sup> Explosive weapons are also known to pose unique risks to children due to their anatomy and physiology. Children cannot afford to lose as much blood as adults, and their thinner abdominal walls combined with proportionally larger vital organs make them more vulnerable to blasts and trauma.<sup>435</sup> Children are significantly more likely to suffer head injuries from blast incidents, and eye and ear injuries, which are very common blast injuries, have severely injurious long-term effects on children.<sup>436</sup>

While international humanitarian law does not per se prohibit the use of heavy explosive weapons in populated areas, the ICRC has noted that, given their “low accuracy and precision, and their large destructive radius relative to the size of most military objectives in populated areas”, explosive weapons with wide area effects are likely to “have indiscriminate effects” when used in urban settings, with foreseeable “direct and reverberating effects” on key infrastructure and essential services.<sup>437</sup> Restrictions on children’s access to healthcare, water and sanitation and nutrition resulting from this destruction can have devastating long-term health effects on children, impacting their growth and development.<sup>438</sup> Therefore, the use of heavy explosive weapons in densely populated areas may result in indiscriminate and disproportionate attacks, which are prohibited. In recognition of the widespread use of aircraft bombs, artillery, rockets and missiles in urban areas and their devastating impact on civilians, 83 states endorsed in 2022 the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas.<sup>439</sup>

As noted in section 3.1.2 “Blockade”, with an estimated population of 2.2 million people living in an area measuring approximately 365km<sup>2</sup>, Gaza is one of the most densely populated areas in the world. Even where Israeli forces targeted what could be considered military objectives, attacks using explosive weapons with wide area effects on residential buildings in the heart of densely populated civilian neighbourhoods – particularly at times when such buildings were full of civilians – likely constitute indiscriminate attacks. Commenting on the use of large and heavy munitions by the Israeli military, the OHCHR noted that “[e]xplosive weapons with such wide-area effects cannot be directed at a specific military object in densely populated areas of Gaza, and the effects cannot be limited resulting in military objects, civilians and civilian objects being struck without distinction”.<sup>440</sup>

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<sup>434</sup> Interview by voice call with Rabie Hadba, doctor at Al-Ahli Arab Baptist Hospital, 10 August 2024.

<sup>435</sup> ICRC, *Childhood in Rubble: The Humanitarian Consequences of Urban Warfare for Children*, 25 May 2023, <https://www.icrc.org/en/document/childhood-rubble-humanitarian-consequences-urban-warfare-children>, p. 26.

<sup>436</sup> Save the Children, *Blast Injuries: The Impact of Explosive Weapons on Children in Conflict*, 16 May 2019, [https://www.savethechildren.org.uk/content/dam/gb/reports/blast\\_injuries.pdf](https://www.savethechildren.org.uk/content/dam/gb/reports/blast_injuries.pdf), pp. 10-12.

<sup>437</sup> ICRC, *Explosive Weapons with Wide Area Effects: A Deadly Choice in Populated Areas* (previously cited), pp. 10 and 126.

<sup>438</sup> Watchlist on Children and Armed Conflict, *Explosive Weapons and the Children and Armed Conflict Agenda*, 17 April 2024, [https://watchlist.org/wp-content/uploads/explosive-weapons-and-the-children-and-armed-conflict-agenda\\_final\\_digital.pdf](https://watchlist.org/wp-content/uploads/explosive-weapons-and-the-children-and-armed-conflict-agenda_final_digital.pdf), p. 14.

<sup>439</sup> Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the use of Explosive Weapons in Populated Areas (previously cited).

<sup>440</sup> OHCHR, *Indiscriminate and Disproportionate Attacks During the Conflict in Gaza (October – December 2023)*, 19 June 2024, <https://www.ohchr.org/sites/default/files/documents/countries/opt/20240619-ohchr-thematic-report-indiscrim-disprop-attacks-gaza-oct-dec2023.pdf>, p. 11.

### 6.1.3 PROHIBITED ACTS

Israel carried out unlawful attacks during the nine-month period under review that deliberately killed and injured many civilians, and in many cases, likely amount to war crimes. The 15 air strikes whose investigation and documentation Amnesty International has presented above constitute direct attacks on civilians and civilian objects or indiscriminate attacks. They killed at least 334 civilians, including 141 children, and wounded hundreds of others. The timing of at least five of the 15 attacks is likely to mean that the massive civilian death toll was intended, particularly given the apparent lack of military target. It is not reasonable to suggest that these could have been “mistakes” when these were repeated many times over by one of the most technologically advanced militaries in the world. There is one reasonable inference that can be drawn from the evidence: these civilian deaths and injuries were intended.

While these 15 cases represent only a small fraction of the total number of aerial attacks on Gaza by Israel following 7 October 2023, other human rights organizations have concluded, as regards other air strikes, that Israel carried out direct attacks on civilians and civilian objects or indiscriminate attacks that resulted in the death of civilians. The cases documented by Amnesty International and other organizations demonstrate a pattern of repeated direct and indiscriminate attacks by the Israeli military in Gaza over the nine-month period under review. Such attacks were conducted in ways that were designed to cause a very high number of fatalities among the civilian population, as evidenced through Israel’s use of explosive weapons with wide area effects, the timing and location of the attacks and the absence of effective warnings, in some cases, or of any warnings at all, in others.

Viewed in isolation, some of the attacks analysed and the resultant high civilian death toll may be attributed to recklessness or negligence on the part of the Israeli military. However, viewed together and cumulatively, over the course of nine months, when committed by one of the most technologically advanced militaries of the world, Israel’s repetition of such deadly attacks – many on homes and other buildings in densely populated civilian neighbourhoods – indicates intentional and deliberate direct attacks on civilians or equally intentional and deliberately indiscriminate attacks. These acts were specifically committed against Palestinians in Gaza, who are a substantial part of a protected group under the Genocide Convention.<sup>441</sup>

Amnesty International concludes that the direct or indiscriminate attacks carried out by Israel constitute the acts of “killing members of the group” and “causing serious bodily or mental harm to members of the group”, as prohibited under Articles II(a) and (b) of the Genocide Convention, respectively, in that these strikes caused deliberate and unlawful deaths and injuries to Palestinian civilians. Amnesty International assesses the underlying intent of these and other strikes in Chapter 7 “Israel’s intent in Gaza”, taking into account the full scale, intensity and scope of Israel’s campaign, as well as other relevant factors.

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<sup>441</sup> See section 5.4 “Palestinians as a protected group”.

## 6.2 INFLECTING CONDITIONS OF LIFE CALCULATED TO BRING ABOUT DESTRUCTION OF PALESTINIANS

To determine whether the Israeli authorities had perpetrated the act of “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”, as prohibited under Article II(c) of the Genocide Convention, Amnesty International assessed Israel’s role between 7 October 2023 and early July 2024 in three patterns of events in Gaza:

- the infliction of damage to and destruction of life-sustaining infrastructure and other objects indispensable to the survival of the civilian population;
- the repeated mass forced displacement of the vast majority of Gaza’s population under unsafe and unsanitary conditions; and
- the obstruction of the delivery of essential services and life-saving supplies into and within Gaza.

It examined the impact of these patterns of events on the conditions of life of Palestinians in Gaza, and the extent to which Israel’s actions and omissions, when viewed together, were deliberate, taking into account the Israeli authorities’ own narrative on these. It made its assessment with reference to Israel’s obligations as an occupying power and as a party to an armed conflict, both under international humanitarian law and international human rights law,<sup>442</sup> and the international jurisprudence presented in Chapter 5 “Genocide under international law”.

Amnesty International interviewed 101 individuals in relation to humanitarian access and conditions of life in Gaza and conducted extensive desk research and analysis. Those interviewed included 27 humanitarian and civil society actors involved in the Gaza response, 12 medical workers providing care to patients at five hospitals in Gaza, 35 internally displaced Palestinian civilians, 16 farmers and 11 representatives of or employees at municipalities and local authorities.

In addition, Amnesty International conducted an extensive review of secondary sources, including statements, reports and data released by UN agencies and other humanitarian organizations providing assistance in Gaza. Since October 2023, humanitarian organizations have released copious information, including data and first-hand accounts, on rising needs, services they are providing and impediments to their work. Amnesty International also reviewed statements by Israeli officials and official bodies, including COGAT, as well as Israeli government submissions in a legal case relating to humanitarian access that was brought before Israel’s High Court of Justice on 18 March 2024 by five human rights organizations in Israel, led by Gisha – Legal Center for Freedom of Movement. Amnesty International also analysed data on imports to Gaza before and after 7 October 2023.

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<sup>442</sup> See, in particular, Fourth Geneva Convention, Articles 55-56 and 59; ICESCR, Articles 11-12; CESCR, General Comment 7 (previously cited), paras 5-6 and 12; CESCR, General Comment 12 (previously cited), para. 19; CESCR General Comment 14 (previously cited), para. 34; CESCR, General Comment 15 (previously cited), paras 21-22.

Amnesty International relied on satellite imagery analysis as well as videos and photographs – all of which it authenticated and, where possible, geolocated – to assess the scale, severity, and pace of damage and destruction in Gaza, and to identify damage and destruction to critical infrastructure. It complemented this review by undertaking a statistical analysis based on building damage data from the UN Satellite Centre (UNOSAT). Wherever possible, Amnesty International’s fieldworkers visited areas, including Deir al-Balah in central Gaza and localities in eastern and western Rafah, to examine damage, destruction or other forms of conflict-related impact on agricultural lands, poultry and livestock farms, and private or family-run businesses. Amnesty International’s researchers also reviewed an extensive range of damage, destruction and displacement assessments by UN agencies, civil society groups and the media, as well as investigations and documentation into warring party conduct in Gaza conducted by other civil society groups.

## **6.2.1 DAMAGE TO AND DESTRUCTION OF OBJECTS INDISPENSABLE TO SURVIVAL OF CIVILIAN POPULATION**

During the nine-month period under review, critical infrastructure and other objects indispensable to the survival of the civilian population in Gaza sustained vast damage and destruction. They included essential parts of the food production system and hundreds of thousands of residential homes, as well as water, sanitation and hygiene infrastructure, hospitals and other healthcare facilities, roads and energy infrastructure.

There is consensus among UN agencies and experts and humanitarian organizations that the level and speed of damage and destruction caused to Palestinian homes and life-sustaining infrastructure across all sectors of economic activity has been uniquely catastrophic, and researchers specializing in monitoring conflicts have found that the level and speed of damage and destruction in Gaza has not been seen in any other conflict in the 21st century.<sup>443</sup> At various points following 7 October 2023, the UN characterized the destruction in Gaza as “unimaginable”<sup>444</sup> and “unprecedented”.<sup>445</sup> A joint Interim Damage Assessment published by the World Bank, EU and UN in March 2024 concluded that “the level of destruction [in Gaza]... is unprecedented”, with most of the damage they assessed between October 2023 and January 2024 having occurred in the first two months of fighting.<sup>446</sup> In May 2024, the UN noted that, even under an optimistic scenario in which Israel allowed in a five-fold increase in construction materials, it would take until 2040 to rebuild the housing units that had been destroyed.<sup>447</sup>

Amnesty International recognizes that some of the damage to critical infrastructure and other objects indispensable to the survival of the civilian population may have been caused by

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<sup>443</sup> See section 7.1.1 “Deadly and destructive attacks”.

<sup>444</sup> UN, “‘The destruction is unimaginable’ in Gaza: Press briefing the Head of OHCHR Occupied Palestinian Territory on the situation in Gaza”, 19 June 2024, <https://www.un.org/unispal/document/ohchr-opt-press-briefing-on-gaza-18jun24>

<sup>445</sup> UNCTAD, *Preliminary Assessment of the Economic Impact of the Destruction in Gaza and Prospects for Economic Recovery*, January 2024, [https://unctad.org/system/files/official-document/osginf2024d1\\_en.pdf](https://unctad.org/system/files/official-document/osginf2024d1_en.pdf)

<sup>446</sup> World Bank, EU and UN, *Gaza Strip: Interim Damage Assessment* (previously cited), p. 1.

<sup>447</sup> UNDP, *Expected Socio-Economic Impacts on the State of Palestine*, 2 May 2024, <https://www.undp.org/arab-states/publications/gaza-war-expected-socio-economic-impacts-state-palestine-0>

Hamas or other Palestinian armed groups.<sup>448</sup> It also acknowledges that some of it may have been caused by individuals taking materials from critical infrastructure, for example, solar panels, to serve their own needs. However, there is no doubt that Israeli forces were responsible for a significant part of the damage and destruction, including through their aerial campaign, bulldozing of land and property and through the use of controlled demolitions.<sup>449</sup>

The Israeli authorities have argued that their military forces lawfully targeted Hamas and other Palestinian armed groups throughout Gaza, including when they were operating in and near critical infrastructure and other objects indispensable to the survival of the civilian population, and that these groups are to blame for locating themselves in or in the vicinity of these sites. Amnesty International acknowledges that Hamas and other Palestinian armed groups at times operated in such spaces. It also recognizes that not all of Israel's individual attacks on civilian infrastructure and other objects indispensable to the survival of the civilian population are likely to be unlawful according to international humanitarian law.

However, as noted above, Israel carried out many of its attacks in Gaza through the use of explosive weapons, especially aerial bombs of 250 pounds (110kg) to 2,000 pounds (900kg). As noted above, by 10 October 2023, by their own account, Israeli forces had already dropped "thousands of tonnes of munitions" on Gaza, one of the most densely populated places in the world.<sup>450</sup> As noted in section 6.1.2 "Scale of killings and injuries", the use of these heavy explosive weapons in densely populated areas may result in indiscriminate and disproportionate attacks, which are prohibited.<sup>451</sup>

Further, the catastrophic humanitarian impact of the widespread damage to and destruction of critical infrastructure and other objects indispensable to the survival of the civilian population, including land that produced food and homes that provided shelter, was clearly known to Israeli military commanders, particularly in light of their role in much of this damage and destruction following 7 October 2023 and the impact of damage and destruction caused by Israel's previous military offensives on Gaza.

As the occupying power, Israel has an obligation under international humanitarian law and international human rights law to ensure the population of Gaza has adequate access to food, essential supplies, medicine and medical care, and to ensure and maintain public health and hygiene in Gaza, including through the adoption of preventative measures to

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<sup>448</sup> Amnesty International has not documented Hamas or other Palestinian armed groups in Gaza damaging or destroying objects indispensable to the survival of the civilian population following 7 October 2023. In December 2023, the Israeli army claimed that Hamas and other armed groups had fired "over 1,000 missiles" that had landed in Gaza and "exploded in schools and near hospitals, causing untold civilian harm". IDF, "The war against Hamas: Answering your most pressing questions", 15 December 2023, <https://www.idf.il/en/mini-sites/israel-at-war/all-articles/the-war-against-hamas-answering-your-most-pressing-questions/#10>

Amnesty International has not been able to verify this allegation, and the Israeli army did not provide evidence. Amnesty International is, however, aware, of some rockets misfiring in Gaza.

<sup>449</sup> See section 3.2.2 "Israel's offensive on Gaza".

<sup>450</sup> IDF Spokesperson, X post: "War status update – IDF spokesperson's announcement to the public: Tuesday, 10 October 2023, 08:30" (previously cited).

<sup>451</sup> See section 6.1.2 "Scale of killings and injuries".

combat the spread of contagious disease and epidemics.<sup>452</sup> And as a party to an armed conflict, Israel has an obligation to allow and facilitate rapid, unimpeded passage of impartial humanitarian relief for civilians in need.<sup>453</sup> As detailed below, it chose not to fulfil these obligations. Further, as detailed in subsequent sections, it obstructed efforts by others, including humanitarian actors, to address the disastrous conditions of life in Gaza.

## **AGRICULTURAL LAND**

Agricultural land and infrastructure were destroyed and extensively damaged following 7 October 2023. In late December 2023, the Palestinian Central Bureau for Statistics found that the damage and destruction since October 2023 had already negatively affected huge tracts of land previously dedicated to the cultivation of wheat, potatoes, tomatoes and strawberries.<sup>454</sup> By mid-February 2024, the Food and Agricultural Organization (FAO) reported that, in addition to land for the production of crops, more than a quarter of Gaza's greenhouses had been damaged, as well as many hundreds of its agricultural infrastructure sites, including broiler (poultry) farms, sheep farms and home barns.<sup>455</sup> By June 2024, UNOSAT, which tracked damage to crop and agricultural land by comparing the health and density of crops in 2023 and 2024 with the preceding seven seasons, found that approximately 63% of the permanent crop fields in Gaza showed a significant decline in health and density.<sup>456</sup> The FAO attributed this extensive destruction to "razing, heavy vehicle movement, bombing, and shelling".<sup>457</sup>

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<sup>452</sup> Fourth Geneva Convention, Articles 55-56 and 59; ICESCR, Articles 11-12; CESCR, General Comment 7 (previously cited), paras 5-6 and 12; CESCR, General Comment 12 (previously cited), para. 19; CESCR General Comment 14 (previously cited), para. 34; CESCR, General Comment 15 (previously cited), paras 21-22.

<sup>453</sup> ICRC, Customary IHL, Rule 55.

<sup>454</sup> PCBS, "The Israeli aggression on Gaza Strip destroys about one fifth of the agricultural land in Gaza Strip up to 13/12/2023", 24 December 2023, <https://www.pcbs.gov.ps/site/512/default.aspx?lang=en&ItemID=4659>; Food and Agriculture Organization of the UN (FAO), "Item 5: The situation in Gaza related to food security and related matters under the mandate of the Food and Agriculture Organization of the United Nations (FAO)", 7 December 2024, <https://openknowledge.fao.org/server/api/core/bitstreams/12b7b28d-db65-4acd-9445-45a850a76bce/content>

<sup>455</sup> FAO, "Damage to agricultural infrastructure due to the conflict in the Gaza Strip as of 15 February 2024", 17 February 2024, <https://openknowledge.fao.org/server/api/core/bitstreams/fc5b1050-62eb-4c28-b92e-6bed168b3aeb/content>; FAO, *A Rapid Geospatial Damage Assessment of the 2023 Conflict in the Gaza Strip on Agricultural Land and Infrastructure*, 2024, <https://openknowledge.fao.org/server/api/core/bitstreams/bee70483-400e-4aa9-aad2-674e2c8a6c09/content>; Oxfam, "'Golden time' seasonal farming production destroyed and lost in northern Gaza amid mounting fears of worsening hunger and starvation", 26 February 2024, <https://www.oxfam.org/en/press-releases/golden-time-seasonal-farming-production-destroyed-and-lost-northern-gaza-amid>; FAO, "Population of the Gaza Strip at risk of famine due to conflict", 19 January 2024, <https://openknowledge.fao.org/server/api/core/bitstreams/ca4d5997-653e-4fe1-8e1b-002d1bcfc627/content>, p. 2.

<sup>456</sup> UN Satellite Centre (UNOSAT), "Gaza Strip agricultural damage assessment, June 2024", 5 July 2024, <https://unosat.org/products/3895>

<sup>457</sup> UN Institute for Training and Research (UNITAR), "UNOSAT and FAO reveal substantial increase in damage to Gaza's cropland amid conflict", 13 June 2024, <https://unitar.org/about/news-stories/press/unosat-and-fao-reveal-substantial-increase-damage-gazas-cropland-amid-ongoing-conflict>

**FIGURE 8**



↑ This series of maps illustrates how agricultural areas in Gaza, comprising orchards, field crops and vegetables, were damaged during Israel's offensive. The maps draw on analysis by UNOSAT, which assessed damage in November 2023, March 2024 and June 2024. The orange shading highlights locations where UNOSAT identified a decline in crop health and density compared with the preceding seven seasons. UNOSAT clarified that such a decline can be attributed to the impact of activities such as razing, heavy vehicle activity, bombing, shelling, and other conflict-related dynamics. Source: UNOSAT Gaza Strip Agricultural Damage Assessment, July 2024.

While Amnesty International cannot establish the circumstances and lawfulness of damage and destruction of agricultural land in all cases, the organization documented the Israeli military destroying large tracts of agricultural land along Gaza's perimeter with Israel after 7 October 2023. Previously, since 2014, the Israeli military's periodic spraying of herbicides along the eastern perimeter of Gaza had destroyed or degraded thousands of dunams of arable land, harming Gaza's food security.<sup>458</sup> Yet farmers in Gaza were still able to contribute to a domestic agricultural sector that provided a significant portion of the nutritional needs of people in Gaza. (See box below on "Debate on amount of supplies entering Gaza".)

Amnesty International's extensive analysis of satellite imagery and videos that Israeli soldiers posted on social media between October 2023 and May 2024 identified newly cleared land along Gaza's eastern perimeter, where Gaza's most fertile agricultural land is located, ranging from 1km to 1.8km wide. The destruction was caused by the Israeli military using bulldozers

<sup>458</sup> Forensic Architecture, "Herbicide warfare in Gaza", 19 July 2019, <https://forensic-architecture.org/investigation/herbicide-warfare-in-gaza>

and manually laid explosive charges as part of its operations to significantly expand a “buffer zone” to cover approximately 58km<sup>2</sup>, which amounts to roughly 16% of the total area of Gaza. As of May 2024, more than 20km<sup>2</sup>, or 59%, of agricultural land within the expanded “buffer zone” showed a decline in health and density of crops due to the conflict.<sup>459</sup>

Human Rights Watch has also reported on Israeli forces apparently razing agricultural land, concluding in December 2023, that this, in addition to Israeli forces deliberately blocking the delivery of water, food, and fuel, while wilfully impeding humanitarian assistance and depriving the civilian population of objects indispensable to their survival, amounted to the use of starvation of civilians as a method of warfare.<sup>460</sup> In addition to agricultural land and agricultural infrastructure, roads and other critical infrastructure necessary to Gaza’s food production system have been severely damaged and destroyed in Gaza.<sup>461</sup> In a 2024 report, the UN Special Rapporteur on the Right to Food argued that “the wide-scale destruction of civil infrastructure, including roads, ports and educational facilities, inherently weakens food systems.”<sup>462</sup>

## HOMES

The majority of homes in Gaza were damaged or destroyed following 7 October 2023. Relying on satellite imagery analysis, the joint Interim Damage Assessment published by the World Bank, the EU and the UN in March 2024 concluded that damage to housing was “particularly extreme” compared to previous rounds of fighting in Gaza.<sup>463</sup> About 62% of all homes in Gaza, equivalent to 290,820 housing units, were damaged or destroyed by January 2024, with 76% fully destroyed and 24% partly damaged, according to the assessment. It estimated that, between 7 October 2023 and 26 January 2024, the damage and destruction of homes affected approximately 1.08 million people.<sup>464</sup>

Amnesty International found that thousands of homes and other structures were damaged or destroyed during Israel’s operations to significantly expand the “buffer zone” in Gaza adjacent to the border fence with Israel. As of May 2024, more than 90% of the buildings within this area – more than 3,500 structures, including homes, as well as schools and mosques – appeared to have been destroyed or severely damaged since 7 October 2023.<sup>465</sup>

The Israeli military argued that this and other destruction along Gaza’s eastern perimeter was necessary, accusing Hamas of placing rocket launchers and tunnel shafts in agricultural

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<sup>459</sup> Amnesty International, “Israel/OPT: Israeli military must be investigated for war crime of wanton destruction in Gaza – new investigation” (previously cited).

<sup>460</sup> HRW, *Israel: Starvation Used as Weapon of War in Gaza*, 18 December 2023, <https://www.hrw.org/news/2023/12/18/israel-starvation-used-weapon-war-gaza>

<sup>461</sup> By August 2024, UNOSAT identified approximately 1,190km of destroyed roads, 415km of severely affected roads and 1,440km of moderately affected roads, calculating that approximately 68% of the total road network in Gaza had been damaged. UNOSAT, “Gaza Strip road network comprehensive damage assessment, August 2024”, 9 September 2024, <https://unosat.org/products/3957>; UN Environment Programme (UNEP), *Environmental Impact of the Conflict in Gaza: Preliminary Assessment of Environmental Impacts*, 18 June 2024, <https://www.unep.org/resources/report/environmental-impact-conflict-gaza-preliminary-assessment-environmental-impacts>, p. 7.

<sup>462</sup> UN Special Rapporteur on the Right to Food, *Starvation and the Right to Food, with an Emphasis on the Palestinian People’s Food Sovereignty* (previously cited), para. 33.

<sup>463</sup> World Bank, EU and UN, *Gaza Strip: Interim Damage Assessment* (previously cited), p. 1.

<sup>464</sup> World Bank, EU and UN, *Gaza Strip: Interim Damage Assessment* (previously cited), p. 11.

<sup>465</sup> Amnesty International, “Israel/OPT: Israeli military must be investigated for war crime of wanton destruction in Gaza – new investigation” (previously cited).



areas. However, Amnesty International's investigation in four areas in the "buffer zone" – the town of Khuza'a in Khan Younis governorate; Al-Sureij and Abasan al-Kabira villages, also in Khan Younis governorate; Shuja'iya, one of Gaza City's largest neighbourhoods; and the area around and east of Al-Bureij and Al-Maghazi refugee camps in Deir al-Balah governorate – found that the extensive destruction of property and agricultural land was carried out after Israeli forces had acquired operational control over the areas, meaning that it was not caused as part of the hostilities between the Israeli military and Hamas and other Palestinian armed groups. In these parts of Gaza, structures were deliberately and systematically demolished, apparently without imperative military necessity.<sup>466</sup> These actions should be investigated as a grave breach and war crime of wanton destruction.<sup>467</sup>

## **WATER, SANITATION, HEALTH AND OTHER CRITICAL INFRASTRUCTURE**

Other objects indispensable to the survival of the civilian population, including water, sanitation, health and energy infrastructure, were significantly damaged or destroyed in Gaza following 7 October 2023. Relying on satellite imagery analysis, the joint Interim Damage Assessment published by the World Bank, the EU and the UN in March 2024 estimated that, between 7 October 2023 and 26 January 2024, over 70% of the physical infrastructure in the health, commerce, industry, services, information and communication technology (ICT), and municipal services sectors in Gaza was damaged or destroyed.<sup>468</sup> Nearly 84% of health facility buildings and 57% of water infrastructure were damaged or destroyed.<sup>469</sup>

Damage and destruction affected Gaza's water and sanitation infrastructure. Amnesty International reviewed pictures uploaded to social media or web platforms by the Gaza City municipality, which showed damage to water carriers, pumps or generators, rainwater drainage and sewage lines, and wells.<sup>470</sup> Some of the damage caused between October 2023 and February 2024 appeared to have been caused by air strikes on or near the facilities, according to Amnesty International's review.

Damage to and destruction of critical infrastructure played a role in the severe waste crisis in Gaza. According to an initial assessment by the Joint Service Council for Solid Waste Management in the governorates of Khan Younis, Rafah and Deir al-Balah, which was shared with Amnesty International, all of the heavy machinery used at the Al-Fukhari landfill, one of Gaza's two main landfill sites and the final disposal site for solid waste generated by governorates in the area south of Wadi Gaza, were completely destroyed between 7 October

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<sup>466</sup> Amnesty International, "Israel/OPT: Israeli military must be investigated for war crime of wanton destruction in Gaza – new investigation" (previously cited). Amnesty International's findings are consistent with those by other human rights groups and the media. The razing of agricultural land has also been investigated by other human rights groups including HRW and the media. See, for example, HRW, X post: "New: Satellite imagery reviewed by HRW", 4 December 2023, <https://x.com/hrw/status/1731689458695655770>; BBC Verify, "At least half of Gaza's buildings damaged or destroyed, new analysis shows", 30 January 2024, <https://www.bbc.com/news/world-middle-east-68006607>

<sup>467</sup> Fourth Geneva Convention, Article 147; Rome Statute, Article 8(2)(a)(iv).

<sup>468</sup> World Bank, EU and UN, *Gaza Strip: Interim Damage Assessment* (previously cited), p. 10.

<sup>469</sup> World Bank, EU and UN, *Gaza Strip: Interim Damage Assessment* (previously cited), p. 1.

<sup>470</sup> Gaza City municipality, posts on Facebook, 10 October 2023, 14 October 2023, 15 October 2023, 19 October 2023, 20 October 2023, 23 October 2023, 27 October 2023, 30 October 2023, 3 November 2023, 29 November 2023, 12 January 2024, 23 January 2024, 18 February 2024 and 19 February 2024, <https://www.facebook.com/munigaza/posts> (in Arabic); Gaza City municipality, الأخبار: 2023 أكتوبر [October 2023 Offensive: News], <https://www.mogaza.org/news> (in Arabic) (accessed in March – July 2024); Gaza City municipality, X post, 19 February 2024, <https://x.com/munigaza/status/1759506456280195352>

2023 and 27 May 2024, in addition to other waste collection machines and a medical waste treatment unit.<sup>471</sup> (The other major landfill in Juhr al-Deek in Deir al-Balah governorate, the final disposal site for solid waste generated by governorates in the area north of Wadi Gaza, was completely inaccessible from the beginning of the conflict.) Sewage and wastewater management systems effectively collapsed after extensive damage to and destruction of sewage stations and kilometres of pipes. Sewage often flooded streets across Gaza, posing public health concerns, including the risk of waterborne diseases.<sup>472</sup>

Others, including humanitarian organizations like Oxfam and reporting teams like BBC Verify, reported on extensive damage to and destruction of water and sanitation infrastructure, including in attacks carried out by the Israeli military.<sup>473</sup> The Israeli army acknowledged to BBC Verify that it carried out attacks on or near water infrastructure, but claimed they were targeting Hamas.<sup>474</sup> In a July 2024 report, Oxfam said: “The Israeli military’s use of explosive weapons has directly damaged critical water and sanitation infrastructure built by Oxfam and its partners.”<sup>475</sup>

Damage and destruction also affected Gaza’s health facilities, which were grappling with skyrocketing needs due to the many thousands of injuries caused by Israel’s relentless bombardment and the people suffering from severe malnutrition, dehydration, disease and pre-existing health conditions that require treatment in a hospital.<sup>476</sup> Doctors providing care to patients in Gaza who spoke to Amnesty International described multiple factors affecting the ability of hospitals to function, including severely lacking supplies, “evacuation” orders that forced the hospitals to close and/or hospital staff to abandon supplies, looting of supplies and equipment after “evacuation” orders, killings of medical staff and raids and other attacks on hospitals that damaged the facility itself or equipment within it, or led to the killing, injury, detention or enforced disappearance of hospital staff. Some hospitals were raided at least twice by Israeli forces, including Al-Shifa hospital in Gaza City, Gaza’s largest medical complex.

Others have reported on Israel’s role in damaging health facilities. In November 2023, Human Rights Watch reported on multiple Israeli attacks that damaged hospitals in Gaza,

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<sup>471</sup> Joint Service Council for Solid Waste Management in the governorates of Khan Younis, Rafah and the Middle Area, “An initial damage assessment of the Council’s capabilities, 7 October 2023 – 27 May 2024”, on file with Amnesty International.

<sup>472</sup> UN International Children’s Emergency Fund (UNICEF) in the State of Palestine, “Escalation humanitarian situation report no. 19”, March 2024, [https://www.unicef.org/media/153436/file/State-of-Palestine-Humanitarian-Situation-Report-No.-19-\(Escalation\)-29-February-2024.pdf](https://www.unicef.org/media/153436/file/State-of-Palestine-Humanitarian-Situation-Report-No.-19-(Escalation)-29-February-2024.pdf)

See also WHO and Health Cluster, *Hostilities in the Occupied Palestinian Territory (OPT): Public Health Situation Analysis (PHSA)*, 2 May 2024 (previously cited).

<sup>473</sup> See Oxfam, *Water War Crimes: How Israel Has Weaponized Water in Its Military Campaign in Gaza*, July 2024, <https://policy-practice.oxfam.org/resources/water-war-crimes-how-israel-has-weaponised-water-in-its-military-campaign-in-ga-621609>; BBC, “Half of Gaza water sites damaged or destroyed, BBC satellite data reveals”, 9 May 2024, <https://www.bbc.co.uk/news/world-middle-east-68969239>

See also PCBS and Environment Quality Authority, “The Israeli occupation aggression made Gaza Strip an inviable environment”, 5 June 2024, [https://www.pcbs.gov.ps/portals/pcbs/PressRelease/Press\\_En\\_WorldEnvironmentDay2024E.pdf](https://www.pcbs.gov.ps/portals/pcbs/PressRelease/Press_En_WorldEnvironmentDay2024E.pdf); Water, Sanitation and Hygiene (WASH) Cluster, State of Palestine, “Gaza WASH Cluster update”, 31 May 2024, <https://drive.google.com/file/d/1n0WdU3-2xFO5NWAuD235yFcncS1S0d-r/view>

<sup>474</sup> BBC, “Half of Gaza water sites damaged or destroyed, BBC satellite data reveals” (previously cited).

<sup>475</sup> Oxfam, *Water War Crimes* (previously cited), p. 23.

<sup>476</sup> See sections 6.1.2 “Scale of killings and injuries” and 6.2.3 “Denial and obstruction of essential services and life-saving supplies”.

which the organization said “should be investigated as war crimes”.<sup>477</sup> A couple of months later, CNN reported that 20 of 22 hospitals in northern Gaza had been damaged or destroyed between 7 October and 7 December 2023 and said they had identified craters near 11 of the hospitals that were consistent with those left behind by 2,000-pound (900kg) bombs. According to CNN, the Israeli military responded to their reporting by saying it “did not conduct any targeted attacks against hospitals in the Gaza Strip”, adding that “ Hamas systematically misuses hospitals and medical facilities”.<sup>478</sup>

Damage and destruction also affected Gaza’s extremely limited energy supply. More than 60% of the electricity distribution network was damaged or destroyed, according to the Interim Damage Assessment. Amnesty International identified extensive damage to Gaza’s solar power infrastructure, which had been developed in recent years to address chronic power shortages. Using data collected on the OpenStreetMap platform and verifying it through a review of satellite imagery, Amnesty International identified that of Gaza’s 17 largest solar power plants, seven had been destroyed, and four had been damaged. Satellite imagery showed that solar panels at the Al-Bureij Wastewater Treatment Plant in Central Gaza, for example, were completely destroyed between 2 and 6 November 2023. In other cases, the solar panels appeared to have been removed from the power plant area, possibly by the local population.

Amnesty International did not itself investigate the circumstances of the damage to and destruction of all of the water, sanitation, hygiene and health facilities and energy infrastructure described above. However, as noted above, other reputable organizations have investigated particular incidents of damage or destruction to critical facilities and repeatedly concluded that significant damage and destruction were caused by the Israeli military. There is no doubt that, in addition to their direct role in a significant amount of the damage and destruction, the Israeli authorities were aware of the devastating humanitarian impact of the damage to and destruction of objects indispensable to the survival of the civilian population. Only a few months after October 2023, there were multiple credible public assessments available, including those cited above, that described the extent and impact of the “unprecedented” damage to critical infrastructure and other objects indispensable to the survival of the civilian population in Gaza, affecting people’s ability to access food, housing, water, health and other essentials. Further, as described below, in spite of the humanitarian crisis Israel created, they denied, obstructed and impeded the delivery of humanitarian aid and other essentials into and within Gaza.

## **6.2.2 MASS FORCED DISPLACEMENT IN INHUMANE CONDITIONS**

From October 2023, Israel issued repeated “evacuation” orders to Palestinian civilians across Gaza, triggering the largest wave of displacement of Palestinians by Israel since 1948.<sup>479</sup>

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<sup>477</sup> HRW, “Gaza: Unlawful Israeli hospital strikes worsen health crisis”, 14 November 2023, <https://www.hrw.org/news/2023/11/14/gaza-unlawful-israeli-hospital-strikes-worsen-health-crisis>

<sup>478</sup> CNN, “How Gaza’s hospitals became battlegrounds”, 12 January 2024, <https://edition.cnn.com/interactive/2024/01/middleeast/gaza-hospitals-destruction-investigation-intl-cmd>

<sup>479</sup> Between late 1947 and 1949, more than 800,000 Palestinians were expelled or forced to flee their cities and villages in Mandatory Palestine. Some of them became internally displaced in Israel while the majority were forcibly

Coupled with the relentless bombardment and fighting, as well as the large-scale destruction of Gaza's critical infrastructure, these "evacuation" orders had internally displaced around 1.9 million Palestinians, or around 90% of Gaza's population, at least once by early July 2024.<sup>480</sup> Many of them had been displaced multiple times, some on up to 10 occasions.<sup>481</sup>

The Israeli authorities argued that the "evacuation" orders were designed to protect the civilian population or were ordered in response to rocket attacks or military activities by Hamas and other Palestinian armed groups. They also said that further "evacuation" orders were needed because members of armed groups had moved with the civilian population during previous "evacuations".

As demonstrated below, rather than protecting the civilian population, as claimed by the Israeli authorities, these orders contributed to the creation of conditions of life calculated to bring about the destruction of Palestinians in Gaza. The "evacuation" orders pushed civilians into unsanitary and overcrowded shelters and makeshift tented camps in ever-shrinking, ever-changing and unsafe pockets of land in central and southern Gaza, only to force them to move again almost as soon as they had learned how to cope in their displacement setting. Moreover, the areas to which displaced Palestinians were instructed to relocate by Israel lacked the requisite infrastructure and services to cope with the mass influx of people and to support life. As the spaces targeted by "evacuation" orders expanded, internally displaced people ran out of land where they could set up their tents, forcing some to sleep next to solid waste dumps or next to sewage pipelines.<sup>482</sup>

The mass forced displacement also meant that people lost their livelihoods, including access to Gaza's most fertile agricultural land, which contributed to the collapse of the food system. It also led to a breakdown of social structures – like the family unit and community-based support groups – and a halt to economic activity. Unemployment rose to 74% by the end of January 2024, pushing a population which was already heavily dependent on humanitarian aid before 7 October 2023 into deeper poverty and further reliance on assistance.<sup>483</sup>

The combined impact of these multiple displacements on the mental and physical health of Palestinians in Gaza was devastating. Every displacement meant having to find a new shelter and struggling to make it suitable for human living, amid huge overcrowding and shortages of items essential to human survival. With each displacement, people lost tents, mattresses, clothing, cooking utensils and other basic items they had managed to obtain. For humanitarian organizations, this meant a redistribution of aid, rendering an already complex response even more difficult. Humanitarian organizations also lost supplies when forced to evacuate, and medical facilities lost essential items that could not be transferred, such as blood units and essential medication, further compounding the impact of displacement on

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displaced to the West Bank, Gaza Strip and neighbouring countries, becoming refugees. This mass displacement and destruction of Palestinian towns and villages is known by Palestinians as the Nakba (catastrophe in Arabic).

<sup>480</sup> OCHA, "Reported impact snapshot: Gaza Strip (18 September 2024)", 18 September 2024, <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-18-september-2024>

<sup>481</sup> UN, "Palestine: Humanitarian situation & population – Press conference" (previously cited).

<sup>482</sup> Interview by voice call with M A, a displaced person, 16 August 2024.

<sup>483</sup> World Bank, EU and UN, *Gaza Strip: Interim Damage Assessment* (previously cited), p. 20.

conditions of life in Gaza. The “evacuation” orders also led to the shutdown of life-sustaining infrastructure like water wells.

The key role that the “evacuation” orders played in inflicting conditions of life calculated to bring about the destruction of Palestinians in Gaza is evidenced by the sweeping, often incomprehensible, misleading and arbitrary nature of the orders, combined with their frequent and repeated use over the nine-month period under review; the extremely large number of people subjected to these orders; the extremely large percentage of Gaza’s land subjected to these orders, which pushed people into ever smaller spaces, and Israel’s role in ensuring that the areas to which people would be displaced would be lacking in basic necessities.<sup>484</sup>

As the occupying power, Israel is responsible for the safety and well-being of displaced Palestinians, including ensuring access to “proper accommodation” and “satisfactory conditions of hygiene, health, and nutrition”, as well as safe return to their homes as soon as hostilities in that area had ceased.<sup>485</sup> Under international human rights law, Israel is required to fulfil its minimum core obligations related to the realization of the right to health.<sup>486</sup> These include, among others, ensuring equal access to health facilities and services, to nutritionally adequate and safe food, and to basic housing and sanitation.<sup>487</sup> As detailed below, instead of fulfilling their obligations, the Israeli authorities actively endangered the lives of civilians by ordering them to move from one location to another – “like pawns in a chess game”<sup>488</sup> – disregarding the unavailability of the required infrastructure to support them or humanitarian organizations’ inability to arrange a meaningful response to every new wave of displacement. Amnesty International considers that, given the lack of any guarantees of safety, the repeated “evacuation” orders violate the prohibition of mass forcible transfer.<sup>489</sup>

As conditions quickly became unfit for human life, the Israeli authorities could have allowed civilians displaced from the area north of Wadi Gaza to return to their homes. They could have made arrangements to allow the temporary relocation of Palestinian civilians from Gaza to other parts of the OPT, that is, the West Bank, including East Jerusalem.<sup>490</sup> They could have also allowed civilians to enter Israel, especially since some 70% of Gaza’s population are refugees or descendants of refugees displaced during the Nakba and, as such, are entitled under international law to return, if they so wish, to lands in Israel from which they or

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<sup>484</sup> See section 6.2.3 “Denial and obstruction of essential services and life-saving supplies”.

<sup>485</sup> Fourth Geneva Convention, Article 49(2)-(3).

<sup>486</sup> ICESCR, Article 12.

<sup>487</sup> CESCR, General Comment 14 (previously cited).

<sup>488</sup> Metaphor used by Andrea de Domenico, head of OCHA in the OPT, to describe Israel’s actions. See UN Palestine, “Palestine: Humanitarian situation & population – Press conference” (previously cited).

<sup>489</sup> Fourth Geneva Convention, Article 49(1). See, for example, Amnesty International, “Israeli military must guarantee civilians’ safety as ground operation gets underway in eastern Rafah”, 7 May 2024, <https://www.amnesty.org/en/latest/news/2024/05/israel-opt-israeli-military-must-guarantee-civilians-safety-as-ground-operation-gets-underway-in-eastern-rafah>

<sup>490</sup> As reaffirmed by the ICJ, the OPT “encompasses the West Bank, East Jerusalem and the Gaza Strip” and “constitutes a single territorial unit, the unity, contiguity and integrity of which are to be preserved and respected”. ICJ, Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem, advisory opinion (previously cited), para. 78.

their ancestors were displaced.<sup>491</sup> Instead, the Israeli authorities chose to keep issuing successive mass “evacuation” orders without considering such alternatives.

Furthermore, Israel implemented these orders in the full knowledge that people could not seek safety by leaving the territory. The Israeli authorities maintained a long-standing ban preventing Palestinians from exiting Gaza via Israel and cancelled all exit permits that had previously allowed a tiny proportion of Gaza’s Palestinian population to cross into Israel for daily labour, trade, medical care or humanitarian work.<sup>492</sup> They did so knowing that there was nowhere safe in Gaza and that – with the exception of some medical evacuees and those able to pay exorbitant fees to travel agencies arranging exits – Egypt would not open its borders to allow Palestinians in Gaza to enter its territory as potential refugees.<sup>493</sup>

Mass displacement in Gaza from 7 October 2023 to early July 2024 occurred in three major waves.<sup>494</sup> Since the start of the offensive, the Israeli military issued dozens of “evacuation” orders, but did not publish any official list of the “evacuation” orders issued or specify how many there were. These orders were delivered in an inconsistent and confusing manner, through different means at different times over the period under review, making it impossible for Palestinians in Gaza to rely on one source of information. These means of delivery included posts by COGAT and the Israeli military’s spokesperson for Arabic media on social media platforms such as X and Facebook, text messages, flyers and airdropped leaflets, as well as an interactive map, accessible through a QR code. Based on its review of posts made by COGAT on its Facebook site, Amnesty International identified 59 distinct orders that covered a new area or changed the boundaries of an area previously subjected to an “evacuation” order.<sup>495</sup> In its count, Amnesty International focused only on posts issued via

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<sup>491</sup> Amnesty International, “The right to return: The case of the Palestinians” (previously cited), p. 4.

<sup>492</sup> See sections 3.1.2 “Blockade” and 6.2.3 “Denial and obstruction of essential services and life-saving supplies”.

<sup>493</sup> Sky News, “The price of freedom: The company making millions from Gaza’s misery”, 1 March 2024, <https://news.sky.com/story/the-price-of-freedom-the-company-making-millions-from-gazas-misery-13081454>. According to OCHA, by early July 2024, an estimated 110,000 Palestinians had left Gaza via the Rafah crossing based on official figures from the border authority. OCHA, “Humanitarian situation update #187: Gaza Strip”, 5 July 2024, <https://www.ochaopt.org/content/humanitarian-situation-update-187-gaza-strip>

<sup>494</sup> In constructing this timeline, Amnesty International is indebted to the work of Forensic Architecture in tracking “evacuation” orders and maps. Forensic Architecture, Gaza: Humanitarian Violence, <https://gaza.forensic-architecture.org/displacement> (accessed on 7 September 2024).

<sup>495</sup> Amnesty International identified 59 distinct “evacuation” orders issued by COGAT on its official Facebook page between 7 October 2023 and 30 September 2024. See COGAT, Facebook page, <https://www.facebook.com/COGAT.ARABIC> (in Arabic). However, COGAT’s Facebook page contained a much higher number of social media posts ordering people in Gaza to “evacuate”. In some cases, COGAT posted the same order several times on a single day or over a number of days or weeks. In other cases, COGAT added specific neighbourhoods or blocks to the original order or removed them from it. Wherever such changes occurred, Amnesty International considered the social media posts announcing them to be significant enough to constitute new orders. In addition to Facebook, the Israeli military’s spokesperson for Arabic media posted “evacuation” orders on his X account.

Other organizations adopted different methodologies and came up with a different count of the total number of “evacuation” orders issued during the same period, demonstrating the confusion around these orders. Forensic Architecture identified 66 “evacuation” orders between 7 October 2023 and 31 August 2024. Forensic Architecture, *A Spatial Analysis of the Israeli Military’s Conduct in Gaza Since October 2023* (previously cited). HRW included in its count orders posted on both X and Facebook, as well as those delivered through printed leaflets. It identified 184 “evacuation” orders issued between 8 October 2023 and 30 August 2024, based on this methodology. HRW, *Hopeless, Starving and Besieged: Israel’s Forced Displacement of Palestinians in Gaza*, 14 November 2024, <https://www.hrw.org/report/2024/11/14/hopeless-starving-and-besieged/israels-forced-displacement-palestinians-gaza>

COGAT's Facebook page, considering Facebook the most commonly used social media channel in Gaza,<sup>496</sup> and did not include "evacuation" orders published on different social media platforms, delivered via Israeli army spokespersons or distributed through different means. As a result, the list of orders compiled by Amnesty International is not exhaustive. Its review demonstrated that, on several occasions, COGAT failed to issue "evacuation" orders on its Facebook page even though they were posted on the Facebook or X account of the Israeli military's spokesperson for Arabic media, thus making them inaccessible to a proportion of Gaza's population.<sup>497</sup> As well as issuing these orders, COGAT also issued posts which urged Palestinians to "evacuate" certain areas through threatening or mocking messages.<sup>498</sup> All these factors contributed to confusion and panic amongst Palestinian civilians in Gaza.

### **FIRST WAVE: 7 OCTOBER TO 12 OCTOBER 2023**

The first "evacuation" orders documented by Amnesty International were issued through a series of videos published by the Israeli military's Arabic social media pages "instructing" residents of certain areas to flee "for their safety". Already on 8 October, the Israeli military was "instructing" residents of certain areas across Gaza to relocate ahead of attacks.<sup>499</sup> These areas included: Beit Hanoun, the closest town to the Erez crossing, a passenger crossing on the northern border fence between Gaza and Israel that was operational before 7 October 2023, in North Gaza governorate; Shuja'iya, a neighbourhood in Gaza City; Al-Maqousi Towers, a residential complex in the north-west of Gaza City; the border areas at the edges of the refugee camps of Al-Bureij and Al-Maghazi; and Abasan al-Kabira and Abasan al-Saghira, two villages in the east of Khan Younis governorate.

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OCHA identified 61 "evacuation" orders between 13 October 2023 and 30 September 2024. OCHA, "Gaza Strip – OPT: Israeli military evacuation orders", <https://app.powerbi.com/view?r=eyJrJoiNiY4NzkwMiltYzShifal2MC00NmQ4LWE2MTktMDQxMjBmMTk5NmIwIiwidCI6IjBmOWUzNWRiLTU0NGYtNGY2MC1iZGNiLTViYTQxNmU2ZGM3MCIsimMiOi9> (accessed on 18 November 2024).

<sup>496</sup> See, for example, Ipoke, 2022 *الواقع الرقمي الفلسطيني* [Digital Palestine 2022], 19 January 2023, <https://www.slideshare.net/slideshow/digital-palestine-january-2022/255416114> (in Arabic), p. 13.

<sup>497</sup> For example, the following orders were only issued via the X and Facebook accounts of Avichay Adraee, the Israeli military's spokesperson's for Arabic media, but were not posted on COGAT's Facebook account: Avichay Adraee, IDF spokesperson for Arabic media, X posts: **عاجل - نداء الى كل المتواجدين والنازحين في حي الرمال وفي مستشفى الشفاء** (#Breaking - A call to all those present and displaced in the Al-Rimal neighbourhood and in Al-Shifa hospital and its surroundings"), 18 March 2024, <https://x.com/AvichayAdraee/status/1769613852021231856> (in Arabic); **عاجل - هام وعاجل لأهالي غزة** ("Important and urgent for the people of #Gaza), 15 May 2024, <https://x.com/AvichayAdraee/status/1790711897941049590> (in Arabic); **عاجل !! في أعقاب إطلاق قذائف صاروخية من قبل المنظمات الارهابية** ("#Breaking !! Following the firing of rockets by terrorist organizations"), 28 July 2024, <https://x.com/AvichayAdraee/status/1817566489676791840> (in Arabic).

Meanwhile, this order was only issued via Avichay Adraee's account on Facebook but was not posted on COGAT's Facebook account: Avichay Adraee, IDF spokesperson for Arabic media, Facebook post: **عاجل إلى جميع السكان** ("#Breaking to all residents in the Al-Karama, Sultan and Al-Zuhour neighbourhoods"), 14 May 2024, <https://www.facebook.com/photo.php?fbid=1006317610859846> (in Arabic).

<sup>498</sup> See, for example, COGAT, Facebook post, **حالة الجو في الأيام القريبة** ["Weather conditions in the coming days"], 23 October 2023, <https://www.facebook.com/photo/?fbid=660389199535111&set=pb.100066921098856.-2207520000> (in Arabic). In this post, COGAT urged residents living in northern Gaza to "evacuate" to the south through a mock weather forecast. The post presented the weather forecast in the north of Gaza as "heavy rains of missiles and shells" contrasting it with the weather forecast in the south of Gaza, which it said was "clear, comfortable and sunny" (translation from the original Arabic into English by Amnesty International).

<sup>499</sup> Times of Israel, "IDF instructs Gazans on evacuation routes, while many find shelter in UNRWA schools", 9 October 2023, <https://www.timesofisrael.com/idf-instructs-gazans-on-evacuation-routes-while-many-find-shelter-in-unrwa-schools>

Residents of Beit Hanoun received recorded telephone messages ordering them to evacuate at around 1am on 9 October 2023, forcing tens of thousands to flee on foot, mostly to the city of Jabalia and Jabalia refugee camp in North Gaza governorate, or to Gaza City. Ziyad Hamad, one of those displaced from Beit Hanoun, told Amnesty International that his son, Imad, carried his little brother on his shoulders throughout the displacement march.<sup>500</sup> Another “evacuation” order was sent to residents of Al-Daraj, a neighbourhood in the north-west of Gaza City, on 10 October.<sup>501</sup>

In just six days, by the evening of 12 October, the number of those displaced in Gaza, according to OCHA, had reached 423,378. Many sought safety in UN-run shelters or in relatives’ and friends’ homes.<sup>502</sup>

## **SECOND WAVE: 13 OCTOBER TO 30 NOVEMBER 2023**

In mid-October 2023, the Israeli military issued the first mass “evacuation” order. The order applied to all residents living in the area north of Wadi Gaza, comprising the governorates of Gaza City and North Gaza. It instructed residents to leave to the area south of Wadi Gaza “for their safety and protection.”<sup>503</sup> People living in the area north of Wadi Gaza said the Israeli military began dropping flyers with the order on 13 October 2023. UN bodies said the Israeli military informed them just before midnight on 12 October “that the entire population north of Wadi Gaza should relocate to southern Gaza within the next 24 hours.”<sup>504</sup> About 1.1 million Palestinians, nearly half of Gaza’s population, were living in the area subject to the “evacuation” order at the time.

The mass “evacuation” order caused panic and left thousands of internally displaced people sleeping on the street without knowing where to escape. With roads already severely damaged by Israeli air strikes, a lack of public transport and scarce fuel, due to the total siege imposed by Israel days earlier,<sup>505</sup> many were forced to flee on foot or on horse- or donkey-drawn carts, often unable to take much more than the clothes they were wearing.<sup>506</sup>

All those present in the area north of Wadi Gaza were subject to the “evacuation” order. They included civilians who had sought refuge in UN schools as well as 23 hospitals and health facilities, which were already struggling to cope with the influx of people seeking medical assistance and serving some 2,000 patients at the time.<sup>507</sup> The order made no special provisions for older people, for those injured in the attacks, or for those with disabilities or

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<sup>500</sup> Interview by voice call with Ziyad Hamad, 10 October 2023.

<sup>501</sup> OCHA, “Hostilities in the Gaza Strip and Israel: Flash update #5”, 11 October 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-5>

<sup>502</sup> OCHA, “Hostilities in the Gaza Strip and Israel: Flash update #6”, 12 October 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-6>

<sup>503</sup> Amnesty International, “Appalling Gaza ‘evacuation order’ must be rescinded by Israel immediately” (previously cited).

<sup>504</sup> Stéphane Dujarric, Spokesman for the UN Secretary-General, “Note to correspondents on Gaza”, 12 October 2023, <https://www.un.org/sg/en/content/sg/note-correspondents/2023-10-12/note-correspondents-gaza>

<sup>505</sup> See section 6.2.3 “Denial and obstruction of essential services and life-saving supplies”.

<sup>506</sup> Amnesty International, “Appalling Gaza ‘evacuation order’ must be rescinded by Israel immediately” (previously cited).

<sup>507</sup> WHO and Health Cluster, “Hospital evacuation orders mapping as of 16<sup>th</sup> October 2023”, 16 October 2023, <https://reliefweb.int/map/occupied-palestinian-territory/hospital-evacuation-orders-mapping-16th-october-2023>



chronic illnesses.<sup>508</sup> The ICRC expressed concern that the order was “not compatible with international humanitarian law”,<sup>509</sup> and the UN warned that it would have “devastating humanitarian consequences”, turning a “tragedy into a calamitous situation”.<sup>510</sup>

The mass “evacuation” order also had devastating consequences for humanitarian organizations, which had used Gaza City as their hub for years, forcing them to leave behind warehouse supplies, equipment and vehicles, and to re-establish a humanitarian infrastructure from scratch in Rafah.<sup>511</sup> Seven months later, this new hub was hit by a new “evacuation” order, forcing them to begin new operations again in the city of Deir al-Balah, only for the areas in Deir al-Balah to be hit by “evacuation” orders in August 2024, dealing yet another devastating blow to relief operations.<sup>512</sup>

Israel defended the mass “evacuation” order, saying that it had airdropped countless leaflets, posted warnings in Arabic on official social media accounts, made thousands of telephone calls and broadcast warnings over the radio, and that the Israeli military had not launched its ground invasion until three weeks after beginning to issue “evacuation” orders to civilians in the area north of Wadi Gaza.<sup>513</sup> In reality, however, for tens of thousands, including people with disabilities, older people and those with no relatives or accommodation in the area south of Wadi Gaza, leaving was either impossible or would have occasioned considerable and painful difficulties. Further, while Israeli forces did not begin their ground invasion until late October 2023, they were already conducting massive aerial attacks on the area north of Wadi Gaza before the ground invasion began. Crucially, the Israeli authorities also failed to take measures anywhere close to adequate to ensure the civilian population’s access to basic necessities, such as safe and adequate shelter, food, medicine, water and sanitation facilities, in the areas to which people were displaced. Indeed, they actively restricted such access by imposing a total siege during the first couple of weeks of the offensive and maintaining suffocating restrictions afterwards.

On 18 October 2023, the Israeli military posted videos and messages on its social media accounts urging residents of the area north of Wadi Gaza to move towards Al-Mawasi, a narrow strip of agricultural, coastal land, west of Khan Younis, which it declared a “humanitarian zone”.<sup>514</sup> Although it stated that international aid would be delivered there “if

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<sup>508</sup> WHO, “Evacuation orders by Israel to hospitals in northern Gaza are a death sentence for the sick and injured”, 14 October 2023, <https://www.who.int/news/item/14-10-2023-evacuation-orders-by-israel-to-hospitals-in-northern-gaza-are-a-death-sentence-for-the-sick-and-injured>

<sup>509</sup> ICRC, “Israel and the occupied territories: Evacuation order of Gaza triggers catastrophic humanitarian consequences”, 13 October 2023, <https://www.icrc.org/en/document/israel-and-occupied-territories-evacuation-order-of-gaza-triggers-catastrophic-humanitarian-consequences>

<sup>510</sup> Stéphane Dujarric, Spokesman for the UN Secretary-General, “Note to correspondents on Gaza”, 12 October 2023 (previously cited).

<sup>511</sup> UN Palestine, “Palestine: Humanitarian situation & population – Press conference” (previously cited).

<sup>512</sup> OCHA, “Gaza humanitarian response update: 19 August – 1 September 2024”, 4 September 2024, <https://www.ochaopt.org/content/gaza-humanitarian-response-update-19-august-1-september-2024>

<sup>513</sup> ICJ, “Public sitting held on Friday 12 January 2024, at 10 a.m., at the Peace Palace in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Verbatim record”, 12 January 2024, <https://www.ici-cij.org/sites/default/files/case-related/192/192-20240112-ora-01-00-bi.pdf>

<sup>514</sup> COGAT, Facebook post: [جيش الدفاع يأمر سكان غزة بالتنقل إلى المنطقة الإنسانية](https://www.facebook.com/COGAT.ARABIC/videos/1067917391299143) [“The IDF orders the residents of Gaza to move to the humanitarian zone”], 18 October 2023, <https://www.facebook.com/COGAT.ARABIC/videos/1067917391299143> (in Arabic); COGAT, X post: “The IDF calls

necessary”, the UN repeatedly said that Israel made this designation unilaterally. Al-Mawasi also lacked adequate shelter, roads or access to essential infrastructure and services, with the WHO warning that Israel’s plans to displace so many civilians to such a tiny area without the required infrastructure to support life would “increase risks to health for people who are already on the brink”.<sup>515</sup>

Throughout the conflict, Israel would regularly redraw the boundaries of the “humanitarian zone” without giving residents adequate warning. The boundaries of Al-Mawasi appeared differently on at least three different maps posted by the military on its social media accounts between 18 and 30 October 2023 alone, creating confusion among civilians and exacerbating the feeling that nowhere in Gaza was safe.<sup>516</sup>

Following the issuance of the first mass “evacuation” order, Israel took steps to coerce people into leaving the area north of Wadi Gaza, including by imposing “evacuation” orders on hospitals and threatening that people would lose their protected civilian status if they remained in or returned to the area north of Wadi Gaza, even though there is no basis in international humanitarian law for such a threat.<sup>517</sup>

On 21 October 2023, the Israeli military dropped leaflets on northern Gaza, photographs of which were reviewed by Amnesty International, which warned that “Anyone who chooses not to leave the north of the [Gaza] Strip to south of Wadi Gaza may be determined an accomplice in a terrorist organization.”<sup>518</sup> As the news spread, causing a public outcry on social media, the Israeli military clarified on its official account on X that it had “no intention of considering those who have yet to evacuate as a member of a terrorist group”, falsely stating that the translation of the warning from Arabic “was imprecise”.<sup>519</sup>

Pressured and at times forced by the Israeli military to leave their homes through Israeli-designated “humanitarian corridors”, tens of thousands of civilians in the area north of Wadi Gaza continued to flee to the area south of it throughout October and November 2023, often

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on #GazaCity residents to evacuate south for their protection”, 18 October 2023, <https://x.com/cogatonline/status/1714497441091682646>

<sup>515</sup> WHO, “WHO Director-General’s remarks at the Informal Plenary Meeting of the United Nations General Assembly: 17 November 2023”, 17 November 2023, <https://www.who.int/director-general/speeches/detail/who-director-general-s-remarks-at-the-informal-plenary-meeting-of-the-united-nations-general-assembly---17-november-2023>

<sup>516</sup> BBC, “Gaza humanitarian zone not humane, evacuees say”, 8 December 2023, <https://www.bbc.com/news/world-middle-east-67646964>

Compare the maps of Al-Mawasi in these posts: IDF, “IDF calls residents of Gaza to evacuate to humanitarian area in Al-Mawasi, where international humanitarian aid will be provided”, 18 October 2023, <https://www.idf.il/en/mini-sites/idf-press-releases-israel-at-war/october-23-pr/idf-calls-residents-of-gaza-to-evacuate-to-humanitarian-area-in-al-mawasi-where-international-humanitarian-aid-will-be-provided>; Avichai Adraee, IDF spokesperson for Arabic media, Facebook post: [عاجل جيش الدفاع يكرر دعوته الموجهة لسكان غزة إلى الانتقال إلى جنوب وادي غزة](https://www.facebook.com/IDFarabicAvichayAdraee/posts/pfbidORAnGvGbaQiZbzATiULh66nvqQftYUYUewqod7EQh1KS1xnYyfv7t8V7W2Jfz6Rtnl) [#Breaking: IDF repeats its call upon Gaza residents to move south of Wadi Gaza], 30 October 2023, <https://www.facebook.com/IDFarabicAvichayAdraee/posts/pfbidORAnGvGbaQiZbzATiULh66nvqQftYUYUewqod7EQh1KS1xnYyfv7t8V7W2Jfz6Rtnl> (in Arabic).

<sup>517</sup> Under international humanitarian law, civilians lose their protection against attack only when and for such time as they take a direct part in hostilities. ICRC, Customary IHL, Rule 6; Protocol I, Article 51(3).

<sup>518</sup> Amnesty International, “Israeli army threats ordering residents of northern Gaza to leave may amount to war crimes” (previously cited).

<sup>519</sup> IDF, X post: “The translation from Arabic that has now spread across platforms is imprecise”, 21 October 2023, <https://x.com/IDF/status/1715819239221641617>

forced to walk kilometres waving white flags and without basic necessities.<sup>520</sup> During November 2023, Israel besieged and raided major hospitals in the area north of Wadi Gaza, including Al-Shifa hospital in Gaza City, forcing thousands more, who had sought shelter or treatment at the hospitals, including in their hallways and yards, to flee.<sup>521</sup>

In one representative case, Samah Malaka, a 30-year-old woman, was forced to flee on 10 November 2023 from Gaza City to Khan Younis in a wheelchair, pushed by her husband.<sup>522</sup> That was her third displacement in just a few weeks. In the previous month, she had fled her house in Tal al-Hawa, a neighbourhood in the south of Gaza City, after an Israeli air strike destroyed it, killing five members of her family. She then sought refuge at Abu Assi school in Al-Shati' refugee camp in Gaza City, where she spent a week. The school was struck on 2 November 2023, and Samah Malaka, who was injured in the strike, was taken to Al-Shifa hospital, where her right leg was amputated above the knee. On 10 November 2023, the upper floor of Al-Shifa hospital was hit, forcing thousands of displaced Palestinians seeking shelter in its courtyard and hallways, as well as wounded people, to flee. Samah Malaka described to Amnesty International the pain she felt as she was forced to flee again so soon after her operation:

**“My husband rushed me out and placed me on a wheelchair. We could not afford to pay for transport. It was total chaos. He pushed the wheelchair from Gaza City all the way to Khan Younis. It was torture. The pain was unimaginable, I felt like my other leg, which was fixed with metal plates, was dissolving. I just want to rest. I just want not to hear the sound of shelling and bombing. All the way from Al-Shifa [hospital], along Salah al-Din Road [one of the two main roads running between the north and south of Gaza], we had to pass through dead bodies. The stench of bodies was everywhere.”**

While there are no accurate figures for those who were displaced from the area north of Wadi Gaza following the mass “evacuation” order, it is estimated that, by the end of November 2023, many hundreds of thousands of residents had been displaced to the area south of Wadi Gaza.

In late 2023 and early 2024, Israeli forces also established and fortified the military zone referred to by Israel as the “Netzarim Corridor”, which cut off the area north of Wadi Gaza from the area south of it.<sup>523</sup> They set up a checkpoint at the intersection of this corridor and the Salah al-Din highway. People fleeing from north to south were ordered, through megaphones channelling instructions delivered from a distance, to show their identity documents and undergo what appeared to be a facial recognition scan.<sup>524</sup> Hundreds of

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<sup>520</sup> ICRC, “Israel and the occupied territories: The ICRC urges protection for Gaza civilians evacuating and staying behind”, 12 November 2023, <https://www.icrc.org/en/document/israel-and-occupied-territories-icrc-urges-protection-gaza-civilians-evacuating-and-staying>

<sup>521</sup> See WHO, “WHO-led joint UN and Red Crescent mission evacuates 31 infants from Al-Shifa Hospital in Gaza”, 19 November 2023, <https://www.who.int/news/item/19-11-2023-who-led-joint-un-and-red-crescent-mission-evacuates-infants-from-al-shifa-hospital-in-gaza>; OCHA, “Hostilities in the Gaza Strip and Israel: Flash update #45”, 20 November 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-45>

<sup>522</sup> Interview in person with Samah Malaka, 19 November 2023, Khan Younis.

<sup>523</sup> See section 3.2.2 “Israel’s offensive on Gaza”.

<sup>524</sup> OCHA, “Hostilities in the Gaza Strip and Israel: Flash update #48”, 23 November 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-48>

people, if not more, including many civilians, were arrested while crossing that checkpoint. Some were subsequently tortured, while others remain forcibly disappeared or held in incommunicado detention.<sup>525</sup> The “Netzarim Corridor” threatens to perpetuate displacement and the fragmentation of Gaza because of its apparent permanence and the fact that, following its establishment and fortification, people wishing to cross between the area north of Wadi Gaza and the area south of it must pass through an Israeli military zone.

As of 30 September 2024, Palestinians who were displaced from the area north of Wadi Gaza to the south of it had not been allowed to go home, even during the one-week truce in November 2023.

### THIRD WAVE: 1 DECEMBER 2023 ONWARDS

From 24 to 30 November 2023, there was a humanitarian pause, the one and only such pause following the start of Israel’s offensive on Gaza. As it ended, on 1 December 2023, the Israeli military published an interactive map of Gaza that divided it into more than 600 numbered blocks.<sup>526</sup> The map was accessible through a QR code.

This map became Israel’s main tool to order mass “evacuations”. While its stated aim was to ensure the safety of civilians by facilitating the “evacuation” of specific neighbourhoods ahead of attacks,<sup>527</sup> in reality, the information published through the map was often confusing and contradicted orders distributed through leaflets or social media posts.<sup>528</sup> Frequent telecommunications blackouts and low electricity supply made it impossible for many to access it, and people continued to flee in precarious conditions.<sup>529</sup>

Israel’s adoption of this system to order mass displacement coincided with the expansion of its ground operations in Khan Younis. In December 2023, 10 “evacuation” orders were posted on COGAT’s official Facebook page. In August 2024 alone, 16 “evacuation” orders were posted on COGAT’s official Facebook page, the most in a single month in the period between October 2023 and September 2024.<sup>530</sup>

The Israeli authorities continued to issue “evacuation” orders to Palestinians across Gaza, often “instructing” them to relocate to areas that would be subjected to new “evacuation”

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<sup>525</sup> See section 3.2.2 “Israel’s offensive on Gaza”.

<sup>526</sup> IDF, جيش الدفاع ينشر قائمة بأرقام بلوكات لتوجيه سكان غزة في إخلاء المناطق المستهدفة, [“The IDF is publishing a list of area numbers to guide Gazan residents in evacuating targeted areas”], 1 December 2023, <https://www.idf.il/ar/-جيش-الدفاع-ينشر-قائمة-بأرقام-بلوكات-لتوجيه-سكان-غزة-في-إخلاء-المناطق-المستهدفة> (in Arabic). See official English version here: IDF, “The IDF is publishing a list of area numbers to guide Gazan residents in evacuating high risk areas”, 6 December 2023, <https://www.idf.il/en/mini-sites/hamas-israel-war-24/all-articles/the-idf-is-publishing-a-list-of-area-numbers-to-guide-gazan-residents-in-evacuating-high-risk-areas>

<sup>527</sup> Avichay Adraee, IDF spokesperson for Arabic media, X post: #عاجل تمهيدًا للمراحل المقبلة من الحرب ينشر جيش الدفاع خريطة [“#Breaking: In preparation for the next stages of the war, the IDF publishes a map of the evacuation areas (“blocks”) in the Gaza Strip”], 1 December 2023, <https://x.com/AvichayAdraee/status/1730500179852173621> (in Arabic).

<sup>528</sup> BBC, “Gaza evacuation warnings from IDF contain many errors, BBC finds”, 5 April 2024, <https://www.bbc.com/news/world-middle-east-68687749>; Forensic Architecture, *Humanitarian Violence: Israel’s Abuse of Preventative Measures in Its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip, 7 March 2024*, [https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence\\_Report\\_FA.pdf](https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf), pp. 29-36; Haaretz, “With hardly any internet access and confusing IDF tweets, Gazans don’t know where to go”, 7 December 2023, <https://www.haaretz.com/israel-news/2023-12-07/ty-article-magazine/with-hardly-any-internet-access-and-confusing-idf-tweets-gazans-dont-know-where-to-go/0000018c-3e7b-d53d-a7fc-beff3f3e0000>

<sup>529</sup> Forensic Architecture, Gaza: Humanitarian Violence (previously cited).

<sup>530</sup> COGAT, Facebook page, <https://www.facebook.com/cogatonline>

orders days or weeks later, and which had already sustained substantial damage or destruction, or areas that lacked the infrastructure to support life, let alone cope with the mass influx of people.<sup>531</sup> For many residents, the system by which Gaza was divided into blocks was completely incomprehensible as it was at odds with their spatial conception of their surroundings. People often struggled to translate the block under an “evacuation” order into a recognizable area, as their knowledge of the neighbourhoods was based on landmarks like schools, family homes or public spaces. This confusion was only exacerbated by the chaos and panic provoked by every new “evacuation” order.

Forensic Architecture, an independent university-based research agency which has conducted an extensive analysis of Israel’s use of “evacuation” orders, also concluded that the Israeli military’s use of “evacuation” orders put civilians at risk. It found that, following 7 October 2023, the Israeli authorities issued inconsistent and incomplete information about the “humanitarian zone”, issued unclear and inconsistent “evacuation” orders, instructed civilians to evacuate to areas that were attacked soon after, issued “evacuation” orders after having already begun military operations within the area in question, issued a sequence of “evacuation” orders that displaced civilians multiple times, instructed civilians to displace to areas that had recently received “evacuation” orders, failed to specify the duration or expiry of “evacuation” orders, and displaced civilians to destination areas that were previously targeted and destroyed.<sup>532</sup>

By 20 January 2024, some 1.7 million Palestinians, comprising approximately 75% of Gaza’s population, were internally displaced, according to UNRWA, due to “evacuation” orders and intensified fighting.<sup>533</sup> Of these, over 1 million had been displaced to the governorate of Rafah,<sup>534</sup> which measures approximately 64km<sup>2</sup> and had a population estimated at 250,000 before the start of Israel’s offensive.<sup>535</sup>

On 23 January 2024, as the Israeli military pushed to encircle Khan Younis, it issued an “evacuation” order that applied to an estimated 500,000 Palestinians in western parts of the city, including patients being treated at three hospitals. The Israeli military instructed them to move towards Al-Mawasi.<sup>536</sup> It did so despite having attacked Al-Aqsa University, part of which lies within Al-Mawasi, the previous day, on 22 January 2024. That attack marked the beginning of strikes on “humanitarian zones”. Before the strikes, the Israeli authorities

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<sup>531</sup> Forensic Architecture, *Gaza: Humanitarian Violence* (previously cited).

<sup>532</sup> Forensic Architecture, *A Spatial Analysis of the Israeli Military’s Conduct in Gaza Since October 2023* (previously cited), p. 120.

<sup>533</sup> UNRWA, “UNRWA situation report #70 on the situation in the Gaza Strip and the West Bank, including East Jerusalem”, 29 January 2024, <https://www.unrwa.org/resources/reports/unrwa-situation-report-70-situation-gaza-strip-and-west-bank-including-east-jerusalem>

<sup>534</sup> OCHA, “Hostilities in the Gaza Strip and Israel: Flash update #82”, 2 January 2024, <https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-82-enarhe>

<sup>535</sup> UN News, “Gazans stalked by hunger, disease and death, warns UN’s top aid official”, 8 February 2024, <https://news.un.org/en/story/2024/02/1146347>

<sup>536</sup> COGAT, Facebook post: *الى سكان منطقة خان يونس في احياء النصر، الأمل، مركز المدينة والمخيم* [“To the residents of Khan Younis area in the neighbourhoods of Al-Nasser, Al-Amal, City Center and the Camp”], 23 January 2024, <https://www.facebook.com/share/p/uK2Gp6C9wXqn5vKp> (in Arabic); Avichay Adraee, IDF spokesperson for Arabic media, X post: *نداء إلى جميع السكان والنازحين المتواجدين في منطقة جباليا* [“A call for all residents and evacuees in the Jabalia area”], 11 May 2024, <https://x.com/avichayadraee/status/1789171670105636971?s=46> (in Arabic).

suddenly excluded areas that were previously part of such zones by making colour changes to their maps, but did not give residents adequate prior warning.

Israel's launch of a long-threatened ground operation in Rafah on 6 May 2024, which came one day after Hamas claimed responsibility for an attack that killed three Israeli soldiers near the Kerem Shalom crossing, precipitated another wave of mass forced displacement, further exacerbating the humanitarian catastrophe and worsening conditions of life. By then, UNRWA was estimating Rafah's population at around 1.4 million.<sup>537</sup>

Amid intensified bombardment, the Israeli military ordered some 100,000 people residing in eastern Rafah to "evacuate" to areas that lacked the basic infrastructure needed for their survival.<sup>538</sup> Eastern Rafah is home to Abu Yousef Al-Najjar hospital, the only hospital providing dialysis treatment and blood transfusion in the south of Gaza at the time. The Israeli authorities later denied that the Israeli military ordered the evacuation of Abu Yousef Al-Najjar hospital, claiming that it was, in fact, Hamas members who ordered the evacuation,<sup>539</sup> notwithstanding the fact that Israel's "evacuation" order covered all of eastern Rafah, which includes Abu Yousef Al-Najjar hospital.

A senior doctor working in the hospital explained the decision to evacuate patients and medics from the hospital on 7 May 2024, saying:

**"We were fearful for our patients and for our staff. We saw how many of our colleagues were arrested while on duty in the north. Some of those [health workers] joined our hospital after their release from prison. They told us about the torture they faced in detention. We also heard from colleagues in the north and in Khan Younis about the trauma of becoming trapped in an area under fire, with no access to the outside world, unable to provide your patients with oxygen because the hospital is under siege. We fled with our patients because we hoped to avoid this nightmare."**<sup>540</sup>

The areas to which the Israeli military ordered people to evacuate included the governorate of Khan Younis, which had been made nearly uninhabitable due to the large-scale destruction caused by Israeli attacks and fighting with Hamas and other Palestinian armed groups, and the Israeli-designated "expanded humanitarian area" of Deir al-Balah, where newly displaced families struggled to find space to set themselves up amid tightly packed tents.<sup>541</sup>

Many of those who had been ordered to leave Rafah had already been displaced at least twice; some left their shelters with the few possessions they were able to carry and sat in the

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<sup>537</sup> UN News, "Gaza humanitarian update: UNRWA 6 May 2024", 6 May 2024,

<https://www.unognewsroom.org/teleprompter/en/2165/gaza-humanitarian-update-unrwa-6-may-2024>

<sup>538</sup> Amnesty International, "Israeli military must guarantee civilians' safety as ground operation gets underway in eastern Rafah" (previously cited).

<sup>539</sup> Israel, High Court of Justice (HCJ), *Gisha and Others v. Israel*, state's supplementary response, 6 June 2024, [https://gisha.org/UserFiles/File/LegalDocuments/HCJPetition2024/State\\_supplementary\\_update\\_He\\_060624.pdf](https://gisha.org/UserFiles/File/LegalDocuments/HCJPetition2024/State_supplementary_update_He_060624.pdf) (in Hebrew), para. 54.

<sup>540</sup> Interview by voice call with a doctor at Abu Yousef Al-Najjar hospital, 9 May 2024.

<sup>541</sup> BBC, "Israel orders more Rafah evacuations and reports face-to-face battles with Hamas", 11 May 2024, <https://www.bbc.co.uk/news/live/world-middle-east-68990918>

streets, not knowing where to go.<sup>542</sup> For example, many displaced Palestinians lost water containers during the mass “evacuation” from Rafah. Humanitarian organizations had distributed such containers to displaced civilians in Rafah prior to Israel starting its ground operation there in May 2024 to enable them to collect and store water safely. This had been a measure aimed at preventing the outbreak of water-related diseases.<sup>543</sup>

The “evacuation” order of 6 May 2024 forced Mohammed, a 42-year-old father of three, and his family to flee from Rafah to Deir al-Balah governorate. They had previously been displaced from Al-Rimal, a neighbourhood in Gaza City, in March 2024. He told Amnesty International:

**“To get a tent, you have to pay NIS 3,000 [approximately USD 827], which is a fortune for us, considering we already spent most of our life savings to secure basic necessities back in Gaza City, where one bag of flour cost NIS 2,000 [approximately USD 552] during the famine... Here in Deir al-Balah, it’s like an apocalypse. There is no room for you to pitch a tent; you have to set it up near the coast... You have to protect your children from insects, from the heat, and there is no clean water, no toilets, all while the bombing never stops. You feel like you are subhuman here.”<sup>544</sup>**

In less than three weeks, Israeli attacks, the fighting with Hamas and other Palestinian armed groups, and repeated “evacuation” orders had forced 945,000 people out of Rafah.<sup>545</sup> The ICRC raised concerns that many displaced Palestinians were “in a weakened state and at elevated risk of dying from common infections or diseases”, given previous waves of displacement.<sup>546</sup> Meanwhile, an estimated 100,000 others faced forced displacement in northern Gaza following new “evacuation” orders. By mid-May 2024, 78% of Gaza had been placed under “evacuation” orders.<sup>547</sup>

Subsequently, people in other areas received “evacuation” orders. Those areas included Khan Younis on 2 July 2024 and Gaza City on 8 July 2024. As of 31 August 2024, more than 84% of Gaza’s area had been subjected to “evacuation” orders.<sup>548</sup>

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<sup>542</sup> Interviews in person with displaced Palestinians in Rafah conducted by a Palestinian civil society group on 6 May 2024 and shared with Amnesty International.

<sup>543</sup> WASH State of Palestine, “Essential critical items: Household water containers, soap and chlorine tablets”, June 2024, on file with Amnesty International. See also OCHA, “Humanitarian needs and response update: 27 February – 4 March 2024”, 8 March 2024, <https://www.ochaopt.org/content/humanitarian-needs-and-response-update-27-february-4-march-2024>

<sup>544</sup> Interview by voice call with Mohammed, an internally displaced person from Al-Rimal in Gaza City, 11 June 2024.

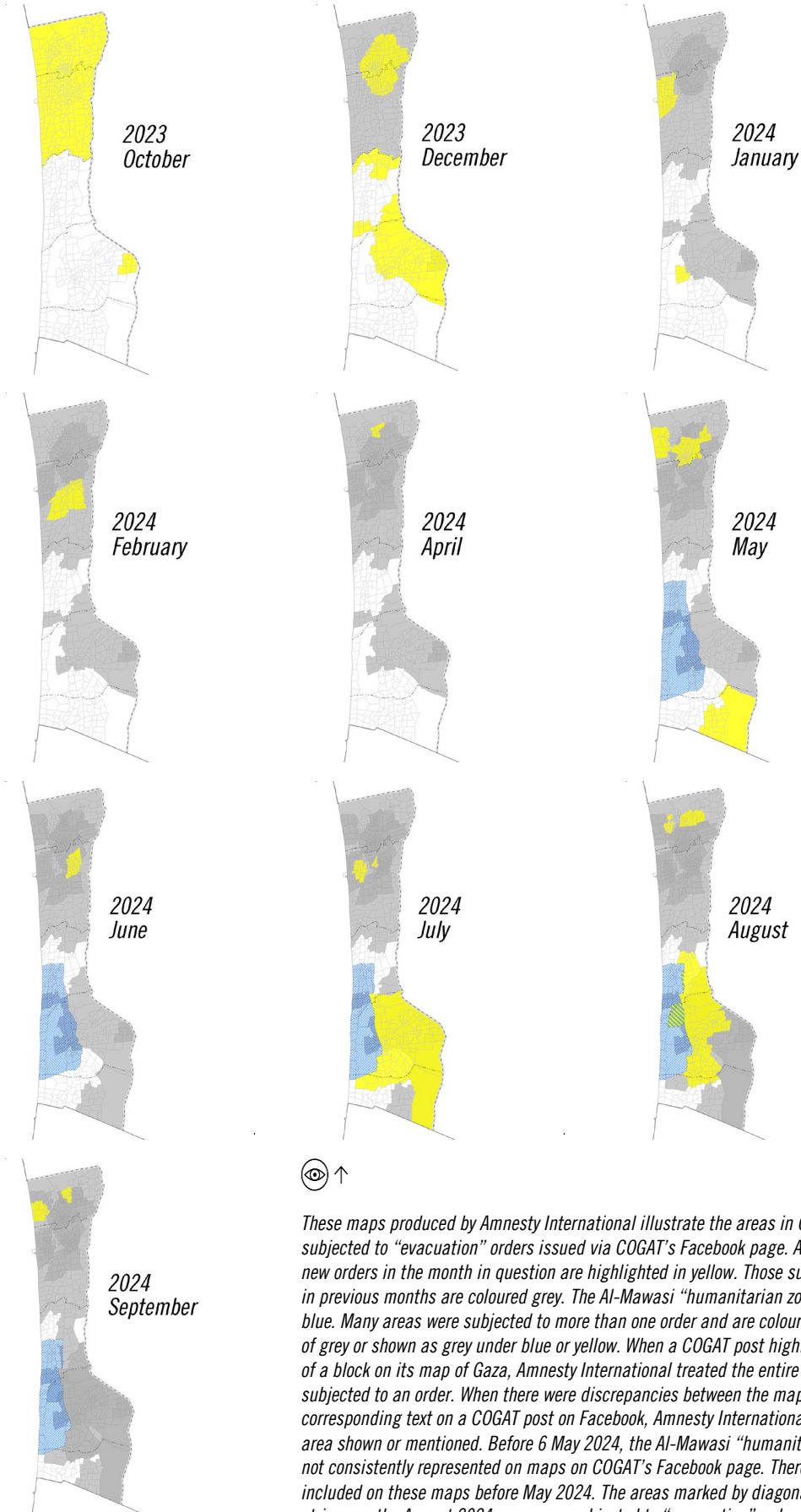
<sup>545</sup> UNRWA, “UNRWA situation report #110 on the situation in the Gaza Strip and the West Bank, including East Jerusalem”, 29 May 2024, <https://www.un.org/unispal/document/unrwa-situation-report-110-29may24>

<sup>546</sup> ICRC, “Gaza: ICRC calls for protection of civilians while hoping for an agreement amidst evacuations, military operations and negotiations”, 7 May 2024, <https://www.icrc.org/en/document/gaza-icrc-calls-protection-civilians-while-hoping-for-an-agreement>

<sup>547</sup> OCHA, “Hostilities in the Gaza Strip and Israel: Flash update #166”, 15 May 2024, <https://www.un.org/unispal/document/hostilities-in-the-gaza-strip-and-israel-flash-update-ocha-15may24>

<sup>548</sup> UN News, “Gaza: Latest evacuation orders leave civilians dangerously close to frontline”, 21 August 2024, <https://news.un.org/en/story/2024/08/1153406>

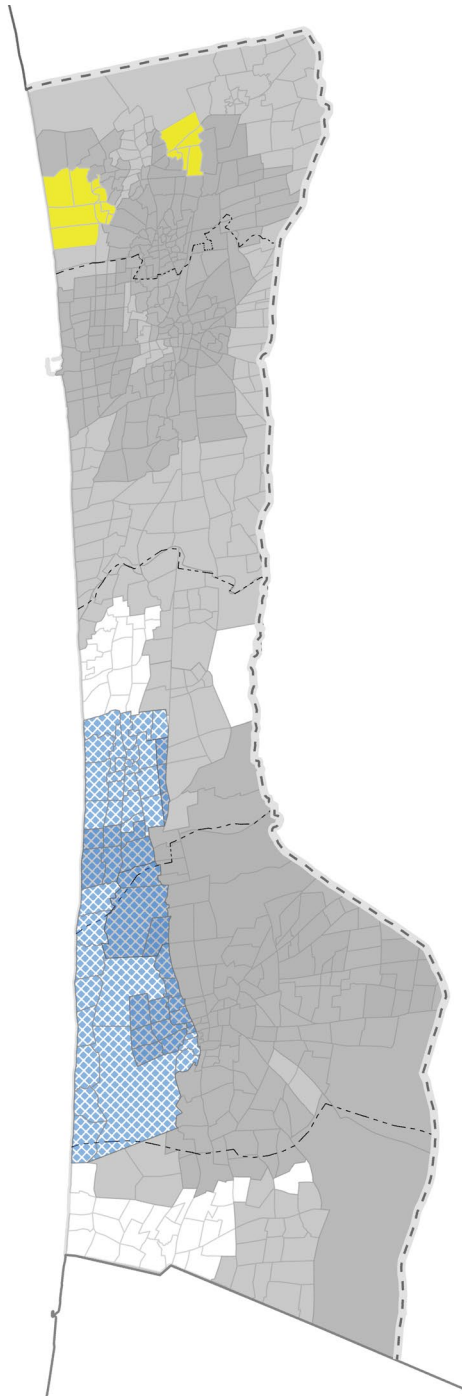
FIGURE 9



*These maps produced by Amnesty International illustrate the areas in Gaza that were subjected to “evacuation” orders issued via COGAT’s Facebook page. Areas subjected to new orders in the month in question are highlighted in yellow. Those subjected to orders in previous months are coloured grey. The Al-Mawasi “humanitarian zone” is shaded blue. Many areas were subjected to more than one order and are coloured a darker shade of grey or shown as grey under blue or yellow. When a COGAT post highlighted only part of a block on its map of Gaza, Amnesty International treated the entire block as being subjected to an order. When there were discrepancies between the map and corresponding text on a COGAT post on Facebook, Amnesty International included every area shown or mentioned. Before 6 May 2024, the Al-Mawasi “humanitarian zone” was not consistently represented on maps on COGAT’s Facebook page. Therefore, it is not included on these maps before May 2024. The areas marked by diagonal yellow and blue stripes on the August 2024 map were subjected to “evacuation” orders, but Israeli military statements later indicated that people could return to them.*



FIGURE 10



↑ This larger-scale map produced by Amnesty International for September 2024 allows a closer look at the areas of Gaza that had been subjected to “evacuation” orders issued via COGAT’s Facebook page by the end of this month. By then, 84% of Gaza’s territory has been subjected to “evacuation” orders.

## 6.2.3 DENIAL AND OBSTRUCTION OF ESSENTIAL SERVICES AND LIFE-SAVING SUPPLIES

Between 7 October 2023 and early July 2024, the Israeli authorities adopted policies, took actions and failed to take other critical actions, which, in combination, resulted in the denial and obstruction of essential services and life-saving supplies to Palestinians in Gaza. This included:

- adopting a total siege policy in the immediate aftermath of the 7 October 2023 attacks on Israel;
- maintaining a suffocating, unlawful blockade, including by refusing to open sufficient access points to Gaza, and imposing tight and onerous restrictions on what could enter Gaza;
- cutting off and tightly controlling access to energy sources, particularly fuel, with devastating effects on essential services in Gaza; and
- failing to facilitate meaningful access within Gaza, so others, particularly humanitarian organizations, could deliver essential services and life-saving supplies, including food, water and medical supplies, to those who needed them, including by repeatedly impeding access to the area north of Wadi Gaza.

The Israeli authorities knew the impact their actions and omissions were having on civilians in Gaza and on the humanitarian response. Such impact was explained to the Israeli authorities directly by humanitarian officials, presented in public by humanitarian officials, including in key forums, like the UN Security Council, and widely reported in the media.<sup>549</sup>

After immense pressure, the Israeli authorities did loosen some of their most extreme restrictions during the nine-month period under review. They began to allow some goods to enter Gaza in late October 2023, opened additional access points into Gaza, including to central and northern Gaza, in mid-2024, and approved the entry of more fuel into Gaza. Where Israel eased restrictions on the entry of aid and other essentials, however, it took other actions that contributed to denying essential services and life-saving supplies to Palestinians in Gaza and obstructing the humanitarian response. Further, at no point in the nine-month period under review, between 7 October 2023 and early July 2024, did the Israeli authorities lift restrictions sufficiently to allow others, most notably humanitarian organizations, to provide the Palestinians living in Gaza with adequate aid and other essential life-saving supplies. On the contrary, throughout this period, the Israeli authorities continued to impose extreme restrictions on access into and within Gaza.

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<sup>549</sup> New Humanitarian, “Gaza aid in-depth: Response leaders warn of extreme obstacles, even with a ceasefire”, 1 February 2024, <https://www.thenewhumanitarian.org/news-feature/2024/02/01/gaza-aid-leaders-warn-extreme-obstacles-ceasefire>; AP News, “Cumbersome process and ‘arbitrary’ Israeli inspections slow aid delivery into Gaza, US senators say”, 6 January 2024, <https://apnews.com/article/israel-gaza-rafah-aid-us-senators-2bc2a3c5e5f8af8e2d3f0b7242c1a885>; Médecins Sans Frontières (MSF), “What it takes to get lifesaving supplies into Gaza”, 1 May 2024, <https://www.doctorswithoutborders.org/latest/impossible-task-getting-lifesaving-supplies-gaza>

The Israeli authorities claimed that the restrictions they maintained were necessary for security reasons and that, if Gaza lacked supplies, it was due to other factors, such as failures by humanitarian organizations or challenges like aid diversion and looting within Gaza.<sup>550</sup> Amnesty International recognizes that security conditions, many of them created or exacerbated by Israel's offensive on Gaza, did hamper aid operations. Similarly, humanitarian officials and workers who spoke with Amnesty International acknowledged that a range of factors affected the amounts of supplies available to them and to people in Gaza. However, they insisted that, in practice, the Israeli authorities massively limited their ability to bring in aid and other essentials through an array of logistical, bureaucratic, security and other impediments, including by closing or failing to open access points into Gaza, by imposing lengthy, arbitrary and unpredictable processes for humanitarian organizations seeking to import goods to Gaza, by impeding the ability of humanitarian workers to move within Gaza, particularly to northern Gaza, and by cutting off electricity to Gaza and tightly controlling access to fuel.<sup>551</sup>

After 7 October 2023, Israel's capacity to control access into and within Gaza increased significantly. It had options that would have allowed itself and others to address the population's basic needs, options urged by allies and international organizations. Nonetheless, despite its obligations as the occupying power, as well as a party to the armed conflict,<sup>552</sup> Israel not only failed to provide for the basic needs of people within Gaza, but it also made it nearly impossible for the humanitarian community to provide the necessary volume and diversity of aid and essential services to support civilian life, in contravention of international humanitarian and human rights law. It clearly intended the resulting devastation. Israeli officials said in October 2023 that they would create "hell" for Palestinians in Gaza, and they did.<sup>553</sup>

## TOTAL SIEGE

After the Hamas-led attacks on 7 October 2023, Israel imposed a total siege on Gaza. Soon after 7 October 2023, the Rafah crossing, the border crossing between the Egyptian city of Rafah and the Palestinian city of Rafah on the southern border of Gaza, shut, with Israel and Egypt trading allegations about the reasons for the closure.<sup>554</sup>

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<sup>550</sup> HCJ, *Gisha and Others v. Israel*, state's preliminary response, 2 April 2024, [https://gisha.org/UserFiles/File/LegalDocuments/HCJPetition2024/Respondents\\_Response\\_He\\_020424.pdf](https://gisha.org/UserFiles/File/LegalDocuments/HCJPetition2024/Respondents_Response_He_020424.pdf) (in Hebrew), paras 15 and 27; HCJ, *Gisha and Others v. Israel*, state's supplementary response, 28 June 2024, [https://gisha.org/UserFiles/File/LegalDocuments/HCJPetition2024/State\\_Response\\_He\\_280624.pdf](https://gisha.org/UserFiles/File/LegalDocuments/HCJPetition2024/State_Response_He_280624.pdf) (in Hebrew), para. 154.

<sup>551</sup> Every humanitarian official and worker Amnesty International interviewed between February and September 2024 said that Israeli restrictions, impediments and obstructions related to the blockade and within Gaza had impacted their ability to bring in and distribute sufficient aid to people in Gaza.

<sup>552</sup> See Chapter 4 "Israel's obligations under international law" for an explanation of Israel's relevant obligations under international humanitarian law, including occupation law, as well as under international human rights law.

<sup>553</sup> COGAT, X post: "You wanted hell, you will get hell", 10 October 2023, <https://x.com/cogatonline/status/1711718883323752586>

<sup>554</sup> Agence France Presse, "Egypt's Sisi rejects Gaza refugee influx, blames Israel for aid block", 18 October 2023, <https://www.france24.com/en/live-news/20231018-egypt-s-sisi-rejects-gaza-refugee-influx-blames-israel-for-aid-block>; Reuters, "Crossing between Gaza and Egypt's Sinai disrupted after bombing: sources, witness", 9 October 2023, <https://www.reuters.com/article/idUSL8N3BF5KS>; BBC, "Why Egypt remains reluctant to open Rafah crossing to Gaza," 17 October 2023, <https://www.bbc.com/news/world-middle-east-67133675>

On 9 October 2023, then Minister of Defense Gallant announced Israel's total siege policy, declaring a "complete siege on Gaza... No electricity, no food, no water, no fuel. Everything is closed."<sup>555</sup> For about two weeks, nothing entered Gaza. While the Rafah crossing was shut, Israel also kept entry points between Gaza and Israel closed, which meant that no fuel, no cooking gas, no food, no medical supplies and no people were able to enter Gaza. It also cut off the electricity and water supplies that entered Gaza under Israel's control.

In October and November 2023, Israeli officials indicated they would not continue to supply fuel, water and electricity, or allow the entry of commercial goods and humanitarian aid into Gaza, at the levels that existed before 7 October 2023. Some statements explicitly linked the resumption of humanitarian access or delivery of essential services to the total destruction of Hamas or the release of the hostages. Statements also indicated the Israeli authorities' knowledge of the humanitarian impact of the total siege policy.<sup>556</sup>

Humanitarian organizations regularly warned about the devastating impact of the siege on civilians, including the lack of fuel needed to make water and health services function, as well as dwindling food stocks and other essentials.<sup>557</sup> On 15 October 2023, Lynn Hastings, then UN Humanitarian Coordinator for the OPT, told UN News that humanitarian organizations were ready to bring in supplies but were waiting for Israel's approval:

**"Israel is connecting humanitarian assistance into Gaza with the release of the hostages. Again, neither should be conditional. And what we're seeing right now, the direction that Israel is going in, they want to destroy Hamas, but their current trajectory is going to destroy Gaza."**<sup>558</sup>

After significant pressure from allies, most notably the USA, the Israeli authorities announced on 18 October 2023 that they would ease the total siege. In the announcement, Israel's security cabinet said it had decided not to prevent aid entering from Egypt, in light of the US president's request, "as long as it is only food, water and medicine for the civilian population."<sup>559</sup>

The needs were immense. By late October 2023, the UN Population Fund (UNFPA) was reporting that tens of thousands of pregnant women in Gaza were facing "severely compromised" access to obstetric care, with "life-threatening consequences". There were

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<sup>555</sup> Knesset channel, "אנחנו נלחמים בחיות אדם - ואנחנו נוהגים בהתאם. אנחנו מטילים מצור על העיר עזה" - שר הביטחון, יואב גלנט ["We are fighting human animals – and we act accordingly. We are laying siege to Gaza City. Minister of Defense, Yoav Gallant"], 9 October 2023 (translation from the original Hebrew into English by Amnesty International).

<sup>556</sup> In one such example, Israel's then Minister of Energy and Infrastructure Israel Katz said: "So far, we have transferred 54,000 cubic meters of water and 2,700 megawatts of electricity to Gaza per day. It's over. Without fuel, even the local electricity will shut down within days and the pumping wells will stop within a week. This is what should be done to a nation of murderers and butchers of children. What was will not be." Israel Katz, X post: [עד עתה העברנו לעזה](https://x.com/Israel_katz/status/1711659347590156417?s=20) ["So far we have transferred to Gaza"], 10 October 2023, [https://x.com/Israel\\_katz/status/1711659347590156417?s=20](https://x.com/Israel_katz/status/1711659347590156417?s=20) (translation from the original Hebrew into English by Amnesty International). See Chapter 7 "Israel's intent in Gaza" for a fuller analysis of such statements.

<sup>557</sup> OCHA, "Hostilities in the Gaza Strip and Israel: Flash update #12", 18 October 2023, <https://www.un.org/unispa/document/hostilities-in-the-gaza-strip-and-israel-ocha-flash-update-12>

<sup>558</sup> UN News, "Senior UN relief official calls for 'immediate unconditional' access for life-saving aid in Gaza", 15 October 2023, <https://news.un.org/en/interview/2023/10/1142372>

<sup>559</sup> Israel, Prime Minister's Office, "Statement from the Prime Minister's Office", 18 October 2023, <https://www.gov.il/en/pages/spoke-cabinet181023>

“critical shortages of drugs, medical supplies and blood products”, and women and girls were lacking water, food, medicine and hygiene supplies.<sup>560</sup>

Key features of the total siege policy remained in place after Israel began to allow some aid to enter Gaza in late October. In their 18 October 2023 statement, the Israeli authorities indicated that they would maintain at least three crucial restrictions, namely:

- refusing to allow aid to enter Gaza through Israel, including all land access into northern and central Gaza;
- preventing the entry of other supplies, like fuel, from entering Gaza; and
- limiting the pledge to allow access to aid only to civilians “located in the southern Gaza Strip” or “evacuating there”, implying that restrictions would remain on aid reaching those civilians who remained in the area north of Wadi Gaza.<sup>561</sup>

## LIMITS ON ACCESS POINTS

### October to November 2023

On 21 October 2023, the first trucks carrying supplies entered Gaza through the Rafah crossing. In line with what became a recurring pattern, Israel had eased restrictions after immense public pressure from allies. Yet, for weeks, only a tiny number of trucks entered Gaza.<sup>562</sup>

Israeli officials were aware of the civilian population’s needs in Gaza – humanitarian organizations published near-daily situation reports and submitted to the Israeli authorities requests to send personnel and supplies into Gaza.<sup>563</sup> In addition, Israel’s allies and major international bodies were calling for more action on humanitarian access. On 15 November 2023, the UN Security Council passed a resolution welcoming the “initial” provision of aid to civilians in Gaza (at this point, only through the Rafah crossing), but called this “limited” and urged the “scaling up of the provision of such supplies to meet the humanitarian needs of the civilian population, especially children”.<sup>564</sup>

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<sup>560</sup> UN Population Fund (UNFPA), “UNFPA Palestine situation report: Issue 2”, 22 October 2023, <https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA-Situation-Report-2.pdf>

<sup>561</sup> Israel, Prime Minister’s Office, “Statement from the Prime Minister’s Office”, 18 October 2023 (previously cited). The Times of Israel reported that, after US President Biden met Prime Minister Netanyahu and the Israeli war cabinet on 18 October 2023, Israeli officials announced they would no longer block the entry of humanitarian aid into Gaza from Egypt. “We got a commitment... from the Israelis, including their unanimous vote of their war cabinet and the prime minister,” Biden told reporters, saying he was “very blunt with the Israelis” but that Netanyahu still “stepped up”. Times of Israel, “Biden: Main goal of Israel trip was to secure entry of humanitarian aid into Gaza”, 19 October 2023, <https://www.timesofisrael.com/biden-main-goal-of-israel-trip-was-to-secure-entry-of-humanitarian-aid-into-gaza>

<sup>562</sup> Gisha, “Insufficient aid: Urgent need for fuel in Gaza as Israel’s bombardment continues”, 29 October 2023, <https://gisha.org/en/insufficient-aid>

<sup>563</sup> Israeli officials also repeatedly noted that Israel was monitoring needs in Gaza. See COGAT, “COGAT assessment: Food and food security in the Gaza Strip – Response to IPC report”, 6 March 2024, <https://govextra.gov.il/media/dgibjica/cogat-assessment-food-and-food-security-in-the-gaza-strip-response-to-ipc-report.pdf>, p. 1. Israeli officials had also monitored conditions in Gaza for many years before 7 October 2023 and had significant knowledge of Gaza’s import dependence, given their maintenance of the unlawful blockade over 17 years, and the crucial role that access points from Israeli territory played in the entry and exit of goods and people. See section 3.1.2 “Blockade”.

<sup>564</sup> UNSC Resolution 2712 (2023) (previously cited).

Soon after the November 2023 UN Security Council resolution was passed, Israel and Hamas agreed to a temporary pause in fighting. The number of trucks entering Gaza increased during this pause. Humanitarian workers told Amnesty International that they were able to deliver significantly more aid at this time than in the weeks following 7 October 2023.<sup>565</sup> However, fighting resumed afterwards.

Even during the temporary pause, the number of trucks entering Gaza remained far below the pre-7 October 2023 baseline. Meanwhile, Gaza's economy was grinding to a halt, its domestic food production was collapsing, and its water, sanitation and health systems were being devastated. Consequently, Gaza's need for imports of essential goods and supplies was far greater than it had been before 7 October 2023. (See box below on "Debate on amount of supplies entering Gaza".)

### **December 2023 to January 2024**

On 17 December 2023, after significant international pressure and months of warnings from aid agencies as well as Palestinian, Israeli and other human rights organizations that the levels of aid entering Gaza were grossly insufficient, the first trucks of aid entered Gaza through Israeli territory. Israel had agreed to open the Kerem Shalom crossing between Israel and the south of Gaza, at the junction of the border between Egypt, Israel and Gaza. According to COGAT, Israel did this in agreement with the USA.<sup>566</sup>

However, by refusing to allow crossings into Gaza from its own territory for more than two months, Israel ensured that the humanitarian response for everyone living in Gaza would centre around Rafah (which, as described below, Israel then attacked, crippling the humanitarian response). In addition, for months, it refused to allow humanitarian organizations to source goods from inside Israel or to use Israeli ports. These decisions came in the context of repeated comments by Israeli officials that goods would not be allowed into Gaza from Israel until the hostages were released, indicating that it could allow more aid to enter Gaza, but chose not to do so, in spite of the already catastrophic humanitarian situation.<sup>567</sup>

On 22 December 2023, a further UN Security Council resolution demanded that parties "allow and facilitate the use of all available routes to and throughout the entire Gaza Strip, including border crossings" to ensure vital assistance reaches civilians "through the most direct routes".<sup>568</sup> The resolution demanded the "provision of fuel to Gaza at levels that will meet requisite humanitarian needs" and that parties take "all appropriate steps to ensure the safety and security" of humanitarian workers.<sup>569</sup>

Even after opening the Kerem Shalom crossing, Israel continued to impede access into Gaza via this and the Rafah crossing through the continued imposition of lengthy, arbitrary and

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<sup>565</sup> Interview by voice call with a senior UN official, 21 February 2024.

<sup>566</sup> COGAT, X post: "Beginning tomorrow, Kerem Shalom Crossing will open", 11 December 2023, <https://x.com/cogatonline/status/1734295968357720408>; COGAT, X post: "Starting today (Dec. 17), UN aid trucks will undergo security checks", 17 December 2023, <https://x.com/cogatonline/status/1736310222371631514>

<sup>567</sup> See section 7.3 "Statements on destruction of Palestinians".

<sup>568</sup> UNSC, Resolution 2720 (previously cited).

<sup>569</sup> UNSC, Resolution 2720 (previously cited).

onerous procedures, and by refusing to open, for months, additional access points.<sup>570</sup> Other access points existed that would allow humanitarian organizations to bring aid directly into northern and central Gaza; humanitarian organizations were calling on the Israeli authorities to open them.<sup>571</sup> In mid-January 2024, the heads of three UN humanitarian agencies said that access to Gaza was “seriously limited by the closure of all but two border crossings in the south and the multi-layered vetting process for trucks coming into Gaza”.<sup>572</sup> They also called for the opening of new entry routes into Gaza, more trucks being allowed into Gaza each day, fewer restrictions on humanitarian organizations, and guarantees of safety for people accessing and distributing aid. They called for Israel to allow them to import aid through the Israeli port of Ashdod, around 40km north of Gaza, which would allow them to ship in “significantly larger quantities of aid” and allow them to use border crossing points directly into the north of Gaza.

On 26 January 2024, in the context of the proceedings initiated by South Africa against Israel, the ICJ made clear that Israel was not doing enough on aid.<sup>573</sup> It ordered Israel to take immediate and effective measures to enable the provision of humanitarian assistance to civilians in Gaza.<sup>574</sup> A month later, Amnesty International found that Israel was defying the ICJ’s order on aid.<sup>575</sup> Israel did not take even the bare minimum steps to comply with the order – failing to ensure sufficient life-saving goods and services were reaching a population on the brink of famine, lift restrictions on the entry of life-saving goods, implement an effective system to protect humanitarian workers from attack, and open additional humanitarian access points and crossings.<sup>576</sup> In the three weeks following the ICJ order, the number of trucks entering Gaza decreased by about a third, smaller quantities of fuel, which Israel tightly controlled, made it into Gaza, and the only crossings that Israel had allowed to open at that point – the Rafah and Kerem Shalom crossing – were opened on fewer days.<sup>577</sup>

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<sup>570</sup> Israel also refused to open inspection points for longer hours or on more days. Even after the opening of the Kerem Shalom crossing, “[t]he quantity of aid currently entering Gaza from Israel and Egypt is much smaller than the quantities of goods that had entered Gaza daily until 7 October, and still light years away from what’s needed.” Gisha, “Not enough”, 4 January 2024, <https://gisha.org/en/not-enough>

Israeli protesters demanding the government stop allowing aid into Gaza until the hostages were freed repeatedly blocked access to the Kerem Shalom crossing, forcing it to close repeatedly, sometimes for multiple days. Later, protesters stopped trucks transiting through Israel, in some cases damaging and destroying goods. Such disruptions do not relieve the Israeli authorities of their obligation to take necessary measures to maintain an unhindered flow of aid. Times of Israel, “Cabinet said to pan police chief for ‘selective enforcement’ of Gaza protests”, 3 February 2024, <https://www.timesofisrael.com/cabinet-said-to-pan-police-chief-for-selective-enforcement-of-gaza-aid-protests>

<sup>571</sup> Interview by voice call with a humanitarian worker, 21 February 2024.

<sup>572</sup> UN World Food Programme (WFP) and others, “Preventing famine and deadly disease outbreak in Gaza requires faster, safer aid access and more supply routes”, 15 January 2024, <https://www.unicef.org/press-releases/preventing-famine-and-deadly-disease-outbreaks-gaza-requires-faster-safer-aid-access>

<sup>573</sup> “The Court recalls Israel’s statement that it has taken certain steps to address and alleviate the conditions faced by the population in the Gaza Strip... While steps such as these are to be encouraged, they are insufficient to remove the risk that irreparable prejudice will be caused before the Court issues its final decision in the case.” ICJ, *South Africa v. Israel*, order, 26 January 2024 (previously cited), para. 73.

<sup>574</sup> ICJ, *South Africa v. Israel*, order, 26 January 2024 (previously cited), para. 86.

<sup>575</sup> Amnesty International, “Israel defying ICJ ruling to prevent genocide by failing to allow adequate humanitarian aid to reach Gaza” (previously cited).

<sup>576</sup> Amnesty International, “Israel defying ICJ ruling to prevent genocide by failing to allow adequate humanitarian aid to reach Gaza” (previously cited).

<sup>577</sup> Amnesty International, “Israel defying ICJ ruling to prevent genocide by failing to allow adequate humanitarian aid to reach Gaza” (previously cited).

## February to April 2024

In the face of the Israeli authorities' defiance of the ICJ's order of January 2024, Israel's allies began announcing increasingly creative but ineffective steps to deliver aid, demonstrating widespread agreement that the amount entering Gaza was far from sufficient. These included airdrops over Gaza and the USA's decision to build a temporary pier on Gaza's coast.<sup>578</sup> Humanitarian experts made clear these were no substitute for a fundamental change in the Israeli authorities' approach to the humanitarian response and that more land access points, through Israel, were needed, in addition to a range of other measures firmly under the control of the Israeli authorities.<sup>579</sup> One humanitarian worker told Amnesty International: "Humanitarian aid needs to be organized in a professional manner. It is not about dropping stuff from the air that will land somehow, somewhere. That is not how humanitarian aid and relief works."<sup>580</sup>

On 28 March 2024, the ICJ issued its second set of provisional measures whereby it ordered Israel to, among other things, "take all necessary and effective measures to ensure, without delay, in full co-operation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout Gaza, including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary". While acknowledging that additional air and sea routes for the delivery of aid were helpful under the circumstances, the ICJ emphasized that "there is no substitute for land routes and entry points from Israel into Gaza", and underscored the "urgent need to increase the capacity and number of open land crossing points into Gaza and to maintain them open".<sup>581</sup>

## April to early May 2024

In early April 2024, Israel again demonstrated there were steps that it could take to improve humanitarian access but had refused to take for months. On 6 April 2024, Jamie McGoldrick, UN Resident and Humanitarian Coordinator for the OPT, announced that Israel had made several commitments "in response to our repeated requests", including "better functioning coordination... that links humanitarians directly with the IDF Southern Command and plans "to open Erez Crossing temporarily to move much needed food, water and

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<sup>578</sup> France, Ministry for Europe and Foreign Affairs, "France and Jordan move ahead with another joint airdrop of humanitarian aid for Gaza", 26 February 2024, <https://www.diplomatie.gouv.fr/en/country-files/israel-palestinian-territories/news/2024/article/palestinian-territories-france-and-jordan-move-ahead-with-another-joint-airdrop>; USA, White House, "Background press call on the humanitarian assistance airdrop into Gaza", 2 March 2024, <https://www.whitehouse.gov/briefing-room/press-briefings/2024/03/02/background-press-call-on-the-humanitarian-assistance-airdrop-into-gaza>; USA, White House, "Joint statement from the European Commission, the Republic of Cyprus, the United Arab Emirates, the United Kingdom and the United States endorsing the activation of a maritime corridor to deliver humanitarian assistance to Gaza", 8 March 2024, <https://www.whitehouse.gov/briefing-room/statements-releases/2024/03/08/joint-statement-from-the-european-commission-the-republic-of-cyprus-the-united-arab-emirates-the-united-kingdom-and-the-united-states-endorsing-the-activation-of-a-maritime-corridor-to-deliver-hum>

<sup>579</sup> Interviews by voice call with humanitarian workers, 16 February, 17 February, 21 February, 17 April, 19 April and 2 May 2024.

<sup>580</sup> Interview by voice call with a humanitarian worker involved in the medical response, 7 May 2024.

<sup>581</sup> ICJ, *South Africa v. Israel*, order, 28 March 2024 (previously cited).



sanitation items, shelter and health materials from Ashdod port”, “to increase the operating hours” of existing crossings, to approve the activation of “20 bakeries” and to open one of the water lines from Israel into Gaza.<sup>582</sup> Aid groups had been pleading for these steps for many months.

On 11 April 2024, then Minister of Defense Gallant told journalists that Israel planned to flood Gaza with aid.<sup>583</sup> On the same day, the Israeli military’s spokesperson announced “the next phase of our humanitarian operations... to develop new and improved measures to increase the flow of aid to Gazan civilians by land, sea and air.” These new measures, the spokesperson said, should lead the daily average of trucks carrying food, water, and shelter supplies into Gaza to go up to around 500 a day.<sup>584</sup>

Israel’s promises followed several developments. In addition to the provisional measures issued by the ICJ on 28 March 2024, there had been an international outcry at the killing by Israeli forces on 1 April 2024 of a group of mostly foreign humanitarian workers working for World Central Kitchen.<sup>585</sup> At a national level, on 4 April 2024, Israel’s High Court of Justice convened the first hearing of the legal case on humanitarian access brought by five human rights organizations in Israel, led by Gisha, against the Israeli government. The five organizations had petitioned the High Court of Justice to enable access of all humanitarian aid, equipment and staff to Gaza, especially to the north. Commenting on the promises, Gisha pointed out:

**“The fact that these measures were not implemented months ago is inexplicable and inexcusable. Every day that passes while plans are touted but not put into practice leads to more unnecessary death and indescribable suffering for Palestinians in Gaza... without a full, long-lasting ceasefire and lacking effective coordination with aid agencies on the ground, these steps, inasmuch as they are implemented, will remain insufficient.”<sup>586</sup>**

After Israel made its promises, for a couple of weeks humanitarian access did briefly improve, humanitarian organizations said. Before the promises, Israel demonstrated its capacity to open additional crossings. In March 2024, it had allowed an access point for military construction vehicles, known as Gate 96, to be used for aid deliveries. Gate 96 provided an access point into Gaza from an area of Israel 4km west of Kibbutz Be’eri to the

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<sup>582</sup> He also said: “In recent days, Israel has acknowledged the immense scale of suffering in Gaza and its ability to facilitate the increase of humanitarian assistance to people in need... As I have stated previously, the humanitarian community is prepared to scale-up assistance in Gaza, but this requires better security, greater access, and more reliable facilitation from Israeli authorities.” OCHA, “Statement by the Humanitarian Coordinator for the Occupied Palestinian Territory”, 6 April 2024, <https://www.ochaopt.org/content/statement-humanitarian-coordinator-occupied-palestinian-territory-mr-jamie-mcgoldrick-6-april>

<sup>583</sup> CNN, “Israel plans to ‘flood Gaza with aid,’ defense minister says”, 11 April 2024, [https://edition.cnn.com/middleeast/live-news/israel-hamas-war-gaza-news-04-11-24/h\\_aef9cdea159079d65bd341b565754976](https://edition.cnn.com/middleeast/live-news/israel-hamas-war-gaza-news-04-11-24/h_aef9cdea159079d65bd341b565754976)

<sup>584</sup> NWS News, “דובר צה”ל תת אלוף דניאל הגרי בנושא הרחבת הסיוע ההומניטרי ברצועת עזה [“IDF Spokesperson Rear Admiral Daniel Hagari on the issue of expanding humanitarian aid in the Gaza Strip”], 11 April 2024, <https://www.youtube.com/watch?v=y4uAFmCrNCs> (translation from the original Hebrew into English by Amnesty International).

<sup>585</sup> See HRW, “Gaza: Israelis attacking known aid worker locations”, 14 May 2024, <https://www.hrw.org/news/2024/05/14/gaza-israelis-attacking-known-aid-worker-locations>

<sup>586</sup> Gisha, “Too little, too late: Israel announces measures to increase aid to Gaza that have yet to be implemented”, 11 April 2024, <https://gisha.org/en/too-little-too-late>

military zone referred to by Israel as the “Netzarim Corridor”, which Israel had established and fortified in Gaza. Gate 96 was so named because it was the 96th gate in the border fence between Israel and Gaza. In his announcement of 11 April 2024, the Israeli military’s spokesperson showed a map indicating Gate 96 as an existing humanitarian access point to Gaza.<sup>587</sup> However, humanitarian officials who spoke with Amnesty International in April, May and July 2024 said that, while the Israeli authorities had allowed some humanitarian organizations to enter using Gate 96, they had done so intermittently, to an extremely limited extent and to an extremely limited number of actors and that goods entering through the crossing needed to be inspected elsewhere, such as at the Kerem Shalom crossing, which exacerbated delays and bottlenecks.<sup>588</sup>

Israel later opened two new crossings into the north of Gaza, again in response to international pressure, particularly from the USA. On 1 May 2024, it opened the Eastern Erez crossing adjacent to the existing Erez crossing, which was damaged in the Hamas-led attacks of 7 October 2023.<sup>589</sup> On 12 May 2024, Israel announced it had opened the Western Erez crossing between the Zikim area of Israel and the north of Gaza on the Mediterranean coast.<sup>590</sup> However, according to COGAT’s Gaza Humanitarian Aid Data website, aid entering through these access points remained a tiny fraction of the overall aid entering.<sup>591</sup> Both crossings also did not remain consistently open. An OCHA map dated 25 June 2024 noted that the Western Erez crossing had been open for pre-approved goods since 12 May 2024, but that the Eastern Erez crossing was “currently closed after opening from 1 to 9 May”.<sup>592</sup>

More broadly, the promised flood of aid never appeared. On 7 May 2024, a month after the promises were made, eight humanitarian organizations said: “Humanitarian actors see no significant improvement from the Israeli authorities in addressing the dire challenges to provide life-saving aid” to Palestinians in Gaza.<sup>593</sup>

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<sup>587</sup> NWS News, “IDF Spokesperson Rear Admiral Daniel Hagari on the issue of expanding humanitarian aid in the Gaza Strip” (previously cited).

<sup>588</sup> Interviews by voice call with humanitarian workers, 17 April, 19 April, 2 May, 30 May, 7 May and 14 July 2024. See OCHA, “Hostilities in the Gaza Strip and Israel – reported impact, Day 217”, 10 May 2024, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-217>

According to satellite imagery examined by Amnesty International between March 2023 and late May 2024, there did not appear to be an area for checking aid trucks, only a construction vehicle parking area, at Gate 96, and the road into Gaza from Gate 96 appeared to be surfaced for construction and other heavy-duty vehicles only. By 24 May 2024, the road into Gaza from Gate 96 appeared, based on a review of satellite imagery, to have been paved with tarmac. However, a new area for potentially checking aid trucks appeared to still be under construction in satellite imagery from 18 September 2024. Interviews by voice call with humanitarian workers, 17 April, 19 April, 2 May, 30 May, 7 May and 14 July 2024.

<sup>589</sup> HCJ, *Gisha and Others v. Israel*, state’s supplementary response, 23 May 2024, [https://gisha.org/UserFiles/File/LegalDocuments/HCPetition2024/State\\_supplementary\\_update\\_he\\_230524.pdf](https://gisha.org/UserFiles/File/LegalDocuments/HCPetition2024/State_supplementary_update_he_230524.pdf) (in Hebrew), para. 37; Reuters, “Israel allows trucks from newly reopened Erez crossing into Gaza after U.S. pressure”, 1 May 2024, <https://www.reuters.com/world/middle-east/israel-allows-trucks-newly-reopened-erez-crossing-into-gaza-after-us-pressure-2024-05-01>

<sup>590</sup> HCJ, *Gisha and Others v. Israel*, state’s supplementary response, 23 May 2024 (previously cited), para. 37; IDF, “Western Erez crossing opened in northern Gaza”, 12 May 2024, <https://www.idf.il/en/mini-sites/israel-at-war/our-humanitarian-aid-efforts/western-erez-crossing-opened-in-northern-gaza>

<sup>591</sup> COGAT, Gaza: Humanitarian Aid Data, <https://gaza-aid-data.gov.il/main> (accessed on 28 August 2024).

<sup>592</sup> OCHA, “Gaza Strip: Humanitarian access constraints”, 23 June 2024, <https://www.ochaopt.org/content/gaza-strip-humanitarian-access-constraints-24-june-2024>

<sup>593</sup> Oxfam and others, “One month after Israel’s 7 commitments on humanitarian access: The realities on the ground”, 7 May 2024, [https://www.medecinsdumonde.org/app/uploads/2024/05/FINAL\\_Joint-INGO-Public-Briefing-Note\\_Realities-on-the-ground.pdf](https://www.medecinsdumonde.org/app/uploads/2024/05/FINAL_Joint-INGO-Public-Briefing-Note_Realities-on-the-ground.pdf)

## Early May to early July 2024

On 6 May 2024, Israel imperilled the aid response further by launching a ground operation in Rafah. By May 2024, humanitarian supplies still trickled into Gaza primarily through the Rafah and Kerem Shalom crossings.<sup>594</sup> All fuel entered Gaza through Rafah.<sup>595</sup> Those who had been able to medically evacuate had gone through Rafah.<sup>596</sup> Trucks filled with supplies waited on the Egyptian side of the border to enter Gaza through either the Rafah or Kerem Shalom crossings.<sup>597</sup>

The Israeli authorities were well aware of how crucial Rafah was to the humanitarian response. As described above, Rafah – the crossing, the city and the governorate – had become so crucial to the humanitarian response as a result of decisions the Israeli authorities took from October 2023, including refusing to open sufficient access points into Gaza and pushing Gaza’s population south through its repeated “evacuation” orders. By May 2024, more than half of Gaza’s population had sought refuge in Gaza’s far south.

After Israel began its ground operation in Rafah, Israeli forces claimed control of Gaza’s southern border with Egypt. Israel now completely surrounded Gaza.<sup>598</sup> Israeli forces took control of the Rafah crossing, destroying parts of it, according to a video published on social media on 19 June 2024 by an Israeli journalist and verified by Amnesty International.<sup>599</sup> Egypt announced that it would not coordinate with Israel at the crossing because of security concerns.<sup>600</sup> As a result, the Rafah crossing shut. People and goods could now only enter and exit Gaza through Israel. Access through the Kerem Shalom crossing was also affected by the fighting. Humanitarian organizations told Amnesty International that they were largely unable to bring in goods through the crossing because of the lack of security and frequent looting of aid convoys by organized gangs.<sup>601</sup>

The small flow of people able to leave Gaza for medical treatment was also disrupted. Israel had suspended the process for people to seek medical treatment outside Gaza in the West Bank, including East Jerusalem, or Israel after 7 October 2023, according to humanitarian workers.<sup>602</sup> During 2023, Israeli and Egyptian authorities agreed to allow some people to medically evacuate through Rafah to Egypt but only after approval by the Israeli and Egyptian

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<sup>594</sup> Interviews by voice and video call with humanitarian workers, February – July 2024.

<sup>595</sup> Interview by voice call with a senior humanitarian official, 14 July 2024; interviews by voice call with a senior UN official, 21 February and 11 July 2024; HCJ, *Gisha and Others v. Israel*, state’s supplementary response, 6 June 2024 (previously cited), para. 37.

<sup>596</sup> HCJ, *Gisha and Others v. Israel*, state’s preliminary response (previously cited), para. 36; HCJ, *Gisha and Others v. Israel*, state’s supplementary response, 6 June 2024 (previously cited), para. 37.

<sup>597</sup> Interviews by voice and video call with humanitarian workers, February – July 2024.

<sup>598</sup> AP News, “Israel says it’s taken control of key area of Gaza’s border with Egypt awash in smuggling tunnel”, 30 May 2024, <https://apnews.com/article/israel-palestinians-hamas-war-news-05-29-2024-7952f779552f41ef6fb44c3b662f5c48>

<sup>599</sup> Doron Kadosh, X post: **כמה רשמים - ביקור ברפיח** [“A visit to Rafah - a few impressions”], 19 June 2024, [https://x.com/Doron\\_Kadosh/status/1803323819861455149/video/1](https://x.com/Doron_Kadosh/status/1803323819861455149/video/1) (in Hebrew).

<sup>600</sup> CNN, “Egypt will not coordinate with Israel on entry of aid from Rafah crossing, citing security concerns”, 11 May 2024, [https://www.cnn.com/middleeast/live-news/israel-hamas-war-gaza-news-05-11-24#h\\_84161af3e81ea9e608d405e789500d58](https://www.cnn.com/middleeast/live-news/israel-hamas-war-gaza-news-05-11-24#h_84161af3e81ea9e608d405e789500d58); HCJ, *Gisha and Others v. Israel*, state’s supplementary response, 6 June 2024 (previously cited), para. 19.

<sup>601</sup> Interviews by voice call with a senior humanitarian official, 14 July 2024, and with a senior UN official, 21 February and 11 July 2024.

<sup>602</sup> Interview by video call with two humanitarian workers involved in the evacuation process, 7 May 2024.

authorities. However, after Israel began its ground operation in Rafah and took control of the Rafah crossing, this route was disrupted and thousands of patients were affected.<sup>603</sup>

Even before the ground operation in Rafah, humanitarian workers said the medical evacuation process was entirely broken, particularly for people in northern Gaza.<sup>604</sup> As one humanitarian involved in the medical response said in early May 2024:

**“There were many instances where the patient passed away after they were put on a list, and their names kept on coming up. So, say you have a list of 20 patients that were finally approved, and out of those 20 patients, 30-40% had actually died before they were approved, and they were put on the list over and over again until someone actually understood that, no, those patients are dead because it took too long to get the approval. The medical evacuation system was not something healthcare workers could make decisions on, that this person needs to be referred out, because it could not really be taken seriously as an option for providing care because it was such an unreliable system and process.”<sup>605</sup>**

The closure of the Rafah crossing on 7 May 2024 meant that Israel subsequently had exclusive control over the medical evacuation process. In the four months following the closure, very few medical evacuations were conducted. The first took place over a month and a half after the closure.<sup>606</sup> In June 2024, three Israeli human rights organizations filed an urgent petition before Israel’s High Court of Justice demanding that Israel put in place a safe and sustainable mechanism to medically evacuate those needing treatment outside Gaza.<sup>607</sup>

As of 30 September 2024, the WHO reported that only 5,130 patients had been evacuated from Gaza, out of the 14,510 who had requested this since October 2023. Of those, only 229 patients had been evacuated since the Rafah crossing closed on 7 May 2024.<sup>608</sup> The WHO said that more than 10,000 patients in a critical state needed to be transported out of Gaza via medical evacuation. It was “of the utmost urgency” to restore medical evacuations from Gaza to the rest of the OPT, “where hospitals are ready to receive patients”, the WHO said, appealing for multiple evacuation routes, including through the Rafah and Kerem Shalom crossings.<sup>609</sup>

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<sup>603</sup> In late May 2024, OCHA reported that 5,957 of the 12,761 critical patients who had requested medical evacuation requests had had them approved, with 4,895 of these people having been successfully evacuated abroad. About 700 patients, about 50 a day, had not been evacuated since the closure of the Rafah crossing.

OCHA, “Hostilities in the Gaza Strip and Israel – reported impact: Day 234”, 27 May 2024, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-234>

In June 2024, the WHO estimated that more than 10,000 patients needed medical evacuation outside of Gaza to receive medical care, and that the closure of the Rafah crossing had meant more than 2,000 patients had not been able to evacuate as planned. WHO, “Medical evacuations of Gaza patients through Rafah”, 20 June 2024, [https://www.emro.who.int/images/stories/Medevac-final\\_1.pdf](https://www.emro.who.int/images/stories/Medevac-final_1.pdf)

<sup>604</sup> Interview by video call with two humanitarian workers involved in the evacuation process, 7 May 2024.

<sup>605</sup> Interview by voice call with a humanitarian worker involved in the medical response, 7 May 2024.

<sup>606</sup> OCHA, “Gaza humanitarian response update: 24 June – 7 July 2024”, 10 July 2024, <https://www.ochaopt.org/content/gaza-humanitarian-response-update-24-june-7-july-2024>

<sup>607</sup> HCJ, *Physicians for Human Rights Israel and Others v. Government of Israel and Others*, 5 June 2024, <https://www.phr.org.il/wp-content/uploads/2024/03/2280-24-711.pdf> (in Hebrew).

<sup>608</sup> OCHA, “Gaza humanitarian response update: 16-29 September 2024”, 2 October 2024, <https://www.ochaopt.org/content/gaza-humanitarian-response-update-16-29-september-2024>

<sup>609</sup> WHO, “oPt emergency situation update: Issue 45”, 18 September 2024, [https://www.emro.who.int/images/stories/Sitrep\\_45b.pdf](https://www.emro.who.int/images/stories/Sitrep_45b.pdf)

Humanitarian organizations had repeatedly warned that Israel's ground operation in Rafah would have immediate and devastating effects on humanitarian access.<sup>610</sup> Humanitarian workers who spoke with Amnesty International in February 2024, when the Israeli authorities were already stating their intention to attack Rafah, said that such an operation would likely close or significantly impede their ability to bring aid into Gaza through the Rafah and Kerem Shalom crossings and that the Israeli authorities were not seriously engaging with these concerns.<sup>611</sup> For months, humanitarian organizations had asked Israel to open and facilitate a predictable set of aid routes into other parts of Gaza, including the centre and the north, making clear that these routes needed to be additional to the Rafah and Kerem Shalom crossings, not alternatives.<sup>612</sup> Weeks into the ground operation in Rafah, confusion reigned. Aid groups said that while Israel was allowing some actors to bring goods through some crossings leading to the centre and the north, namely the Western Erez and Gate 96 crossings, the amounts coming in were significantly less than that which had been arriving through the Rafah and Kerem Shalom crossings, which had also been too little.<sup>613</sup> One humanitarian organization told Amnesty International it had been unable to bring any aid in through any of the crossings other than Rafah and Kerem Shalom, despite having worked for years in Gaza.<sup>614</sup>

Foreign governments also repeatedly called on Israel to abandon plans for the Rafah operation in light of its foreseeable humanitarian impact.<sup>615</sup> The operation drew near-unanimous international condemnation<sup>616</sup> and prompted calls by governments and UN

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<sup>610</sup> See, for example, WHO, "Rafah incursion would substantially increase mortality and morbidity and further weaken an already broken health system", 3 May 2024, <https://www.emro.who.int/media/news/rafah-incursion-would-substantially-increase-mortality-and-morbidity-and-further-weaken-an-already-broken-health-system.html>; UNICEF, "There is 'nowhere safe to go' for the 600,00 children of Rafah, warns UNICEF", 6 May 2024, <https://www.unicef.org/press-releases/there-nowhere-safe-go-600000-children-rafah-warns-unicef>; Save the Children, "Save the Children warns of deadly consequences following new relocation orders for families in Rafah", 6 May 2024, <https://www.savethechildren.org.uk/news/media-centre/press-releases/save-the-children-warns-of-deadly-consequences-for-children-foll>

<sup>611</sup> Interview by voice call with humanitarian workers, 16 February and 21 February 2024.

<sup>612</sup> Interview by voice call with a senior humanitarian official, 14 July 2024.

<sup>613</sup> Amnesty International and others, "New crossing points and 'floating dock' are cosmetic changes, as humanitarian access disintegrates in Gaza, warn aid agencies", 28 May 2024, <https://www.amnesty.org/en/latest/news/2024/05/new-crossing-points-and-floating-dock-are-cosmetic-changes-as-humanitarian-access-disintegrates-in-gaza-warn-aid-agencies>

<sup>614</sup> Interview by voice call with a humanitarian worker involved in the medical response, 30 May 2024.

<sup>615</sup> See, for example, Japan, Minister of Foreign Affairs, "Israeli military operation in Rafah in the Gaza Strip (Statement by Press Secretary Kobayashi Maki)", 12 February 2024, [https://www.mofa.go.jp/press/release/pressite\\_000001\\_00149.html](https://www.mofa.go.jp/press/release/pressite_000001_00149.html); Australia, Prime Minister, "Joint statement by the prime ministers of Australia, Canada and New Zealand", 15 February 2024, <https://www.pm.gov.au/media/joint-statement-prime-ministers-australia-canada-and-new-zealand-1>; Finland, Ministry of Foreign Affairs, "Statement by the foreign ministers of 26 EU member states on Israel and Palestine", 20 February 2024, [https://um.fi/statements/-/asset\\_publisher/6zHpMjnojHgl/content/statement-by-the-foreign-ministers-of-26-eu-member-states-on-israel-and-palestine/35732](https://um.fi/statements/-/asset_publisher/6zHpMjnojHgl/content/statement-by-the-foreign-ministers-of-26-eu-member-states-on-israel-and-palestine/35732)

<sup>616</sup> See, for example, South Africa, Department of International Relations and Cooperation, "South African statement on the situation in Rafah", 6 May 2024, <https://dirco.gov.za/south-african-statement-on-the-situation-in-rafah>; Al Jazeera, "World reacts to Israel's Rafah evacuation order", 6 May 2024, <https://www.aljazeera.com/news/2024/5/6/world-reacts-to-israels-rafah-evacuation-order>; Indonesia, Ministry of Foreign Affairs, X post: "Indonesia strongly condemns the Israeli military attack in the Palestinian city of Rafah", 7 May 2024, [https://x.com/Kemlu\\_RI/status/1787869147080343568](https://x.com/Kemlu_RI/status/1787869147080343568); Al Jazeera, "'Deliberately' intensifying Gaza war: Brazil condemns Israeli incursion", 7 May 2024, <https://aje.io/5cerl2?update=2885534>; Malaysia, Minister of Foreign Affairs Wisma Putra, X post: "Press release: Malaysia vehemently condemns the latest Israeli attack of Rafah", 8 May 2024, <https://x.com/MalaysiaMFA/status/1787999419759264130>; Al Jazeera, "Mexico condemns Israel's assault on Rafah, calls for ceasefire", 8 May 2024,

bodies for its termination due to the extreme conditions facing the Palestinians, the key role played by the Rafah and Kerem Shalom crossings for the entry of humanitarian aid, and the lack of any safe place for people to flee within Gaza.<sup>617</sup> Israel knew precisely the devastation it would inflict on Palestinian civilians.

On 24 May 2024, the ICJ issued a third set of provisional measures, reaffirming its previous provisional measures and ordering Israel to “immediately halt its military offensive, and any other action in the Rafah governorate, which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part”, and to “[m]aintain open the Rafah crossing for unhindered provision at scale of urgently needed basic services and humanitarian assistance”.<sup>618</sup> Israel nonetheless continued its ground operation in Rafah.

On 28 May 2024, 20 aid agencies and civil society organizations, including Amnesty International, said entry points remained “effectively shut to meaningful humanitarian assistance, most desperately fuel”, and Israeli attacks on Rafah were intensifying:

**“The systematic obstruction at Israeli-controlled crossing points, intensified hostilities, and prolonged telecommunications blackouts have reduced the volume of aid entering Gaza, including food, fuel, and medical supplies, to some of the lowest levels witnessed in the last seven months.”<sup>619</sup>**

In July 2024, a senior humanitarian official told Amnesty International: “I no longer tell people we are on our knees as a humanitarian operation. We are beyond that. We are collapsed. Anything that happens is a death twitch...”<sup>620</sup>

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<https://www.aljazeera.com/news/liveblog/2024/5/8/israels-war-on-gaza-live-calls-for-israel-to-open-border-crossings-grow?update=2886380>; OHCHR, “Israel’s Rafah invasion must stop now, say UN experts”, 10 May 2024, <https://www.ohchr.org/en/press-releases/2024/05/israels-rafah-invasion-must-stop-now-say-un-experts>; EU, “Statement by the High Representative on Israel’s operation in Rafah”, 15 May 2024, [https://www.eeas.europa.eu/eeas/gaza-statement-high-representative-israel%E2%80%99s-operation-rafah\\_en](https://www.eeas.europa.eu/eeas/gaza-statement-high-representative-israel%E2%80%99s-operation-rafah_en); UNSC, “Speakers in Security Council urge Israel to stop military incursions into Rafah”, 20 May 2024, <https://press.un.org/en/2024/sc15701.doc.htm>

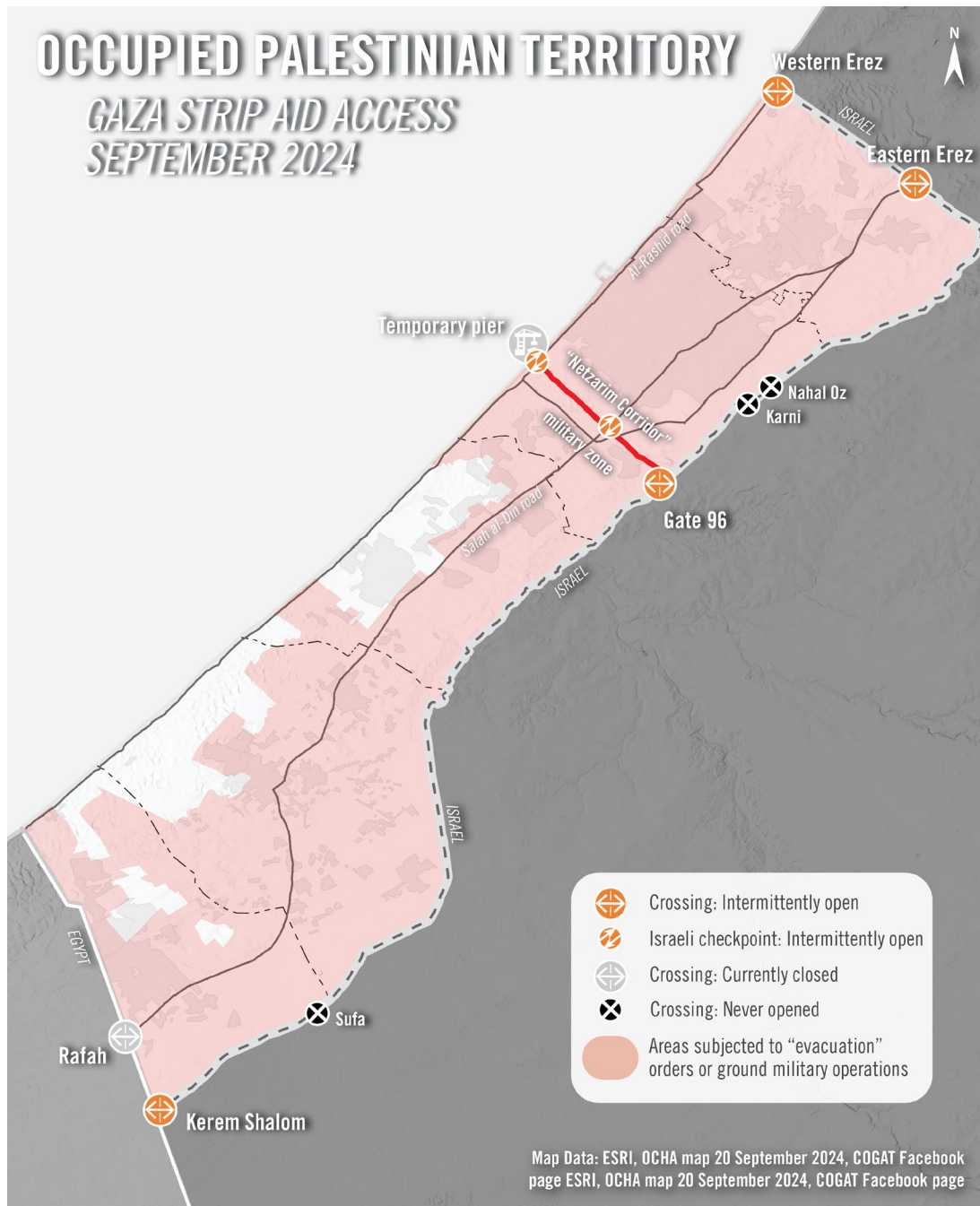
<sup>617</sup> ICJ, *South Africa v. Israel*, order, 28 March 2024 (previously cited), para. 50.

<sup>618</sup> ICJ, *South Africa v. Israel*, order, 24 May 2024 (previously cited).

<sup>619</sup> Amnesty International and others, “New crossing points and ‘floating dock’ are cosmetic changes, as humanitarian access disintegrates in Gaza, warn aid agencies” (previously cited).

<sup>620</sup> Interview by voice call with a senior humanitarian official, 14 July 2024.

FIGURE 11



↑ This map shows the crossings into Gaza from Israel and Egypt, as well as the checkpoints within Gaza established by Israel in the linear military zone referred to by Israel as the "Netzarim Corridor". It clarifies whether the crossings and the checkpoints were intermittently open, currently closed or never opened as of September 2024. The map also shows the temporary pier constructed on Gaza's coast and areas subjected to "evacuation" orders or ground military operations at the time.

## **ISRAELI GOVERNMENT CLAIMS ON AID DISTRIBUTION**

The Israeli authorities strenuously rejected “any allegations according to which Israel is purposefully starving the civilian population in Gaza”,<sup>621</sup> and claimed they are “tirelessly working” and taking many steps to facilitate the flow of aid to civilians.<sup>622</sup> For example, in a March 2024 response to an expert report on the imminent risk of famine, COGAT said that the Israeli authorities had facilitated “the transfer of humanitarian aid into the Gaza Strip subject to Israeli security checks, the supply of water directly from Israel, facilitating the establishment of field hospitals in Gaza, assisting with evacuation of patients for medical treatment out of Gaza, and more.”<sup>623</sup> While the Israeli authorities acknowledged widespread hunger and the presence of disease in Gaza, they blamed other factors and actors for causing or exacerbating deadly conditions of life.

In addition to security concerns, they frequently pointed to aid diversion and looting, including allegations that Hamas and other Palestinian armed groups were taking aid intended for Gaza’s civilian population for themselves.<sup>624</sup> They also repeatedly blamed humanitarian organizations for gaps in aid delivery, alleging they were incapable of dispatching and distributing all the aid Israel let into Gaza.<sup>625</sup>

Humanitarian workers told Amnesty International that insecurity was, of course, a significant impediment to their ability to supply people with the food, water, basic supplies and medical equipment they needed. They said that colleagues had been killed, and their offices, supplies or provisions for beneficiaries damaged, destroyed or abandoned as humanitarian workers fled areas due to Israeli “evacuation” orders or extremely unsafe conditions.<sup>626</sup> As one humanitarian worker put it to Amnesty International in May 2024:

**“The main limiting factor to our response is security... In Gaza, we went beyond the limits [in terms of risk] that we have ever gone in other contexts, but it is a major limiting factor... People cannot come to work safely. Going from place A to B is extremely challenging. We can’t have constant communication...”**<sup>627</sup>

Humanitarian workers stressed that it was often Israeli forces that created the security threats. One explained to Amnesty International:

**“There is the overall situation, and then there is the complete lack of framework for humanitarians to work. The whole coordination system [with Israeli forces] is absolutely not reliable. It doesn’t provide any security or safety guarantee, and for every guarantee we obtained, we have one or more tragic, if not fatal, examples of that guarantee being baseless.”**<sup>628</sup>

Humanitarian officials told Amnesty International that Israel repeatedly carried out attacks on humanitarian workers and on aid sites, despite organizations notifying Israeli authorities of humanitarian workers’ movements and the location of these sites.<sup>629</sup> Israel acknowledged some of these attacks, including one on 5 February 2024 on an UNRWA food convoy heading to northern Gaza, during which time Israel was severely limiting



access to the north,<sup>630</sup> and an attack on 1 April 2024 that resulted in the deaths of a group of humanitarian workers from World Central Kitchen.<sup>631</sup>

Between April and July 2024, humanitarian officials and workers told Amnesty International that Israeli forces continued to stop, delay, harass and attack their colleagues, including at Israeli-controlled checkpoints within Gaza that Israeli forces used to control who could pass between the area north of Wadi Gaza and the area south of it.<sup>632</sup>

One staff member of a humanitarian organization working in Gaza told Amnesty International that their organization had chosen not to even attempt to notify Israeli

<sup>621</sup> COGAT, “COGAT assessment: Food and food security in the Gaza Strip: Response to IPC report” (previously cited), p. 1; HCJ, *Gisha and Others v. Israel*, state’s preliminary response (previously cited), para. 48.

<sup>622</sup> IDF, X post: “In the last 24 hours, the IDF delivered 300 liters of fuel to the Shifa Hospital’s doorstep”, 13 November 2023, <https://x.com/IDF/status/1723929561031696828>; Times of Israel, “Israel says Hamas is blocking entry of humanitarian aid into the northern part of Gaza”, 26 November 2023,

[https://www.timesofisrael.com/liveblog\\_entry/israel-says-hamas-is-blocking-entry-of-humanitarian-aid-into-the-northern-part-of-gaza](https://www.timesofisrael.com/liveblog_entry/israel-says-hamas-is-blocking-entry-of-humanitarian-aid-into-the-northern-part-of-gaza); COGAT, “COGAT assessment: Food and food security in the Gaza Strip: Response to IPC report” (previously cited), p. 1; HCJ, *Gisha and Others v. Israel*, state’s preliminary response (previously cited),

paras 5 and 48; IDF, X post: “Dozens of humanitarian aid trucks entered Gaza via the Kerem Shalom Crossing today.”, 9 May 2024, <https://x.com/IDF/status/1788604320532836745>; COGAT, X post: “Israel is making efforts to continue delivering extensive humanitarian aid into the Strip”, 24 May 2024, <https://x.com/cogatonline/status/1794015235176616436>;

<sup>623</sup> COGAT, “COGAT assessment: Food and food security in the Gaza Strip: Response to IPC report” (previously cited).

<sup>624</sup> COGAT, “COGAT assessment: Food and food security in the Gaza Strip: Response to IPC report” (previously cited), p. 2; HCJ, *Gisha and Others v. Israel*, state’s preliminary response (previously cited), paras 39 and 48; HCJ, *Gisha and Others v. Israel*, state’s supplementary response, 6 June 2024 (previously cited), para. 35; HCJ, *Gisha and Others v. Israel*, state’s supplementary response, 28 June 2024 (previously cited), para. 159; COGAT, X post: “Only 77% of the humanitarian aid that entered Gaza since the start of 2024 was distributed within Gaza. Where is that aid?”, 29 March 2024, <https://x.com/cogatonline/status/1773661183758770675>

<sup>625</sup> HCJ, *Gisha and Others v. Israel*, state’s preliminary response (previously cited), para. 28; HCJ, *Gisha and Others v. Israel*, state’s supplementary response, 6 June 2024 (previously cited), paras 25-27; COGAT, X post: “This is an aerial view of the loading and unloading area of the JLOTS”, 20 June 2024,

<https://x.com/cogatonline/status/1803686401323520454>; COGAT, X post: “62 trucks out of the 1,400 trucks worth of aid were collected from the Gazan side of Kerem Shalom, all by the private sector”, 17 June 2024,

<https://x.com/cogatonline/status/1802779439383683414>; BBC, “Inside Gaza aid depot: Food waits as Israel and UN trade blame”, 22 June 2024, <https://www.bbc.co.uk/news/articles/cv22ymmp46ro>

<sup>626</sup> Interviews by voice call with humanitarian workers involved in the medical response, 7 May and 30 May 2024; interview by voice call with Moayyad Ahmad, member of the Union of Agricultural Work Committees, 6 May 2024.

<sup>627</sup> Interview by voice call with a humanitarian worker involved in the medical response, 7 May 2024.

<sup>628</sup> Interview by voice call with a humanitarian worker involved in the medical response, 7 May 2024.

<sup>629</sup> Interviews by voice call with a senior humanitarian official, 14 July 2024, with a senior UN official, 21 February and 11 July 2024, and with humanitarian civil society workers on 1 July and 2 July 2024. In the interview conducted on 2 July 2024, the humanitarian worker said, “We took a decision not to deconflict because we don’t believe it makes our staff safer, all local staff... Of course they don’t think it will stop Israel. On the contrary, it may make them more of a target.”

<sup>630</sup> HCJ, *Gisha and Others v. Israel*, state’s preliminary response (previously cited), para. 38.

<sup>631</sup> HCJ, *Gisha and Others v. Israel*, state’s preliminary response (previously cited), para. 38; IDF, X post: “I want to be very clear—the strike was not carried out with the intention of harming WCK aid workers”, 2 April 2024, <https://x.com/IDF/status/1775290147426152931>

<sup>632</sup> Interviews by voice call with humanitarian workers, 19 April and 2 May 2024, with a senior UN official, 11 July 2024, and with a senior humanitarian official, 14 July 2024. See also WHO, “oPt emergency situation update: Issue 29”, 30 April 2024, <https://www.emro.who.int/images/stories/palestine/Sit-rep-29.pdf>; HCJ, *Gisha and Others v. Israel*, state’s supplementary response, 23 May 2024 (previously cited), para. 49; New York Times, “U.N. Says a Staff Member Is Killed in Rafah”, 13 May 2024, <https://www.nytimes.com/2024/05/13/world/middleeast/un-worker-killed-gaza-rafah.html>

authorities of their movements within Gaza, as their Palestinian staff felt it would put them more at risk. She said:

**“Of course, they don’t think it will stop Israel. On the contrary, it may make them more of a target... If there was any clear evidence that the deconfliction process [by which humanitarian organizations coordinate their movements with the Israeli authorities to seek to prevent themselves from being attacked] worked, we would do it... but all we’ve seen is that it is broken at best.”<sup>633</sup>**

Humanitarian workers who spoke with Amnesty International also acknowledged aid diversion and looting as two of the multiple obstacles they faced while attempting to deliver supplies and services inside Gaza.<sup>634</sup> They described “self-distribution”, referring to instances of hungry and desperate people in Gaza stopping aid trucks, removing their contents, and handing the aid out among themselves. They explained that the minimal, inconsistent and unpredictable volume of aid that entered and moved around Gaza increased people’s desperation.

Humanitarian officials distinguished “self-distribution” from attacks on aid convoys by organized gangs, which became a major impediment to their ability to bring aid into Gaza after governance in Gaza deteriorated following Israel’s offensive on Gaza, and largely collapsed after Israel began its ground operation in Rafah in May 2024.<sup>635</sup> Amnesty International was unable to determine to what extent, if at all, any of these organized gangs were linked to Hamas or other Palestinian armed groups. It is aware of reports that Hamas and other Palestinian armed groups diverted aid, but was unable to investigate these reports. A senior humanitarian official who spoke with Amnesty International in July 2024 linked the increased challenges to delivering aid in southern Gaza, particularly to repeated Israeli attacks on Palestinian police, saying, “It really started breaking down in February 2024, when the government of Israel made the decision that the police are a visible symbol of Hamas.”<sup>636</sup>

Aid diversion and looting are challenges in many humanitarian settings, where there is often insecurity. There is no doubt that they took place in Gaza and that essential life-saving assistance was diverted from its intended destination either because desperate people took matters into their own hands or because organized gangs or armed groups looted the trucks. However, humanitarian workers said, the Israeli authorities also actively, deliberately and repeatedly prevented enough aid and other essential supplies from entering Gaza and from reaching certain areas of Gaza, particularly the area north of

<sup>633</sup> Interview by voice call with a staff member of a humanitarian organization working in Gaza, 2 July 2024.

<sup>634</sup> Interviews by voice call with humanitarian workers, 21 February and 19 April 2024, and email exchange with a humanitarian staff member in February 2024.

<sup>635</sup> Interviews by voice call with a senior humanitarian official, 14 July 2024, with a senior UN official, 21 February and 11 July 2024, and with humanitarian civil society workers, 1 July and 2 July 2024.

<sup>636</sup> Interview by voice call with a senior UN official, 21 February and 11 July 2024. See also Reuters, “Israel struck Palestinian police escorting Gaza aid, says US envoy”, 16 February 2024, <https://www.reuters.com/world/middle-east/israel-struck-palestinian-police-escorting-gaza-aid-says-us-envoy-2024-02-16/>; Washington Post, “Gaza aid delivery hampered by Israeli attacks on police, rising chaos”, 22 February 2024, <https://www.washingtonpost.com/world/2024/02/22/gaza-aid-deliveries-looting-police-hamas/>;

Wadi Gaza. The Israeli authorities deliberately prevented humanitarian organizations from using more routes into and within Gaza on more days and for longer hours. Israeli forces harassed and attacked humanitarian workers, and the Israeli authorities failed to protect humanitarian workers from harassment and attack.<sup>637</sup>

Such actions were in violation of international humanitarian law, which, as highlighted in section 4.1.3 “Rules on conduct of hostilities”, imposes on parties to armed conflict two sets of obligations: a positive obligation to agree to and facilitate humanitarian assistance and a negative obligation not to impede the offer and provision of impartial humanitarian relief to civilians in need. As explained in section 4.1.2 “Law of belligerent occupation”, these obligations operate in parallel with Israel’s obligations as the occupying power, to provide, to the fullest extent of the means available to it, food, medicine, bedding, means of shelter and other supplies essential to the survival of the civilian population. If the population of an occupied territory is inadequately supplied, the occupying power has an unconditional obligation to agree to and facilitate humanitarian assistance to enter and be distributed throughout the occupied territory.

## **OPPRESSIVE APPROVAL AND INSPECTION PROCEDURES**

Building on practices developed and imposed on Gaza as part of their 17-year-old unlawful blockade, from October 2023, the Israeli authorities maintained oppressive approval and inspection procedures for dealing with requests for imports and for inspecting trucks carrying deliveries to Gaza. They claimed that such procedures were necessary for security reasons; that they rejected only a tiny percentage of requests; and that if Gaza lacked supplies, it was due to other factors, such as humanitarian organizations not requesting these goods or failing to collect and distribute the goods because of challenges within Gaza. They argued that such challenges included aid diversion and looting.<sup>638</sup> (See box above on “Israeli government claims on aid distribution” for further exploration of this issue.)

Between late October and mid-December 2023, even though goods were entering Gaza through Egypt, Israel tightly restricted their import. The Israeli authorities approved or denied requests to import essential supplies.<sup>639</sup> The Israeli authorities insisted on checking trucks entering Gaza from Egypt at an inspection point many kilometres from the Rafah crossing.<sup>640</sup> Trucks had to be unloaded and reloaded multiple times, and the entire process could take weeks.<sup>641</sup>

In mid-December 2023, after Israel opened the Kerem Shalom crossing, and then again in mid-2024, when it intermittently allowed some actors to bring goods in through other access

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<sup>637</sup> Interview by voice call with a senior UN official, 21 February and 11 July 2024.

<sup>638</sup> See also HCJ, *Gisha and Others v. Israel*, state’s preliminary response (previously cited), para. 27; HCJ, *Gisha and Others v. Israel*, state’s supplementary response, 28 June 2024 (previously cited), para. 154.

<sup>639</sup> HCJ, *Gisha and Others v. Israel*, state’s preliminary response (previously cited), para. 25.

<sup>640</sup> Interviews by voice call with humanitarian workers, 16 February, 17 February, 21 February and 17 April 2024. See also MSF, “The near impossible task of getting lifesaving supplies into Gaza”, 2 May 2024, <https://www.msf.org/near-impossible-task-getting-lifesaving-supplies-gaza>

<sup>641</sup> Interviews by voice call with humanitarian workers, 16 February, 17 February, 21 February and 17 April 2024. See also MSF, “The near impossible task of getting lifesaving supplies into Gaza” (previously cited).

points to central and northern Gaza, it required humanitarian organizations to obtain approval for their entry and for goods to be inspected. Humanitarian officials who spoke with Amnesty International described frequent, unpredictable and “arbitrary” rejections and limitations imposed by the Israeli authorities throughout the approval and inspection process, including during efforts to import life-saving supplies.<sup>642</sup> Many, including veteran humanitarian workers who had worked in multiple conflict zones, expressed shock, dismay and extreme frustration at the hurdles Israel erected, which they said drastically impeded their work.<sup>643</sup>

Humanitarian workers said that the Israeli authorities did not give reasons for delays or rejections during this process. Humanitarian workers were left guessing as to what would and would not pass through.<sup>644</sup> Often, they simply kept trying, repeatedly sending the same item, hoping it would be accepted.<sup>645</sup> One humanitarian worker explained that, while the Israeli authorities approved the import of many supplies, items that were rejected or delayed were often critical: “For example, they’d allow everything for a water desalination unit, but not let the pumps in so it doesn’t work. It’s a small amount of the overall aid that is rejected, but it is critical.”<sup>646</sup>

A humanitarian worker explained to Amnesty International in May 2024 that the Israeli authorities had not imposed a blanket ban on the import of any particular medical supply, but that the Israeli authorities’ restrictions, obstruction and delays in the import process, paired with impediments within Gaza, meant that medical supplies at hospitals and other health facilities, including those where she worked, were woefully lacking. She said it was difficult for workers to predict what supplies humanitarian organizations would be able to import and supply to hospitals and other health facilities, putting health workers under immense pressure. She explained:

**“There would be days when we get loaded with one medical supply and then not get the same supply for weeks... So, sometimes, we are missing anaesthetic and other days we are flooded with it. Or we no longer have body bags. Then there were other things where it took months [to get in]. Refrigerators or freezers for cold chain storage [of medicines and vaccines] and oxygen concentrators, those took months to be approved.”<sup>647</sup>**

The Israeli authorities repeatedly and extensively delayed or rejected requests to import life-saving medical supplies.<sup>648</sup> A list of items that humanitarian organizations had sought to

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<sup>642</sup> Humanitarian organizations working from Egypt faced challenges operating in Egypt, including scrambling to set up operations, to sort through Egypt’s import rules, and to ensure that Egyptian actors were appropriately prioritizing goods for dispatch into Gaza, but the Israeli authorities’ restrictions and refusals were the overwhelming impediment to delivering enough supplies to Gaza and within Gaza to meet the rising needs. Interviews by voice call with humanitarian workers, 21 February and 19 April 2024.

<sup>643</sup> Interviews by voice call with humanitarian workers, 21 February and 19 April 2024.

<sup>644</sup> Interview by voice call with a humanitarian worker, 19 April 2024.

<sup>645</sup> Interview by voice call with a humanitarian worker involved in the medical response, 7 May 2024.

<sup>646</sup> Interview by voice call with a humanitarian worker, 19 April 2024. See also Oxfam, *Water War Crimes* (previously cited), pp. 29-30.

<sup>647</sup> Interview by voice call with a humanitarian worker involved in the medical response, 7 May 2024.

<sup>648</sup> Writing in May 2024, MSF’s head of emergency programmes said: “We are still waiting for approval to bring in generators, oxygen cylinders, ultrasound scanners, external defibrillators, intravenous sodium chloride solutions, essential for rehydrating patients and diluting drugs... The list is as long as it is alarming. We have had no response

bring into Gaza but that were rejected by the Israeli authorities was shared with Amnesty International in early 2024. It included hundreds of medical supplies and equipment, including anaesthesia machines, oxygen cylinders, refrigerators to store medicines, vitamin power drinks, water purification capsules, medical and laboratory equipment, and a respirator.<sup>649</sup>

Humanitarian officials told Amnesty International that, after Israel eased its total siege in late October, they often found it easier to import food to Gaza than other items, like essential medical supplies and equipment, shelter equipment and materials needed as part of the water, sanitation and hygiene response, which were repeatedly obstructed.<sup>650</sup> However, they said that while food was relatively easier to bring into Gaza, the blockade and its associated approval and inspection processes impacted their ability to bring sufficient volumes of goods, including food, particularly fresh and nutritious food, into Gaza. This was particularly devastating because Gaza's domestic food production had ground to a halt.

Food security experts expressed concern about the short- and long-term impact of Israeli restrictions on imports and on their ability not only to deliver food aid to people but also to support Palestinian farmers and producers to revive agricultural production, for which they would need seeds, fertilizers, plastic pipes, chemicals, plastic sheeting for greenhouses, fodder and livestock.<sup>651</sup> In one case documented by Amnesty International, Israel obstructed the import of fodder (animal feed), delaying its entrance to Gaza for more than four months, until it allowed some to enter in early April 2024.

As a staff member of the Union of Agricultural Work Committees, which has supported the agricultural sector in Gaza since 1986, put it in an interview with Amnesty International:

**“We can’t see the future of agriculture in Gaza after the war... All of it is destroyed... There is no water for irrigation. Even if you have a strong project or a big project with seedlings for vegetables, you need irrigation networks, you need wells, you need continuous fuel to pump from the well if there is no electricity. And you need to be able to stay until those vegetables start to produce, if Israel doesn’t destroy them before then... The UN is saying it will take at least 17 years to rebuild... If we are waiting for Israeli permission, 17 years will be nothing, it will be 70 years before they let the rehabilitation materials get in... The story isn’t about any one fisherman or woman working on a farm, it is that the heritage of the people was stolen. They stole the ability to produce food.”<sup>652</sup>**

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from Israel to a request made months ago for the shipment of essential solar-powered equipment, including electrical systems for medical facilities, water pumps and water desalination systems. Satellite telecommunications systems and MSF vehicles – vital for keeping our teams safe and enabling them to get to where they are needed – have also been refused, restricted or seriously delayed.” MSF, “The near impossible task of getting lifesaving supplies into Gaza” (previously cited).

<sup>649</sup> On file with Amnesty International.

<sup>650</sup> Interviews by voice call with humanitarian workers, 21 February and 19 April 2024; HCJ, *Gisha and Others v. Israel*, state’s preliminary response (previously cited), para. 39; COGAT, “COGAT assessment: Food and food security in the Gaza Strip – Response to IPC report” (previously cited).

<sup>651</sup> Interview by video call with three humanitarian workers, 6 May 2024.

<sup>652</sup> Interview by voice call with Moayyad Ahmad, member of the Union of Agricultural Work Committees, 6 May 2024.

## DEBATE ON AMOUNT OF SUPPLIES ENTERING GAZA

The Israeli authorities repeatedly said they did not limit the amount of aid entering Gaza. In March 2024, for example, COGAT stated:

**“Even at the height of hostilities, in a war that was forced upon it, Israel places no limits on the amount of aid that can enter Gaza, and absolutely does not limit the entrance of food.”<sup>653</sup>**

The Israeli authorities claimed that more than enough food supplies were entering Gaza to provide every person with more than enough calories per day. Prime Minister Netanyahu told the US Congress in July 2024:

**“The prosecutor of the International Criminal Court has shamefully accused Israel of deliberately starving the people of Gaza. This is utter complete nonsense. It’s a complete fabrication. Israel has enabled more than 40,000 aid trucks to enter Gaza. That’s half a million tons of food, and that’s more than 3,000 calories for every man, woman and child in Gaza. If there are Palestinians in Gaza who aren’t getting enough food, it’s not because Israel is blocking it, it’s because Hamas is stealing it.”<sup>654</sup>**

The Israeli authorities, including Prime Minister Netanyahu in his address to Congress, argued that, while hunger might be present in Gaza, the issue was not the flow of supplies into Gaza, over which Israel had near-total control, but rather issues within Gaza, like aid diversion and the limited capacities of humanitarian actors.<sup>655</sup> In making these claims, the Israeli authorities pointed to the fact that, at various points following 7 October 2023, more food trucks entered Gaza, on average, than before hostilities began. In March 2024, for example, COGAT announced:

**“Over the last 2 weeks, an average of 102 food trucks entered Gaza daily. This is 46% more food trucks entering Gaza on a daily basis, compared to before October 7th. There is no limit to the amount of humanitarian aid that can enter Gaza.”<sup>656</sup>**

The Israeli claims were in stark contrast to statements from the world’s leading experts on food insecurity, who repeatedly warned of the risks of famine, and from Palestinians living in Gaza, who regularly reported there was nowhere near enough food available or, where food was available, that it was inaccessible, partly because of skyrocketing prices, or inedible, including because they lacked supplies like cooking gas and clean water.

The number of trucks entering Gaza after Israel eased its total siege in late October 2023 became one of the main yardsticks in the debate over Israel’s role in causing a humanitarian catastrophe. To add to the debate, the Israeli authorities and the UN provided different counts of trucks over time. The UN claimed that the Israeli authorities’ counting system inflated the number of trucks entering Gaza.<sup>657</sup> Meanwhile, the Israeli authorities claimed the UN undercounted.<sup>658</sup>

To better understand the flow of supplies into Gaza, Amnesty International analysed data on the reported number of trucks entering Gaza before and after 7 October 2023. For imports into Gaza during and after October 2023, data are available from UNRWA<sup>659</sup> and Israel's COGAT.<sup>660</sup> For data on imports before October 2023, Amnesty International collected data shared by OCHA through an online dashboard.<sup>661</sup> The organization performed quantitative analysis of truck data and data visualizations using the R programming language for statistical computing. It paired empirical analysis with interviews with people involved in the humanitarian response in Gaza, as well as interviews with medical professionals working in Gaza and interviews with Palestinians living in Gaza who had been displaced. Amnesty International also reviewed statements and reports put out by humanitarian workers, civil society actors and the Israeli authorities on the humanitarian crisis in Gaza.

### Reported number of trucks entering Gaza during and after October 2023

For about two weeks after 7 October 2023, Israel imposed a total siege on Gaza, blocking all goods from entering Gaza. After that, a trickle of trucks began to enter Gaza, first through the Rafah crossing in late October 2023, and then through the Kerem Shalom crossing in mid-December 2023.

For the nine-month period of October 2023 to June 2024, Amnesty International calculated the total number of trucks reported to have entered Gaza each month according to UNRWA and COGAT, and examined whether each truck was carrying food or other supplies, like water, medicine and other essentials.<sup>662</sup> This total number was then

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<sup>653</sup> COGAT, "COGAT assessment: Food and food security in the Gaza Strip – Response to IPC report" (previously cited); HCJ, *Gisha and Others v. Israel*, state's supplementary response, 28 June 2024 (previously cited), para. 278.

<sup>654</sup> Times of Israel, "We're protecting you: Full text of Netanyahu's address to Congress", 25 July 2024, <https://www.timesofisrael.com/were-protecting-you-full-text-of-netanyahus-address-to-congress>

<sup>655</sup> COGAT, "COGAT assessment: Food and food security in the Gaza Strip – Response to IPC report" (previously cited).

<sup>656</sup> COGAT, X post: "Over the last 2 weeks, an average of 102 food trucks entered Gaza daily", 6 March 2024, <https://x.com/cogatonline/status/1765270746010460537>

<sup>657</sup> UN, "UN continues to face aid access denials in Gaza", 9 April 2024, <https://news.un.org/en/story/2024/04/1148386>; UNRWA, Gaza: Supplies and Dispatch Tracking, <https://www.unrwa.org/what-we-do/gaza-supplies-and-dispatch-tracking> (accessed on 30 July 2024).

<sup>658</sup> COGAT, "Discrepancies in UN aid to Gaza data" (undated), <https://govextra.gov.il/media/dtmhzmtn/discrepancies-in-un-aid-to-gaza-data-2.pdf>

<sup>659</sup> UNRWA, Gaza: Supplies and Dispatch Tracking (previously cited).

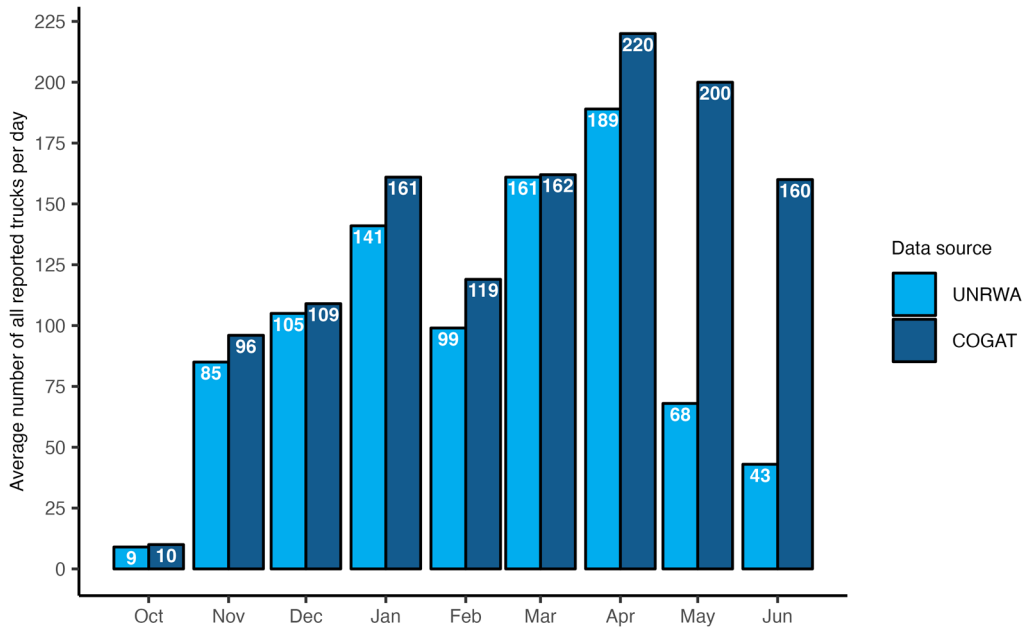
<sup>660</sup> COGAT, Gaza: Humanitarian Aid Data (previously cited). Amnesty International downloaded the COGAT data on 28 August 2024. The analysis examines truck deliveries into Gaza via land routes. Land routes were by far the most important means for importing aid and other essentials into Gaza. COGAT data also include a small number of shipments via airdrops and via the temporary pier briefly set up on Gaza's coast. Shipments via the air and sea made up a tiny proportion of overall shipments. According to COGAT's own data, for the period of 7 October 2023 to 30 June 2024, 1.24% of all imports were made via the sea, while 0.31% of imports were delivered via air.

<sup>661</sup> OCHA, Gaza Crossings: Movement of People and Goods, <https://www.ochaopt.org/data/crossings> (accessed on 14 August 2024).

<sup>662</sup> Historically, OCHA recorded information on imports into Gaza. See OCHA, Gaza Crossings: Movement of People and Goods (previously cited). After 7 October 2023, UNRWA took over from OCHA and registered imports into Gaza. See UNRWA, Gaza: Supplies and Dispatch Tracking (previously cited). COGAT publishes its own data on humanitarian aid for Gaza. See COGAT, Gaza: Humanitarian Aid Data (previously cited). For the UNRWA data, Amnesty International processed the cargo item descriptions in the "Description of cargo" column to determine which trucks contained food items. COGAT classifies which trucks are "food" trucks.

divided by the number of days in a month to establish an average daily number of trucks entering Gaza and, of those, an average daily number of food trucks.<sup>663</sup>

**FIGURE 12**



↑ This bar graph shows the average number of all trucks carrying imports (excluding fuel) that were reported to have entered Gaza per day between 7 October 2023 and 30 June 2024, according to UNRWA and COGAT. The numbers on each bar indicate the average reported daily number of trucks for each month. The colour of the bar indicates the data source: UNRWA or COGAT. The bars for October 2023 represent the average for the 25-day period from 7 to 31 October 2023 only.

Although UNRWA and COGAT provide different counts of the number of trucks entering Gaza, both UNRWA and COGAT data show similar trends. As can be seen in Figure 12, both UNRWA and COGAT data show that the low point for trucks entering Gaza in the nine-month period examined was October 2023, the month in which Israel imposed its total siege. Both datasets also agree that the high point for trucks entering Gaza in the nine-month period examined was April 2024, after Israeli forces killed a group of mostly foreign humanitarian workers and the Israeli authorities made a series of promises to improve humanitarian access. That month, an average of 189 or 220 trucks a day reportedly entered Gaza, according to UNRWA and COGAT, respectively.

In April 2024, the Israeli authorities announced that they expected about 500 trucks per day to begin entering Gaza as a result of the promises they made to improve humanitarian

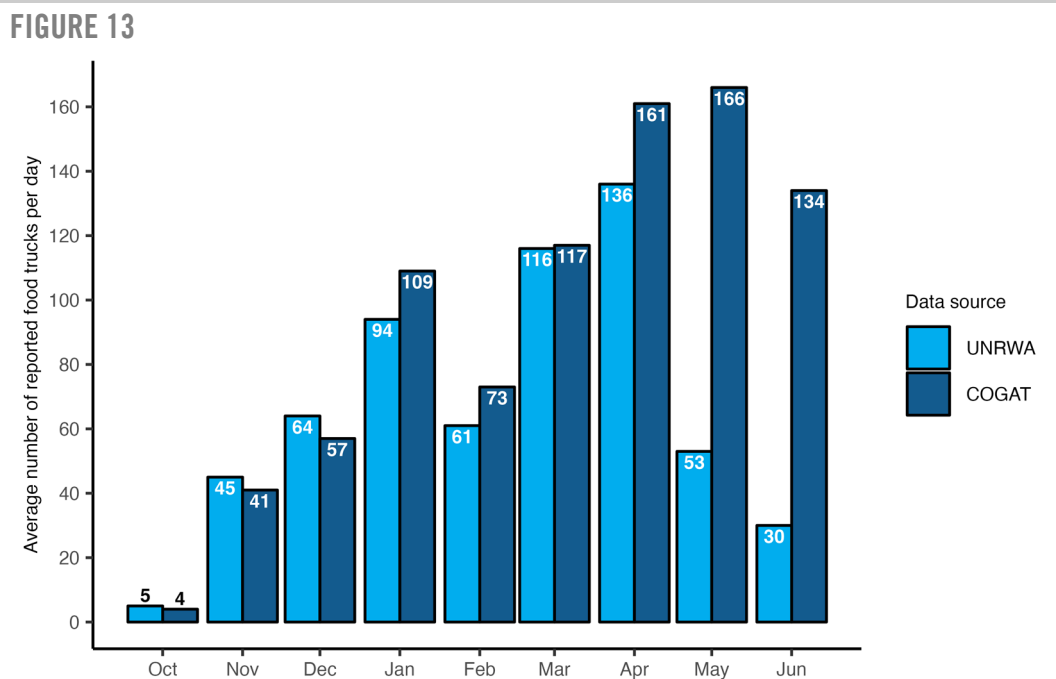
<sup>663</sup> For October 2023, Amnesty International used the reported number of trucks averaged over 25 days to reflect the period from 7 to 31 October 2023.



access.<sup>664</sup> The number of trucks entering Gaza never came close to this number, according to either COGAT or UNRWA data.<sup>665</sup> Both datasets record fewer trucks entering Gaza in May and June 2024 than the high point in April 2024. On 6 May 2024, Israel began its ground operation in Rafah, which imperilled the aid response by quickly halting the flow of aid through the Rafah crossing, one of the main crossings into Gaza, and significantly impeding the flow of aid through another, the Kerem Shalom crossing.

### Reported number of food trucks entering Gaza during and after October 2023

After Israel eased its total siege in late October 2023, both UNRWA and COGAT reported that most of the trucks entering Gaza carried food supplies. As can be seen in Figure 13, both sources agree that the low point for food trucks entering Gaza was October 2023 and that, in four of the months between October 2023 and June 2024 (October 2023, November 2023, December 2023 and February 2024), the daily average number of food trucks entering Gaza was below 75 food trucks, sometimes significantly so.



↑ This bar graph shows the average number of trucks carrying food (excluding water) that were reported to have entered Gaza per day between 7 October 2023 and 30 June 2024, according to UNRWA and COGAT. The numbers on each bar indicate the average reported daily number of food trucks for each month. The colour of the bar indicates the data source: UNRWA or COGAT. The bars for October 2023 represent the average for the 25-day period from 7 to 31 October 2023 only.

<sup>664</sup> NWS News, "דובר צה"ל, תת אלוף דניאל הגרי בנושא הרחבת הסיוע ההומניטרי ברצועת עזה", IDF Spokesperson Lt. Col. Daniel Hagari on the issue of expanding humanitarian aid in the Gaza Strip", 11 April 2024, <https://www.youtube.com/watch?v=y4uAFmCrNCs> (in English).

<sup>665</sup> As discussed in more detail below, in May 2024, the numbers reported by UNRWA and COGAT begin to significantly diverge, with UNRWA noting an extremely sharp drop in May and June 2024, and COGAT showing a far less significant drop.

These trends highlight how public claims by the Israeli authorities were misleading. Prime Minister Netanyahu's statement to the US Congress in July 2024, for example, claimed that enough food was entering Gaza to provide Palestinians with more than 3,000 calories a day. The Israeli government cited a similar figure in a case before Israel's High Court of Justice, relying on a working paper published by Israeli academics, some apparently affiliated with the Israeli government, based on COGAT data.<sup>666</sup> The paper notably came to its conclusions based on an analysis of COGAT data from January to April 2024, when the reported numbers of food trucks entering Gaza were higher, and did not include data from October to December 2023, when they were much lower.<sup>667</sup> Such claims also tend to gloss over the period when Israel imposed its total siege on Gaza.<sup>668</sup>

The numbers that COGAT and UNRWA provided on trucks entering Gaza begin to significantly diverge from May 2024 onwards.<sup>669</sup> UNRWA reported a precipitous fall in the number of trucks entering Gaza in May and June 2024. The organization stated that Israel's ground operation in Rafah impacted its ability to fully monitor trucks and cargo entering Gaza.<sup>670</sup> Between 21 October 2023 and 5 May 2024, the UN was able to "physically monitor, verify and count all aid entering via Kerem Shalom and Rafah land crossings for UN, INGO [international non-governmental organizations], Red Crescent Societies and commercial actors", according to UNRWA.<sup>671</sup> After the Rafah crossing closed and the flow of goods through the Kerem Shalom crossing was impeded, the UN was only able to partially record imports into Gaza.<sup>672</sup>

COGAT claimed to report on all trucks entering Gaza after 7 October 2023 and through all crossing points into Gaza. However, the UN said that the numbers of trucks COGAT reported were misleading because they failed to account for the fact that many trucks entering Gaza were only partially full, due to Israeli inspection requirements, or were commercial trucks from the private sector bringing in food to sell (rather than humanitarian aid).<sup>673</sup> In mid-2024, COGAT made more of its underlying data available for public scrutiny. Based on an examination of those data, Amnesty International found that the proportion of commercial trucks from the private sector drastically increased in May and June 2024, compared to previous months, as can be seen in Figure 14.

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<sup>666</sup> Naomi Fliss-Isakov and others, "Nutritional assessment of food aid delivered to Gaza via Israel during the 'Swords of Iron' war", 2 June 2024, <https://biochem-food-nutrition.agri.huji.ac.il/arontroen/publications/nutritional-assessment-of-food-aid-delivered-to-gaza>

<sup>667</sup> Naomi Fliss-Isakov and others, "Nutritional assessment of food aid delivered to Gaza via Israel during the 'Swords of Iron' war" (previously cited).

<sup>668</sup> On 10 July 2024, Amnesty International sent a letter to the academic group requesting the underlying data that it had used to publish the working paper. The author listed as a contact for the paper responded, directing Amnesty International to publicly available data that COGAT had recently released, which Amnesty International had examined, and suggesting the organization direct requests for raw data to COGAT.

<sup>669</sup> According to UNRWA, the high point for food trucks was in April 2024, with 136 food trucks entering Gaza on average per day. COGAT, however, reports that the high point for food trucks was in May 2024, with 166 daily trucks on average.

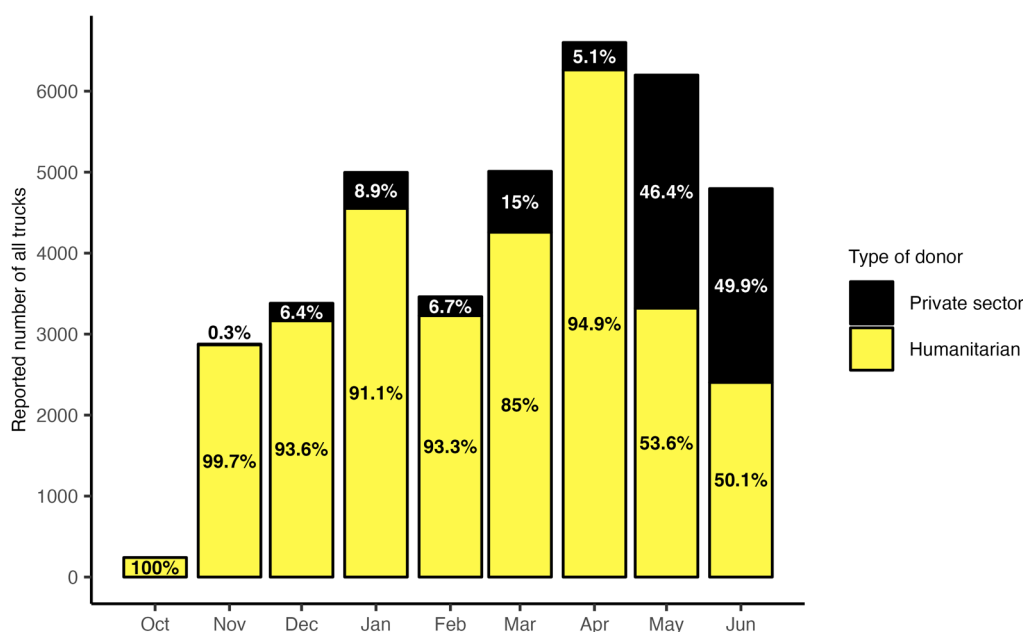
<sup>670</sup> Information gathered from UNRWA, Gaza: Supplies and Dispatch Tracking (previously cited) and a private email conversation with UNRWA staff on 25 August 2024.

<sup>671</sup> UNRWA, Gaza: Supplies and Dispatch Tracking (previously cited).

<sup>672</sup> UNRWA, Gaza: Supplies and Dispatch Tracking (previously cited).

<sup>673</sup> UN, "UN continues to face aid access denials in Gaza" (previously cited).

FIGURE 14



↑ This bar graph compares the number of commercial trucks from the private sector entering Gaza with the number of humanitarian aid trucks doing so for each month from 7 October 2023 until 30 June 2024, according to COGAT. The height of each bar indicates the total reported number of all trucks per month. The percentages on each bar indicate the proportion of commercial trucks from the private sector (in black), on the one hand, and that of humanitarian aid trucks (in yellow), on the other. The bar for October 2023 covers the 25-day period from 7 to 31 October 2023 only.

In his July 2024 speech to the US Congress, Prime Minister Netanyahu said that Israel had enabled “more than 40,000 aid trucks” to enter Gaza. According to COGAT’s data, however, more than 10,000 of the trucks Netanyahu included in his count were commercial trucks from the private sector rather than “aid trucks”.

Meanwhile, aid agencies were reporting gravely declining abilities to deliver aid to Gaza. In early June 2024, Oxfam reported:

**“Kerem Shalom is the only crossing that thousands of humanitarian aid trucks queued at Rafah could be re-routed to use, but inside is an active combat zone and extremely dangerous. Long delays in Israeli approval to collect and move any aid that enters, means that missions often have to be aborted... Since 6 May, just 216 trucks of humanitarian aid entered via Kerem Shalom and were able to be collected – an average of eight a day.”<sup>674</sup>**

Oxfam went on to report that many commercial trucks from the private sector appeared to be entering through the Kerem Shalom crossing, but that this food was “often sold at inflated prices that people cannot afford”.<sup>675</sup>

## How many trucks need to enter Gaza to meet needs?

Different sources use different estimates of average daily truckloads entering Gaza for the period before 7 October 2023.<sup>676</sup> Analysing OCHA data on truckloads for the 12-month period preceding October 2023 and excluding trucks carrying fuel, Amnesty International established a baseline of 327 trucks entering Gaza on average every day between October 2022 to September 2023.<sup>677</sup> During no month between October 2023 and June 2024, using either UNRWA or COGAT data, did the reported number of trucks carrying imports into Gaza come even close to reaching this daily average, as can be seen in Figure 1. At its peak, in April 2024, according to the Israeli government's own data, about two thirds of the regular number of trucks entered Gaza.

It is important to emphasize that the OCHA data show what people in Gaza were able to import before October 2023, not what their needs were. Even before 7 October 2023, Israel's blockade of Gaza restricted the ability of Gaza's residents to import essentials. After 7 October 2023, many more supplies were needed, given the extent of damage and destruction to homes, hospitals, other health facilities and other critical infrastructure, the mass displacement of almost all of Gaza's population, and the spike in needs, including those due to rising rates of malnutrition, disease and conflict-related injuries. From this increased need for supplies, it follows that many more trucks would have been needed to enter Gaza to sustain civilian life.

Before October 2023, according to OCHA, a daily average of 100 trucks carried food products into Gaza, of which about 75 trucks carried food products for humans and about 25 trucks carried livestock and animal feed.<sup>678</sup> In April 2024, the Israeli government told the High Court of Justice that before 7 October 2023, an average of 70 food trucks entered Gaza per day.<sup>679</sup>

Looking at the period from 7 October to 31 December 2023, the reported average daily total of food trucks entering Gaza fell way short of either the OCHA or the Israeli government's total figures. Starting in January 2024, both UNRWA and COGAT reported that, in some months, more food trucks entered Gaza daily than had done before October 2023.<sup>680</sup> When looking at the entire period between October 2023 and June 2024 (268

<sup>674</sup> Oxfam, "Famine risk increases as Israel makes Gaza aid response virtually impossible", 3 June 2024, <https://www.oxfam.org.uk/media/press-releases/famine-risk-increases-as-israel-makes-gaza-aid-response-virtually-impossible-oxfam>

<sup>675</sup> Oxfam, "Famine risk increases as Israel makes Gaza aid response virtually impossible" (previously cited).

<sup>676</sup> A key factor driving those differences seems to be whether a source establishes the daily average based on the full number of days in a month or year or based on the working days when border crossings were open and operating. Amnesty International used the full number of days in a month and year to establish daily baseline averages.

<sup>677</sup> See OCHA, Gaza Crossings: Movement of People and Goods (previously cited), tab on "Entries and exits of commodities". Different sources use different estimates of average daily truckloads entering Gaza for the period before 7 October 2023.

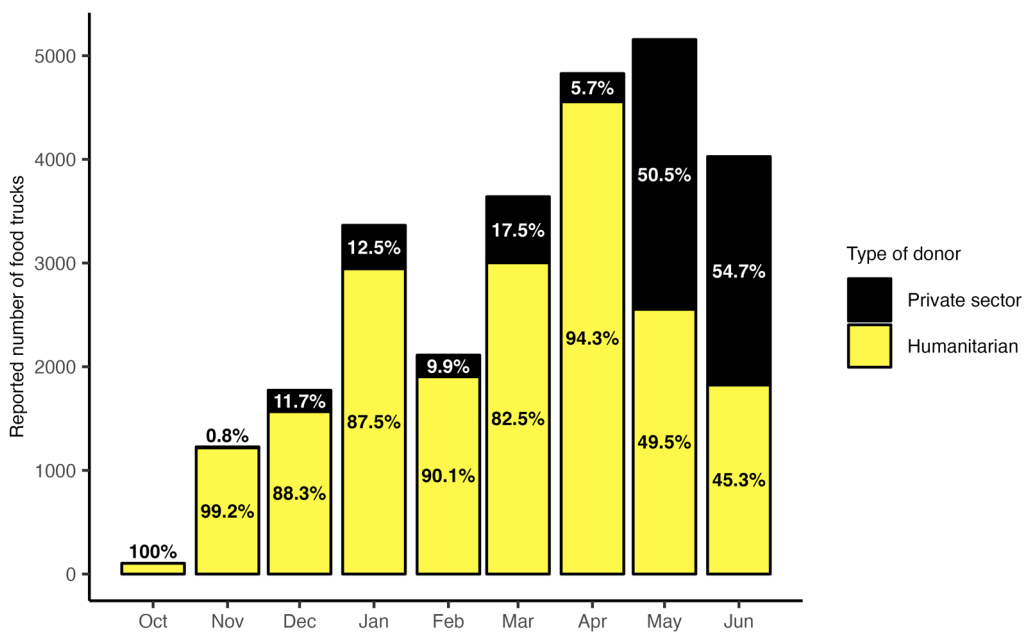
<sup>678</sup> OCHA, Gaza Crossings: Movement of People and Goods (previously cited), tab on "Entries and exits of commodities".

<sup>679</sup> HCJ, *Gisha and Others v. Israel*, state's preliminary response (previously cited), para. 31.

<sup>680</sup> UNRWA reported that food imports exceeded OCHA's pre-October 2023 baseline of 100 food trucks a day in only two months (March and April 2024). COGAT reported that they did in five months (January, March, April, May and June 2024).

days), however, UNRWA reported that 18,396 food trucks, or an average of only 68.6 trucks a day, arrived in Gaza. This is lower than the baselines presented by both OCHA (100) and the Israeli government (70). COGAT reported higher numbers, claiming that a total of 26,231 food trucks, or 97.9 food trucks a day, managed to enter Gaza between October 2023 and June 2024. This is higher than the baseline presented by the Israeli government and roughly equivalent to that presented by OCHA. Part of the reason for COGAT's higher counts, however, is the significant increase in the number of commercial trucks from the private sector carrying food for sale into Gaza, particularly in later months (Figure 4). In May, such trucks accounted for half (50.5%) of the food trucks, while in June 2024, they accounted for more than half (54.7%), as can be seen in Figure 15.

**FIGURE 15**



↑ This bar graph compares the number of commercial trucks from the private sector that carried food items and entered Gaza with the number of humanitarian aid trucks that did so for each month from 7 October 2023 until 30 June 2024, according to COGAT. The height of each bar indicates the total reported number of food trucks per month. The percentages on each bar indicate the proportion of commercial trucks from the private sector carrying food (in black), on the one hand, and the proportion of humanitarian aid trucks doing so (in yellow), on the other. The bar for October 2023 covers the 25-day period from 7 to 31 October 2023 only.

### Why number of trucks is an imperfect measure to assess needs and supply

The number of trucks, including the number of food trucks, that enter a territory where some 2.2 million people have been living through a 17-year-old unlawful blockade and multiple armed conflicts is a deeply imperfect metric for assessing whether enough essential supplies, including nutritious food, are getting to the people in need.

To start with, using the number of trucks that entered Gaza before October 2023 as a baseline to assess whether needs after that date are being met does not account for the sharply increased demand for essential supplies following widespread destruction, damage and displacement. Similarly, it does not factor in the significant amount of calories that were made available to people through Gaza's domestic food production system.<sup>681</sup> Before October 2023, Gaza's farmers used to manage a vibrant agricultural sector, despite Israeli restrictions on imports and exports and periodic spraying of herbicides on fertile land.<sup>682</sup> Gaza was well known for its strawberries, and exported significant amounts of fresh produce such as tomatoes and cucumbers to the occupied West Bank and Israel.<sup>683</sup>

In addition to supporting their owners, Gaza's agricultural holdings fed people in Gaza. In 2022, 44% of food consumption in Gaza's households was met through domestic agricultural products, with the remaining 56% originating from imports, according to the Palestinian Central Bureau of Statistics.<sup>684</sup> Domestic food production was particularly important for meeting Gaza's nutritional needs. Farmers produced all the eggs and fresh meat, the majority of milk and the vast majority of vegetables needed to meet the consumption demands of Palestinians in Gaza, according to the FAO.<sup>685</sup>

After 7 October 2023, domestic food production in Gaza largely came to a halt. Without the ability to produce food, paired with an overwhelming loss of livelihoods, the entire population of Gaza became reliant on food imports, and primarily food aid, to survive. The joint Interim Damage Assessment published by the World Bank, EU and UN in March 2024 found that "the production of agricultural products, and thus food, has virtually ceased, forcing the entire population to rely on food aid, which faces severe delivery challenges related both to the entry inspections regime and the destruction of infrastructure".<sup>686</sup> After 7 October 2023, Israeli forces destroyed large swathes of agricultural land in Gaza.<sup>687</sup> The Israeli authorities were certainly aware of the collapse of Gaza's food system, and the impact this, paired with their policies, would have on people's

<sup>681</sup> According to OCHA, most food supplies entering Gaza before 7 October 2023 were commercial. In the 12 months preceding October 2023, from October 2022 to September 2023, of an average of 100 trucks that carried food into Gaza daily, nine trucks were of humanitarian origin, while the remaining trucks were imported by commercial actors. After Israel eased its total siege in late October 2023, the vast majority of goods that entered Gaza were humanitarian, and primarily included food. OCHA, *Gaza Crossings: Movement of People and Goods* (previously cited), tab on "Entries and exits of commodities".

<sup>682</sup> PCBS, "About USD 2 million direct daily losses in agricultural production in Gaza Strip as a result of the cessation of the agricultural production", 28 November 2023, <https://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=4643>; Forensic Architecture, "Herbicide warfare in Gaza" (previously cited).

<sup>683</sup> TV7 Israel News, "COGAT: Gaza's red gold is back", 19 November 2021, <https://www.tv7israelnews.com/cogat-gazas-red-gold-is-back>

<sup>684</sup> PCBS, "About USD 2 million direct daily losses in agricultural production in Gaza Strip as a result of the cessation of the agricultural production" (previously cited).

<sup>685</sup> FAO, "Gaza: FAO contributes to fighting malnutrition and starvation", 5 April 2024, <https://reliefweb.int/report/occupied-palestinian-territory/gaza-fao-contributes-fighting-malnutrition-and-starvation-enar>

<sup>686</sup> In addition, the assessment found that environmental damage, including groundwater contamination, pollution and hazardous waste, including unexploded ordnance, and the enormous amount of debris, were likely to cost millions of dollars and take years to address, with impact on agriculture and fishing, and increasing food insecurity. World Bank, EU and UN, *Gaza Strip: Interim Damage Assessment* (previously cited), p. 15.

<sup>687</sup> See section 6.2.1 "Damage to and destruction of objects indispensable to survival of civilian population".

access to food. Israel had previously used “mathematical formulas” to determine how much food to allow into Gaza.<sup>688</sup>

Amnesty International has not sought to establish how many food trucks would be needed to enter Gaza to replace the loss of domestic food production and meet the population’s nutritional needs. It is clear that significantly more food imports were needed after 7 October 2023 than what had been imported before that date. Neither the UNRWA nor COGAT data on food imports show anywhere close to a significant jump in food imports when looking at the entire period from 7 October 2023 to 30 June 2024 (UNRWA: 68.6 daily food trucks on average; COGAT: 97.9 daily food trucks on average). An analysis produced by the Food Security Cluster, led by the FAO, in May 2024, which analysed how people in Gaza’s calorific needs were met before and after 7 October 2023, found that the total daily availability of food in Gaza had fallen from 1,010g per person a day before 7 October 2023 to 524g per person per day after that date.<sup>689</sup>

Aside from the quantity of food people in Gaza could access, Israel’s blockade and the collapse of the domestic food production system also impacted the quality of available food. The Food Security Cluster analysis noted a “dramatic fall” in fresh and nutritious foods like fish, milk, meat, eggs, fruit, legumes and vegetables, largely as a result of domestic food production falling to “almost null”.<sup>690</sup> The analysis also showed a sharp reduction in imports of nutritious foods since 7 October 2023, like fresh fruits, dairy products, meat and fish, and nuts.<sup>691</sup> Food parcels, flour and water constituted the vast majority (78%) of food imports after 7 October 2023, according to the analysis.<sup>692</sup> One expert told Amnesty International:

**“What has been entering Gaza from the beginning is flour and food parcels, meaning a lot of canned food... People are not eating a nutritious diet. Before [7 October 2023], people... could have a diverse diet, with vegetables, eggs, meat, but all of this was mainly coming from domestic production.”<sup>693</sup>**

<sup>688</sup> Gisha, “A guide to the Gaza closure: In Israel’s own words”, September 2011, [https://www.gisha.org/userfiles/File/publications/gisha\\_brief\\_docs\\_eng\\_sep\\_2011.pdf](https://www.gisha.org/userfiles/File/publications/gisha_brief_docs_eng_sep_2011.pdf); Amnesty International, *Israel’s Apartheid Against Palestinians* (previously cited).

<sup>689</sup> Food Security Cluster (FSC), “Total imports before and after 7/10/2023 – (monthly average number of trucks) – as of 15/5/2025”, 24 June 2024, <https://fscluster.org/state-of-palestine/document/total-imports-after-7102023-monthly>

<sup>690</sup> FSC, “Total imports before and after 7/10/2023 – (monthly average number of trucks) – as of 15/5/2025” (previously cited), p. 3.

<sup>691</sup> FSC, “Total imports before and after 7/10/2023 – (monthly average number of trucks) – as of 15/5/2025” (previously cited), p. 2.

<sup>692</sup> FSC, “Total imports before and after 7/10/2023 – (monthly average number of trucks) – as of 15/5/2025” (previously cited).

<sup>693</sup> Humanitarian officials and workers told Amnesty International that other conditions in Gaza, for example, limited supplies of cooking gas and severely lacking clean water, meant they were limited in the types of food they could bring in. One humanitarian worker said: “In a normal situation, food assistance is like a painkiller. At the end of the day, you cannot ask the international community to feed [the entire population of Gaza] on a daily basis; you need food production.” Interviews by voice call with two food and agricultural experts, 6 May 2024, and with Moayyad Ahmad, member of the Union of Agricultural Work Committees, 6 May 2024. In July 2024, OCHA reported: “In the absence of cooking gas and a stable flow of food supplies... displaced households continue to rely on burning wood and plastic from furniture and waste to cook, exacerbating health risks and environmental hazards.” OCHA,

Overall, the Food Security Cluster analysis found that the number of trucks carrying food and food production inputs into Gaza had dropped by 19% between October 2023 and April 2024. There was a particularly dramatic drop in the import of food production inputs, like animal feed, live animals and other agricultural inputs, which had constituted about a quarter of all food imports before 7 October 2023. These imports almost entirely disappeared after 7 October 2023. The document noted that “the imports of most food production inputs is still banned”.<sup>694</sup>

In any case, available data on the number of trucks that entered Gaza after 7 October 2023 can only ever provide part of the picture of whether, and the extent to which, Israel sought to meet the needs of the Palestinian population of Gaza or obstructed the ability of others, including humanitarian workers and Palestinians themselves, to meet those needs. For example, these data do not provide information on how many more trucks and how much more food and other essentials could have entered Gaza had Israel lifted its 17-year-old unlawful blockade, opened additional access points, approved import requests more quickly and efficiently, ensured humanitarian organizations and others could bring goods into and around Gaza safely, or provided sufficient food and other essentials itself. It also does not indicate what requests to send supplies into Gaza Israel may have been deterred through its blockade or may have received and failed to answer or denied.

Amnesty International wrote to COGAT in July 2024, requesting information on the requests they received to import goods into Gaza and how they responded to them, as well as information relating to the processes in place to approve, deny or delay these requests. Despite repeated follow-ups with COGAT, by the time of publication, COGAT had yet to respond to Amnesty International’s letter.

Regardless of the number of trucks entering Gaza, people need more than food trucks to arrive inside Gaza. They need to be able to access that food, for example, by reaching a distribution site or by being able to afford food that is for sale, and to be able to use that food, which requires access to cooking utensils, gas and clean water. Some people, like pregnant and lactating mothers, have significantly higher calorific needs than others.<sup>695</sup> Others have medical dietary restrictions that make them unable to safely eat certain types of foods, like grains.

How much actually reached those in need was inevitably less than what entered Gaza. In no context, anywhere, have the supplies that enter a territory been perfectly distributed based on need. This is certainly the case in Gaza, where factors like the price of goods (if brought in by the private sector or sold after entry), the location of goods (if only available, for example, in southern Gaza, but not in northern Gaza), and who controls the goods (if,

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“Humanitarian situation update #188: Gaza Strip”, 8 July 2024, <https://www.ochaopt.org/content/humanitarian-situation-update-188-gaza-strip>

<sup>694</sup> FSC, “Total imports before and after 7/10/2023 – (monthly average number of trucks) – as of 15/5/2025” (previously cited).

<sup>695</sup> See, for example, USA, Centers for Disease Control and Prevention, “Maternal diet and breastfeeding”, 9 February 2024, <https://www.cdc.gov/breastfeeding-special-circumstances/hcp/diet-micronutrients/maternal-diet.html>



for example, goods have been looted or diverted) affect people's ability to access those goods.

People whom Amnesty International interviewed in Gaza described severe shortages of food and the devastating impact this had on themselves and their loved ones. In early 2024, a mental health support practitioner described the difficulty of trying to make her 78-year-old mother, who had developed a form of dementia since they were displaced, understand why they did not have enough food. She told Amnesty International:

**“My sons are hardly earning any money and we can't find or afford even basic food. There is nothing, and the little there is, it's unaffordable. My mother cannot comprehend this; she thinks we are neglecting her. I have come to the point that I wish my own mother died rather than see her suffer, thinking we are neglecting her. All around me, people are broken because they can't feed their children, their families, and I am unable to offer them any useful advice or support because I, myself, am broken.”<sup>696</sup>**

The true test of whether enough was being done by Israel as the occupying power and as a party to the conflict to address the humanitarian catastrophe in Gaza is the extent to which Palestinians living in Gaza could access adequate food, water, medicine, health services and other essentials. They overwhelmingly could not.

## **RESTRICTIONS ON ACCESS WITHIN GAZA, PARTICULARLY NORTHERN GAZA**

From 7 October 2023, and particularly after the beginning of its ground operations, Israel's control within Gaza increased dramatically.<sup>697</sup> In addition to its overwhelming control over what entered Gaza, Israel also exerted significant influence and control over humanitarian access within Gaza. This was done through various means, including the presence of Israeli ground troops inside Gaza, the Israeli authorities' increased control over movements of people and goods between northern and southern Gaza through the construction and control of checkpoints, and the repeated denials issued in response to humanitarian organizations seeking the Israeli authorities' approval to move to certain areas within Gaza.<sup>698</sup> Humanitarian officials who spoke with Amnesty International repeatedly emphasized that their inability to transport aid and essential supplies around Gaza and to deliver it to those in need was as critical as their ability to convey goods into Gaza.<sup>699</sup>

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<sup>696</sup> Interview by voice call, 18 February 2024.

<sup>697</sup> See section 4.1.2 “Law of belligerent occupation”.

<sup>698</sup> As part of their efforts to protect their staff from Israeli attacks, many humanitarian organizations notified the Israeli authorities of their movements. For travel to certain parts of Gaza, including travel from the area south of Wadi Gaza to the area north of Wadi Gaza, humanitarian organizations had to “coordinate” their movements with the Israeli authorities, meaning humanitarian workers could not make the trip unless they received approval from the Israeli authorities.

<sup>699</sup> Interview by voice call with a senior humanitarian official, 14 July 2024, with a senior UN official, 21 February and 11 July 2024, and with humanitarian workers, 25 April, 7 May and 1 July 2024.

In a particularly egregious pattern, the Israeli authorities repeatedly restricted humanitarian access to the area north of Wadi Gaza.<sup>700</sup> On 6 January 2024, Israel announced it had successfully dismantled Hamas in northern Gaza (although fighting in the north continued).<sup>701</sup> Nevertheless, over the following weeks, Israel impeded humanitarian organizations' access to the north, as confirmed by OCHA and the UN Secretary-General.<sup>702</sup>

At the same time, Israeli forces were continuing to build up and fortify the military zone referred to by Israel as the "Netzarim Corridor", which divided Gaza in two and cut off the area north of Wadi Gaza from the south of it.<sup>703</sup> In March 2024, UN maps included this Israeli military road, which stretched from the border fence with Israel to the sea, and highlighted two Israeli checkpoints near the road.<sup>704</sup> Israeli forces controlled who and what goods moved across the road; while Israel refused to open access points directly into northern Gaza for months, humanitarian workers had to cross this road to bring goods from the south to the north. Humanitarian organizations had to seek Israeli permission to pass. These and other movements were "coordinated", meaning humanitarian workers did not undertake the trip unless they received Israeli approval.<sup>705</sup>

On 15 January 2024, aid agencies said they needed "a step change in the operating conditions, both in terms of security and access, to scale-up food assistance and reduce the risk of widespread famine."<sup>706</sup> Despite these needs, the Israeli authorities repeatedly impeded humanitarian access to northern Gaza by delaying or refusing requests by humanitarian agencies to travel to the area north of Wadi Gaza from the area south of it, including from those who carried life-saving supplies. They repeatedly refused to open

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<sup>700</sup> See subsection "Total siege" in section 6.2.3 "Denial and obstruction of essential services and life-saving supplies", which discusses how the Israeli authorities communicated their intention to continue restricting access to northern Gaza in October 2023.

<sup>701</sup> The IDF Spokesperson said: "We have completed dismantling the military framework of Hamas in the northern Gaza Strip and will continue to deepen the achievement, strengthening the barrier and the defense components along the security fence." IDF, "Press briefing by IDF Spokesperson Rear Admiral Daniel Hagari January 6th, 20:40", 6 January 2024, <https://www.idf.il/en/mini-sites/israel-at-war/briefings-by-idf-spokesperson-rear-admiral-daniel-hagari/january-24-press-briefings/press-briefing-by-idf-spokesperson-rear-admiral-daniel-hagari-january-6th-20-40>

See also Times of Israel, "Spokesman says IDF has completely dismantled Hamas's 'military framework' in northern Gaza", 6 January 2024, [https://www.timesofisrael.com/liveblog\\_entry/spokesman-says-idf-has-completely-dismantled-hamass-military-framework-in-northern-gaza](https://www.timesofisrael.com/liveblog_entry/spokesman-says-idf-has-completely-dismantled-hamass-military-framework-in-northern-gaza)

<sup>702</sup> OCHA, "UN relief chief tells Security Council 'decisions to withhold funds from UNRWA must be revoked'", 31 January 2024, <https://www.unocha.org/news/un-relief-chief-tells-security-council-decisions-withhold-funds-unrwa-must-be-revoked>; UN Secretary-General, "Secretary-General's remarks to the Committee on the Exercise of the Inalienable Rights of the Palestinian People [as delivered]", 31 January 2024, <https://www.un.org/sg/en/content/sg/statement/2024-01-31/secretary-generals-remarks-the-committee-the-exercise-of-the-inalienable-rights-of-the-palestinian-people-delivered>; OCHA, "Humanitarian access snapshot: Gaza Strip, end January 2024", 6 February 2024, <https://www.ochaopt.org/content/humanitarian-access-snapshot-gaza-strip-end-january-2024>

OCHA also reported "an emerging pattern" whereby the authorities "initially facilitated but subsequently impeded" aid missions, "as routes designated by the Israeli military proved to be unpassable or due to the imposition of excessive delays prior to the departure of the missions or at checkpoints en route." OCHA, "Hostilities in the Gaza Strip and Israel: Flash update #110", 14 February 2024, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-110>

<sup>703</sup> Washington Post, "What Israel's strategic corridor in Gaza reveals about its postwar plans" (previously cited)

<sup>704</sup> On file with Amnesty International.

<sup>705</sup> Interviews by voice call with a senior humanitarian official, 14 July 2024, and with three humanitarian workers, 25 April 2024; OCHA, "Reported impact snapshot: Gaza Strip – Day 238", 31 May 2024, [https://www.un.org/unispal/wp-content/uploads/2024/05/Gaza\\_casualties\\_info-graphic\\_31\\_May\\_2024.pdf](https://www.un.org/unispal/wp-content/uploads/2024/05/Gaza_casualties_info-graphic_31_May_2024.pdf)

<sup>706</sup> WFP and others, "Preventing famine and deadly disease outbreak in Gaza requires faster, safer aid access and more supply routes" (previously cited).

checkpoints within Gaza earlier and for more hours.<sup>707</sup> They also harassed and delayed, sometimes for hours, humanitarian workers waiting to pass through checkpoints.<sup>708</sup>

The Israeli authorities repeatedly denied or delayed humanitarian agencies' requests to deliver essential supplies, including fuel, to northern Gaza. In January 2024, Israel only facilitated 10% of humanitarian missions to bring fuel to the area north of Wadi Gaza, according to OCHA. Fuel was delivered to only one hospital, leaving other hospitals and water and sanitation facilities without it. There were "13 consecutive access denials for missions destined to water and wastewater pumping stations".<sup>709</sup> On 24 January 2024, the WHO said it was finally able to resupply the Al-Shifa hospital in northern Gaza with fuel, "where hundreds of thousands remain cut off from aid", but noted that it was the first humanitarian convoy to make it north in nearly two weeks. Even this mission "faced delays at the checkpoint" due to severely damaged roads and the thousands of civilians that surrounded the vehicles in the hope of finding food and water.<sup>710</sup>

Convoys loaded with supplies to meet water and sanitation and medical needs in the area north of Wadi Gaza were repeatedly blocked by the Israeli authorities, OCHA reported. According to OCHA, between late December 2023 and early January 2024, requests to bring aid to the Central Drug Store, administered by the Gaza-based Ministry of Health, had been denied five times, meaning that "hospitals in northern Gaza remain without sufficient access to life-saving medical supplies and equipment", and fuel delivery had been refused six times, "leaving people without access to clean water and increasing the risk of sewage overflows and the spread of communicable disease." OCHA said the rate of denials presented a "significant deterioration" compared to December 2023.<sup>711</sup>

Needs in the north were critical. On 6 February 2024, the UN World Food Programme (WFP) reported:

**"The humanitarian situation in Gaza keeps deteriorating. The entire population needs food assistance, and famine is looming for over half a million people. There is particular concern for populations in northern Gaza... who are almost entirely cut off from assistance, and where food security assessments show the greatest needs."**<sup>712</sup>

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<sup>707</sup> On 11 January 2024, for example, OCHA reported that Israel had granted none of the UN's 22 requests to open checkpoints early, including to access the area north of Wadi Gaza. OCHA pointed out that "the humanitarian community has consistently called for both main supply routes to be open in Gaza, and for checkpoints to open at 6:00 every day", but that "only one of the two main supply routes has been made available for aid missions so far." UN News, "Recurring denials hamper aid delivery to north Gaza", 11 January 2024, <https://news.un.org/en/story/2024/01/1145422>

<sup>708</sup> Interviews by voice call with a senior humanitarian official, 14 July 2024, with a senior UN official, 21 February 2024, and with humanitarian workers, 25 April 2024, 7 May 2024 and 2 July 2024.

<sup>709</sup> OCHA, "Humanitarian access snapshot: Gaza Strip, end January 2024" (previously cited).

<sup>710</sup> WHO, "WHO and partners bring fuel to Al-Shifa, as remaining hospitals in Gaza face growing threats", 24 January 2024, <https://www.who.int/news/item/24-01-2024-who-and-partners-bring-fuel-to-al-shifa--as-remaining-hospitals-in-gaza-face-growing-threats>

<sup>711</sup> UN News, "Recurring denials hamper aid delivery to north Gaza" (previously cited).

<sup>712</sup> WFP, "Palestine emergency response external situation report #14 (2 February 2024)", 6 February 2024, <https://reliefweb.int/report/occupied-palestinian-territory/wfp-palestine-emergency-response-external-situation-report-14-2-february-2024>

By October 2024, the UN estimated that about 400,000 people remained in the area north of Wadi Gaza. OCHA, "Civilians in northern Gaza cut off from supplies and services critical for survival" (previously cited).

Medical workers interviewed by Amnesty International in Kamal Adwan and Al-Awda hospitals in the cities of Beit Lahia and Jabalia, respectively, both in North Gaza governorate, explained that, by early 2024, the lack of food supplies in the north, including nutritious food like vegetables and fruit, and the lack of clean water had resulted in a surge of malnutrition and dehydration cases. They said that, while they provided the care they could, they were lacking the supplies needed to adequately treat the many patients they were receiving. They linked this to Israel's cutting off supplies into, as well as within, Gaza.<sup>713</sup>

In mid-2024, humanitarian officials told Amnesty International that Israeli restrictions, impediments and delays of humanitarian convoys were obstructing not only their ability to get aid to the north, but also their ability to help critically ill patients, including children, in northern Gaza who had been approved for evacuation from Gaza to move south and exit through the Rafah crossing, the only crossing through which these patients were allowed to leave.<sup>714</sup>

Israel was well aware that it was impeding the humanitarian response in the north. Multiple humanitarian organizations and UN officials, at the highest levels, made this point repeatedly.

Humanitarian organizations repeatedly highlighted the dire situation in the north, saying their access to the north had sharply deteriorated. On 23 November 2023, Oxfam described Israel's cutting off of northern Gaza as a "siege within a siege".<sup>715</sup> OCHA reported that, between 1 January and 12 February 2024, Israel denied permission to over 50% of humanitarian requests to access the north.<sup>716</sup> On 31 January 2024, Martin Griffiths, the then UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator (UN relief chief), who heads OCHA, reiterated that aid agencies did not have access to many parts of Gaza.<sup>717</sup> On the same day, the UN Secretary-General said:

**"I call for a rapid, safe, unhindered, expanded and sustained humanitarian access throughout Gaza. This is particularly crucial in the north, where most missions have been denied access by Israel, amid continued insecurity and fighting. We also need more crossing points into Gaza to reduce congestion and avoid chokepoints."**<sup>718</sup>

## **RESTRICTIONS ON ENERGY SOURCES, PARTICULARLY FUEL, AND IMPACT ON ESSENTIAL SERVICES**

After Israel cut off Gaza's supply of electricity in October 2023, fuel in Gaza became even more necessary for the functioning of life-supporting infrastructure, including for desalination

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<sup>713</sup> Interview in person with a paediatric doctor in Kamal Adwan hospital, 20 April 2024, Beit Lahia; interview in person with a medical worker at Kamal Adwan hospital, 20 April 2024, Beit Lahia.

<sup>714</sup> Interview by video call with two humanitarian workers involved in the evacuation process, 7 May 2024.

<sup>715</sup> Oxfam, "Half a million civilians caught in northern Gaza 'siege within a siege'", 23 November 2023, [https://www.oxfam.org.nz/news-media/half-a-million-civilians-caught-in-northern-gaza-siege-within-a-siege\\_trashed](https://www.oxfam.org.nz/news-media/half-a-million-civilians-caught-in-northern-gaza-siege-within-a-siege_trashed)

<sup>716</sup> OCHA, "Hostilities in the Gaza Strip and Israel: Flash update #120", 16 February 2024, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-120>

<sup>717</sup> UN News, "Humanitarian response in Gaza 'completely dependent' on Palestine refugee agency, relief chief tells Security Council, urging countries to restore funding", 31 January 2024, <https://press.un.org/en/2024/sc15575.doc.htm>

<sup>718</sup> UN Secretary-General, "Secretary-General's remarks to the Committee on the Exercise of the Inalienable Rights of the Palestinian People [as delivered]" (previously cited).

plants to produce potable water, for sewage treatment plants to purify sewage water, for lighting and incubators in hospitals, for critical municipal services like management of solid waste and operating wells, for bakeries to produce bread, and for people to power lights, cooling and heating units, and other devices.

Before 7 October 2023, Gaza lacked sufficient power supply due to a range of factors, including Israel's occupation and blockade, previous escalations of hostilities marked by Israeli bombing of critical infrastructure, and internal divisions between the Ramallah-based Palestinian Authority and Hamas authorities in Gaza.<sup>719</sup> For years, Gaza had been contending with a "chronic electricity deficit, which undermined already fragile living conditions"; between 2020 and 2023, there was electricity supply for an average of only 10-13 hours per day.<sup>720</sup> A significant amount of power was supplied through lines from Israel or from Gaza's sole power plant, located in Deir al-Balah, which relied on fuel imports to function.<sup>721</sup> People in Gaza supplemented this supply with generators, which run on fuel, and solar panels.<sup>722</sup> The precarious situation of Gaza's power plant was repeatedly evident in previous Israeli operations, including smaller-scale escalations in 2022 and May 2023, when a lack of fuel forced it either to close temporarily or to run on very limited capacity.<sup>723</sup>

After then Minister of Defense Gallant's 9 October 2023 declaration that Israel would impose a total siege on Gaza, Israel's state-run electricity company cut off Gaza's electricity supply, plunging the entire territory into a blackout. On 2 April 2024, in a response to the petition on humanitarian access brought by five human rights organizations in Israel, led by Gisha, the Israeli authorities said Israel had provided about half of Gaza's electricity supply before October 2023, but claimed that nine of the 10 high-voltage lines that transported this electricity from Israel into Gaza had been damaged by "rocket fire from Gaza terror organizations".<sup>724</sup> Israel did not explain what, if anything, prevented it from repairing the lines and restoring the electricity supply, nor, if the damage was caused by rocket fire, why government officials announced that Israel was cutting off the electricity supply until the hostages were returned.

The Israeli authorities knew that, without Israel's supply of electricity, Gaza would be further reliant on fuel to provide essential services.<sup>725</sup> Even after Israel began to allow a trickle of aid

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<sup>719</sup> Amnesty International, "Gaza: Looming catastrophe highlights need to lift Israel's 10-year illegal blockade", 14 June 2017, <https://www.amnesty.org/en/latest/press-release/2017/06/gaza-looming-humanitarian-catastrophe-highlights-need-to-lift-israels-10-year-illegal-blockade>

<sup>720</sup> OCHA, Electricity in the Gaza Strip, <https://www.ochaopt.org/page/gaza-strip-electricity-supply> (accessed on 16 June 2024).

<sup>721</sup> OCHA, Electricity in the Gaza Strip (previously cited).

<sup>722</sup> Center for Strategic and International Studies, "Gaza's solar power in war time", 21 November 2023, <https://www.csis.org/analysis/gazas-solar-power-wartime>

<sup>723</sup> OCHA, "Escalation in the Gaza Strip and Israel: Flash update #1 as of 18:00, 6 August 2022", 6 August 2022, <https://www.ochaopt.org/content/escalation-gaza-strip-and-israel-flash-update-1-1800-6-august-2022>; OCHA, "Escalation of hostilities between Israeli forces and Palestinian armed groups in Gaza: Flash update #1 as of 17:00, 10 May 2023", 10 May 2023, <https://www.ochaopt.org/content/flash-update-1-10-may-2023>

<sup>724</sup> HCJ, *Gisha and Others v. Israel*, state's preliminary response (previously cited), para. 33.

<sup>725</sup> A 2024 Israeli government submission noted: "Among the relevant state authorities there is an understanding of the humanitarian implications of allowing or not allowing fuel entry into the Gaza Strip, as some essential services require fuel to operate. Despite well-founded concerns that Hamas may misuse fuel for military activities, Israel allows and facilitates the entry of fixed quantities of fuel into Gaza on a regular basis and in coordination with aid organizations operating in the Strip for the purpose of maintaining vital services." The submission specifically

into Gaza in late October 2023, it continued to block the import of fuel for weeks. Fuel reserves quickly depleted, and Gaza's power plant was forced to shut down on 11 October 2023.<sup>726</sup> In late October, the UNFPA reported that the measures were putting people's lives at risk.<sup>727</sup> In early November 2023, OCHA said the block on fuel imports was affecting access to food (bakeries and mills were unable to operate), water and health.<sup>728</sup> Later that month, UNRWA said lack of fuel had forced it to ground aid trucks.<sup>729</sup>

After allowing some fuel to enter Gaza in mid-November 2023, the Israeli authorities tightly controlled both the amount of fuel that could enter Gaza and who could use it.<sup>730</sup> They only authorized UNRWA to import it. This left other actors, including other UN agencies, international and Palestinian humanitarian organizations, hospitals, bakeries and municipalities, dependent on whatever fuel the UN was able to bring into Gaza.<sup>731</sup> Those entities had to present their fuel needs to UNRWA, which presented those requests to the Israeli authorities, which in turn approved the total amount of fuel that could enter Gaza.<sup>732</sup>

One humanitarian worker explained to Amnesty International the situation humanitarian organizations faced:

**“We focus very much on the fuel because that is the position that we have been put in. By taking out the central electricity and switching off the 10 feeder lines, [the Israeli authorities] forced everyone on to their back-up generators. Already that is a disadvantage. We are not getting in the spare parts or the consumables that generators need. Generators have been working daily for a year, and these are the back-up generators. They don't provide as much power as if the electricity was connected. By their actions, [the Israeli authorities] have destroyed the entire energy sector. That needs to come before we talk about fuel.”<sup>733</sup>**

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referenced the critical role of fuel for essential services, including sewage treatment, desalination, water pumps, bakeries, shelters, logistics and communication. HCJ, *Gisha and Others v. Israel*, state's preliminary response (previously cited), paras 33 and 79.

<sup>726</sup> OCHA, “Hostilities in the Gaza Strip and Israel: Flash update #5” (previously cited); Amnesty International, “Israel must lift illegal and inhumane blockade on Gaza as power plant runs out of fuel”, 12 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-israel-must-lift-illegal-and-inhumane-blockade-on-gaza-as-power-plant-runs-out-of-fuel>

<sup>727</sup> UNFPA, “UNFPA Palestine situation report: Issue 2” (previously cited).

<sup>728</sup> OCHA, “Hostilities in the Gaza Strip and Israel: Flash update #30”, 5 November 2023, <https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-30>

<sup>729</sup> UNRWA, “The Gaza Strip: UNRWA finally receives fuel; much more is needed for humanitarian operations”, 18 November 2023, <https://www.unrwa.org/newsroom/official-statements/gaza-strip-unrwa-finally-receives-fuel-much-more-needed-humanitarian>

<sup>730</sup> The first fuel shipment, of about 23,000 litres, entered Gaza in mid-November 2023, according to a UN dashboard. UNRWA announced: “Following long weeks of delay, Israeli Authorities approved only half of the daily minimum requirements of fuel for humanitarian operations in Gaza.” UNRWA would use the fuel to move the aid arriving from trucks in Rafah into Gaza. UNRWA, “The Gaza Strip: UNRWA finally receives fuel; much more is needed for humanitarian operations” (previously cited); UNRWA, Gaza Supplies and Dispatch Tracking (previously cited).

<sup>731</sup> HCJ, *Gisha and Others v. Israel*, state's supplementary response, 28 June 2024 (previously cited), para. 126.

<sup>732</sup> Interview by voice call with a senior humanitarian official, 14 July 2024, with a senior UN official, 21 February and 11 July 2024, and with humanitarian workers, 17 February, 19 April, 7 May, 30 May and 2 July 2024. See also HCJ, *Gisha and Others v. Israel*, state's supplementary response, 28 June 2024 (previously cited), paras 126-127.

<sup>733</sup> Interview by voice call with a humanitarian worker, 27 September 2024.

Multiple humanitarian workers told Amnesty International that the amount of fuel approved by the Israeli authorities to enter Gaza fluctuated over time, with the Israeli authorities sometimes reducing and sometimes raising the fuel allowance.<sup>734</sup> However, in brief, far less fuel entered Gaza after 7 October 2023 than before that date, with devastating consequences. Between October 2023 and April 2024, Israel allowed the import of about 13.68 million litres of diesel to Gaza, according to the UN, or roughly 66,408 litres a day. In 2022, Gaza imported about 480,904 litres a day.<sup>735</sup> Given that Israel had also cut off its supply of electricity to Gaza, more fuel was needed, not less. On 24 June 2024, OCHA noted that since January 2024, only “14 per cent of fuel (diesel and benzene) that used to enter Gaza on a monthly basis prior to October 2023, has been entering Gaza (two million vs. 14 million litres)”.<sup>736</sup>

The Israeli authorities required that their officials approve fuel use for specific users, that is, the entities ultimately receiving fuel to use for baking bread, purifying water or keeping hospital incubators running, among other things, and any new or increased fuel usage, humanitarian workers told Amnesty International.<sup>737</sup> While the Israeli authorities usually approved requests for fuel by the UN and international humanitarian organizations, sometimes only after advocacy, negotiation or pressure by foreign governments, they regularly delayed or did not respond to fuel requests by Palestinian organizations and actors they perceived to be tied or linked to Hamas, including the municipalities.<sup>738</sup>

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<sup>734</sup> Interviews by voice call with humanitarian workers, 17 February, 19 April, 7 May, 30 May and 2 July 2024. See also HCJ, *Gisha and Others v. Israel*, state’s supplementary response, 28 June 2024 (previously cited), para. 129.

<sup>735</sup> Compare UNRWA, Gaza: Supplies and Dispatch Tracking (previously cited) with OCHA, Electricity in the Gaza Strip (previously cited).

<sup>736</sup> OCHA, “Humanitarian situation update #182: Gaza Strip”, 24 June 2024, <https://www.unocha.org/publications/report/occupied-palestinian-territory/humanitarian-situation-update-182-gaza-strip-enarhe>

<sup>737</sup> Interviews by voice call with a senior humanitarian official, 14 July 2024, with a senior UN official, 21 February and 11 July 2024, and with humanitarian workers, 17 February, 19 April, 7 May, 30 May and 2 July 2024. See also HCJ, *Gisha and Others v. Israel*, state’s supplementary response, 23 May 2024 (previously cited), para. 58.

<sup>738</sup> Interviews by voice call with a senior humanitarian official, 14 July 2024, and with a humanitarian worker, 30 May 2024. See also HCJ, *Gisha and Others v. Israel*, state’s supplementary response, 28 June 2024 (previously cited), paras 126-127.

## IMPACT OF FUEL RESTRICTIONS ON GAZA CITY MUNICIPALITY

Restrictions on fuel severely affected the ability of Gaza City municipality, among other municipal authorities, to perform a range of critical services, including providing water.<sup>739</sup> An engineer working with Gaza City municipality told Amnesty International:

**“From 7 October 2023 to 7 March 2024, we received absolutely no fuel, and our fuel reserves had already begun to run out by 1 November. The municipality of Gaza City needs about 5,000 litres of fuel daily to perform our municipal services, from operating desalination plants, to powering well pumps, treating wastewater and collecting and managing solid waste. To cope with the shortage of fuel, we had to significantly reduce pumping from municipal wells – the ones that were not damaged or destroyed – to 12 hours daily; we had to rely on the wells that belong to mosques or private wells owned by individuals, and we had to buy fuel from citizens. Neighbourhoods formed committees to distribute water. At that period, from December to March, we went into crisis mode; people resorted to drinking seawater and drinking directly from wells.”<sup>740</sup>**

Gaza City municipality started receiving limited shipments of fuel through the UN on 9 March 2024. Amnesty International obtained a list of such shipments which, despite constituting a major improvement on the previous five months – during which no fuel was received – still lagged far behind what the municipality said it needed.<sup>741</sup> In the two months after the municipality began to receive fuel following a months-long lack thereof, it received only about one sixth of the fuel it said was necessary to meet needs.<sup>742</sup>

Humanitarian organizations were sometimes forced to wait months for Israel’s approval to receive fuel and in the right amounts. According to documents shared with Amnesty International, some requests for new or increased fuel use by humanitarian organizations went unanswered by the Israeli authorities for more than two months.<sup>743</sup>

The limited amount of fuel coming into Gaza and the lack of electricity coming in through the feeder lines meant that humanitarian workers had to make hard choices about which essential services to devote fuel towards. As one humanitarian worker explained, sometimes aid actors had enough fuel, while other times there was not enough to run cars and vehicles, provide basic services, and keep bakeries, hospitals, generators and desalination plants running at the same time: “Every single litre of fuel to be used has to be cleared by COGAT”.<sup>744</sup>

<sup>739</sup> Oxfam, *Water War Crimes* (previously cited).

<sup>740</sup> Interview by voice call with a Gaza City municipal worker, 21 May 2024.

<sup>741</sup> The list was shared with Amnesty International by the engineers of Gaza City municipality on 21 May 2024.

<sup>742</sup> Oxfam, *Water War Crimes* (previously cited).

<sup>743</sup> As of 13 May 2024, according to a UN dashboard, multiple fuel requests had been delayed for more than a month or denied. One request was to deliver food assistance to people in North Gaza and Gaza City governorates. Another was to provide micronutrients, medication, supplements and sanitation and hygiene items in Rafah and Deir al-Balah governorates. UNRWA, *Gaza: Supplies and Dispatch Tracking* (previously cited).

<sup>744</sup> Interview by voice call with a humanitarian worker, 19 April 2024.



After Israel's ground operation in Rafah began on 6 May 2024, the ability of humanitarian organizations to bring in fuel and distribute it in Gaza largely collapsed. Since November 2023, fuel had entered Gaza through the Rafah crossing, but after Israel took over the Rafah crossing, the flow of aid into Gaza, including fuel, was immediately and devastatingly disrupted.<sup>745</sup> In July 2024, a senior UN official explained that, after the Rafah crossing closure, the main access point that the Israeli authorities had approved for fuel imports was the Kerem Shalom crossing which had become largely inaccessible as it led to an area of Gaza near Rafah where convoys, including those carrying fuel, had been regularly attacked by organized gangs in Gaza and lost to looting.<sup>746</sup> While Israel would sometimes allow humanitarian organizations to bring fuel in through other crossings, like Gate 96, he said that their inability to secure safe passage of fuel through the Kerem Shalom crossing, the closure of the Rafah crossing and the absence of sufficient, available alternatives meant they were receiving around 25% of the fuel they needed on a daily basis. This meant, he said, that humanitarian organizations were forced to choose between providing water, cleaning up garbage, distributing food and keeping hospitals running.<sup>747</sup>

Another senior humanitarian official said:

**“Heaven knows there’s nothing physically stopping [the Israeli authorities] from letting us use [another, more secure access route to bring in fuel on] more days. They just don’t want to, clearly... Fuel is the major enabler. It is everything here... It is bakeries. It is... getting water to people. It is the trucks that move the garbage. It’s the reason we can have this conversation right now.”**<sup>748</sup>

One humanitarian worker told Amnesty International:

**“Israel is saying there is no constraint on fuel, and they repeat this in many, many meetings so they can say they are doing everything possible, but they are not. There is no electricity coming through the feeder lines. Some generators have got in, but very, very few.”**<sup>749</sup>

He explained that even sectors like water, sanitation and hygiene that were obtaining a “good percentage” of the fuel coming in were only receiving a fraction of what they needed to operate at full capacity. He added that other sectors, like education, were much more affected by fuel shortages.<sup>750</sup>

In a submission to Israel's High Court of Justice on 2 April 2024, the Israeli government claimed that fuel was distributed to organizations “according to a pre-determined key”, that they were allowing enough fuel into Gaza for the humanitarian response, and that these

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<sup>745</sup> UNRWA, Gaza: Supplies and Dispatch Tracking (previously cited). See also HCJ, *Gisha and Others v. Israel*, state's supplementary response, 23 May 2024 (previously cited), para. 58; HCJ, *Gisha and Others v. Israel*, state's supplementary response, 28 June 2024 (previously cited), para. 128.

<sup>746</sup> See box above on “Israeli government claims on aid distribution” for further exploration of this issue. See HCJ, *Gisha and Others v. Israel*, state's supplementary response, 6 June 2024 (previously cited), para. 37; HCJ, *Gisha and Others v. Israel*, state's supplementary response, 28 June 2024 (previously cited), para. 128.

<sup>747</sup> Interview by voice call with a senior UN official, 11 July 2024.

<sup>748</sup> Interview by voice call with a senior humanitarian official, 14 July 2024.

<sup>749</sup> Interview by voice call with a humanitarian worker, 27 September 2024.

<sup>750</sup> Interview by voice call with a humanitarian worker, 27 September 2024.

amounts were set in consultation with the UN.<sup>751</sup> It claimed this was to “minimize as much as possible the possibility that Hamas will take control of these sources and use them for military purposes.”<sup>752</sup>

Israeli officials maintained that the restrictions they imposed on fuel were necessary to prevent Hamas from diverting fuel, including to power its rockets.<sup>753</sup> The extent to which Hamas authorities diverted any official fuel imports for military purposes (as opposed to, for example, having existing fuel stocks or another means of resupplying their fuel stocks) is unclear. Official fuel imports have been closely tracked and monitored by the Israeli authorities. Over time, there have been increasing reports of looting of humanitarian convoys, including the targeting of trucks carrying fuel, by organized gangs.<sup>754</sup> However, Amnesty International was not able to establish whether and to what extent any of these actors were linked to Hamas nor how looted fuel may have later been used.<sup>755</sup>

War profiteers have also exploited the situation in Gaza to develop an underground market, including for fuel.<sup>756</sup> The fuel shortage created by Israel made it easy for the underground market and war economy to exploit people’s needs by raising fuel and diesel prices, making them unaffordable for most. The Israeli authorities must have anticipated – indeed known – that its restrictions would empower the underground market as this is an inevitable byproduct of war and scarcity.

Even if fuel was being looted or diverted, Israel knew that its supply was absolutely critical to ensuring the basic needs of the population were met. Yet, despite its obligations under international humanitarian law and international human rights law,<sup>757</sup> it decided to cut off the electricity supply to Gaza, and to block or impede the import of other power sources (like solar panels) and fuel to generate power for essential services like water treatment, hospital functioning, and food production.<sup>758</sup>

The Israeli authorities had options available to provide energy sources that would allow essential services to operate, most obviously by sending electricity into Gaza through existing or new feeder lines. In early July 2024, eight months after cutting off the electricity supply to Gaza and after huge pressure from its Western allies, Israeli officials announced that Israel

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<sup>751</sup> HCJ, *Gisha and Others v. Israel*, state’s preliminary response (previously cited), para. 33.

<sup>752</sup> HCJ, *Gisha and Others v. Israel*, state’s preliminary response (previously cited), para. 33; HCJ, *Gisha and Others v. Israel*, state’s supplementary response, 28 June 2024 (previously cited), para. 127.

<sup>753</sup> HCJ, *Gisha and Others v. Israel*, state’s preliminary response (previously cited), para. 33; IDF, X post: “Our troops risked their lives to hand-deliver 300 liters of fuel to the Shifa hospital for urgent medical purposes”, 12 November 2023, <https://x.com/IDF/status/1723811069234184587>; COGAT, X post: “Hamas is stealing fuel from Gazan civilians, storing it under Shifa hospital and using it for terror”, 3 November 2023, <https://x.com/cogatonline/status/1720356555642601790>

<sup>754</sup> See, for example, BBC, “Inside Gaza aid depot: Food waits as Israel and UN trade blame” (previously cited).

<sup>755</sup> Reuters, “U.S. special envoy: no record of Hamas blocking or seizing aid”, 4 November 2023, <https://www.reuters.com/world/us-special-envoy-no-record-hamas-blocking-or-seizing-aid-2023-11-04>; Times of Israel, “US envoy: Israel hasn’t provided ‘specific evidence’ Hamas is stealing aid shipments”, 17 February 2024, <https://www.timesofisrael.com/us-envoy-israel-hasnt-provided-specific-evidence-hamas-is-stealing-aid-shipments>

<sup>756</sup> Organized Crime and Corruption Reporting Project, “Middle men push up prices as Gazans struggle to survive”, 13 March 2024, <https://www.occrp.org/en/investigations/middlemen-push-up-prices-as-gazans-struggle-to-survive>; BBC News, “Inside Gaza aid depot: Food waits as Israel and UN trade blame” (previously cited); HCJ, *Gisha and Others v. Israel*, state’s preliminary response (previously cited), paras 26 and 39.

<sup>757</sup> Fourth Geneva Convention, Articles 55-56; ICESCR, Articles 11-12; CESCR, General Comment 14 (previously cited), para. 34; CESCR, General Comment 15 (previously cited), paras 21-22.

<sup>758</sup> Oxfam, *Water War Crimes* (previously cited).

would allow the direct supply of electricity to a UN-managed water desalination plant in Khan Younis.<sup>759</sup> According to a COGAT statement reported by the Reuters news agency, the move aimed to “prevent contamination and outbreaks of disease during the summer”.<sup>760</sup> In linking the power line directly to the UN-managed water desalination plant – a measure that Israel said was to prevent Hamas from exploiting the energy supply – the Israeli authorities demonstrated there were humanitarian measures available to them to supply power that would help alleviate the water and sanitation crisis, and thus reduce the population’s exposure to diseases.<sup>761</sup>

However, by 30 September 2024, the Israeli authorities had yet to take this step. Amnesty International interviewed three people involved in the project, including those with direct knowledge of the repairs that were made to the feeder lines. All three said that the required repairs had been completed and that this had been communicated to the Israeli authorities, but that the Israeli authorities had yet to start sending electricity to the desalination plant. All three emphasized that, relying on limited fuel and a back-up generator, the plant was only producing a small fraction of its total capacity, and that, were the Israeli authorities to start supplying the electricity, the plant could produce significantly more water that could be distributed to significantly more people.<sup>762</sup>

## 6.2.4 RESULTING CONDITIONS OF LIFE

The cumulative impact of the damage to and destruction of critical infrastructure and other objects indispensable to the survival of the civilian population in Gaza, the mass forced displacement of Palestinians in inhumane conditions, and the denial and obstruction of essential services and life-saving supplies were disastrous for the civilian population. It led to alarming levels of hunger, rising rates of infectious diseases and other serious effects on the physical and mental health of Palestinians in Gaza. The consequences for children, as well as pregnant and breastfeeding women, were particularly severe.

### HUNGER

Prior to October 2023, about 65% of the population of Gaza was estimated to be facing food insecurity.<sup>763</sup> After Israel imposed its total siege and began its offensive on Gaza, hunger quickly became much more widespread and much more severe.

In late December 2023, the world’s foremost expert group assessing the risks of famine, the Integrated Food Security Phase Classification (IPC), reported “catastrophic levels of acute food insecurity across the Gaza Strip”.<sup>764</sup> A little more than two months after 7 October 2023,

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<sup>759</sup> HCJ, *Gisha and Others v. Israel*, state’s supplementary response, 28 June 2024 (previously cited), para. 196; Reuters, “Israel connects power line to Gaza plant to boost drinking water supply”, 2 July 2024, <https://www.reuters.com/world/middle-east/israel-connects-power-line-gaza-plant-boost-drinking-water-supply-2024-07-02>

<sup>760</sup> Reuters, “Israel connects power line to Gaza plant to boost drinking water supply” (previously cited).

<sup>761</sup> Oxfam, *Water War Crimes* (previously cited).

<sup>762</sup> Interview by voice call with a humanitarian worker, 27 September 2024.

<sup>763</sup> OCHA, “Movement in and out of Gaza in 2022”, 22 February 2023, <https://www.ochaopt.org/content/movement-and-out-gaza-2022>

<sup>764</sup> Integrated Phase Food Security Classification (IPC), “Gaza Strip: IPC acute food insecurity – November 2023 – February 2024”, 21 December 2023, <https://fscluster.org/state-of-palestine/document/ipc-global-initiative-special-brief-gaza>, p. 1.

hunger was estimated to be at crisis, emergency or catastrophic levels for more than 90% of the population of Gaza.<sup>765</sup>

By December 2023, the situation was particularly difficult for the residents of the area north of Wadi Gaza, according to the IPC. In four out of five households, people went entire days and nights without eating, with adults going hungry so that children could eat. Humanitarian food assistance was “extremely inadequate” to cover the “life-threatening needs”, and the amount of goods, including food, entering Gaza was “largely insufficient”. On most days, goods only reached a part of the population in the far south, as “fighting or partial besiegement” was “preventing significant portions of the population” in northern Gaza and parts of central Gaza from accessing aid and basic services, including food, water, sanitation and healthcare. The IPC warned that, to avert famine, an immediate cessation of hostilities and sustained access for the provision of essential supplies and services was needed.<sup>766</sup>

Doctors and medical workers in northern Gaza described to Amnesty International how they received a surge of people with malnutrition, dehydration and related illnesses at their hospitals in the weeks and months after the offensive began. Such a surge was to be expected, they said, given the severe lack of food and clean water, the mounting waste and garbage, and the swift deterioration in overall living conditions. Risks were exacerbated for those whose immune systems were weakened by malnutrition and multiple waves of displacement.<sup>767</sup> By early 2024, such conditions resulted in deaths among Palestinians, which could have been easily prevented, according to humanitarian organizations.<sup>768</sup>

A medical worker at Kamal Adwan hospital explained to Amnesty International the situation in the area north of Wadi Gaza in the months after October 2023:

**“It’s a radical change since 7 October. Before, [severe] malnutrition cases were so rare in northern Gaza we barely even mentioned them... Now, we are receiving a lot of cases, we are seeing dangerous cases... We are seeing deaths from malnutrition, which is something we didn’t see before... We are receiving cases of children who can’t move or cry because of the severity of the weakness from malnutrition and dehydration... There’s not really a comparison from before the war and now... Especially after [Israel] closed the roads and prevented relief and food and medicines coming into north Gaza, then we started seeing this phenomenon in a horrifying way.”<sup>769</sup>**

Severe hunger in northern Gaza in February and March 2024 forced people, including internally displaced people, to resort to eating wild plants and animal fodder.<sup>770</sup> Ali Abu

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<sup>765</sup> IPC, “Gaza Strip: IPC acute food insecurity – November 2023 – February 2024” (previously cited).

<sup>766</sup> IPC, “Gaza Strip: IPC acute food insecurity – November 2023 – February 2024” (previously cited).

<sup>767</sup> Geneva Water Hub, *Fully Foreseeable: The Reverberating Effects of War on Water and Health in Gaza*, April 2024, <https://www.genevawaterhub.org/resources/fully-foreseeable-reverberating-effects-water-and-health-gaza>, p. 7.

<sup>768</sup> By April 2024, the WHO was reporting, citing the Gaza-based Ministry of Health, that 28 people, including 25 children, had died of malnutrition and dehydration-related complications. WHO, “oPt emergency situation update: Issue 27”, 2 April 2024, [https://www.emro.who.int/images/stories/Sitrep\\_-\\_issue\\_27.pdf](https://www.emro.who.int/images/stories/Sitrep_-_issue_27.pdf)

<sup>769</sup> Interview in person with a medical worker at Kamal Adwan hospital, 20 April 2024, Beit Lahia.

<sup>770</sup> See, for example, NPR, “Boiling weeds, eating animal feed: People in Gaza stave off hunger any way they can”, 29 March 2024, <https://www.npr.org/2024/03/29/1241148952/gaza-hunger-famine-aid-israel-hamas-war>; Al

Nahel, who narrowly survived an Israeli attack on people waiting for humanitarian assistance on Al-Rashid Road, a major coastal road, on 29 February 2024, told Amnesty International:

**“I knew it would be dangerous to go but I had no choice because my three children were wasting before my eyes. Ali [aged 10], Tala, [aged seven] and Sama [aged four] had not eaten actual bread for more than two months. I had to feed them leaves, bread made of animal fodder... As a father, when your child tells you that he’s hungry and you can do nothing to help him... it’s the worst feeling. We know that people waiting for trucks had been shot by the [Israeli] army in previous days, and we know that thieves from certain clans attack people, who carry bags of flour, with knives, but I was so desperate to feed my children that I didn’t care about dying.”<sup>771</sup>**

By early 2024, the data humanitarian organizations had been able to collect showed surging rates of malnutrition. Before the conflict started, less than 1% of young children in Gaza were acutely malnourished, according to the UN International Children’s Fund (UNICEF), the WHO and the WFP. By January 2024, health screenings in northern Gaza found more than 15% of children under two were wasting. Some of these children had severe wasting, which is life-threatening. About 5% of children under two years old were found to be acutely malnourished in Rafah, where – at the time – aid agencies had far greater access. The speed and severity of the decline in the population’s nutritional status within just three months was “unprecedented globally”, the organizations said.<sup>772</sup>

Dana Al-Masharawi, a 20-year-old woman pregnant with her first child, was interviewed by Amnesty International in June 2024 while staying at a school serving as a shelter for internally displaced people in Gaza City. Displaced multiple times, she said:

**“I got pregnant in January, just as hunger started to hit us here in the north very cruelly. At the beginning, we were eating corn, wild vegetables, *khubbeizeh* [a dish made from mallow leaves]; later, we had to switch to animal fodder which is unbearable. Whatever little food my husband, my relatives here in the school for displaced people could secure, they gave it to me because we were scared about the growth of the baby. Things improved in April – at least flour became widely available – but there is a scary lack of other nutritious food. The last time I ate meat was three months ago. Because cooking gas is not available, we have to cook on woodfire; we heat the water on woodfire, and even carrying the wood is a daily ordeal. Unlike in February, we do eat bread now, but the baby and I need proteins. But one egg costs NIS 7 [approximately USD 2], so I can only afford two eggs every three weeks. Cheese, tomatoes,**

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Mezan, “Palestinian human rights organizations warn of food insecurity and widespread hunger in the Gaza Strip”, 25 January 2024, <https://www.mezan.org/en/post/46362/Palestinian-Human-Rights-Organizations-Warn-of-Food-Insecurity-and-Widespread-Hunger-in-the-Gaza-Strip>

<sup>771</sup> Interview by voice call with Ahmad Abu Nahel, 1 March 2024.

<sup>772</sup> UNICEF, “Children’s lives threatened by rising malnutrition in the Gaza Strip”, 19 February 2024, <https://www.unicef.org/press-releases/childrens-lives-threatened-rising-malnutrition-gaza-strip>

**onions... are too expensive. I don't want to say that, but I wish I never got pregnant. I feel guilty for my baby and scared too.”<sup>773</sup>**

In its second set of provisional measures ordered on 28 March 2024, the ICJ observed that “Palestinians in Gaza are no longer facing only a risk of famine, as noted in the Order of 26 January 2024, but that famine is setting in”.<sup>774</sup>

Between December 2023 and October 2024, the IPC released four reports examining food insecurity in Gaza.<sup>775</sup> The number of people living in crisis, emergency or catastrophic food insecurity in Gaza changed over time, according to the IPC, occasionally improving in periods where access into or within Gaza improved and occasionally deteriorating as the offensive, mass displacement and aid restrictions severely limited people's ability to access food. But, in each of its reports, the IPC found that the vast majority of the population of Gaza was facing severe food insecurity and that the risks of famine in Gaza were very real. The situation had clearly and sharply declined since October 2023. In the year following October 2023, according to the IPC, acute malnutrition had become 10 times higher in Gaza than it had been before.<sup>776</sup> The IPC concluded:

**“One year into the conflict, the risk of Famine persists across the whole Gaza Strip. Given the recent surge in hostilities, there are growing concerns that this worst-case scenario may materialize.”<sup>777</sup>**

## **DISEASE**

From October 2023, diseases spread at alarming rates. Conditions were particularly dire for Gaza's internally displaced population, where huge overcrowding, coupled with the lack of adequate shelter as well as basic washing and sanitation facilities, fuelled the spread of diseases (see box below on “Overcrowding and breakdown of sanitation in displacement settings”).<sup>778</sup>

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<sup>773</sup> Interview by voice call with Dana Al-Masharawi, 11 June 2024.

<sup>774</sup> ICJ, *South Africa v. Israel*, order, 28 March 2024 (previously cited), para. 21.

<sup>775</sup> IPC, “Gaza Strip: IPC acute food insecurity – November 2023 – February 2024” (previously cited); IPC, *The Gaza Strip: IPC Acute Food Insecurity Analysis – 15 February – 15 July 2024*, 18 March 2024, [https://www.ipcinfo.org/fileadmin/user\\_upload/ipcinfo/docs/IPC\\_Gaza\\_Strip\\_Acute\\_Food\\_Insecurity\\_Feb\\_July2024\\_Special\\_Brief.pdf](https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf); IPC, *The Gaza Strip: IPC Acute Food Insecurity Analysis – May – September 2024*, 10 July 2024,

[https://www.ipcinfo.org/fileadmin/user\\_upload/ipcinfo/docs/IPC\\_Gaza\\_Strip\\_Acute\\_Food\\_Insecurity\\_Jun\\_Sept2024\\_Special\\_Brief.pdf](https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Jun_Sept2024_Special_Brief.pdf); IPC, “Gaza Strip: IPC acute food insecurity and acute malnutrition special snapshot – September 2024 – April 2025”, 17 October 2024, [https://www.ipcinfo.org/fileadmin/user\\_upload/ipcinfo/docs/IPC\\_Gaza\\_Strip\\_Acute\\_Food\\_Insecurity\\_Malnutrition\\_Sep2024\\_Apr2025\\_Special\\_Snapshot.pdf](https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Malnutrition_Sep2024_Apr2025_Special_Snapshot.pdf)

<sup>776</sup> IPC, “Gaza Strip: IPC acute food insecurity and acute malnutrition special snapshot – September 2024 – April 2025” (previously cited).

<sup>777</sup> IPC, “Gaza Strip: IPC acute food insecurity and acute malnutrition special snapshot – September 2024 – April 2025” (previously cited).

<sup>778</sup> In December 2023, a hepatitis A outbreak was recorded in an UNRWA shelter. Hepatitis A is often transmitted through contaminated water and food. In Khan Younis, in April 2024, UN Women reported that shelters designed to host 2,000 people were hosting 20,000, with close to 650 people sharing one bathroom facility. UN Women, *Scarcity and Fear: A Gender Analysis of the Impact of the War in Gaza on Vital Services Essential to Women's and Girls' Health, Safety and Dignity – Water, Sanitation and Hygiene (WASH)*, April 2024, <https://www.unwomen.org/en/digital-library/publications/2024/04/gender-alert-gender-analysis-of-the-impact-of-the-war-in-gaza-on-vital-services-essential-to-womens-and-girls-health-safety-and-dignity>, pp. 5 and 8. See also

By late April 2024, the WHO was reporting a sharp rise in infectious and communicable diseases, and had recorded hundreds of thousands of cases of acute respiratory illness, acute diarrhoeal illness, scabies and acute jaundice syndrome (which can be caused by Hepatitis A, as well as other conditions).<sup>779</sup> By 29 April 2024, it had recorded 359,378 cases of diarrhoea, including 106,344 cases among children aged under five.<sup>780</sup>

In May 2024, Mohammad Salama, the director of the Neonatal Intensive Care Unit (NICU) at the Emirates Red Crescent hospital in Rafah, told Amnesty International that diseases had been spreading and causing great harm to newborns and other young children, including bronchitis, pneumonia and sepsis. He explained how a combination of mass displacement and the lack of a sufficient number of incubators in the face of disease affected the unit's ability to care for newborns:

**“As other hospitals in the south went out of service, we became the only hospital equipped with incubators, and most of the Gaza Strip was displaced here [in Rafah]. At times, we had to place five newborns and young children in one incubator and following the spread of neonatal sepsis like wildfire, we had to ask mothers to cradle their babies on the floor... The situation was beyond description.”<sup>781</sup>**

Even if children recovered, sending them home was risky, as they would likely be returning to unhygienic conditions, which could make them fall ill again.

Mohammad Salama described the surge in mortality that the hospital had recorded as “alarming”.<sup>782</sup> He shared hospital statistics with Amnesty International, which showed that, after 7 October 2023, the NICU's mortality rates increased to 12% from 2.5%-3% prior to that date. There was also a sharp rise in admissions, from 59 in September 2023 to 270 in February 2024, along with a steep rise in cases of sepsis, from six to 30, and in death, from four to 20.<sup>783</sup>

In June 2024, a paediatrician at Kamal Adwan hospital in Beit Lahia, North Gaza governorate, where children had died of starvation, told Amnesty International:

**“Since the last week of May, we have seen an increase in the cases of respiratory infections and hepatitis A among the children we are receiving. Out of every 10 children we are treating, I see at least three with hepatitis A symptoms, related to severe malnutrition and water that is unfit for drinking.**

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MSF, *Gaza's Silent Killings: The Destruction of the Healthcare System and the Struggle for Survival in Rafah*, April 2024, [https://www.doctorswithoutborders.ca/wp-content/uploads/2024/04/MSF-GazaSilentKillings-Full-Report\\_ENG\\_April-2024.pdf](https://www.doctorswithoutborders.ca/wp-content/uploads/2024/04/MSF-GazaSilentKillings-Full-Report_ENG_April-2024.pdf)

<sup>779</sup> WHO, “oPt emergency situation update: Issue 29” (previously cited).

<sup>780</sup> WHO and Health Cluster, *Hostilities in the Occupied Palestinian Territory (OPT): Public Health Situation Analysis (PHSA)*, 2 May 2024 (previously cited).

<sup>781</sup> Interview by voice call with Mohammad Salama, director of the NICU at the Emirates Red Crescent Hospital in Rafah, 9 May 2024.

<sup>782</sup> Interview by voice call with Mohammad Salama, director of the NICU at the Emirates Red Crescent Hospital in Rafah, 9 May 2024.

<sup>783</sup> On file with Amnesty International.

**“You have unsanitary human conditions, severe malnutrition – bread is available now, unlike in February and March... bread fills you, but it’s not nutritious, and extreme overcrowding, and you also have the hottest period of summer fast approaching.**

**“And perhaps worst of all, we, as partially functioning hospitals in northern Gaza, are simply unable to cope, because all of this is happening in the midst of the war, with people requiring life-saving surgeries as a result of traumatic injuries due to bombing. We also don’t have the equipment to treat or provide the best medical care. We can only perform blood tests and blood gas tests.**

**“One of the children we are treating has an underlying heart condition and hypoalbuminemia, which has likely been exacerbated by acute malnutrition. To stabilize his condition, we need to provide him with a protein-rich diet, which is not available in Gaza right now; to treat him, we need to perform a surgery which is also not available now.”<sup>784</sup>**

A 35-year-old displaced woman from the Gaza City neighbourhood of Al-Rimal, staying at a school for internally displaced people in Gaza City, told Amnesty International:

**“I’m a mother of three children. They all got hit by diarrhoea at the same time more or less. Dealing with that before the war would have been difficult, but now it is a nightmare: no clean toilets, no clean water, nothing close to hygiene. To be a displaced mother in Gaza in this war is to live every day not knowing if your children will be killed by a missile or by a disease.”<sup>785</sup>**

As time passed, new disease threats arose. Tests conducted by UNICEF in July 2024 detected the presence of poliovirus type two in samples of sewage water.<sup>786</sup> Prior to that, in May 2024, water and sanitation staff in Gaza interviewed by Amnesty International had told the organization that the prolonged shutdown of all the major wastewater treatment plants in Gaza, including four that were destroyed or damaged, would have catastrophic and irreversible implications, fuelling the spread of potentially deadly diseases.<sup>787</sup>

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<sup>784</sup> Interview by voice call with a paediatric doctor at Kamal Adwan hospital, 10 June 2024.

<sup>785</sup> Interview by voice call with a displaced woman from Al-Rimal, 11 June 2024.

<sup>786</sup> UNICEF and others, “Poliovirus detected in Gaza sewage puts thousands at risk amid increasing ‘anarchy’”, 19 July 2024, <https://www.un.org/unispal/document/gaza-polio-alert-who-ohchr-unicef-19jul24>

<sup>787</sup> Interviews by voice call with a water and sanitation engineer at Gaza City municipality, 22 May, 25 May and 2 June 2024.



## **OVERCROWDING AND BREAKDOWN OF SANITATION IN DISPLACEMENT SETTINGS**

By forcing displaced Palestinians into overcrowded makeshift or temporary shelters with nowhere near enough toilets, showers and access to clean water, while continuing to obstruct the water and sanitation response, including by refusing to send electricity and restricting the amounts of fuel required to operate water and sanitation infrastructure, the Israeli authorities exposed them to a potentially deadly cycle of disease and malnutrition. As noted by public health experts, malnutrition can weaken people's immune systems, which makes them more vulnerable to waterborne and other infectious diseases. Meanwhile, overcrowding facilitates greater transmission of diseases.<sup>788</sup> Between February and May 2024, Amnesty International spoke with 35 displaced Palestinians who had sought shelter in Rafah and Khan Younis governorates. It also reviewed video testimonies collected by other human rights groups, as well as reports published by humanitarian organizations and the media detailing the living conditions of those displaced.

Many of the people with whom Amnesty International spoke had been displaced several times at the time of the interview and were considerably weakened by trauma. Along the way, some had sought refuge with relatives or, if they were lucky, in rented apartments, but most had no option but to stay in overcrowded UNRWA schools, in and around hospitals, some of which also faced "evacuation" orders, and makeshift camps unsuitable for human living.<sup>789</sup> Others returned to their damaged homes after they were unable to secure tents or alternative shelters and were forced to live amid the rubble with the constant risk that a wall would collapse on them.<sup>790</sup>

People reported being forced to live in plastic or tarpaulin tents, which flooded in the winter and, in general, failed to protect them from the cold, rain, wind or sun.<sup>791</sup> Without adequate access to blankets, mattresses or warm clothes, and without any heating sources for their living spaces, even those staying in the UN and other shelters were struggling to keep warm.<sup>792</sup> Already by mid-November 2023, humanitarian organizations warned that, combined with lower winter temperatures, such conditions exposed displaced civilians to an increased risk of disease.<sup>793</sup> Mass overcrowding only exacerbated the risks of transmission.<sup>794</sup>

Most of those interviewed reported huge shortages of toilets and showers, as well as unsanitary conditions in those that were available, posing serious public health concerns. Meanwhile, women interviewed by Amnesty International said that they avoided going to the bathroom out of fear of becoming infected with diseases. In March 2024, UNICEF reported that, on average, 340 people shared one toilet and 1,290 shared a shower across Gaza.<sup>795</sup>

Without access to toilets, tens of thousands of people were forced to defecate in the open, in holes that they dug in their tents, or in buckets, which they emptied in the vicinity of their living areas.<sup>796</sup> While humanitarian organizations made efforts to build latrines, despite the challenges related to a lack of space and limited construction

materials, the needs caused by multiple waves of mass displacement over a short period far exceeded their capabilities.

Already in November 2023, UNICEF stressed that the “desperate lack of water; faecal matter strewn across densely packed settlements; unacceptable lack of latrines; severe constraints on handwashing, personal hygiene and cleaning” were a “perfect storm for the spread of disease”.<sup>797</sup> Such conditions had led by then to a 10-fold increase in the monthly average of reported cases of diarrhoea among children under five. To avert the spread of diseases, the agency called for safe and unimpeded daily amounts of fuel to restore the functioning of water and sanitation facilities, as well as the entry of materials and equipment required for emergency repairs.<sup>798</sup>

For months, the Israeli authorities ignored such calls, and the humanitarian crisis worsened.<sup>799</sup> In March 2024, a rapid water, sanitation and hygiene (WASH) assessment found “some type of visible waste, including solid waste, human feces or stagnant water” in 93% of the sites it assessed across the Rafah governorate, with 68% having “informal or uncontrolled dumping areas.”<sup>800</sup> In many media and other interviews, displaced Palestinians said that they were dying a “slow death” due to such dehumanizing conditions.<sup>801</sup>

<sup>788</sup> Geneva Water Hub, *Fully Foreseeable* (previously cited), p. 7.

<sup>789</sup> Interviews by voice calls with 35 Palestinians who were displaced and sought shelter in Rafah and Khan Younis, February – May 2024.

<sup>790</sup> CNN, “Father in Gaza shows how his family is living amid destruction”, 23 May 2024, <https://edition.cnn.com/2024/05/24/world/video/gaza-destruction-survival-struggle-hancocks-pkg-digvid>

<sup>791</sup> Interview by voice call with a displaced woman in Tal al-Sultan refugee camp in Rafah, 28 February 2024. See also Al-Haq, “Testimonies: Forcibly displaced families face harsh winter”, 7 February 2024, <https://www.youtube.com/watch?v=Krg6qnf5Tzs>

<sup>792</sup> See, for example, CNN, “‘We have the right to live.’ Starvation, disease, and winter chill threaten the survival of displaced civilians in Gaza”, 14 December 2024, <https://edition.cnn.com/2023/12/13/middleeast/winter-gaza-starvation-disease-displaced-palestinians-mime-intl/index.html>

<sup>793</sup> OCHA, “Hostilities in the Gaza Strip and Israel: Flash update #39”, 14 November 2023, <https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-39>

<sup>794</sup> For example, a separate rapid assessment of 33 UNRWA settings for displaced persons conducted in Rafah in February 2024 found that, on average, there was only 1m<sup>2</sup> of living space per person, well below minimum standards for humanitarian action. In addition, 32% of shelters had no access to any heating, while 68% used wood, cardboard or garbage as sources of heating; 55% were affected by rain. See Shelter Cluster Palestine, “Rapid shelter assessment preliminary findings, 19-29 February”, 7 March 2024, <https://sheltercluster.s3.eu-central-1.amazonaws.com/public/docs/Rapid%20Shelter%20Assessment-summary%20-shelter%20cluster.%20.pdf>

<sup>795</sup> UNICEF in the State of Palestine, “Escalation humanitarian situation report no. 19: Reporting period 15 to 28 February 2023” (previously cited).

<sup>796</sup> UNICEF in the State of Palestine, “Escalation humanitarian situation report No. 19: Reporting period 15 to 28 February 2023” (previously cited).

<sup>797</sup> UNICEF, “Gaza: Water shortages spark disease alarm”, 22 November 2023, <https://www.unicef.ch/en/current/statements/2023-11-22/gaza-water-shortages-spark-disease-alarm>

<sup>798</sup> UNICEF, “Gaza: Water shortages spark disease alarm” (previously cited). See also UNICEF, “Gaza: The world’s most dangerous place to be a child”, 19 December 2023, <https://www.unicef.org/press-releases/unicef-geneva-palais-briefing-note-gaza-worlds-most-dangerous-place-be-child>

<sup>799</sup> Oxfam, *Water War Crimes* (previously cited).

<sup>800</sup> OCHA, “Humanitarian needs and response update: 27 February – 4 March 2024” (previously cited).

<sup>801</sup> Al Jazeera, “‘We die slowly every single day’: What survival means for one family in Gaza”, 25 October 2024, <https://www.aljazeera.com/features/2023/10/25/we-die-slowly-every-single-day-what-survival-means-for-one-gaza-family>

As time wore on, informal dump sites sprung up all over Gaza. In September 2024, a humanitarian worker described to Amnesty International how the Israeli authorities had continuously blocked and impeded their ability to deal with solid waste. He said:

**“When people see the solid waste [system] isn’t working, they start chucking garbage onto a collapsed house, for instance, which means multiple locations across Gaza with high volumes of waste. The rains are coming and that creates a perfect breeding environment for rodents, flies, insects – they love wet, rotting piles of waste.”**

He told Amnesty International that the Israeli authorities had not provided explanations for blocking humanitarian access to landfills and failing to send electricity into Gaza, including to water and sanitation infrastructure. He noted:

**“The solid waste mechanism is on its knees. We can expect the flooding from the rains to happen in some, if not all, of these dump sites, and then there will be a proliferation of rodents, fleas, sand flies, mosquitoes and we can just see a mushrooming in water-borne disease and other illnesses coming out of it.”<sup>802</sup>**

In October 2024, the IPC reported that the majority of the population was “living in temporary makeshift camps with an alarming density of almost 40,000 people per square kilometer” and warned:

**“Seasonal diseases and increasingly limited access to water and health services are likely to worsen acute malnutrition, especially in densely populated areas, where the risk of epidemics is already high.”<sup>803</sup>**

## **IMPACT ON CHILDREN AND PREGNANT AND BREASTFEEDING WOMEN**

The sharp and rapid rise in hunger and disease threatened everyone in Gaza, but infants and other young children, as well as pregnant and breastfeeding women, faced particular risks.<sup>804</sup>

Diseases spiked among children. In February 2024, the Global Nutrition Cluster, led by UNICEF, reported that, before 7 October 2023, the number of children under five reporting one or more diseases like acute respiratory infections, fever, vomiting, skin infections and diarrhoea was low. By early 2024, these numbers were “extremely critical” in at least two of Gaza’s five governorates – Rafah and Deir al-Balah. At least 90% of children under five had

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See also Care International, “People in Gaza suffer ‘slow death’ even when surviving the bombs”, 31 January 2024, <https://www.care-international.org/news/people-gaza-suffer-slow-death-even-when-surviving-bombs>; CNN, “‘We are dying slowly:’ Palestinians are eating grass and drinking polluted water as famine looms across Gaza”, 1 February 2024, <https://edition.cnn.com/2024/01/30/middleeast/famine-looms-in-gaza-israel-war-intl/index.html>

<sup>802</sup> Interview by voice call with a humanitarian worker, 27 September 2024.

<sup>803</sup> IPC, “Gaza Strip: IPC acute food insecurity and acute malnutrition special snapshot – September 2024 – April 2025” (previously cited).

<sup>804</sup> According to the Global Nutrition Cluster (GNC), the groups most vulnerable to malnutrition remain infants and newborns, children under five and pregnant and breastfeeding women, while additional at-risk groups include those with chronic diseases, children with pre-existing morbidities, and those recovering from traumatic injuries. GNC, *Nutrition Vulnerability and Situation Analysis: Gaza*, February 2024, <https://www.nutritioncluster.net/sites/nutritioncluster.com/files/2024-02/GAZA-Nutrition-vulnerability-and-SitAn-v7.pdf>, pp. 1-2.

been affected by one or more infectious diseases, and at least 70% had diarrhoea in the past two weeks, the report found.<sup>805</sup> Diarrhoea saps the body of fluids and much-needed nutrients, which can be deadly for those already vulnerable.<sup>806</sup>

Malnutrition also rose dramatically in infants, other young children, and pregnant and breastfeeding women in the first few months following October 2023. In February 2024, the Global Nutrition Cluster reported that the access of children under two to a sufficiently diverse diet was extremely critical in at least four of Gaza's five governorates by early 2024. Over 90% of children under two and pregnant and breastfeeding women were facing severe food poverty by early 2024, meaning that the food they were eating was of the lowest nutritional value and that they were eating two or fewer food groups a day.<sup>807</sup>

Conditions remained abysmal. In May 2024, according to a survey conducted by UNICEF, 93% of children under two years old and 96% of pregnant and breastfeeding women had eaten two or fewer food groups in the 24 hours preceding the survey. Almost 100% of households reported having to skip meals or eat less food to ensure their children could eat.<sup>808</sup>

These conditions were impacting women's ability to feed their babies. According to the WHO, a combination of "extreme fear and stress, malnutrition, and complex living conditions" had led to many women being unable to breastfeed their newborn babies. Combined with pre-existing high levels of bottle-feeding, this exposed infants to a risk of unsafe and contaminated water.<sup>809</sup> In April and May 2024, Amnesty International spoke to doctors, medical professionals and midwives providing healthcare to soon-to-be mothers, new mothers, newborns and other young children in northern Gaza and Rafah governorate. Healthcare workers repeatedly pointed to the lack of access to sufficient and safe food and water as helping to explain the surge of malnutrition, dehydration and disease.<sup>810</sup> As one medical worker at Al-Awda hospital in Jabalia explained, "We have seen a lot of infections that have spread from women drinking unclean water, and even us, we now are drinking from the wells directly."<sup>811</sup>

Many thousands of women have delivered babies since October 2023.<sup>812</sup> On 20 February 2024, Hamza, a resident of northern Gaza, whose wife Kawthar had given birth to their fourth

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<sup>805</sup> GNC, *Nutrition Vulnerability and Situation Analysis: Gaza*, February 2024 (previously cited).

<sup>806</sup> GNC, *Nutrition Vulnerability and Situation Analysis: Gaza*, February 2024 (previously cited).

<sup>807</sup> GNC, *Nutrition Vulnerability and Situation Analysis: Gaza*, February 2024 (previously cited).

<sup>808</sup> GNC, *Nutrition Vulnerability and Situation Analysis: Gaza*, June 2024, <https://www.nutritioncluster.net/news-and-events/news/nutrition-vulnerability-and-situation-analysis-gaza>, p. 2.

<sup>809</sup> WHO and Health Cluster, *Hostilities in the Occupied Palestinian Territory (OPT): Public Health Situation Analysis (PHSA)*, 2 May 2024 (previously cited).

<sup>810</sup> Access to sufficient food and clean water is critical for soon-to-be and new mothers, who have higher daily water and calorific intake requirements than others. Pregnant and lactating women need 7.5 litres of water a day to keep themselves and their babies healthy and hydrated, according to UN Women, "or five times the amount presently available" in Gaza. Lack of clean water reduces breast milk supply and has detrimental impacts on infants. Water is also needed to make infant formula. Humanitarian organizations found that women were struggling to breastfeed, and households were struggling to find formula and clean water with which to make formula. Households had resorted to a range of negative coping mechanisms, including reducing the amount of formula given to babies in each bottle feed, reducing the number of feeds, or shifting to other means of feeding their infants. GNC, *Nutrition Vulnerability and Situation Analysis: Gaza*, February 2024 (previously cited), pp. 9-10.

<sup>811</sup> Interview in person with a medical worker at Al-Awda hospital, 28 April 2024, Jabalia.

<sup>812</sup> UN Women, *Scarcity and Fear: A Gender Analysis of the Impact of the War in Gaza on Vital Services Essential to Women's and Girls' Health, Safety and Dignity – Water, Sanitation and Hygiene* (previously cited), p. 7.

child on 17 February 2024, told Amnesty International that his family of six was barely able to secure half a meal a day. After the flour and corn supplies ran out, they resorted to grinding barley and animal feed to make bread. “Now even the [animal] fodder is becoming scarce,” he said.<sup>813</sup> His wife gave birth in Kamal Adwan hospital in Beit Lahia. She had no breast milk after delivery and struggled to feed her newborn baby:

**“After an anxious search around the hospital, a woman gave us a small quantity of milk which we fed the baby through a syringe. My aunt managed to find us some milk today – I don’t know how – and she didn’t say how much it cost her. There is no rice, no meat. I went to the market yesterday to look for food and came back home empty-handed: no meat, no chickpeas, nothing.”<sup>814</sup>**

Joumana, a 23-year-old resident of the neighbourhood of Saftawi near Jabalia in North Gaza governorate, gave birth to her second child in March 2024. She described to Amnesty International how she struggled to find infant milk and other necessities for her baby:

**“I had to beg the doctors for baby formula but I was told that even the hospitals don’t have enough, and I couldn’t breastfeed at all during the first few days. Shortly after giving birth, I moved back to the IDP [internally displaced persons] shelter where we had been staying... One of the women at the school gave me formula. She saved my child. It’s tough for us here, but here I had a complete stranger helping me.”<sup>815</sup>**

Malnutrition affects the body in multiple ways. As a paediatrician in northern Gaza explained, it weakens the immune system, which means that malnourished children will be more susceptible to viruses and bacteria. Children may face infections of the blood or kidney failure. “Maybe the child will reach a level from which he cannot recover,” the doctor said. “We have lost a lot of children [since 7 October 2023] because of these things.”<sup>816</sup>

A medical worker at the same hospital explained in April 2024 that someone’s vulnerability to malnutrition and associated complications depended on their physical health, with young children and those with pre-existing conditions being particularly at risk:

**“If you are healthy, you might be able to resist the hunger or the sickness, but if a child is sick or has medical issues, then they are more likely to succumb to malnutrition, and with the lack of food and medical supplies now, they might succumb to the point where they might die... Now, in northern Gaza... there is garbage piling up, contaminated water, a lack of food that is healthy and sufficient and varied. Children’s bodies grow fast, and they need proteins and specialized nutrition. Some children need specialized or fortified milk. Now all of this is missing in north Gaza, which means that those who succumb to malnutrition or dehydration, their fate is sealed.”<sup>817</sup>**

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<sup>813</sup> Interview by voice call with Hamza, a resident of northern Gaza, 20 February 2024.

<sup>814</sup> Interview by voice call with Hamza, a resident of northern Gaza, 20 February 2024.

<sup>815</sup> Interviewed by voice call with Joumana, a resident of northern Gaza, 3 April 2024.

<sup>816</sup> Interview in person with a paediatric doctor in Kamal Adwan hospital, 20 April 2024, Beit Lahia.

<sup>817</sup> Interview in person with a medical worker at Kamal Adwan hospital, 20 April 2024, Beit Lahia.

Nutrition experts who spoke with Amnesty International echoed these concerns. One explained in April 2024 how children with severe acute malnutrition are at high risk of dying of disease:

**“They are standing at death’s door. Their bodies are not ready to deal with it if anything hits them, and we don’t have systems in place to provide them the medical aid they need. So [if things do not drastically change], we will have the vanishing of this young generation. These children will be gone.”<sup>818</sup>**

Amnesty International examined a list of 26 children whom the Kamal Adwan hospital had recorded as having died from malnutrition and malnutrition-related complications between January and early April 2024. All except two of them were under five years old at the time of death. The majority of them were aged two or younger. One child was listed as being one day old when the hospital recorded his death from malnutrition. Most of the children died on the same day as, or a few days after, reaching the hospital. Many of them died in early 2024, during one of the periods when the north was almost entirely cut off from assistance.<sup>819</sup>

Medical workers shared another list of 41 children with malnutrition whom the hospital had received in March and April 2024, and whose cases the hospital continued to follow.<sup>820</sup> Most of the children on the list had been born between 2022 and 2024. At least 12 were born after 7 October 2023.

In June 2024, Amnesty International received another list from the Gaza-based Ministry of Health, including the names, ages and genders of 37 children who had died from malnutrition, dehydration or related illnesses.<sup>821</sup>

In October 2024, the IPC estimated that, given conditions in Gaza, there would be about 60,000 cases of acute malnutrition among children under five years old, of which 12,000 would be severe cases, in the coming year, and that 16,500 pregnant and breastfeeding women would be in need of treatment for acute malnutrition in the same time period.<sup>822</sup>

A nutrition expert in a humanitarian organization explained that malnutrition, particularly in young children, has long-term effects.

**“What we lose in the first two years of life, we don’t really catch up... The children who stay and survive have a diminished future of what they can achieve. Then there are others who won’t survive.”<sup>823</sup>**

## 6.2.5 PROHIBITED ACTS

As demonstrated above, over the nine-month period under review, the Israeli authorities undertook a series of deliberate actions that had a devastating impact on the conditions of

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<sup>818</sup> Interview by voice call with three humanitarian workers, 25 April 2024.

<sup>819</sup> Hospital records on file with Amnesty International.

<sup>820</sup> Hospital records on file with Amnesty International.

<sup>821</sup> On file with Amnesty International.

<sup>822</sup> IPC, “Gaza Strip: IPC acute food insecurity and acute malnutrition special snapshot – September 2024 – April 2025” (previously cited).

<sup>823</sup> Interview by voice call with three humanitarian workers, 25 April 2024.

life for Palestinians in Gaza. They caused unprecedented damage to and destruction of critical infrastructure and other objects indispensable to the survival of the civilian population. They issued dozens of “evacuation” orders leading to the repeated mass forced displacement of the vast majority of Gaza’s population under unsafe and unsanitary conditions. They denied and obstructed the delivery to Palestinians in Gaza of essential services and life-saving supplies, including food, clean water and essential medical supplies and equipment, as well as supplies necessary for essential services to function, most notably electricity and fuel, and impeded the access of humanitarian aid both into and within Gaza.

Israel breached its obligations under international humanitarian law and international human rights law, including its obligations as an occupying power, to ensure that the basic needs of the population were met. It prevented meaningful humanitarian access so that humanitarian organizations could address the impact of Israel’s actions, again in violation of its obligations as a party to the conflict and in defiance of legally binding orders of the ICJ. Israel’s blocking of adequate supplies of medicine, medical equipment and sources of energy also violated its obligation to ensure the wounded and sick – whether civilians or fighters – were protected and cared for. Its actions further violated Palestinians’ rights to life and to health and amounted to collective punishment of the civilian population in Gaza.

These actions had a devastating impact on the conditions of life of Palestinians in Gaza, particularly when considering the context of the destitution and destruction caused by Israel’s previous military offensives and its long-standing occupation and apartheid system, which had left 80% dependent on humanitarian aid before 7 October 2023. After the start of Israel’s offensive on Gaza, conditions of life there deteriorated with such speed and severity that, after a few months, the entire population was facing a deadly mix of hunger, malnutrition and infectious disease.

According to Amnesty International, such conditions of life were “calculated to bring about [the] physical destruction in whole or in part” of Palestinians in Gaza under Articles II(c) of the Genocide Convention.

As interpreted by international jurisprudence, this prohibited act concerns “the methods of destruction by which the perpetrator does not immediately kill the members of the group, but which, ultimately, seek their physical destruction”.<sup>824</sup> In this respect, proof that such conditions of life have *actually resulted* in the physical destruction of the targeted group is not required.<sup>825</sup> What matters is that such an outcome is sought through the imposition of said conditions of life, which according to international jurisprudence, “include, *inter alia*, subjecting a group of people to a subsistence diet, systematic expulsion from homes and the reduction of essential medical services below minimum requirement,”<sup>826</sup> as well as “the creation of circumstances that would lead to a slow death, such as lack of proper housing, clothing and hygiene or excessive work or physical exertion”.<sup>827</sup>

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<sup>824</sup> ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), para. 505; ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 161.

<sup>825</sup> ICTY, *Prosecutor v. Stakić*, Trial Chamber judgment (previously cited), para. 517.

<sup>826</sup> ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), para. 506.

<sup>827</sup> ICTY, *Prosecutor v. Stakić*, Trial Chamber judgment (previously cited), para. 517.

In the absence of direct evidence of whether the conditions of life imposed on the group were deliberately calculated to bring about its physical destruction, the ICTY has ruled that consideration may be given to “the objective probability of these conditions leading to the physical destruction of the group.” In this regard, the ICTY has held that the following constitute “illustrative factors to be considered” in evaluating such a probability: the actual nature of the conditions of life, the length of time that members of the group were subjected to them, and the characteristics of the group such as its vulnerability.<sup>828</sup> The analysis above has demonstrated that the standard of “objective probability” has been met.<sup>829</sup>

First, the conditions of life that were imposed by Israel on Gaza resulted from the large-scale destruction of critical infrastructure and other objects indispensable to the survival of the civilian population, the mass displacement of nearly all of the civilian population through multiple waves of “evacuation” orders, and blocking, impeding and severely and arbitrarily restricting the entry of, and access to, humanitarian aid and other essentials into and within Gaza. Different actions by Israel often combined to gravely exacerbate the impact on civilians. For example, Israel’s destruction of agricultural land and infrastructure, when combined with mass forced displacement that prevented farmers from reaching their crops or tending their livestock and significant restrictions on the import and transport of aid and other essentials into and within Gaza, ensured that most people lacked sufficient food. Israel’s destruction of homes, when combined with mass forced displacement and restrictions on aid and other essentials, ensured that most Palestinians in Gaza were forced to live in desperately crowded, unsanitary and unsafe conditions. While, at times, Israel eased some of the restrictions on the ingress of humanitarian aid and other essential supplies into Gaza, at no point did it fundamentally change its policies and conduct to the extent required to reverse the destructive consequences of the conditions of life imposed on Palestinians in Gaza. Where Israel eased restrictions, it took other actions to inflict conditions of life calculated to bring about the destruction of Palestinians in Gaza. For example, shortly after Israel allowed more aid into Gaza in April 2024, it began its ground operation in Rafah on 6 May 2024, thereby displacing hundreds of thousands of civilians whom Israel had ordered to “evacuate” south and devastating the aid response, which Israel had ensured would centre around Rafah.

Second, Israel’s actions and policies ultimately brought Gaza’s population to the brink of collapse. Statistical evidence, expert opinions and interviews with those affected by these conditions leave no doubt: the “deprivation of food, medical care, shelter or clothing, as well as lack of hygiene”, among other factors, led to hunger, malnutrition and multiple diseases and amounted to “the creation of circumstances that would lead to a slow death.”<sup>830</sup>

Third, the conditions imposed on Gaza had a particular impact on infants and other young children, as well as pregnant and breastfeeding women. As noted in section 5.3 “Genocidal acts”, the particular needs and vulnerability of children is an additional factor to be considered when assessing the objective probability of conditions leading to the physical

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<sup>828</sup> ICTY, *Prosecutor v. Tolimir*, Trial Chamber judgment (previously cited), para. 742; ICTY, *Prosecutor v. Brdjanin*, Trial Chamber judgment (previously cited), para. 906.

<sup>829</sup> See section 5.3 “Genocidal acts”.

<sup>830</sup> ICTY, *Prosecutor v. Stakić*, Trial Chamber judgment (previously cited), para. 517.



destruction of a group. Diseases quickly spiked among children in Gaza, and malnutrition rose dramatically in infants, other young children, and pregnant and breastfeeding women. Medical workers treating children with severe malnutrition in Gaza and nutrition experts involved in the humanitarian effort who spoke with Amnesty International explained that the conditions in Gaza posed particular risks to infants and other young children. In late 2023, the IPC warned: “The increased nutritional vulnerability of children, pregnant and breastfeeding women and the elderly is a particular source of concern [in Gaza].”<sup>831</sup> By early 2024, dozens of young children had died from malnutrition and malnutrition-related complications, according to medical workers treating infants and other young children in Gaza. By late 2024, the IPC was predicting that more than 10,000 young children in Gaza would be suffering from severe malnutrition in the coming year, which is life-threatening.<sup>832</sup>

Fourth, under Israel’s long-standing occupation and its system of apartheid, the conditions of daily life for Palestinians in Gaza were already deeply eroded, leaving the population with little to no capability for resilience and autonomy. The vulnerability of the Palestinian population in Gaza has been the object of countless studies and statistical evidence.<sup>833</sup>

Fifth, Israel maintained its policies and conduct despite the numerous and repeated warnings by the UN and humanitarian organizations, as well as the legally binding orders issued by the ICJ. Israel had multiple options available to it to improve conditions of life in Gaza, which it did not take. These were deliberate, intentional decisions made with knowledge, at an excruciating level of detail, of the impact on Palestinians in Gaza and on the long-term consequences for the population, particularly the children.

In light of the above, the only possible conclusion is that Israel not only foresaw, but intended, to inflict conditions of life on Palestinians in Gaza calculated to bring about their destruction.

These acts were specifically committed against Palestinians in Gaza, who are part of a protected group under the Genocide Convention.<sup>834</sup>

Amnesty International concludes that Israel perpetrated the act of “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”, as prohibited under Articles II(c) of the Genocide Convention.

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<sup>831</sup> IPC, “Gaza Strip: IPC acute food insecurity – November 2023 – February 2024” (previously cited).

<sup>832</sup> IPC, “Gaza Strip: IPC acute food insecurity and acute malnutrition special snapshot – September 2024 – April 2025” (previously cited).

<sup>833</sup> See section 3.1 “Situation in Gaza prior to 7 October 2023”.

<sup>834</sup> See section 5.4 “Palestinians as a protected group”.

# 7. ISRAEL'S INTENT IN GAZA

Having established that Israel committed acts that are prohibited under the Genocide Convention in Gaza between 7 October 2023 and early July 2024, and did so against a protected group under the Genocide Convention, namely Palestinians, Amnesty International assessed whether Israel committed such prohibited acts “with intent to destroy, in whole or in part, [the] group, as such”.<sup>835</sup>

The historical circumstances in which Israel's actions took place are important context in making this assessment. Israel's offensive on Gaza occurred in the context of a brutal 57-year-old military occupation of Palestinian territory recently found to be unlawful by the ICJ. It occurred in the context of Israel's apartheid system, which subjects all Palestinians within Israel and the OPT to an institutionalized regime of oppression and domination. It occurred in the context of a 17-year-old unlawful blockade of Gaza, a key tool through which Israel enforces apartheid in Gaza and suppresses the population's human development. All of these demonstrate Israel's pre-existing animus and attitude towards Palestinians, particularly Palestinians in Gaza.

In terms of the more immediate circumstances, Israel waged its campaign in Gaza following the horrific attacks by Hamas and other Palestinian armed groups on 7 October 2023. Many Israelis, including government officials and Jewish and other commentators around the world, described the attacks as the bloodiest day against Jewish people since the Holocaust. Others called it “Israel's Pearl Harbour”, referring to Japan's surprise attack on a US military base during the Second World War, or “Israel's 9/11”, comparing the Hamas-led attacks to those perpetrated against the USA on 11 September 2001.<sup>836</sup> Israeli officials would later use such analogies, divorced from the context of apartheid and occupation, to generate international support for their retaliatory military actions and dehumanize Palestinians, presenting the offensive as a fight between “good and evil”, and casting Gaza's population as

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<sup>835</sup> Genocide Convention, Article II.

<sup>836</sup> Times of Israel, “Was Hamas's attack on Saturday the bloodiest day for Jews since the Holocaust?”, 9 October 2023, <https://www.timesofisrael.com/was-hamass-attack-on-saturday-the-bloodiest-day-for-jews-since-the-holocaust>

supporters of Hamas.<sup>837</sup> They repeated slogans evoking the painful memory of the Holocaust, such as “never again” and “never forget”, to justify a response of unprecedented magnitude.

Similarly, Israel’s political context cannot be ignored when analysing intent. Of particular relevance is the fact that Prime Minister Netanyahu relied upon the support of two religious Zionist, ultra-nationalist and expressly anti-Palestinian parties, led by Minister of Finance Smotrich and Minister of National Security Ben-Gvir, both leaders of the settler movement, for the survival of his governing coalition at a time when his government had been facing weekly mass protests over plans to overhaul the judicial system in Israel.<sup>838</sup>

With this context in mind, Amnesty International considered a range of evidence. First, Amnesty International looked at the overall pattern of Israel’s conduct in Gaza. It examined Israel’s deadly and destructive attacks, along with the scale of killings of and injuries to Palestinians. It re-analysed information presented in Chapter 6 “Israel’s actions in Gaza” on the damage to and destruction of objects indispensable to the survival of the civilian population and Israel’s imposition and maintenance of conditions of life calculated to bring about the physical destruction of Palestinians in Gaza. It examined the destruction of cultural and religious sites. It also considered Israel’s perpetration of other unlawful acts against Palestinians from Gaza, including incommunicado detention, torture and other ill-treatment.

Second, the organization examined evidence of Israeli officials using dehumanizing, racist and derogatory rhetoric against Palestinians prior to 7 October 2023, as well as evidence that such rhetoric escalated significantly following 7 October 2023, bearing in mind the historical and immediate contexts in which they occurred.

Third, it reviewed 102 statements made by Israeli government officials, high-ranking military officers and members of the Knesset made between 7 October 2023 and 30 June 2024 which dehumanized Palestinians, or called for, or justified, genocidal acts or other crimes under international law against them. Of these, it identified 22 statements that were specifically made by members of Israel’s war and security cabinets, high-ranking military officers and Israel’s president between 7 October 2023 and 30 June 2024 and appeared to call for, or justify, genocidal acts. It analysed the intent that these statements exhibited, taking into account the linguistic, cultural and political context in which they were delivered. It then assessed whether the government and military had acted in alignment with these statements.

To consider further the possible influence of these statements over the military’s conduct, Amnesty International analysed 62 videos, audio recordings and photographs posted online showing Israeli soldiers making calls for the destruction of Gaza or the denial of essential services to people in Gaza, or celebrating the destruction of Palestinian property, and

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<sup>837</sup> See, for example, Israel, Prime Minister’s Office, “Excerpt from PM Netanyahu’s Knesset speech on the occasion of the swearing-in of the National Emergency Government”, 12 October 2023, <https://www.gov.il/en/pages/event-speech121023>

<sup>838</sup> Amnesty International, “Defending the rule of law, enforcing apartheid: The double life of Israel’s judiciary”, 13 September 2023, <https://www.amnesty.org/en/latest/news/2023/09/defending-the-rule-of-law-enforcing-apartheid-the-double-life-of-israels-judiciary>

examined the extent to which they echoed statements made by senior government and military officials.

The organization also looked at whether the Israeli authorities had conducted investigations or taken disciplinary measures against soldiers acting in the manner described above, or against officials who made statements understood as public calls for the destruction of Palestinians in Gaza. For this purpose, it considered Israel's actions and omissions in relation to statements by officials with direct responsibilities over the management of the offensive on Gaza, as well as those without direct responsibility, such as ministers and members of the Knesset who were not part of the war and security cabinets.

Amnesty International recognizes that the statements it analysed are only a small proportion of the total number of statements made by Israeli government and military officials during the period under review. It acknowledges further that many other statements claimed that Israel was acting or intending to act in accordance with international law and not targeting Palestinian civilians in Gaza, but rather Hamas and other Palestinian armed groups. However, the key determination to be made is whether the statements it analysed, taken together with the pattern of Israel's conduct from which intent can be inferred, are indicative of genocidal intent, particularly when these statements more closely align with the actions taken on the ground.

Before reaching a conclusion, Amnesty International examined a key alternative hypothesis used to counter a finding of genocide, namely that Israel may have committed unlawful acts, particularly under international humanitarian law, during its military offensive on Gaza, but did not specifically intend to destroy the Palestinians in Gaza. According to this hypothesis, any such act would have been committed with a lack of care for or in disregard of the lives of Palestinian civilians but not with genocidal intent. In Chapter 6 "Israel's actions in Gaza", the organization has already examined and rejected the alternative hypotheses that the devastation and destruction in Gaza were incidental deaths, injuries and destruction resulting from lawful attacks by Israel targeting military objectives or from other actions, such as restrictions on movement and evacuations, that Israel undertook for the security of civilians or for imperative military necessity.

Amnesty International conducted an assessment of all available evidence in its totality, that is, in a holistic and comprehensive manner, in accordance with the approach set out in Chapter 5 "Genocide under international law". A compartmentalized analysis of whether individual acts or statements, taken in isolation, prove genocidal intent is not appropriate or warranted by international law, and would provide an incomplete and potentially misleading understanding of the facts. Accordingly, inferring intent from statements and actions, including those constituting a pattern of conduct, requires looking at them in their entirety and in context. With reference to pattern of conduct only, the analysis needs to consider whether the connection and interrelation between the underlying acts leads to the conclusion that genocidal intent is "the only reasonable inference" which can be drawn.<sup>839</sup>

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<sup>839</sup> See section 5.5 "Specific intent" for more details.

Critically, genocide need not be the only goal pursued; instead, it must be clear – it must be the only reasonable inference emerging from the pattern of conduct – that the destruction of the targeted group, in whole or in part, as such is one of the goals pursued. In any armed conflict, there will be military goals. These military goals may operate in tandem with genocidal intent, or genocide could be the means by which the military goals are achieved. However, the existence of military goals does not negate the existence of genocidal intent.

As a result of this analysis and assessment, detailed below, Amnesty International finds that genocidal intent is the only reasonable inference. Sufficient evidence exists to find that Israel’s purpose and goal in Gaza is the destruction of Palestinians in Gaza, and there is no reasonable alternative explanation. Because Israel is acting in the context of an armed conflict, it obviously has military goals as well, which may operate in tandem with genocidal intent or which the destruction of Palestinians serves. But these military goals are insufficient to explain the scale and scope of Israel’s ongoing unlawful actions. Only an intent to destroy the Palestinians in Gaza does so.

## **7.1 PATTERN OF CONDUCT**

During the nine-month period under review, from 7 October 2023 to early July 2024, Israel’s attacks on Gaza, many of them unlawful, resulted in significant numbers of killings and injuries among the Palestinian population and extensive damage to and destruction of Palestinian homes, life-sustaining infrastructure and cultural and religious sites, all occurring at an unprecedented scale and speed. While Israel has justified many of its attacks based on the existence of tunnels or the presence of Hamas members and other military objectives within residential neighbourhoods, Amnesty International found a pattern of direct attacks on civilians with no apparent military objective present, indiscriminate attacks and intentional destruction of cultural and religious sites with no apparent imperative military necessity. As set out in section 6.2 “Inflicting conditions of life calculated to bring about destruction of Palestinians”, Israel deliberately subjected Palestinians in Gaza to conditions of life calculated to bring about their physical destruction. It also perpetrated other unlawful acts against Palestinians in Gaza, including incommunicado detention and torture and other ill-treatment.

The scale of the attacks, the number of civilian victims spread across ages and genders and within multigenerational families, the repetition of destructive acts, and the perpetration of other culpable acts systematically targeted at the same group are all factors that indicate genocidal intent when considered holistically with others.<sup>840</sup>

### **7.1.1 DEADLY AND DESTRUCTIVE ATTACKS**

The intent to destroy Palestinians in Gaza emerges when examining Israel’s attacks following 7 October 2023 and their impact.

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<sup>840</sup> See section 5.5 “Specific intent”.

Unlawful attacks and their effects on the civilian population are among the relevant factors the ICJ has considered to “establish the existence of a pattern of conduct revealing a genocidal intent”, in particular “the scale and allegedly systematic nature of the attacks, the fact that those attacks are said to have caused casualties and damage far in excess of what was justified by military necessity... and the nature, extent and degree of the injuries caused” to the targeted group.<sup>841</sup> Other factors international jurisprudence has identified in this respect are: the general context in which acts are perpetrated, including alongside other acts prohibited under the Genocide Convention; the scale of the atrocities committed; the number of victims; the targeting of members of the group without distinction of age and gender; the repetition of destructive acts; and the perpetration of other culpable acts systematically targeted at the same group.<sup>842</sup> All these elements characterize the way Israel conducted its offensive on Gaza following 7 October 2023 and indicate an intent to destroy Palestinians in Gaza.

Amnesty International recognizes that it has been able to fully document only a limited portion of the overall number of attacks carried out by Israel since 7 October 2023 due to the lack of access to the affected areas or to information from the military. It notes Israel’s official narrative that the nature of the hostilities is a product of its aim to defeat Hamas militarily, on the one hand, and Hamas’s strategies, on the other. It also acknowledges that, in multiple situations, Hamas and other Palestinian armed groups have endangered civilians in Gaza. However, as set out in section 6.1 “Killing and causing serious harm”, Amnesty International and other organizations have demonstrated a pattern of attacks by Israel that were directed at civilians and civilian objects or that were deliberately indiscriminate.

Israel launched many of these attacks at times and in locations that would kill a significant number of civilians. It repeatedly required civilians to evacuate, often at short notice, from one location to another, and then frequently targeted the very locations to which they moved.<sup>843</sup> Israel ordered attacks on residential areas where large numbers of displaced civilians, including multi-generational families, were sheltering. The timing of many attacks at night, when people would have been sleeping, the number of families residing at each address and the number of members of each family present indicate that the scale of civilian deaths and injuries was understood and intentional.<sup>844</sup>

Despite the abundance of publicly available evidence concerning the devastating impact of Israel’s bombing of critical infrastructure, agricultural fields and residential buildings, and Israel’s awareness of the long-term humanitarian consequences resulting from its previous bombing campaigns, including those in 2008-2009, 2014 and 2021, Israel continued purposefully to use weapons with wide area effects in densely populated residential areas,

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<sup>841</sup> ICJ, *Croatia v. Serbia*, judgment (previously cited), para. 413.

<sup>842</sup> See section 5.5 “Specific intent” for more details.

<sup>843</sup> See, for example, Forensic Architecture, *Inhumane Zones*, 19 May 2024, [https://content.forensic-architecture.org/wp-content/uploads/2024/05/Inhumane-Zones-Report-Forensic-Architecture\\_WEBSITE.pdf](https://content.forensic-architecture.org/wp-content/uploads/2024/05/Inhumane-Zones-Report-Forensic-Architecture_WEBSITE.pdf), pp. 28-31; and Amnesty International, “New evidence of unlawful Israeli attacks in Gaza causing mass civilian casualties amid real risk of genocide” (previously cited).

<sup>844</sup> Forensic Architecture concluded that, in “the first three weeks of the aerial bombing campaign in Gaza (7-28 October 2023)... [s]trikes on residential buildings happened more at night than during the day”. Forensic Architecture, *A Spatial Analysis of the Israeli Military’s Conduct in Gaza Since October 2023* (previously cited), p. 45.

and in areas with key infrastructure and other objects indispensable to the survival of the civilian population, thereby intentionally killing and injuring civilians and damaging or destroying objects indispensable to the survival of the civilian population.

According to its own claims, in less than two months, the Israeli air force had carried out about 10,000 air strikes in Gaza.<sup>845</sup> According to a study by FXB Center for Health and Human Rights at Harvard University, it dropped hundreds of 2,000-pound (900 kg) bombs with a large destructive radius, including in proximity to hospitals, in the period between 7 October and 17 November 2023 alone.<sup>846</sup> In late February 2024, the Israeli air force stated that it had carried out attacks on approximately 30,000 targets in areas that fall under the Israeli military's Southern Command, which include all of Gaza.<sup>847</sup>

Experts on civilian protection in armed conflict have argued that Israeli forces could have done more to protect civilians during their offensive on Gaza, despite the challenges posed by Gaza's population density and the fact that armed groups could intermingle with the civilian population.<sup>848</sup> One leading US expert who served as a senior adviser to the US government noted the Israeli military's failure to implement civilian harm mitigation practices into the Gaza campaign through the reliance on "high yield" weapons (ones with large explosive power), the absence of publicly released data and metrics to capture the aggregate risk to civilians posed by military operations, and the apparent adoption of a threshold for acceptable civilian loss far higher than the US military. He determined this threshold by analysing the number of people killed in Gaza (as reported by the Gaza-based Ministry of Health), the number of fighters killed (as reported by the Israeli military, which he noted was likely a significant overcount), and the number of air strikes Israeli forces claimed to have carried out.<sup>849</sup>

In addition to air strikes, Amnesty International is aware of allegations of extrajudicial executions of Palestinians by Israeli soldiers in the context of arrests or other ground operations across Gaza, as reported by the OHCHR<sup>850</sup> and investigated by human rights

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<sup>845</sup> IDF, "IAF conducts thousands of strikes on terrorist targets in Gaza", 3 December 2023, <https://www.idf.il/en/mini-sites/idf-press-releases-israel-at-war/december-23-pr/iaf-conducts-thousands-of-strikes-on-terrorist-targets-in-gaza>

<sup>846</sup> FXB Center for Health & Human Rights at Harvard University, "New study shows Israel air-dropped 2000lb bombs within lethal and damage ranges of hospitals in Gaza", 10 October 2024, <https://fxb.harvard.edu/2024/10/10/new-study-shows-israel-air-dropped-2000lb-bombs-within-lethal-and-damage-ranges-of-hospitals-in-gaza>

According to the study, in just the first six weeks of the offensive, Israel dropped close to 600 2,000-pound (900 kg) bombs on Gaza.

See section 6.1 "Killing and causing serious harm" for further details on Israel's use of heavy explosive weapons.

<sup>847</sup> Israeli Air Force, X post: [מטרות בכלל הזירות והקמת מחלקת איראן של מעל 186,000 שעות טיסה, תקיפה של מעל 31,000 מטרות](https://x.com/IAFsite/status/1759981689843925345) ["Over 186,000 flight hours, attacks on over 31,000 targets in all frontiers and the establishment of the Iran Department"], 20 February 2024, <https://x.com/IAFsite/status/1759981689843925345> (in Hebrew).

<sup>848</sup> Larry Lewis, "Protecting civilians in Gaza requires not just a will, but a way", CNA, 27 October 2023, <https://www.cna.org/our-media/indepth/2023/10/protecting-civilians-in-gaza>

<sup>849</sup> Larry Lewis, "Israeli civilian harm mitigation in Gaza: Gold standard or fool's gold?", Just Security, 12 March 2024, <https://www.justsecurity.org/93105/israeli-civilian-harm-mitigation-in-gaza-gold-standard-or-fools-gold>

<sup>850</sup> OHCHR, "Unlawful killings in Gaza City", 20 December 2023, <https://www.un.org/unispal/document/unlawful-killings-in-gaza-city-ohchr-press-release>; OHCHR, "Gaza: Killing of Hind Rajab and her family – a war crime too many, warn experts", 19 July 2024, <https://www.ohchr.org/en/press-releases/2024/07/gaza-killing-hind-rajab-and-her-family-war-crime-too-many-warn-experts>

organizations such as Human Rights Watch.<sup>851</sup> While footage documenting such unlawful killings remains rare,<sup>852</sup> such reports are consistent with the testimonies of Israeli soldiers who have served in Gaza. The soldiers describe being authorized to fire on anyone who happened to be present in an area unilaterally defined by Israel's military as a "no-go zone".<sup>853</sup>

More broadly, as outlined in section 6.1 "Killing and causing serious harm", the armed conflict in Gaza has seen shocking numbers of deaths of and injuries to Palestinians in Gaza, a huge proportion of whom were civilians. Between 7 October 2023 and 7 October 2024, the Gaza-based Ministry of Health recorded 42,010 fatalities, of which it fully identified 40,717 individuals, including their names, age and gender. Children, women and older people constituted approximately 60% of all identified fatalities.<sup>854</sup> In addition to those killed, the Gaza-based Ministry of Health estimated that 97,590 Palestinians had been injured by 7 October 2024.<sup>855</sup> As many as 22,500 had faced life-changing injuries requiring long-term rehabilitation, according to estimates by the WHO from late July 2024.<sup>856</sup>

Israeli strikes on residential buildings, for example, as documented by Amnesty International and others, including the UN, caused mass civilian casualties, sometimes wiping out entire families.<sup>857</sup> An Associated Press investigation identified 60 families across Gaza where each family had lost at least 25 of their members during the first three months of Israel's offensive.<sup>858</sup> Further reflecting the staggering toll of the offensive on entire families, by 31 August 2024, OHCHR identified 200 families that had lost between five and nine members, 172 families that had lost between 10 and 19 members, 69 families that had lost between 20 and 29 members, and 43 families that had lost over 30 family members.<sup>859</sup> OHCHR also managed to verify 8,119 conflict-related fatalities in Gaza by 2 September 2024, the vast majority of whom (over 93%) were killed in residential buildings or similar housing. Of the

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<sup>851</sup> HRW, "Gaza: Israeli forces open fire while storming home", 8 August 2024, <https://www.hrw.org/news/2024/08/08/gaza-israeli-forces-open-fire-while-storming-home>

<sup>852</sup> See, for example, Al Jazeera English, "War on Gaza: Footage shows summary executions of Palestinians by Israeli soldiers", 12 June 2024, <https://www.youtube.com/watch?v=tmvnGk-7uV8>

<sup>853</sup> +972 Magazine, "'I'm bored, so I shoot': The Israeli army's approval of free-for-all violence in Gaza", 8 July 2024, <https://www.972mag.com/israeli-soldiers-gaza-firing-regulations>

<sup>854</sup> OCHA, "Humanitarian situation update #231: Gaza Strip" (previously cited). Of the identified fatalities, 13,319 were children, 7,216 were women, 3,447 were older people and 16,735 were men.

<sup>855</sup> OCHA, "One year of unimaginable suffering since the 7 October attack" (previously cited); Gaza-based Ministry of Health, Facebook post: [وزارة الصحة الفلسطينية بغزة: شاهد انفوجرافيك... إحصائيات وبيانات تداعيات العدوان الاسرائيلي على القطاع مع مرور أكثر من عام على العدوان الصحي](#) ["Palestinian Ministry of Health in Gaza. See infographic... Statistics and data on the implications of the Israeli assault on the health sector after more than a year since the beginning of the assault"], (previously cited).

<sup>856</sup> WHO, *Estimating Trauma Rehabilitation Needs in Gaza Using Injury Data from Emergency Medical Teams* (previously cited).

<sup>857</sup> Amnesty International, "Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza" (previously cited).

<sup>858</sup> AP, "The war in Gaza is wiping out entire Palestinian families, one branch at a time. This is how", 17 June 2024, <https://apnews.com/article/gaza-palestinians-families-deaths-israeli-strikes-79f2cb7f3b04c512092f59f327443732>

<sup>859</sup> OHCHR, *Six-Month Update Report on the Human Rights Situation in Gaza: 1 November 2023 to 30 April 2024*, <https://www.ohchr.org/en/documents/reports/six-month-update-report-human-rights-situation-gaza-1-november-2023-30-april-2024>, p.11.



casualties verified by OHCHR, which represent a small fraction of the overall death toll, 44% were children, 26% were women and 30% were men.<sup>860</sup>

The armed conflict in Gaza has seen some of the highest death tolls among children (13,319 by 7 October 2024),<sup>861</sup> journalists,<sup>862</sup> as well as health and humanitarian workers of any recent conflict in the world. OCHA reported that, as of 9 October 2024, at least 307 humanitarian workers had been killed in Gaza, the vast majority of them Palestinians, including 225 UNRWA staff members, and 33 staff and volunteers of the Palestine Red Crescent Society, of whom 19 were on duty.<sup>863</sup> The actual toll of those killed during the offensive may be higher and will only become apparent after the end of hostilities, once rescue teams and relevant authorities are given the required equipment and machinery, and granted safe access to all areas across Gaza, to count the dead and retrieve missing bodies, among other reasons. Indeed, the Gaza-based Ministry of Health's data do not include those missing under the rubble and whose deaths were not reported by relatives, believed to be in the thousands.<sup>864</sup>

In July 2024, three health experts writing in the *Lancet* medical journal said that the number of reported deaths was likely an undercount and pointed out that the “total death toll is expected to be large given the intensity of this conflict; destroyed health-care infrastructure; severe shortages of food, water, and shelter; the population’s inability to flee to safe places; and the loss of funding to UNRWA, one of the very few humanitarian organisations still active in the Gaza Strip.” They noted that, in recent conflicts, indirect deaths range from three to 15 times the number of direct deaths. Relying on the Gaza-based Ministry of Health’s data on deaths from June 2024, and applying an estimate of four indirect deaths per one Ministry of Health-recorded death, they found that it was not implausible to estimate that up to 186,000 or even more deaths could be attributable to the current conflict in Gaza”. This would represent approximately 7.9% of Gaza’s total population in 2022.<sup>865</sup>

The destruction caused by the armed conflict has been similarly shocking. By January 2024, Martin Griffiths, the then head of OCHA as the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator (UN relief chief), stated that Gaza

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<sup>860</sup> OHCHR, *Six-Month Update Report on the Human Rights Situation in Gaza: 1 November 2023 to 30 April 2024* (previously cited), p. 6.

<sup>861</sup> OCHA, “Humanitarian situation update #218: Gaza Strip”, (previously cited)

<sup>862</sup> According to the Committee to Protect Journalists (CPJ), at least 113 Palestinian journalists were killed in the Gaza Strip between 7 October 2023 and 14 August 2024, making it the “deadliest period for journalists since CPJ began gathering data in 1992”. While the CPJ was still investigating the circumstances in which these journalists were killed, its preliminary findings suggest that at least some were on assignment when they were killed. CPJ, “Journalist casualties in the Israel-Gaza war”, <https://cpi.org/2024/08/journalist-casualties-in-the-israel-gaza-conflict> (accessed on 21 August 2024).

<sup>863</sup> OCHA, “Reported impact snapshot: Gaza Strip (9 October 2024)”, 9 October 2024, <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-9-october-2024>

<sup>864</sup> Zaher Al-Wuheidi, head of the medical information department of the Gaza-based Ministry of Health, explained to Amnesty International that the official figure published by the ministry includes only those individuals whose names were registered by hospitals and medical facilities and those individuals whose deaths were reported to hospitals and other medical facilities or to the Ministry of Health by their family members. It does not include those missing under the rubble and whose deaths were not reported by relatives, believed to be in the thousands. Interview with Zaher Al-Wuheidi, 5 June 2024.

<sup>865</sup> *Lancet*, “Counting the dead in Gaza: difficult but essential”, 20 July 2024 [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(24\)01169-3/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(24)01169-3/fulltext)

had “simply become uninhabitable”, while its people “were witnessing daily threats to their very existence”.<sup>866</sup>

A satellite imagery-based assessment by the UN Satellite Centre (UNOSAT) found around 63% of the total structures in Gaza had been damaged or destroyed between October 2023 and July 2024. UNOSAT’s assessment identified more than 156,000 damaged or destroyed structures in Gaza, including 46,223 destroyed structures and 18,478 severely damaged structures.<sup>867</sup>

According to a statistical analysis conducted by Amnesty International using building damage data from the UNOSAT assessment, there was, on average, one damaged or destroyed building every 17 metres in Gaza in early July 2024.<sup>868</sup>

Remote sensing experts Jamon Van Den Hoek and Corey Scher, who use satellite radar data to monitor building damage in armed conflict, said that the rate of destruction during this current offensive was “unique” in its intensity<sup>869</sup> and “much faster and more extensive” than anything they had mapped before.<sup>870</sup> As of 3 July 2024, they found that the governorate of Gaza City appeared to be most affected, with 74.3% of buildings likely destroyed or damaged, followed by those of North Gaza (70%), Khan Younis (55.7%), Deir al-Balah (50%) and Rafah (43.9%).<sup>871</sup> This assessment was conducted while the ground operation in Rafah, which saw widespread destruction, was ongoing, meaning that the percentage of destroyed buildings in Rafah is likely to have risen sharply in the following weeks.

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<sup>866</sup> OCHA, “UN relief chief: The war in Gaza must end”, 5 January 2024, <https://www.unocha.org/news/un-relief-chief-war-gaza-must-end>

<sup>867</sup> UNOSAT, “UNOSAT Gaza Strip 8<sup>th</sup> comprehensive damage assessment: July 2024”, 31 July 2024, <https://unosat.org/products/3904>

<sup>868</sup> This analysis showed a statistical significance in the conglomeration of infrastructure destroyed in the area. It used an average nearest neighbour (ANN) test. See Environmental Systems Research Institute, “How average nearest neighbor works”, <https://pro.arcgis.com/en/pro-app/latest/tool-reference/spatial-statistics/h-how-average-nearest-neighbor-distance-spatial-st.htm> (accessed on 21 August 2024).


<sup>869</sup> Global Investigative Journalism Network, “Mapping conflict: Using satellite radar data to track the war damage in Gaza”, 18 March 2024, <https://giin.org/stories/using-satellite-radar-data-track-gaza-war-damage>

<sup>870</sup> France 24, “‘Unlike anything we have studied’ before: ‘Gaza’s destruction in numbers’”, 7 May 2024, <https://www.france24.com/en/live-news/20240507-unlike-anything-we-have-studied-gaza-s-destruction-in-numbers>

<sup>871</sup> Decentralized Damage Mapping Group, “59.0% of buildings in the Gaza Strip were likely damaged or destroyed by 3 July 2024”, <https://www.conflict-damage.org> (accessed on 13 November 2024).

FIGURE 16



 ↑ This map shows (in red) buildings damaged or destroyed in Gaza as of 3 July 2024. The map draws on analysis conducted by remote sensing experts Jamon Van Den Hoek and Corey Scher based on Sentinel-1 satellite radar data, OpenStreetMap and Microsoft building footprint data. Source: Decentralized Damage Mapping Group.

According to a comprehensive assessment by the UN Environment Programme (UNEP) and the UN Human Settlements Programme (UN-Habitat), the amount of debris in Gaza by July

2024 amounted to over 41 million tonnes, which is 14 times more than the cumulative amount of all debris generated by previous conflicts since 2008.<sup>872</sup> Approximately half of the debris was generated during the first three months of the offensive, by 7 January 2024. A June 2024 UNEP report described the impact:

**“Intensive bombardment by Israel has led to unprecedented intensity of destruction in terms of infrastructure, productive assets and service delivery. Sewage, wastewater and solid waste management systems and facilities have collapsed... Human remains are buried in this vast quantity of building debris.”<sup>873</sup>**

The June 2024 report noted that the debris was contaminated with hazardous materials, such as asbestos and unexploded ordnance.<sup>874</sup> By July 2024, the UN agencies estimated that, for every square metre in Gaza, about 114kg of debris had been created.

The joint Interim Damage Assessment estimated the level of damage in the housing, health, education and cultural heritage sectors alone to be 90 times higher than the damages sustained in these sectors during Israel’s offensive in 2021 and 17 times higher than in 2014.<sup>875</sup>

The education system “effectively collapsed” due to the damage and destruction of schools, universities and colleges or their use as shelters for those internally displaced.<sup>876</sup> In early May 2024, a satellite imagery analysis conducted by the UN estimated that 85.8% of Gaza’s schools sustained some form of damage, with at least 72.5% requiring “full reconstruction or major rehabilitation”.<sup>877</sup> The 2023-2024 school year in Gaza was suspended, keeping about 625,000 students out of the classrooms. Of those, 39,000 12th graders could not sit their *tawjihi* (matriculation) exams.<sup>878</sup> The unprecedented scale of the damage and destruction, particularly to the education infrastructure, may impact the viability of education in Gaza for years to come.

## **7.1.2 INFLECTING CONDITIONS OF LIFE CALCULATED TO BRING ABOUT DESTRUCTION OF PALESTINIANS**

As set out in section 6.2 “Inflicting conditions of life calculated to bring about destruction of Palestinians”, Israel deliberately subjected Palestinians in Gaza to conditions of life

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<sup>872</sup> UNITAR, “Gaza: Debris generated by the current conflict is 14 times more than the combined sum of all debris generated by other conflicts since 2008”, 1 August 2024, <https://www.unitar.org/about/news-stories/news/gaza-debris-generated-current-conflict-14-times-more-combined-sum-all-debris-generated-other>

<sup>873</sup> UNEP, *Environmental Impact of the Conflict in Gaza* (previously cited), p. 7.

<sup>874</sup> UNEP, *Environmental Impact of the Conflict in Gaza* (previously cited), p. 7.

<sup>875</sup> World Bank, EU and UN, *Gaza Strip: Interim Damage Assessment* (previously cited), p. 9.

<sup>876</sup> World Bank, EU and UN, *Gaza Strip: Interim Damage Assessment* (previously cited), pp. 12-13.

<sup>877</sup> UNITAR, “Gaza education system devastated by recent conflict, satellite imagery reveals”, 2 May 2024, <https://unitar.org/about/news-stories/press/gaza-education-system-devastated-recent-conflict-satellite-assessment-reveals>

For continuously updated data about the education sector in Gaza, see OPT Education Cluster, Damaged Schools Dashboard: Gaza 2023, <https://gis.unicef.org/portal/apps/dashboards/c6e0bfd744164b2f84276071b1a83e78> (accessed on 21 August 2024).

<sup>878</sup> Education Cluster, “A year of silence in Gaza’s classrooms: The urgent need for educational revival”, 3 August, 2024, <https://educationcluster.app.box.com/s/75wwad0n5wc94o1htg1f70zcv2e3lkww>

calculated to bring about their physical destruction. Such conditions of life were the combined result of a number of deliberate policies, actions and omissions by Israel. These included Israel's role in and knowledge of the large-scale damage to and destruction of critical infrastructure and other objects indispensable to the survival of the civilian population following 7 October 2023, combined with Israel's mass and repeated forced displacement of the vast majority of Gaza's population under unsafe and unsanitary conditions, and Israel's denial and obstruction of the delivery of essential services and life-saving supplies into and within Gaza. The combination of these deliberate policies, actions and omissions by Israel led to entirely foreseeable consequences, including widespread and severe hunger, disease and death. The 17-year-old unlawful blockade of Gaza had laid the groundwork for Israel to rapidly create these conditions. It is significant that Israel maintained its approach despite mounting evidence of its impact, warnings and calls by international bodies, and numerous legally binding orders by the ICJ.

Factors that illustrate an intent to destroy Palestinians in Gaza are the actual nature of the conditions of life imposed, the length of time that members of the group are subjected to them, and the characteristics of the group, such as its vulnerability.<sup>879</sup>

Prior to 7 October 2023, 80% of Gaza's population was dependent on aid as a result of Israel's unlawful occupation and apartheid policies and practices, enforced through the unlawful blockade. Gaza depended on the import of essentials, including food, electricity, water, medicine and fuel, to meet civilian needs. There is absolutely no doubt that the Israeli authorities were fully aware of the already existing chronic humanitarian crisis in Gaza as they considered their actions after 7 October 2023.

The nature of the conditions of life that Israel imposed on Palestinians in Gaza following 7 October 2023 indicates that the destruction of the group, as such, was their intended outcome. The Israeli authorities decided to impose a total siege on Gaza on 9 October 2023, to tightly control the flow of aid into Gaza so that only a trickle could enter, to drastically reduce the availability of energy sources needed to power essential services, most notably by refusing to supply electricity and by blocking and then tightly limiting the import of fuel, and to obstruct access to large swathes of Gaza, particularly northern Gaza, fully aware that this would necessarily cause and exacerbate malnutrition, hunger, the outbreak of multiple diseases and, ultimately, bring Gaza to the brink of famine. Indeed, Israel must have been aware of the "objective probability" that these conditions of life would lead to the physical destruction of Palestinians in Gaza, a factor identified as probative of intent.<sup>880</sup>

The Israeli authorities were largely responsible for the massive destruction of objects essential to the survival of the civilian population, including life-sustaining infrastructure, in Gaza, the extremely limited amount of fuel in Gaza, which was vitally necessary to power essential services, particularly after Israel cut off the electricity supply, and the repeated mass

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<sup>879</sup> ICTY, *Prosecutor v. Karadžić*, Trial Chamber judgment (previously cited), para. 548; ICTY, *Prosecutor v. Tolimir*, Trial Chamber judgment (previously cited), para. 742; ICTY, *Prosecutor v. Popović and Others*, Trial Chamber judgment (previously cited), para. 816; ICTY, *Prosecutor v. Brdjanin*, Trial Chamber judgment (previously cited), para. 906.

<sup>880</sup> ICTY, *Prosecutor v. Tolimir*, Trial Chamber judgment (previously cited), para. 742; ICTY, *Prosecutor v. Popović and Others*, Trial Chamber judgment (previously cited), para. 816; ICTY, *Prosecutor v. Brdjanin*, Trial Chamber judgment (previously cited), para. 906.

displacement. The Israeli authorities were fully aware that the massive destruction, limited essential supplies and mass displacement would lead to the collapse of the healthcare system, food production system and water and sanitation services. The pattern of direct attacks on civilians and civilian objects and of indiscriminate attacks that is described in section 7.1.1 “Deadly and destructive attacks” helped create these conditions.

Israeli “evacuation” orders in Gaza led to 90% of the population, about 1.9 million people, being displaced, often multiple times from different areas. Israel issued these “evacuation” orders despite the impossibility of guaranteeing the displaced population safe living conditions as required by international humanitarian law and international human rights law.<sup>881</sup> These orders were part of a cruel policy calculated to squeeze Palestinians into ever-shrinking pockets of land unfit for human habitation. Even as it became clear to the Israeli authorities that successive waves of mass displacement would expose Palestinians to a deadly mix of hunger and disease and that the humanitarian response, already on the brink, was not equipped to meet the mounting needs of fresh waves of internally displaced people, at no point did Israel reconsider this policy or provide adequate alternatives. It did not do so even after the start of the ground operation in Rafah, which had become home to about 1.4 million Palestinians, mostly internally displaced people. Nor did it allow internally displaced people to return to the area north of Wadi Gaza. Rather, Israel continued to issue repeated “evacuation” orders to Palestinian civilians across Gaza throughout the nine-month period under review.

The impact of this policy was exacerbated by the deliberate restrictions on essential services and life-saving supplies into and within Gaza. Israel’s restrictions were maintained throughout the nine-month period under review, although they were marked by varying degrees of intensity. For about two weeks, after Israel announced and imposed its total siege policy, neither humanitarian aid nor basic, life-saving goods entered Gaza. A tiny amount of aid first entered Gaza on 21 October 2023. However, Israel maintained suffocating restrictions in the months that followed, refusing to open sufficient access points to Gaza, maintaining often arbitrary procedures on the import of essential supplies, blocking the import of fuel for another few weeks, and then limiting the amount of fuel that could enter Gaza, and impeding humanitarian access within Gaza, particularly to the area north of Wadi Gaza. Such actions and omissions deepened the humanitarian crisis, including hunger, malnutrition and diseases, which UN and humanitarian agencies repeatedly denounced and warned against.

In late December 2023, the IPC reported “catastrophic levels of acute food insecurity across the Gaza Strip”, estimating hunger to be at crisis, emergency or catastrophic levels for more than 90% of the population in Gaza.<sup>882</sup> In January 2024, the ICJ’s first provisional measures order demanded that Israel “take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip”.<sup>883</sup> Israel did not significantly change its policies in response to such warnings and, in March 2024, the IPC reported that

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<sup>881</sup> Fourth Geneva Convention, Article 49(3); ICESCR, Articles 11-12. See also UN Guiding Principles on Internal Displacement, UN Doc. E/CN.4/1998/53/Add.2, Principles 7 and 8.

<sup>882</sup> FSC, “Gaza Strip: IPC acute food insecurity – November 2023 – February 2024” (previously cited), p. 1.

<sup>883</sup> ICJ, *South Africa v. Israel*, order, 26 January 2024 (previously cited), para. 80.

“the latest evidence confirms that famine is imminent in the northern governorates”.<sup>884</sup> The IPC’s findings were echoed by the ICJ in its March 2024 provisional measures order, in which it noted that “Palestinians in Gaza are no longer facing only a risk of famine, as noted in the Order of 26 January 2024, but that famine is setting in”, and ordered Israel to ensure “unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout Gaza.”<sup>885</sup>

In April 2024, Israel made a series of promises that, ultimately, slightly and briefly increased humanitarian access. However, this again collapsed after Israel began its ground operation in Rafah and then took control of and closed the Rafah crossing in early May 2024. This prompted the ICJ to issue a third provisional measures order, in which it “confirm[ed] the need for the immediate and effective implementation of the [previous] measures”, and ordered Israel to “maintain open land crossing points, and in particular the Rafah crossing”.<sup>886</sup> In June 2024, the IPC reported that “the situation in Gaza remains catastrophic and there is a high and sustained risk of Famine across the whole Gaza Strip. It is important to note that the probable improvement in nutrition status noted in April and May 2024 should not allow room for complacency about the risk of Famine in the coming weeks and months. The prolonged nature of the crisis means that this risk remains at least as high as at any time during the past few months”.<sup>887</sup>

Yet, Israel did not heed the calls to stop its course of action, as the ground operation launched in Rafah in May 2024 clearly demonstrated. In addition to sparking another massive wave of displacement, Israel’s operation in Rafah decimated the humanitarian response throughout Gaza, which had relied on the Rafah and nearby Kerem Shalom crossings as the key entry points to bring in aid and other essentials, and where around 1.4 million people had been sheltering. It is crucial that access to humanitarian aid and other essentials be consistent and sustained over time to adequately mitigate the ongoing risks of hunger, malnutrition and multiple diseases, as well as to address the Palestinian population in Gaza’s insufficient access to humanitarian aid and other life-saving supplies, including food of a sufficient quantity and quality, clean water, necessary medicines and medical equipment, as well as fuel. This consistent access to humanitarian aid is also necessary to prevent desperate people from engaging in “self-distribution” of aid. This condition never materialized. Even after repeated warnings by international entities and three legally binding orders by the ICJ, and despite Israel’s obligations under international humanitarian law and international human rights law, both as an occupying power and as a party to an armed conflict, Israel neither provided nor allowed necessary supplies to reach the civilian population in Gaza.<sup>888</sup> Israel’s deliberate obstruction of humanitarian movement within Gaza

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<sup>884</sup> IPC, *The Gaza Strip: IPC Acute Food Insecurity Analysis – 15 February – 15 July 2024* (previously cited), p. 1.

<sup>885</sup> ICJ, *South Africa v. Israel*, order, 28 March 2024 (previously cited), paras 21 and 45.

<sup>886</sup> ICJ, *South Africa v. Israel*, order, 24 May 2024 (previously cited), para. 52.

<sup>887</sup> IPC, *Famine Review Committee: Gaza Strip, June 2024*, 25 June 2024, [https://www.ipcinfo.org/fileadmin/user\\_upload/ipcinfo/docs/IPC\\_Famine\\_Review\\_Committee\\_Report\\_Gaza\\_June2024.pdf](https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf), p. 2.

<sup>888</sup> Fourth Geneva Convention, Articles 55-56 and 59; ICESCR, Articles 11-12. See also CESCR, Concluding Observations: Israel, 12 November 2019, UN Doc. E/C.12/ISR/CO/4, paras 11 and 44-45.

and Israel's failure to put in place security guarantees and ensure humanitarian workers would be protected from attacks by Israeli forces further restricted humanitarian aid from reaching civilians.<sup>889</sup>

Legally speaking, any episodic mitigation efforts by Israel to allow the provision of humanitarian aid or other essential supplies to the population of Gaza does not negate an inference of genocidal intent, as long as any such effort is inconsistent or insufficient and does not translate into a fundamental reversal of the conditions of life imposed on Palestinians in Gaza. As noted in section 5.5 "Specific intent", international pressure may prevent the perpetrator of a "genocidal plan from putting it into action in the most direct and efficient way" and compel it instead to adopt "the method which would allow them to implement the genocidal design while minimizing the risk of retribution."<sup>890</sup>

Thus, Israel allowing some humanitarian aid into Gaza, which provided limited relief to part of the population but did not significantly affect the overall conditions of life imposed on the Palestinians in Gaza, is still consistent with the existence of genocidal intent.

### **7.1.3 DESTRUCTION OF CULTURAL AND RELIGIOUS SITES**

While the destruction of historical, cultural and religious property or heritage is not considered a prohibited act under the Genocide Convention, the ICJ has established that such destruction can provide evidence of intent to physically destroy the group when carried out deliberately.<sup>891</sup> Amnesty International has investigated a fraction of the extensive destruction of Gaza's cultural and religious sites. However, in four of the cases it documented (detailed below), it demonstrated that Israeli forces were in control of the sites at the time, suggesting that there was no imperative military necessity for their destruction.

During the nine-month period under review, there was extensive destruction of cultural and religious sites across Gaza on a scale not seen in previous Israeli offensives. Many of these sites were damaged or destroyed in Israeli air strikes or in the context of exchanges of fire between Israeli forces, on the one hand, and Hamas and other Palestinian armed groups, on the other. Others were destroyed by the Israeli military in controlled demolitions using manually laid explosives. The Israeli military justified the destruction of some of the sites on the grounds that they had been employed for military purposes by Hamas or other Palestinian armed groups, or that they contained military infrastructure. The scale of this destruction, especially the number of instances of controlled demolitions, and the lack, in many instances, of evidence being presented by Israel of military use warrants investigation to test Israel's assertion that this overwhelming and often purposeful destruction was required by imperative military necessity.

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<sup>889</sup> See box on "Israeli government claims on aid distribution" and subsection on "Restrictions on access within Gaza, particularly northern Gaza" in section 6.2.3 "Denial and obstruction of essential services and life-saving supplies".

<sup>890</sup> ICTY, *Prosecutor v. Krstić*, Appeals Chamber judgment (previously cited), para. 32.

<sup>891</sup> See ICTY, *Prosecutor v. Krstić*, Trial Chamber judgment (previously cited), para. 580; ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, judgment (previously cited), para. 344.



Relying on satellite imagery and open-source videos and photographs, a Bellingcat and Scripps News investigation identified damage and destruction to over 150 cultural and religious sites across Gaza by March 2024.<sup>892</sup> According to the joint Interim Damage Assessment published by the World Bank, EU and UN in March 2024, about 63% of all heritage sites had sustained damage, of which 31% had been destroyed. An initial assessment of the impact on significant heritage properties estimated the cost of the damage at around USD 319 million.<sup>893</sup> In a preliminary assessment conducted using satellite imagery, the UN Educational, Scientific and Cultural Organization (UNESCO) verified, as of 17 September 2024, damage to 69 sites of cultural property across Gaza, including: 10 religious institutions, such as mosques, cemeteries and a church; 43 “buildings of historical and/or artistic interest”; seven archaeological sites; one museum; six monuments; and two repositories of movable cultural objects.<sup>894</sup> These included major landmarks such as the Anthedon Harbour,<sup>895</sup> the first known seaport of Gaza, which Palestinian authorities had included on the tentative list for potential inscription by UNESCO as a World Heritage Site;<sup>896</sup> the Pasha Palace Museum in Gaza City’s Old City, which dates back to the 17th century; the Samaritan bathhouse in Gaza City’s Zeitoun neighbourhood, believed to be a thousand years old;<sup>897</sup> the Great Al-Omari Mosque, Gaza’s oldest mosque;<sup>898</sup> and a building in the Saint Porphyrius church complex,<sup>899</sup> believed to be the world’s third oldest church.<sup>900</sup> Amnesty International verified photographs and videos that confirm damage to these buildings, which occurred primarily in the early months of Israel’s offensive.

Other sites of huge significance for the Palestinian national identity, collective memory and social fabric in Gaza were also damaged or destroyed. They included numerous libraries,<sup>901</sup> cultural centres, theatres, a large proportion of Gaza’s universities, as well as museums. One of the sites that was heavily damaged was the Central Archives of Gaza City, which contained 130,000 documents, some dating back over 100 years, including administrative records and documents related to the city’s master plans as well as construction and ownership details

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<sup>892</sup> Bellingcat, “Analysis reveals damage and destruction of cultural heritage sites in Gaza”, 26 June 2024, <https://www.bellingcat.com/news/2024/06/26/gaza-israel-destroy-destruction-damage-cultural-history-heritage-archaeology-conflict-war>

<sup>893</sup> World Bank, EU and UN, *Gaza Strip: Interim Damage Assessment* (previously cited), p. 13.

<sup>894</sup> UNESCO, *Gaza Strip: Damage Assessment*, updated on 11 October 2024, <https://www.unesco.org/en/gaza/assessment> (accessed on 18 October 2024).

<sup>895</sup> According to an investigation by Forensic Architecture, the archaeological site which comprises the Anthedon Harbour was destroyed between October and November 2023 by air strikes and razing by large vehicles, apparently tanks and military bulldozers. Forensic Architecture, *Living Archaeology in Gaza*, 19 December 2023, <https://forensic-architecture.org/investigation/living-archaeology-in-gaza>

<sup>896</sup> UNESCO World Heritage Convention, Anthedon Harbour, <https://whc.unesco.org/en/tentativelists/5719> (accessed on 10 October 2024).

<sup>897</sup> Palestine Chronicle, “Gaza’s Hamam al-Samra: A thousand year later”, 24 May 2022, <https://www.palestinechronicle.com/photo-essay-gazas-hamam-al-samra-a-thousand-year-later>

<sup>898</sup> Days of Palestine, “The Al-Omari mosque: A witness to Gaza’s history and heritage”, 16 July 2023, <https://daysofpalestine.ps/the-al-omari-mosque-a-witness-to-gazas-history-and-heritage>

<sup>899</sup> See section 6.1.1 “Direct attacks on civilians or indiscriminate attacks” for further details on the attack.

<sup>900</sup> World Bank, EU and UN, *Gaza Strip: Interim Damage Assessment* (previously cited), p. 13.

<sup>901</sup> Librarians and Archivists with Palestine, *Israeli Damage to Archives, Libraries, and Museums in Gaza, October 2023 – January 2024*, 1 February 2024, <https://librarianswithpalestine.org/wp-content/uploads/2024/02/LAP-Gaza-Report-2024.pdf>

for buildings in Gaza City until 2023.<sup>902</sup> Amnesty International was unable to establish the exact date and circumstances in which it was first damaged, and therefore was not able to assess the lawfulness of the attack. Satellite imagery shows that three of the six structures in the compound housing the Central Archives were severely damaged or destroyed in two time periods, one between 14 and 17 November 2023 and the other between 15 and 19 December 2023.<sup>903</sup>

**FIGURE 17**



*The satellite imagery from 14 November 2023 (top left) shows the compound housing the Central Archives of Gaza City. The satellite imagery from 17 November 2023 (top right) reveals significant damage to one of the buildings, highlighted by an orange box. Large armoured vehicles, highlighted by a yellow box, are visible less than 150m south-west of the compound. Satellite imagery from 19 December 2023 (bottom left) shows more buildings in the compound have been damaged or destroyed.*

According to the director of the Central Archives of Gaza City, all documents stored on the ground floor of the building were burnt as a result of the attack, and while the majority had

<sup>902</sup> Interview by voice call with Mohammed Hannoush, director of Gaza Municipality Central Archive, 23 September 2024; UN, “UN experts deeply concerned over ‘scholasticide’ in Gaza”, 18 April 2024, <https://www.ohchr.org/en/press-releases/2024/04/un-experts-deeply-concerned-over-scholasticide-gaza>  
See also State of Palestine, Ministry of Culture, *The Third Preliminary Report on the Cultural Sector’s Damages: The War on the Gaza Strip, October 7, 2023 – January 7, 2024*, January 2024, <https://palestinemission.ie/wp-content/uploads/2024/01/The-Third-Preliminary-Report-on-the-cultural-Sectors-Damage-Gaza.pdf>, p. 64.

<sup>903</sup> Planet Labs PBC, Image catalogue ID 20231114\_114530\_ssc9\_u0001, 14 November 2023; Planet Labs PBC, Image catalogue ID 20231117\_071426\_ssc4\_u0001, 17 November 2023; Planet Labs PBC, Image catalogue ID 20231215\_075425\_ssc15\_u0001, 15 December 2023; Planet Labs PBC, Image catalogue ID 20231219\_062847\_ssc15\_u0002, 19 December 2023.

been digitized by the start of the offensive, the loss was still considerable. He told Amnesty International in September 2024:

**“In each of these pages – the worn-out paper which we have been also working to restore – you have the history of the city and by losing that... we are losing its culture. We are losing the history of Gaza. Even when things are digitized, that cannot make up for the loss... The city begins with that archive... I fear for the memory of our city... Each of those pages we lost told a story. It contained solid proof that this city had a life and a culture.”**

He said that the building had been shelled twice since then, shattering windows and exposing the remaining documents to damage from rain and dampness.<sup>904</sup>

Amnesty International spoke to two employees of the Gaza City municipality who viewed the scale of the damage and destruction to cultural heritage sites as an attempt to destroy the city's identity. One of the employees said:

**“It's known they [Israel] are fighting Hamas and one might suppose that they'd bomb any place in which it would seek refuge, but when they bomb the Gaza public library, the unknown soldier [monument and garden], the Rashad al-Shawa Cultural Centre, where Bill Clinton met with the [Palestinian] Legislative Council, they're bombing the city's landmarks... They're erasing any landmark of the city... Their intent is for the city to have a different face after the war, uprooted and severed from its history, mind and roots.”<sup>905</sup>**

Universities and higher education institutions have also been significantly impacted by Israel's military offensive. The joint Interim Damage Assessment published by the World Bank, EU and UN in March 2024 indicated that “17 universities and college campuses, 63% of the assessed campuses [had been] destroyed or partially damaged”.<sup>906</sup> Israeli soldiers vandalized some of these and posted images of their actions on social media. For example, a photograph posted on Instagram on 23 May 2024 shows an Israeli soldier posing in front of a burning bookshelf in the Central Library of the Islamic University of Gaza.<sup>907</sup> The photograph was reposted on X,<sup>908</sup> where a Bellingcat researcher confirmed that the bookshelves in the background of the photograph were consistent with images posted to the university's Instagram account.<sup>909</sup>

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<sup>904</sup> Interview by voice call with Mohammed Hannoush, director of the Central Archives of Gaza City, 23 September 2024.

<sup>905</sup> Interview by voice call with Ayman Abu Sha'aban, head of GIS technologies and head of maintenance and urban services at the Gaza City Municipality, 20 June 2024.

<sup>906</sup> World Bank, EU and UN, *Gaza Strip: Interim Damage Assessment* (previously cited).

<sup>907</sup> Photograph available at: Younis Tirawi, X post: “Israeli soldier Tair Glisko”, 24 May 2024, <https://x.com/ytirawi/status/1794021658237325351/photo/2>

Amnesty International is referencing this source as the original source of the photograph is no longer available. It verified this photograph in accordance with the methodology explained in footnote 1098.

<sup>908</sup> Photograph available at: Younis Tirawi, X post: “Exclusive: Israeli soldiers set fire Aqsa University's Library”, 23 May 2024, <https://x.com/ytirawi/status/1793628894245118205/photo/1>

Amnesty International is referencing this source as the original source of the photograph is no longer available. It verified this photograph in accordance with the methodology explained in footnote 1098.

<sup>909</sup> Jake Godin, X post: “The same set of library shelves that are on fire in the background of the photo shared by Younis”, <https://x.com/JakeGodin/status/1793700811870290179>

According to Bellingcat and Scripps News, by March 2024, 100 mosques and 21 cemeteries had sustained damage or destruction either by ground forces or as a result of air strikes. Of the affected mosques, 43 were the only damaged structures within a 50 to 100m radius.<sup>910</sup> Amnesty International verified 43 videos showing 34 attacks on mosques.<sup>911</sup> They include 12 cases of damage to or destruction of mosques through controlled demolitions by Israeli forces,<sup>912</sup> and 22 cases of damage or destruction as a result of air strikes and shelling. Videos also contain mock instructions on how to destroy a mosque or show Israeli soldiers celebrating or mocking the destruction, or burning religious books inside damaged mosques.<sup>913</sup>

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<sup>910</sup> Bellingcat, "Analysis reveals damage and destruction of cultural heritage sites in Gaza" (previously cited).

<sup>911</sup> These videos include both media reports and content posted online by soldiers.

<sup>912</sup> Videos available at: MJ, X post: "Excellent Strike! IDF destroy Gaza's Al-Hassaina mosque, the most beautiful mosque in Gaza strip, coz it was secretly storing ammunition for Hamas terrorists", 18 November 2023, [https://x.com/MJ\\_007Club/status/1725734788336963859](https://x.com/MJ_007Club/status/1725734788336963859); Emanuel Fabian, X post: "The commander of the 162nd Division, Brig. Gen. Itzik Cohen, says his forces have managed to 'break the operational abilities' of Hamas's northern Gaza City brigade, as troops gain full control of the Jabaliya neighborhood", 19 December 2023, <https://x.com/manniefabian/status/1737169636699811999>; Mossad Commentary, X post: "The mosque goes boom: Umm Tawfiq mosque in Nabi Sohila", 1 January 2024, <https://x.com/MOSSADil/status/1741876402096312365>; UberSoy, X post: "Besides bombing them, the IDF now engages in controlled demolition of the mosques in Gaza", 9 January 2024, <https://x.com/UBERSOY1/status/1744549508652892548>; Younis Tirawi, X post: "Beit Lahia I Blowing up Mosques", 2 February 2024, <https://x.com/ytirawi/status/1753415510551658800>; Younis Tirawi, X post: "4/5", 8 February 2024, <https://x.com/ytirawi/status/1755623629801292073>; Younis Tirawi, X post: "Today, Israeli soldiers on their social media accounts posted about the blowing up of a mosque in Gaza", 28 March 2024, <https://x.com/ytirawi/status/1773452674802806910>; Younis Tirawi, X post: "Israeli soldier from Bismalach Brigade blowing up an already destroyed mosque in Khan Younis and showing the aftermath of the blowing up", 4 April 2024, <https://x.com/ytirawi/status/1775998678521495867>; Younis Tirawi, X post: "Israeli soldier Rimon Tsiony on Tiktok publishing a video collection showing blowing of homes", 5 April 2024, <https://x.com/ytirawi/status/1776036052102255033>; Younis Tirawi, X post: "Gaza, Imagine if this was a church or a synagogue?", 11 April 2024, <https://x.com/ytirawi/status/1778542167612592554>; Middle East Eye, YouTube video: "Drone footage circulating online captures the moment Israeli forces film an empty mosque in Gaza", 14 May 2024, <https://www.youtube.com/shorts/muxv2tApxrA>; Baz News, X post: "השמדה - השטחה - התיישבות. שכונת זיתון" ["Destruction – flattening – settlement. Zaitoun neighbourhood"], 22 May 2024, <https://x.com/1717Bazz/status/1793255799315202240>

Amnesty International is referencing these sources as the original source of the videos is no longer available. It verified these videos in accordance with the methodology explained in footnote 1098.

<sup>913</sup> Videos available at: Middle East Eye, "Israeli soldiers plant explosives to blow up a destroyed mosque in Gaza", 2 January 2024, [https://www.youtube.com/watch?v=if\\_Z2ZeqrN8](https://www.youtube.com/watch?v=if_Z2ZeqrN8); CNN, "Israeli soldier records himself blowing up a mosque", 16 February 2024, <https://www.youtube.com/watch?v=1D3uQbiE8No>; Younis Tirawi, X post: "Israeli soldier Rimon Tsiony on Tiktok publishing a video collection showing blowing of homes", 5 April 2024, <https://x.com/ytirawi/status/1776036052102255033>; Middle East Eye, X post: "Israel's Military Police have opened an investigation after a video showing a soldier throwing a Quran into a fire in a mosque in Gaza", 23 May 2024, <https://x.com/MiddleEastEye/status/1793563078472163480>; Al Mayadeen English, "IOF soldiers vandalize mosque at Rafah border crossing", 13 June 2024, <https://www.youtube.com/watch?v=TJnfes8glr8>; TRT Afrika, "Israeli soldiers use destroyed mosque as kitchen", 16 June 2024, <https://www.youtube.com/shorts/ZA1Ghz5Zw-k> Amnesty International is referencing these sources as the original source of the videos is no longer available. It verified these videos in accordance with the methodology explained in footnote 1098.

FIGURE 18



👁️ ↑ These stills from 12 videos posted on social media and verified by Amnesty International show the controlled demolitions by Israeli forces of these 12 mosques in Gaza. Source: open-source videos verified by Amnesty International.

Following 7 October 2023, the Israeli military published numerous reports alleging that Hamas and other Palestinian armed groups were using mosques for military purposes, such as storing or manufacturing weapons, storing communication devices, training fighters and concealing tunnel shafts, or placing rocket and missile launchers in their immediate vicinity.<sup>914</sup> It justified attacks on universities on similar grounds, claiming that tunnel shafts were present in their grounds, that tunnels were running underneath them or that they had

<sup>914</sup> Examples of such allegations include: IDF, “Weapons found in a mosque in Zeitoun”, 20 November 2023, <https://www.idf.il/en/mini-sites/israel-at-war/war-on-hamas-2023-resources/weapons-found-in-a-mosque-in-zaytun>; IDF, “RPG training at a mosque in the Jabalya area”, 11 December 2023, <https://www.idf.il/en/mini-sites/israel-at-war/war-on-hamas-2023-resources/rpg-training-at-a-mosque-in-the-jabalya-area>; IDF, “Were mosques targeted during the operation?”, 7 July 2024, <https://www.idf.il/en/mini-sites/the-hamas-terrorist-organization/were-mosques-targeted-during-the-operation>

been used by Hamas and other Palestinian armed groups to store or produce weapons, or as training and fundraising sites.<sup>915</sup>

In its October 2024 letters to the Hamas authorities, Amnesty International asked Hamas about Israel's claims that it was using mosques, cultural sites and critical infrastructure for military purposes. In a November 2024 response, Hamas's Political and International Relations Department denied that Hamas was using or conducting military operations in or near health, educational, cultural or religious sites and said that the Israeli military had failed to substantiate its claims with evidence. Noting the extent of attacks on cultural and religious sites, they wrote: "It is not possible for all of these sites to have had tunnels beneath or military sites nearby." The letter did not, however, respond to the specific questions asked by Amnesty International about each of the four cases of destruction of cultural and religious property investigated by the organization (see below).

In its 16 October 2024 letter to the Israeli Ministry of Defense, Amnesty International also enquired about these specific cases of destruction of cultural and religious property and about the alleged military objective behind their destruction. However, it had not received a response by the time of publication.

The use of cultural and religious sites by Hamas and other Palestinian armed groups for military purposes could have turned them into legitimate military objectives, as would the presence of tunnels underneath them. In some instances, such activity may also have violated the prohibition of the use of property of great importance to the cultural heritage of every people for purposes which are likely to expose it to destruction or damage, unless imperatively required by military necessity.<sup>916</sup>

Under international humanitarian law, "[s]pecial care must be taken in military operations to avoid damage to buildings dedicated to religion, art, science, education or charitable purposes and historic monuments unless they are military objectives", and "[p]roperty of great importance to the cultural heritage of every people must not be the object of attack unless imperatively required by military necessity".<sup>917</sup> Moreover, international humanitarian law prohibits the "seizure of or destruction or wilful damage done to institutions dedicated to religion, charity, education, the arts and sciences, historic monuments and works of art and science".<sup>918</sup>

Amnesty International's investigation into four cases of destruction of cultural and religious sites did not find any convincing explanation of imperative military necessity in any of the cases. An analysis of satellite imagery and open-source evidence, including video footage taken by soldiers, indicated that no active hostilities were taking place and that the sites were destroyed in circumstances in which the Israeli military was in control of them at the time.

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<sup>915</sup> IDF, "Weapons found in Al-Azhar University", 8 December 2023, <https://www.idf.il/en/mini-sites/israel-at-war/war-on-hamas-2023-resources/weapons-found-in-al-azhar-university>; IDF, "A 10 kilometer-long terror tunnel passing underneath a hospital and a university: IDF troops located an underground tunnel network connecting the north and south of Gaza", 26 February 2024, <https://www.idf.il/en/mini-sites/idf-press-releases-israel-at-war/february-24-pr/a-10-kilometer-long-terror-tunnel-passing-underneath-a-hospital-and-a-university-idf-troops-located-an-underground-tunnel-network-connecting-the-north-and-south-of-gaza>

<sup>916</sup> ICRC, Customary IHL, Rule 39.

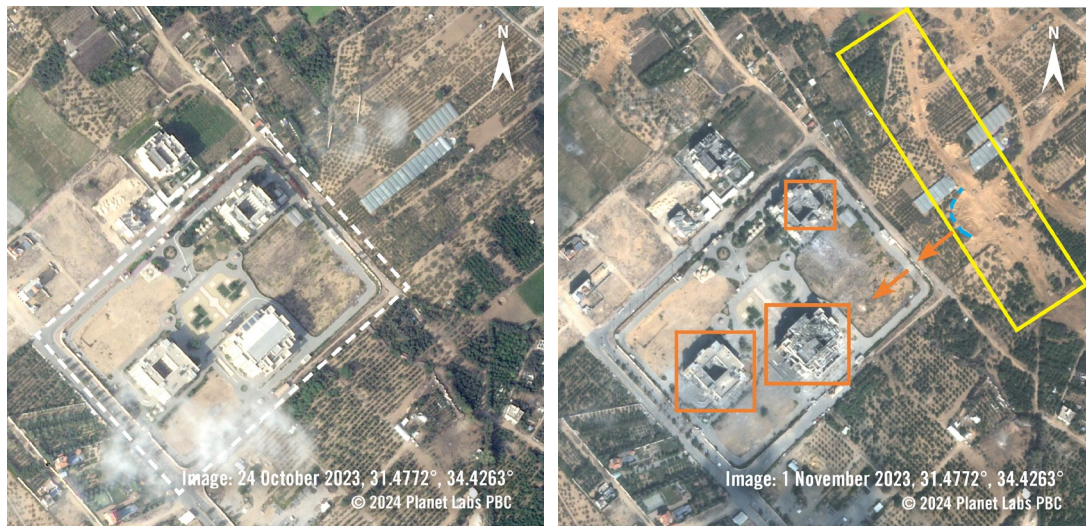
<sup>917</sup> ICRC, Customary IHL, Rule 38.


<sup>918</sup> ICRC, Customary IHL, Rule 40(A).

Further, based on the videos accompanying their demolition, this destruction of Palestinian culture and history appears to have been considered the very purpose and goal of Israeli soldiers' actions.

The first of the four cases is the destruction of the Al-Mughraqa campus of Al-Azhar University, located south-west of Gaza City, south of the linear military zone referred to by Israel as the "Netzarim Corridor". The campus, officially opened in 2015, was made up of three buildings and was home to the faculties of law, humanities, education and agriculture before the offensive.<sup>919</sup> Satellite imagery reviewed by Amnesty International shows damage to the fronts of two of the three buildings within the campus caused between 26 and 28 October 2023, likely by air strikes.<sup>920</sup> More damage to both the buildings and a wall of the campus was visible by 31 October 2023, after Israeli forces first started using a military road that they had established less than 150m north-east of the campus and later incorporated into the military zone referred to by Israel as the "Netzarim Corridor".<sup>921</sup> The damage to the buildings and wall appears to be the result of shelling from a berm Israeli forces constructed alongside the road. Amnesty International does not have any information about the intended target of these attacks.

**FIGURE 19**



 ↑ *The satellite imagery from 24 October 2023 (on the left) shows the Al-Mughraqa campus of Al-Azhar University, south-west of Gaza City. The satellite imagery from 1 November 2023 (on the right) shows damage to two of the three buildings within the campus, each highlighted by an orange box. The damage was likely to have been caused in part by Israeli air strikes. A military road established by Israeli forces less than 150m north-east of the campus is visible in the yellow box. A convoy of armoured vehicles can be seen on it. A berm, highlighted by a blue dashed line, appears next to the road. New debris adjacent to the perimeter wall of the campus, identified by the orange arrow to the right, and a possible small crater in a patch of ground within the campus, identified by the orange arrow to the left, suggests artillery may have fired at the campus from the north-east.*

<sup>919</sup> Al-Azhar University is made up of two other campuses apart from the Al-Mughraqa campus: the main campus located in the central Al-Rimal neighbourhood of Gaza City and the Beit Hanoun campus. Interview by voice call with Mohammed al-Wazir, director of the Projects Unit at Al-Azhar University in Gaza, 23 September 2024.

<sup>920</sup> Maxar Technologies, Image catalogue ID 10300100EF545B00, 26 October 2023; Maxar Technologies, Image catalogue ID 1050010037298D00, 28 October 2023.

<sup>921</sup> Planet Labs PBC, Image catalogue ID 20231031\_115501\_ssc9\_u0001, 31 October 2023.

On 7 December 2023, Israeli forces destroyed the two buildings using manually laid explosives. A series of videos posted online from 8 December 2023 and verified by Amnesty International show the controlled demolition of buildings within the campus.<sup>922</sup> The appearance of two destroyed buildings in satellite imagery from 8 December 2023 is consistent with the demolition seen in the videos.<sup>923</sup>

Satellite imagery and visual content subsequently posted online by Israeli soldiers and publicized by a Palestinian journalist indicate that the Israeli military was in control of the campus at the time of the attack, and that no active hostilities were ongoing. Satellite imagery reviewed by Amnesty International confirms Israeli military activity on the campus between 7 November 2023, when soldiers started building and utilizing a temporary base there, and 24 December 2023, when many of the armoured vehicles that had been present on the campus appeared to have left it.<sup>924</sup> A photograph published on social media on 14 November 2023 shows a group of Israeli soldiers posing in front of a building forming part of the university campus. They are smiling and appear unthreatened.<sup>925</sup> Satellite imagery from 7 December 2023, captured at 1.53pm local time (11.53am UTC), shows that armoured vehicles had evacuated the area.<sup>926</sup> They returned shortly after the demolition, according to satellite imagery from 9 December 2023.<sup>927</sup>

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<sup>922</sup> Videos available at: Denise, X post: "Al-Azhar University south of Gaza City where terrorists were educated was blown up today...", 8 December 2023, <https://x.com/Likeshesays/status/1733173236123517384>; Muhammad Shehada, X post: "Israel blows up the Medical Faculty of the IUG to the south of Gaza city", 8 December 2023, <https://x.com/muhammadshehad2/status/1733066118330265727>; Robert Inlakesh, X post: "As the US media & Biden scream about alleged 'violence' from anti-war protesters on campus...", 3 May 2024, <https://x.com/falasteen47/status/1786297006836826558>

Amnesty International is referencing these sources as the original source of the videos is no longer available. It verified these videos in accordance with the methodology explained in footnote 1098.

<sup>923</sup> Maxar Technologies, Image catalogue ID 104001008D877F00, 8 December 2023.

<sup>924</sup> Planet Labs PBC, Image catalogue ID 20231107\_114827\_ssc9\_u0001, 7 November 2023; Planet Labs PBC, Image catalogue ID 20231224\_070214\_ssc2\_u0002, 24 December 2023.

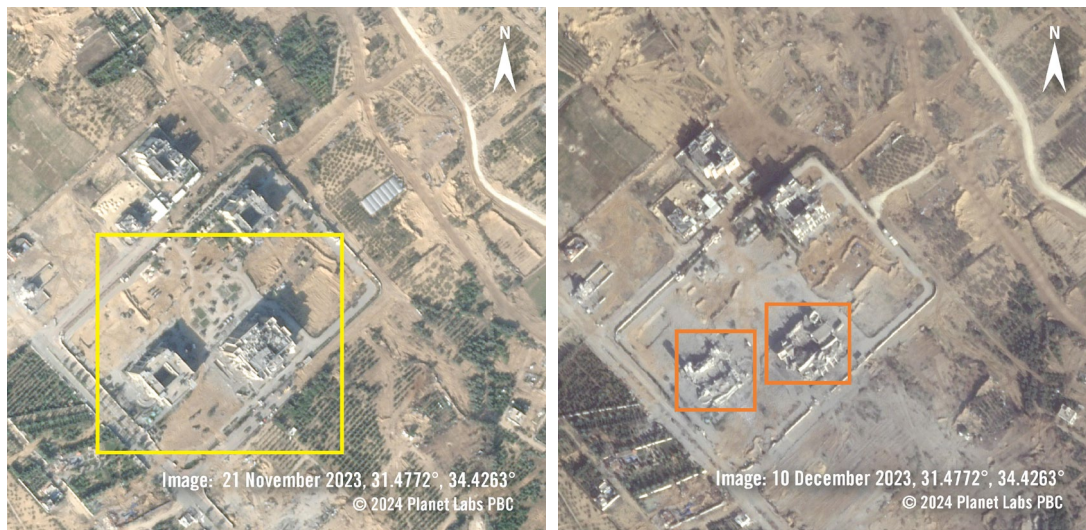
<sup>925</sup> Push, Facebook post: [https://www.facebook.com/divuchimbizmanemet/posts/pfbidOoPU7qyzHFcWLZZXw58MDL2g2nP4JeipspnD3BXAhZijnZViAetdVf1bZy9zx2\\_pbl](https://www.facebook.com/divuchimbizmanemet/posts/pfbidOoPU7qyzHFcWLZZXw58MDL2g2nP4JeipspnD3BXAhZijnZViAetdVf1bZy9zx2_pbl) ["IDF combatants in Gaza university"], 14 November 2023,

<sup>926</sup> Planet Labs PBC, Image catalogue ID 20231207\_115327\_ssc8\_u0002, 7 December 2023.

<sup>927</sup> Maxar Technologies, Image catalogue ID 10300100F092D100, 9 December 2023.



**FIGURE 20**



👁️ ↑ *The satellite imagery from 21 November 2023 (on the left) shows numerous armoured vehicles and berms, highlighted by the yellow box, within the Al-Mughraqa campus of Al-Azhar University. The satellite imagery from 10 December 2023 (on the right) shows that two of the three buildings on the campus, highlighted by orange boxes, have been demolished. To the north-east, a new road can be seen connecting the campus with the military road constructed by Israel.*

On 15 September 2024, Palestinian journalist Younis Tirawi published a video compiling footage apparently taken by members of the Israeli army's 749th Reserve Engineering Battalion.<sup>928</sup> They are seen unloading a large number of anti-tank landmines from a truck onto the university campus in preparation for the use of the ordnance as bulk explosives for the destruction of buildings within the campus on 7 December 2023. They are joking and are acting in an unthreatened manner. At one point in the footage, two soldiers are seen dancing and waving a sign reading in Hebrew "Long live the Messiah King". A piece of graffiti written in Hebrew on a damaged building behind them reads: "The department of physio[therapy] and rehabilitation will be built here." One soldier then says to the camera: "This is the explosion before redemption. December 2023." Soldiers also appear relaxed as they are seen leaving the campus, with one of them heard saying, "Let's go, we're finally done with this shit. We'll blow this up and move on south." The video shows the same soldiers cheering and celebrating as they watch the explosion from afar, with some of them comparing the explosion to the atomic bombings of the Japanese cities of Hiroshima and Nagasaki during the Second World War. It also contains some still photographs of the soldiers posing in apparently different parts of the campus prior to the destruction. In one such photograph, one of the soldiers is posing with the logo of the football club Beitar Jerusalem painted onto a wall behind him. The club's fan base is notorious for its

<sup>928</sup> Video available at: Younis Tirawi, X post: "Exclusive | Who blew up Azhar University in Gaza?", 15 September 2024, <https://x.com/ytirawi/status/1835331007240655224>

Amnesty International is referencing this source as the original source of the video shown in this post is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.

expressions of racism against Palestinians, including “death to Arabs” chants during football matches and street rallies.<sup>929</sup>

Amnesty International verified three other videos showing the controlled demolition of the university campus, including two that showed soldiers celebrating the destruction. In one of the videos, published on social media on 7 December 2023, Israeli soldiers are singing and cheering: “Take this! Happy Hannukah, people of Israel. There once was a university.”<sup>930</sup> In the second video, posted on social media on 5 January 2024, an Israeli soldier filmed himself standing in front of a damaged building that formed part of Al-Azhar University, saying: “For all those asking why there’s no education in Gaza, oops, we dropped a missile on you. What a bummer. Yo, what a shame. This way you won’t be engineers any more.”<sup>931</sup> The damage visible in the background of the video is consistent with the building shown in the photograph posted on 14 November 2023 (see above).

Amnesty International was unable to find any official statement by the Israeli authorities that would explain the reasons for the destruction of the university’s Al-Mughraqa campus.<sup>932</sup> Satellite imagery from 3, 4 and 7 February 2024 shows Israeli forces carrying out excavations next to the campus, including digging a large ditch next to the university.<sup>933</sup> Similar actions are visible in a video released by the Israeli military during the offensive on Gaza that portrays excavations accessing what appears to be a tunnel entrance. This suggests<sup>934</sup> the presence of tunnels as a potential reason for the destruction. However, the fact that the army only apparently started excavating for tunnels near the destroyed buildings approximately two months after the demolition and that the demolition did not appear to have destroyed any

<sup>929</sup> Times of Israel, “With death threats and fireworks, Beitar Jerusalem soccer fans protest Europe ban”, 6 June 2023, <https://www.timesofisrael.com/with-death-threats-and-fireworks-beitar-jerusalem-soccer-fans-protest-europe-ban>

<sup>930</sup> Videos available at: Eretz Israel, X post: “Israeli troops blow up Al Azhar University in Gaza City as they sing Hanukkah songs”, 8 December 2023, <https://x.com/EretzIsrael/status/1732885147844764051>

<sup>931</sup> Video available at: Younis Tirawi, X post: “For all those asking why there is no education in Gaza”, 6 January 2024, <https://x.com/ytirawi/status/1743411493813575711> (translation from the original Hebrew into English by Amnesty International). Amnesty International is referencing this source as the original source of the video is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.

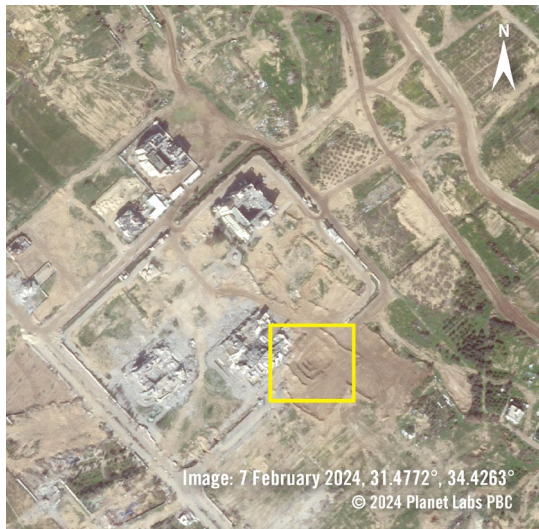
<sup>932</sup> On 8 December 2023, the Israeli army stated in its online war diary that a day earlier soldiers from the 749th Reserve Engineering Battalion of the Bislah Brigade Combat Team had “destroyed buildings including terrorist infrastructures that were used for Hamas military activity at Al-Azhar University in the Al-Rimal neighbourhood of the Gaza Strip”, but did not make any reference to the campus in Al-Mughraqa. It claimed that such infrastructure included a 1km-long underground tunnel and posted a picture of a tunnel shaft, although this did not contain any details that indicated its location. Based on a review of satellite imagery of Al-Azhar University’s campus in Al-Rimal between 7 and 30 December 2023, Amnesty International concluded that the buildings were still standing undestroyed on 30 December 2023, suggesting that the Israeli military published inaccurate information. IDF, **יומן 12/08 המלחמה** [“The war journal 08/12”], 8 December 2023, <https://www.idf.il/-יומן-מלחמה-יומן-אתרי-חידות-יומן-מלחמה-יומן-שטחים-שנוטפים-מתגלגלת-יום-שישי-8-12> (translation from the original Hebrew into English by Amnesty International). See also IDF, “Weapons found in Al-Azhar University”, 8 December 2023, <https://www.idf.il/en/mini-sites/israel-at-war/war-on-hamas-2023-resources/weapons-found-in-al-azhar-university>; IDF Spokesperson, X post: **הממצאים בשטח מראים כי ארגון הטרור חמאס ניצל את מבנה האוניברסיטה לצורך לחימה נגד כוחותנו** [“Findings on the ground show that the Hamas terrorist organization used the university building for combat purposes against our forces”], 8 December 2023, <https://x.com/IDFSpokesperson/status/1733074329858961559> (in Hebrew).

<sup>933</sup> Maxar Technologies, Image catalogue ID 10400100944E3B00, 3 February 2024; Maxar Technologies, Image catalogue ID 1050010038BB2000, 4 February 2024; Planet Labs PBC, Image catalogue ID, 20240207\_112331\_ssc15\_u0002, 7 February 2024.

<sup>934</sup> Video available at: IDF, Telegram post: “IDF: A 10 Kilometer-Long Terror Tunnel Passing Underneath a Hospital and a University”, 26 February 2024, <https://t.me/idfofficial/6889>, “Attached is footage of the identification of tunnel shafts near a hospital:

such tunnels raises serious questions about whether the destruction of the campus was necessary.

**FIGURE 21**



*The satellite imagery from 7 February 2024 shows excavations next to one of the two buildings on the Al-Mughraqa campus of Al-Azhar University that were demolished around two months earlier.*

If the Israeli military's aim was indeed to destroy a tunnel under the Al-Mughraqa campus, the Israeli army should have explored an alternative that would have avoided its destruction, given the university's protected status as cultural property and the foreseeable impact on thousands of students. Another explanation for Israel's destruction of the university campus could have been its location within an area where the Israeli military was establishing the military zone it refers to as the "Netzarim Corridor". In Amnesty International's view, neither scenario would justify the destruction of such a site.

The second of the four cases is the destruction of the Al-Zahra campus of Israa University. A video posted on social media on 17 January 2024 showed a controlled demolition of the campus, which is located in the south of Gaza City, south of the military zone referred to by Israel as the "Netzarim Corridor".<sup>935</sup>

In a statement posted on its Facebook site a day later, the administration of the university said that the campus had been blown up 70 days after the Israeli army took over the building.<sup>936</sup> It further claimed that the Israeli army had used it as a base for its vehicles and snipers, as well as a makeshift detention and interrogation centre, raising questions about the military necessity of the destruction. Amnesty International was not able to verify the university's claim that Israeli forces were in control of and present in the university for an extended period. However, satellite imagery reviewed by Amnesty International shows that vehicle tracks consistent with heavy vehicles from Israeli forces were on the university campus at various points between 23 November 2023 and the destruction of the main

<sup>935</sup> Video available at: Hisham Abu Shaqrah, X post: <https://x.com/HShaqrah/status/1747726827991240715> [“Army of occupation conducts explosion of Palestine university in Gaza with 315 mines”], 17 January 2024, <https://x.com/HShaqrah/status/1747726827991240715>

Amnesty International is referencing this source as the original source of the video is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.

<sup>936</sup> Al-Israa University, Facebook post: “In an abhorrent scene where the Israeli soldiers were cheering joyfully while they demolished the main building of Israa University, south of Gaza City”, 21 January 2024, <https://www.facebook.com/photo/?fbid=780006414171140>

building, seen in imagery on 14 January 2024.<sup>937</sup> During that period, buildings on the university campus, including a mosque, appear to have been damaged or destroyed. Satellite imagery from 13 January 2024 shows smoke rising from the main compound and other buildings on the campus newly destroyed.<sup>938</sup> Satellite imagery from 15 January 2024 shows the main compound on the campus destroyed; this is consistent with the demolition seen in the video posted on social media on 17 January 2024.<sup>939</sup> At that time, the Israeli forces were based less than 1km away, at the Turkish Friendship Hospital, and were most likely in control of the building before the start of the demolition. In addition to destroying the graduate and undergraduate studies building, the explosion also damaged a museum, which housed antiquities, according to the university's administration.<sup>940</sup> Following US pressure, the Israeli army launched an investigation into the approval process for the controlled demolition.<sup>941</sup>

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<sup>937</sup> Planet Labs PBC, Image catalogue ID 20231123\_075855\_ssc1\_u0002, 23 November 2023; Planet Labs PBC, Image catalogue ID 20240114\_065512\_ssc2\_u0001, 14 January 2024.

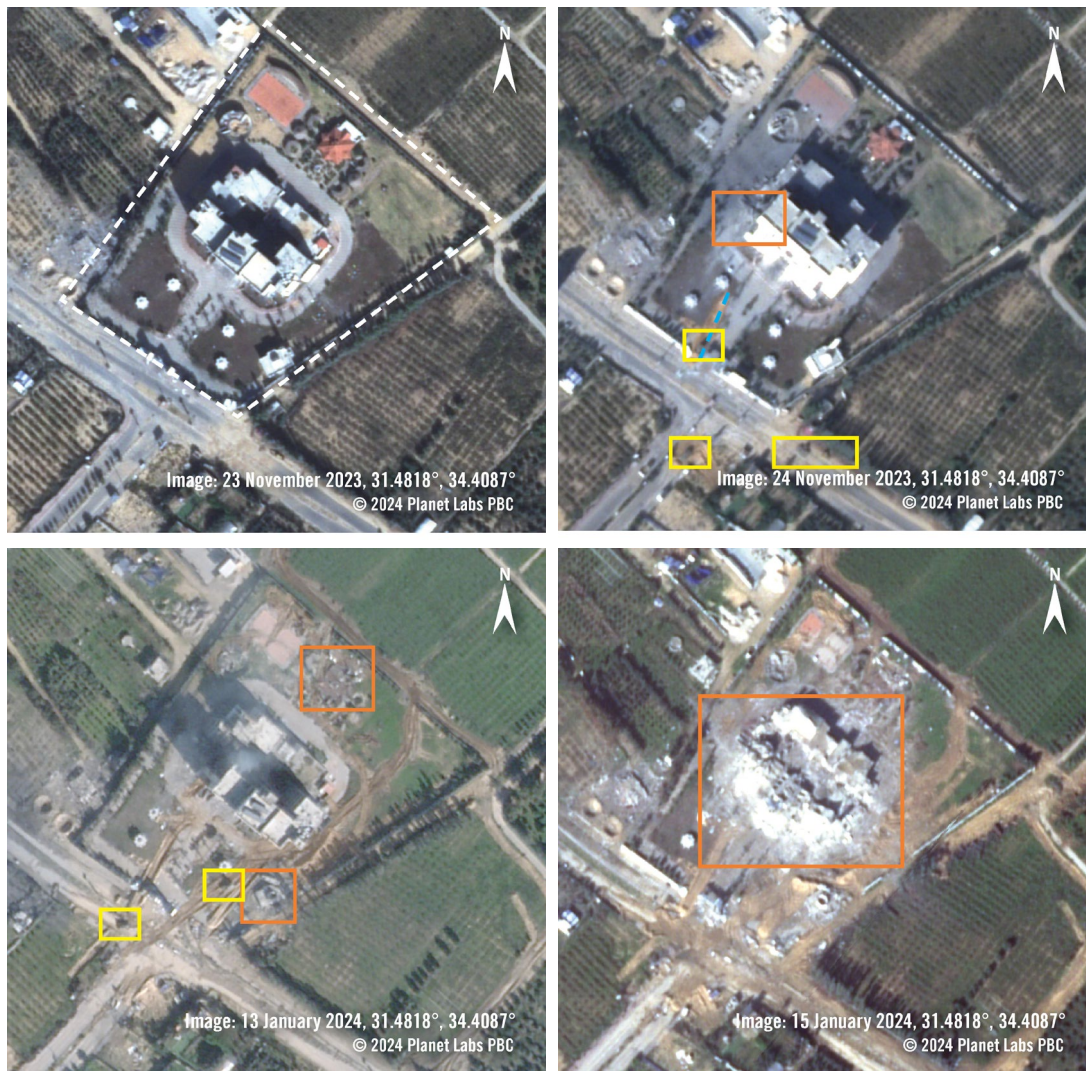
<sup>938</sup> Planet Labs PBC, Image catalogue ID 20240113\_073156\_ssc13\_u0001, 13 January 2024.

<sup>939</sup> Planet Labs PBC, Image catalogue ID 20240115\_115408\_ssc10\_u0001, 15 January 2024.

<sup>940</sup> Intercept, "No university left standing in Gaza", 9 February 2024, <https://theintercept.com/2024/02/09/deconstructed-gaza-university-education>

<sup>941</sup> Times of Israel, "IDF says it is probing demolition of campus in Gaza last week, after US voiced ire", 21 January 2024, <https://www.timesofisrael.com/idf-says-it-is-probing-demolition-of-campus-in-gaza-last-week-after-us-voiced-ire>

FIGURE 22



↑ The satellite imagery from 23 November 2023 (top left) shows the Al-Zahra campus of Israa University. In the satellite imagery from 24 November 2023 (top right), damage to a building on the campus, highlighted by an orange box, can be seen. Armoured vehicles, highlighted by yellow boxes, are visible on and around the campus. Tracks of heavy vehicles, highlighted by a blue dashed line, are noticeable on the campus. The satellite imagery from 13 January 2024 (bottom left) shows damage to and destruction of other buildings, highlighted by orange boxes, on the campus, including a mosque, as well as smoke rising from the main compound. Armoured vehicles, highlighted by yellow boxes, are again visible on and around the campus. The satellite imagery from 15 January 2024 (bottom right) shows the main compound on the campus destroyed; this is consistent with the demolition seen in a video posted on social media on 17 January 2024.

While the investigation was under way, the Israeli military published a map on X, Telegram and other platforms showing tunnels allegedly located underneath Israa University.<sup>942</sup> It stated: “The terror tunnel network connects the Turkish hospital bordering the central camps to the Israa University building in the south of Gaza City and reaches as far as the Zeitoun

<sup>942</sup> IDF, Telegram post: “IDF: A 10 Kilometer-Long Terror Tunnel Passing Underneath a Hospital and a University”, 26 February 2024, <https://t.me/idfofficial/6889>

area.” Amnesty International compared the map published by the Israeli military with satellite imagery and geolocated images of the university. The building the Israeli military labelled as Israa University was actually the Al-Mughraqa campus of Al-Azhar University, indicating that it published false or misleading information about the presence of Hamas tunnels under Israa University.

In March 2024, the chief of staff of the Israeli army issued a disciplinary note to Brigadier General Barak Hiram, the commander of the 99th Division, for ordering the demolition of the university campus without obtaining the appropriate approval, according to media reports.<sup>943</sup> While the army stated that its investigation revealed that Hamas had used the university building and its surroundings, it failed to provide a timeline of the alleged use, or an explanation as to why the destruction was justified by military necessity. Further, the disciplinary measure appeared nothing more than a move to appease international outcry at the destruction. While it offered a semblance of accountability, in reality, Brigadier General Barak Hiram not only remained in his position,<sup>944</sup> but was also promoted to Commander of the Gaza Division on 31 July 2024, according to Israeli media reports.<sup>945</sup>

The third of the four cases is the destruction of the Al-Dhilal mosque and the adjacent Bani Suheila cemetery in Khan Younis. The mosque was destroyed with manually laid explosives between 2 and 4 January 2024. A video posted to X on 8 January 2024 shows the demolition taking place, apparently using manually laid explosives.<sup>946</sup>

Satellite imagery analysed by Amnesty International shows that, between 3 and 8 December 2023, the Israeli military was clearing the ground and building berms around the neighbourhood near the mosque and cemetery.<sup>947</sup> Israeli armoured vehicles are also visible in the area in satellite imagery. According to a Bellingcat researcher, Israeli forces began destroying the adjacent cemetery in mid-December 2023.<sup>948</sup> Meanwhile, a CNN investigation revealed the bulldozing of the cemetery over a two-week period in December 2023 and early January 2024.<sup>949</sup> The soil disturbances visible in imagery at the cemetery indicate digging and scraping associated with excavations by Israeli forces searching for tunnels. By 20 December 2023, a significant number of destroyed buildings in the vicinity can be seen in satellite imagery that also indicates the presence of the Israeli military.<sup>950</sup> Satellite imagery

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<sup>943</sup> Haaretz, “IDF chief reprimands general for unauthorized demolition of Gaza university building”, 11 March 2024, <https://www.haaretz.com/israel-news/2024-03-11/tv-article/.premium/idf-chief-reprimands-general-for-unauthorized-demolition-of-gaza-university-building/0000018e-2d12-d152-ad8e-2dfa03550000>

<sup>944</sup> IDF, “Chief of the General Staff holds a situational assessment in central Gaza”, 10 July 2024, <https://www.idf.il/en/mini-sites/idf-press-releases-israel-at-war/july-24-pr/chief-of-the-general-staff-holds-a-situational-assessment-in-central-gaza>

<sup>945</sup> Haaretz, “Israeli army appoints controversial General Barak Hiram to Commander of Gaza Division”, 31 July 2024, <https://www.haaretz.com/israel-news/2024-07-31/tv-article/.premium/idf-appoints-controversial-general-barak-hiram-to-commander-of-gaza-division/00000191-07ae-dd56-a9f5-6fefb7420000>

<sup>946</sup> Warfare Analysis, X post: “A mosque in Bani Suheila, east of Khan Yunis, southern Gaza Strip, detonated by the Israelis”, 8 January 2024, <https://x.com/warfareanalysis/status/1744394278124519770>

<sup>947</sup> Planet Labs PBC, Image catalogue ID 20231203\_070012\_ssc2\_u0001, 3 December 2023; Maxar Technologies, Image catalogue ID 104001008B5B1800, 8 December 2023.

<sup>948</sup> Jake Godin, X post: “Video of the Ad-Dhilal Mosque in Bani Suheila being destroyed by the IDF in a controlled detonation”, 8 January 2024, <https://x.com/JakeGodin/status/1744382452401946970>

<sup>949</sup> CNN, “At least 16 cemeteries in Gaza have been desecrated by Israeli forces, satellite imagery and videos reveal”, 20 January 2024, <https://edition.cnn.com/2024/01/20/middleeast/israel-gaza-cemeteries-desecrated-investigation-intl-cmd/index.html>

<sup>950</sup> Maxar Technologies, Image catalogue ID 10300100F2658900, 20 December 2023.

captured on 2 January 2024 still shows the Al-Dhilar mosque intact, but satellite imagery from 4 January 2024 indicates that a portion of the mosque has collapsed, suggesting that its destruction was carried out from the ground.<sup>951</sup> This is consistent with the video of the demolition.

**FIGURE 23**



↑ The satellite imagery from 2 January 2024 (on the left) shows the Al-Dhilar mosque in Khan Younis. To the north, there is evidence of the Israeli military having cleared much of the ground and vegetation in the neighbourhood near the mosque. The soil disturbances indicate digging and scraping associated with excavations by Israeli forces searching for tunnels. The satellite imagery from 4 January 2024 (on the right) indicates that a portion of the mosque, highlighted by an orange box, has collapsed, suggesting that its destruction was carried out from the ground and that Israeli forces were in control of the area at the time. This is consistent with a video of its demolition posted on social media on 8 January 2024.

In a video interview with CNN filmed in the grounds of the cemetery between 20 and 29 January 2024 and showing the collapsed mosque in the background, an Israeli army commander states that a Hamas tunnel ran directly underneath the site and that Hamas fighters attacked Israeli troops from the area.<sup>952</sup> To support this claim, the commander takes the CNN crew into a nearby tunnel which appears intact, demonstrating that the destruction of the mosque and cemetery did not destroy this tunnel. In a press release and related X post, the Israeli military included footage purporting to show tunnel entrances near the cemetery.<sup>953</sup> A review of satellite imagery by Amnesty International confirmed that two large

<sup>951</sup> Planet Labs PBC, Image catalogue ID 20240102\_120344\_ssc6\_u0003, 2 January 2024; Planet Labs PBC, Image catalogue ID 20240104\_115101\_ssc8\_u0002, 4 January 2024.

<sup>952</sup> CNN, "Israel claims a tunnel ran through this Gaza cemetery it destroyed. A visit to the site raises more questions than answers", 29 January 2024, <https://edition.cnn.com/2024/01/29/world/israel-cemetery-bani-suheila-intl/index.html>

<sup>953</sup> IDF, "Under Gaza's Bani Suheila cemetery: Terrorist tunnel and hideouts for Hamas senior leaders", 29 January 2024, <https://www.idf.il/en/mini-sites/idf-press-releases-israel-at-war/january-24-pr/under-gaza-s-bani-suheila-cemetery-terrorist-tunnel-and-hideouts-for-hamas-senior-leaders>; Avichay Adraee, IDF spokesperson for Arabic media, X post: "حماس يادواؤها الإرهابية... حتى المقابر لم تسلم من إرهاب #دواعش خانيونس# في سهيل\_حماس تندس مقبرة #بني\_سهيلا\_حماس\_إس\_إس\_إس terrorism"], 30 January 2024, <https://x.com/AvichayAdraee/status/1752360157185482756> (in Arabic).

areas had been excavated in the grounds of the cemetery: one located 65m from the mosque, excavated between 6 and 14 December 2023, and the other located in the middle of the cemetery, 85m from the mosque, excavated between 26 and 30 December 2023.<sup>954</sup> The excavations suggest the army was looking for a tunnel in those locations. However, it is unclear why the demolition of the mosque and the cemetery, both protected religious sites, would have been necessary in order to destroy such a tunnel, especially since it appears that their demolition did not destroy the tunnel shown to CNN.

The last of the four cases is the destruction of the Al-Istiqlal mosque in Khan Younis, which Israeli forces targeted on two occasions. Between 10 and 11 December 2023, the mosque was hit by an air strike, according to images posted online and confirmed using satellite imagery.<sup>955</sup> Subsequent images appear to show Israeli military activity, indicating control of the area. Scraping of vegetation is visible in the area on satellite imagery taken between 26 and 30 December 2023, while armoured vehicles can first be seen on 10 January 2024 at a temporary base located 600m south-east of the mosque.<sup>956</sup> A large area located 50m from the mosque is seen being excavated between 10 and 12 January 2024.<sup>957</sup> Then, between 16 and 19 January 2024, a portion of the mosque appears to have collapsed, based on a review of satellite imagery.<sup>958</sup> A video of the demolition was later posted by an Israeli soldier on his Facebook account.<sup>959</sup> On 13 May 2024, another video, which was apparently published by the 66th Battalion and posted on X, shows drone footage of the inside of the empty mosque, which is seen to be heavily damaged.<sup>960</sup> The video, which uses a popular song celebrating the spirit of the Israeli army, then shows how the mosque is reduced to rubble in an explosion. It provides no explanation for the destruction. Amnesty International was not able to find any publicly available information by the Israeli military about the destruction of the mosque and the objectives behind such destruction.

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<sup>954</sup> Planet Labs PBC, Image catalogue ID 20231206\_073327\_ssc13\_u0002, 6 December 2023; Maxar Technologies, Image catalogue ID 10300100F2A21B00, 14 December 2023; Planet Labs PBC, Image catalogue ID 20231226\_071436\_ssc12\_u0002, 26 December 2023; Planet Labs PBC, Image catalogue ID 20231230\_065635\_ssc4\_u0001, 30 December 2023.

<sup>955</sup> Image available at: Quds News Network, X post: "Massive destruction in the Indonesia Mosque", 11 December 2023 <https://x.com/QudsNen/status/1734197300090528020>

<sup>956</sup> Planet Labs PBC, Image catalogue ID 20231226\_071436\_ssc12\_u0002, 26 December 2023; Planet Labs PBC, Image catalogue ID 20231230\_065635\_ssc4\_u0001, 30 December 2023; Planet Labs PBC, Image catalogue ID 20240110\_071032\_ssc2\_u0002, 10 January 2024.

<sup>957</sup> Planet Labs PBC, Image catalogue ID 20240112\_114556\_ssc10\_u0001, 10 January 2024; Planet Labs PBC, Image catalogue ID 20240112\_114556\_ssc10\_u0001, 12 January 2024.

<sup>958</sup> Planet Labs PBC, Image catalogue ID 20240116\_072224\_ssc13\_u0001, 16 January; Planet Labs PBC, Image catalogue ID 20240119\_071552\_ssc12\_u0001, 19 January 2024.

<sup>959</sup> Video available at: Younis Tirawi, X post: "Khan Younis I An Israeli soldier shares a video depicting the deliberate detonation", 7 February 2024, <https://x.com/ytirawi/status/1755339296817455313>

Amnesty International is referencing this source as the original source of the video is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.

<sup>960</sup> Video available at: Younis Tirawi, X post: "Khan Younis I Israeli soldiers from the 66th battalion", 13 May 2024 <https://x.com/ytirawi/status/1789978344311648368>

Amnesty International is referencing this source as the original source of the video is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.



FIGURE 24



👁️ ↑ *The satellite imagery from 16 January 2024 (on the left) shows the Al-Istiqlal Mosque in Khan Younis. There is a large excavated area adjacent to the mosque, suggesting the Israeli military was in control of the area at the time and searching for possible tunnels. The satellite imagery from 19 January 2024 (on the right) shows a portion of the mosque, highlighted by an orange box, to have collapsed. Armoured vehicles, highlighted by yellow boxes, are visible near the mosque on both days.*

#### 7.1.4 INCOMMUNICADO DETENTION, TORTURE AND OTHER ILL-TREATMENT

As another indication of intent, Israel was responsible, during the nine-month period under review, for a pattern of incommunicado detention, torture and other cruel, inhuman or degrading treatment (ill-treatment), including sexual violence, of Palestinians from Gaza, according to documentation by Amnesty International and other organizations. Genocidal intent may be inferred from evidence of “other culpable acts systematically directed against the same group.”<sup>961</sup> This pattern of incommunicado detention, torture and other ill-treatment underscores the systematic dehumanization and mental and physical abuse of Palestinians in Gaza and may also be taken into account with a view to inferring genocidal intent from pattern of conduct.

Between February and June 2024, Amnesty International documented 31 cases of incommunicado detention and found credible evidence of widespread use of torture and other ill-treatment, which included, among other methods, beatings, attacks by dogs, being forced to remain in stress positions, handcuffed and blindfolded, for long periods, food deprivation, inhumane detention conditions and threats of sexual violence. It did so based on interviews with 27 released detainees, all civilians arrested in Gaza (20 men, six women and one child); four family members of civilians detained for up to seven months, whose whereabouts were yet to be disclosed by the Israeli authorities; and two lawyers who had recently managed to meet with detainees. It also reviewed medical reports that corroborated

<sup>961</sup> ICTY, *Prosecutor v. Krstić*, Appeals Chamber judgment (previously cited), para. 33.

testimonies of torture, and secondary sources relating to torture and incommunicado detention. In addition, it verified and geolocated at least five videos of mass arrests, including of detainees filmed while stripped to their underwear after being detained from northern Gaza and in Khan Younis.<sup>962</sup>

The organization also found that Israel used the Unlawful Combatants Law to, in some circumstances, institutionalize the use of enforced disappearance. The law allows the military to detain Palestinians from Gaza without a detention order for up to 45 days and to prevent them from meeting a lawyer for up to 90 days.<sup>963</sup> It denies detainees any semblance of due process, facilitating rampant torture and other ill-treatment.<sup>964</sup> As of 30 September 2024, the number of Palestinians from Gaza held under the Unlawful Combatants Law was 1,618, including 10 children, according to information provided by the Israeli Prison Service to HaMoked – Center for the Defence of the Individual, an Israeli human rights organization. Following 7 October 2023, the ICRC was not able to visit any Palestinian detainees held in Israeli places of detention.<sup>965</sup>

A report by B'Tselem – The Israeli Information Center on Human Rights in the Occupied Territories, based on testimonies from released Palestinian detainees, describes how Israeli detention centres, both those run by the Israeli Prison Service and by the military, have been operating “as a network of torture” and abuse, where torture and other ill-treatment have been “systemic and institutional”.<sup>966</sup> These violations have been confirmed in a recent report of the OHCHR<sup>967</sup> and by UN experts who have received “substantiated reports of widespread abuse, torture, sexual assault and rape, amid atrocious inhumane conditions, with at least 53 Palestinians [from Gaza and the West Bank] apparently dying as a result in 10 months”.<sup>968</sup> The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment addressed a request for clarification and information to the Israeli government, along with soliciting a country visit.<sup>969</sup> Research by Human Rights Watch highlighted the arbitrary detention and alleged torture and other ill-treatment of Palestinian healthcare workers from Gaza.<sup>970</sup>

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<sup>962</sup> Amnesty International, “Israel must end mass incommunicado detention and torture of Palestinians from Gaza” (previously cited).

<sup>963</sup> Detention of Unlawful Combatants Law, 2002 (as amended by Amendment no. 4 and Temporary Provision – Iron Swords, 2023, which was in turn amended in 2024), Article 10a.

<sup>964</sup> Amnesty International, “Israel must end mass incommunicado detention and torture of Palestinians from Gaza” (previously cited).

<sup>965</sup> ICRC, “Debunking harmful narratives about our work in Israel and the occupied Palestinian territory”, 20 December 2023, updated on 14 May 2024, <https://www.icrc.org/en/document/debunking-harmful-narratives-about-our-work-israel-and-palestinian-occupied-territories>

<sup>966</sup> B'Tselem, *Welcome to Hell: The Israeli Prison System as a Network of Torture Camps*, August 2024, [https://www.btselem.org/sites/default/files/publications/202408\\_welcome\\_to\\_hell\\_eng.pdf](https://www.btselem.org/sites/default/files/publications/202408_welcome_to_hell_eng.pdf)

<sup>967</sup> OHCHR, *Detention in the Context of the Escalation of Hostilities in Gaza (October 2023 – June 2024)*, 31 July 2024, <https://www.ohchr.org/sites/default/files/documents/countries/opt/20240731-Thematic-report-Detention-context-Gaza-hostilities.pdf>

<sup>968</sup> OHCHR, “Israel’s escalating use of torture against Palestinians in custody a preventable crime against humanity: UN experts”, 5 August 2024, <https://www.ohchr.org/en/press-releases/2024/08/israels-escalating-use-torture-against-palestinians-custody-preventable>

<sup>969</sup> UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Communication to the Government of Israel, Ref: AL ISR 10/2024, 16 May 2024, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29108>

<sup>970</sup> HRW, “Israel: Palestinian healthcare workers tortured”, 26 August 2024, <https://www.hrw.org/news/2024/08/26/israel-palestinian-healthcare-workers-tortured>

According to the Israeli newspaper Haaretz, in early June 2024, Israeli military confirmed that it had opened criminal investigations into 48 cases of deaths of Palestinians since 7 October 2023, mostly related to deaths in custody or under interrogation, including inside Gaza.<sup>971</sup> Of these, 36 investigations related to the deaths of detainees who had been held in Sde Teiman, a military facility near Beersheba.<sup>972</sup> However, as far as Amnesty International has been able to find from publicly available sources, there had been only one indictment of an Israeli soldier in relation to the torture of Palestinian detainees by 30 September 2024; an investigation into a case of rape of a detainee in Sde Teiman was ongoing.<sup>973</sup> This near-total lack of accountability for military officers or Israeli Prison Service (IPS) and security personnel implicated in the torture of Palestinians is in line with a well-documented decades-long pattern. According to the Public Committee Against Torture in Israel, an Israeli human rights organization, for example, 1,450 complaints of torture against Israel's Internal Security Agency filed between 2001 and 2022 resulted in only three criminal investigations and no indictment.<sup>974</sup> Amnesty International has previously found that Israel's long-standing, widespread and systematic use of torture against Palestinians forms part of the state's policy of domination and oppression of the Palestinian population. It is one of the inhuman or inhumane acts committed by Israel with the intention to maintain this system and amounts to the crime against humanity of apartheid under both the Apartheid Convention and the Rome Statute.<sup>975</sup>

## 7.2 DEHUMANIZATION OF PALESTINIANS

Israeli officials, as well as other politicians and public figures, have used dehumanizing, derogatory and racist language towards Palestinians for years. Following the Hamas-led attacks on 7 October 2023, there has been a significant escalation in the use of such language towards Palestinians by Israeli government officials, Knesset members and high-ranking military officers.

Scholars of genocide have argued that genocide is a process often accompanied by the othering and dehumanization of the targeted group, which is usually regarded as inferior or threatening.<sup>976</sup> In many contexts, dehumanizing language and practices, as well as

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<sup>971</sup> B'Tselem, *Welcome to Hell: The Israeli Prison System as a Network of Torture Camps* (previously cited).

<sup>972</sup> Haaretz, "Israeli army conducting criminal investigations into 48 deaths of Gazans during war, mostly detainees", 3 June 2024, <https://www.haaretz.com/israel-news/2024-06-03/ty-article/.premium/idf-conducts-criminal-investigation-into-48-deaths-of-gazans-in-the-war-mostly-detainees/0000018f-dd46-db0d-a98f-dd4f27950000>

<sup>973</sup> Guardian, "IDF charges reservist with aggravated abuse of Palestinian prisoners", 30 July 2024, <https://www.theguardian.com/world/article/2024/jul/30/idf-charges-reservist-with-aggravated-abuse-of-palestinian-prisoners>

<sup>974</sup> Public Committee Against Torture in Israel, "Torture in Israel: Situation report", 2023, <https://stoptorture.org.il/en/torture-in-israel-today>

<sup>975</sup> Amnesty International, *Israel's Apartheid Against Palestinians* (previously cited), p. 248.

<sup>976</sup> See, for example, Carola Lingaas, *The Concept of Race in International Law* (previously cited), pp. 40-52; Gregory H. Stanton, "Could the Rwandan genocide have been prevented?", 2004, *Journal of Genocide Research*, Volume 6, Issue 2, <https://www.tandfonline.com/doi/full/10.1080/1462352042000225958#d1e572>, pp. 211-228; Maureen Hiebert, "Theorizing destruction: Reflections on the state of comparative genocide theory", 2008, *Genocide Studies and Prevention: An International Journal*, Volume 3, Issue 3, <https://digitalcommons.usf.edu/gsp/vol3/iss3/6>

See Chapter 5 "Genocide under international law" for further details.

discrimination and persecution, not only precede the “genocidal moment” but facilitate genocidal acts. Meanwhile, as recognized by international tribunals, the use of “derogatory language” towards members of the targeted group can be considered as evidence of genocidal intent.<sup>977</sup>

## 7.2.1 PRE-EXISTING DISCOURSE

Israeli officials, as well as other politicians and public figures with significant reach and influence in Israel, have used deeply rooted dehumanizing, derogatory and racist language towards Palestinians in the OPT, as well as those living inside Israel, for years. Such discourse has become normalized and has contributed to an environment where incitement to violence against Palestinians is allowed to spread unchecked.<sup>978</sup> This discourse is reinforced by the daily practices of the Israeli military and police,<sup>979</sup> who treat Palestinians as a group with perpetual lesser rights and inferior status to Jewish Israelis,<sup>980</sup> as they enforce the unlawful occupation of the West Bank and Gaza,<sup>981</sup> and the system of apartheid against Palestinians living under Israeli control.<sup>982</sup>

Prior to 7 October 2023, not only had the Israeli authorities failed to prevent and investigate such discourse, but they had also actively encouraged it, through numerous statements by senior officials over the years. The context before 7 October 2023 was one of entrenched hatred and dehumanization against Palestinians, along with impunity. Dehumanizing, derogatory and racist language by Israeli officials was instrumental in garnering public support for the Israeli military’s crimes under international law in Gaza during previous offensives, and was used by the Israeli authorities to legitimize unlawful attacks and other violations against Palestinians.<sup>983</sup> For example, in July 2014, roughly two weeks after Israel launched a military offensive on Gaza codenamed “Operation Protective Edge”, the Special Advisers of the Secretary-General on the Prevention of Genocide and the Responsibility to Protect expressed their concern at the “flagrant use of hate speech in the social media,

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<sup>977</sup> See, for example, ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), para. 728; ICTR, *Prosecutor v. Kayishema and Ruzindana*, Trial Chamber judgment (previously cited), para. 93; ICTR, *Prosecutor v. Gacumbitsi*, Trial Chamber judgment (previously cited), paras 252-253; ICTR, *Prosecutor v. Gacumbitsi*, Appeal Chamber judgment (previously cited), para. 43; ICTY, *Prosecutor v. Karadžić*, Trial Chamber judgment (previously cited), para. 550; ICTY, *Prosecutor v. Stakić*, Appeals Chamber judgment (previously cited), para. 52.

<sup>978</sup> Amnesty International, “Global: Social media companies must step up crisis response on Israel-Palestine as online hate and censorship proliferate”, 27 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/global-social-media-companies-must-step-up-crisis-response-on-israel-palestine-as-online-hate-and-censorship-proliferate>

<sup>979</sup> Already in 2009, the report of the UN fact-finding mission on the 2008-2009 Gaza/Israel conflict raised concern that “an increased level of force and the dehumanization have become normalized in the practice of security forces”, referring to incidents of abuse of Palestinians by Israeli soldiers and border police. UN Fact Finding Mission on the Gaza Conflict, *Report of the United Nations Fact-Finding Mission on the Gaza Conflict* (previously cited).

<sup>980</sup> Amnesty International, *Israel’s Apartheid Against Palestinians* (previously cited), pp. 265-266.

<sup>981</sup> ICJ, *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem*, advisory opinion (previously cited), para. 26; Amnesty International, “Israel must end its occupation of Palestine to stop fuelling apartheid and systematic human rights violations” (previously cited).

<sup>982</sup> Amnesty International, *Israel’s Apartheid Against Palestinians* (previously cited).

<sup>983</sup> Reuters, “UNRWA chief: Dehumanization of Palestinians enable Israeli attacks”, 10 December 2023, <https://www.reuters.com/world/middle-east/unrwa-chief-says-dehumanization-palestinians-enable-israeli-attacks-2023-12-10>; Andalou Ajansi, “Israel paints Palestinians as ‘animals’ to legitimize war crimes: Israeli scholar”, 23 October 2023, <https://www.aa.com.tr/en/middle-east/israel-paints-palestinians-as-animals-to-legitimize-war-crimes-israeli-scholar/3030278>

particularly against the Palestinian population” and the dissemination of “messages that could be dehumanising to the Palestinians”, in addition to calls “for the killing of members of this group”.<sup>984</sup> In one such example, in the lead-up to “Operation Protective Edge”, on 1 July 2014, then Knesset member Ayelet Shaked posted on her Facebook page an article which argued that the Palestinian people are the “enemy”, that Palestinian children are “little snakes”, and that mothers of Palestinian fighters are “enemy combatants”. Ayelet Shaked, who became minister of justice in 2015 and who served as minister of interior between 2021 and 2022, later deleted the post. However, before she did so, it was shared thousands of times, according to a media report.<sup>985</sup>

Israeli leaders have also made dehumanizing, derogatory and racist comments and called for the destruction of Gaza outside the context of hostilities. For example, in 2015, on the day of Israel’s legislative elections, Prime Minister Netanyahu issued a call on Facebook for his supporters to vote, warning that Palestinian citizens of Israel were coming to polling stations “in droves” and implying that they constituted a threat to Israel’s security.<sup>986</sup> The comment was widely perceived as racist by Palestinian community leaders in Israel.<sup>987</sup> In 2016, the media quoted Prime Minister Netanyahu referring to Palestinians and Arabs living in neighbouring countries as “predators” (also translated from Hebrew as “wild beasts”), while he spoke about plans to build a fence around Israel. “In the area that we live in, we must defend ourselves against the predators,” he said.<sup>988</sup> During the 2019 parliamentary election campaign, in an advertisement for the Jewish Power party, Itamar Ben-Gvir, who was convicted of supporting a “terrorist organization” and inciting anti-Palestinian racism in 2008, and currently serves as the minister of national security,<sup>989</sup> called for Israel to “level

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<sup>984</sup> UN, “Statement by the Special Advisers of the Secretary-General on the Prevention of Genocide, Mr. Adama Dieng, and on the Responsibility to Protect, Ms. Jennifer Welsh, on the situation in Israel and in the Palestinian Occupied Territory of Gaza Strip”, 24 July 2014, <https://www.un.org/en/genocideprevention/documents/media/statements/2014/English/2014-07-24-Special%20Advisers%20Statement%20on%20the%20situation%20in%20Israel%20and%20the%20occupied%20Gaza%20strip.pdf>

<sup>985</sup> The post was published the day after the bodies of three Israeli teenagers were found in the occupied West Bank following their abduction in June 2014. See Washington Post, “Israel’s new justice minister considers all Palestinians to be ‘the enemy’”, 7 May 2015, <https://www.washingtonpost.com/news/worldviews/wp/2015/05/07/israels-new-justice-minister-considers-all-palestinians-to-be-the-enemy/>; Electronic Intifada, “Israeli lawmaker’s call for genocide of Palestinians gets thousands of Facebook likes”, 8 May 2015, <https://electronicintifada.net/blogs/ali-abunimah/israeli-lawmakers-call-genocide-palestinians-gets-thousands-facebook-likes>

<sup>986</sup> Benjamin Netanyahu, Facebook post: [שלטון הימין בסכנה](https://www.facebook.com/video.php?v=10152778935532076&set=vb.268108602075&type=2&theater) [“Right wing rule is in danger”], 17 March 2015, <https://www.facebook.com/video.php?v=10152778935532076&set=vb.268108602075&type=2&theater> (translation from the original Hebrew into English by Amnesty International).

<sup>987</sup> Washington Post, “On Israeli election day, Netanyahu warns of Arabs voting ‘in droves’”, 17 March 2015, <https://www.washingtonpost.com/news/worldviews/wp/2015/03/17/on-israeli-election-day-netanyahu-warns-of-arabs-voting-in-droves/>; Times of Israel, “Netanyahu apologizes to Arabs for voter turnout remark”, 23 March 2015, <https://www.timesofisrael.com/netanyahu-apologizes-to-arabs-for-voter-turnout-remark/>

<sup>988</sup> Amnesty International was unable to identify the original statement and has relied on Israeli media reports in Hebrew for its analysis. See Haaretz, [נתניהו: נקיף את עצמנו בגדרות ומכשולים כדי להתגונן מחיות הטרף שסביבנו](https://www.haaretz.co.il/news/politics/2016-02-09/ty-article/0000017f-dc2a-df62-a9ff-dcfc8e80000) [“Netanyahu: We will surround ourselves with fences and barriers ‘in order to defend ourselves from predators’”], 9 February 2016, <https://www.haaretz.co.il/news/politics/2016-02-09/ty-article/0000017f-dc2a-df62-a9ff-dcfc8e80000> (translation from the original Hebrew into English by Amnesty International). An English translation of the media report is available. See Haaretz, “Netanyahu: We’ll surround Israel with fences ‘to defend ourselves against wild beasts’”, 9 February 2016, <https://www.haaretz.com/israel-news/2016-02-09/ty-article/premium/netanyahu-well-surround-israel-with-fences/0000017f-e166-d804-ad7f-f1fe74bd0000>

<sup>989</sup> Haaretz, “Israel’s police chief blamed Ben-Gvir for igniting Gaza war. Now he may find himself reporting to him”, 3 November 2022, <https://www.haaretz.com/israel-news/elections/2022-11-03/ty-article/premium/israels->

Gaza and rebuild Gush Katif”, an Israeli settlement bloc which was dismantled when Israel unilaterally withdrew its troops and settlers from Gaza in 2005.<sup>990</sup> Then, in August 2023, Minister of National Security Ben-Gvir said in a TV interview that he and his family’s right “to move around on the roads of Judea and Samaria [the occupied West Bank] is more important than the right of movement of Arabs”.<sup>991</sup> In March 2023, Finance Minister Smotrich called for Huwara, a Palestinian town in the occupied West Bank located near Nablus, to be erased, soon after it had been attacked by Israeli settlers.<sup>992</sup>

The failure of the Israeli authorities to effectively investigate and prosecute anti-Palestinian incitement and advocacy of hatred – even though incitement to racism and incitement to violence or terror constitute offences under Articles 144B and 144D2 of Israel’s Penal Law, respectively<sup>993</sup> – has facilitated the rise of such discourse over the years. It has intensified further as religious nationalist parties gained more support in Israeli politics, particularly after December 2022 when they entered the coalition government led by Prime Minister Netanyahu.<sup>994</sup> Indeed, according to 7amleh – The Arab Center for the Advancement of Social Media, there has been a significant rise in racist and violent content targeting Palestinians on social media in the last few years. In 2021,<sup>995</sup> the organization noted a threefold increase in incitement compared to 2020, with a further 10% increase in violent speech in 2022.<sup>996</sup> By 2023, the levels of hate speech and incitement had reached alarming heights, reflecting a deeply ingrained and escalating animosity within Israeli society.<sup>997</sup>

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[police-chief-blamed-ben-gvir-for-gaza-war-now-he-might-have-to-report-to-him/00000184-3c9c-d9a1-a5b5-3f9fce370000](https://www.youtube.com/watch?v=OahunczmL8w)

<sup>990</sup> Jewish Power, עזה הזמן לשטח את עזה: אימאר בן גביר [“Itamar Ben-Gvir: It’s time to level Gaza!”], 27 March 2019, <https://www.youtube.com/watch?v=OahunczmL8w> (translation from the original Hebrew into English by Amnesty International).

<sup>991</sup> Video available at: Noa Landau, X post: “My right, my wife’s, my children’s, to roam the roads of Judea and Samaria is more important than the Arabs’ right to movement”, 23 August 2023, [https://x.com/noa\\_landau/status/1694405110921650415](https://x.com/noa_landau/status/1694405110921650415) (translation from the original Hebrew into English by Amnesty International).

<sup>992</sup> Haaretz, “Palestinian ‘village of Hawara needs to be wiped out’: Israel’s far-right finance minister justifies ‘disproportionate’ response to terrorism”, 1 March 2023, <https://www.haaretz.com/israel-news/2023-03-01/ty-article/.premium/palestinian-village-of-hawara-needs-to-be-wiped-out-israels-finance-minister/00000186-9d56-df48-ab96-bd576aac0000>

<sup>993</sup> Israel, Penal Law 5737-1977, [https://www.nevo.co.il/law\\_html/law01/073\\_002.htm](https://www.nevo.co.il/law_html/law01/073_002.htm) (in Hebrew; an unofficial English translation of an earlier edition is available at <https://www.ici.org/wp-content/uploads/2013/05/Israel-Penal-Law-5737-1977-eng.pdf>).

<sup>994</sup> Since December 2022, the Israeli government has proposed a draft law that introduces the death penalty for persons defined as “terrorists”, a word that it almost exclusively uses to refer to Palestinians. It also approved Minister of National Security Ben-Gvir’s plans to establish a “national guard”, a volunteer militia with powers to exercise force against civilians. Amnesty International, “Defending the rule of law, enforcing apartheid: The double life of Israel’s judiciary” (previously cited).

<sup>995</sup> 7amleh, “Racism and incitement index 2021: Increase in racism and incitement against Palestinians and Arabs during the year”, 17 January 2021, <https://7amleh.org/2022/01/17/racism-and-incitement-index-2021-increase-in-racism-and-incitement-against-palestinians-and-arabs-during-the-year>

<sup>996</sup> 7amleh, “Index of racism and incitement 2022”, 28 March 2023, [https://www.youtube.com/watch?v=C05gS7h1-oU&ab\\_channel=7amleh](https://www.youtube.com/watch?v=C05gS7h1-oU&ab_channel=7amleh)

<sup>997</sup> 7amleh, “Racism and incitement index: 7amleh documents 10 million instances of violent content in Hebrew throughout the year 2023”, 26 February 2024, <https://7amleh.org/2024/02/26/racism-and-incitement-index-7amleh-documents-10-million-instances-of-violent-content-in-hebrew-throughout-the-year-2023>

## 7.2.2 ESCALATING USE OF DEHUMANIZING LANGUAGE

Following 7 October 2023, there has been a significant escalation in the use of dehumanizing, derogatory and racist language towards Palestinians by Israeli government officials, Knesset members and high-ranking military officers. Within weeks of Israel's offensive, UN Special Rapporteurs, members of UN Working Groups, the UN Committee on the Elimination of Racial Discrimination (CERD), as well as Palestinian and international civil society organizations, raised concerns that such language indicated that Palestinians in Gaza were at grave risk of genocide.<sup>998</sup> The ICJ took note of this dehumanizing language in its provisional measures order of 26 January 2024.<sup>999</sup>

In a now much-publicized televised statement made on 9 October 2023, then Minister of Defense Yoav Gallant referred to Palestinians as “human animals” (see section 7.3 “Statements on destruction of Palestinians” for a full analysis of the statement).<sup>1000</sup> A day later, Major General Ghassan Alian, head of COGAT, referred to Palestinians as “human beasts” in a video addressed to both Hamas and Gaza's residents, which was posted on COGAT's official account on X.<sup>1001</sup> Meanwhile, Prime Minister Netanyahu has on multiple occasions portrayed the Israeli military offensive on Gaza as an apocalyptic fight against an “uncivilized world”, a racist metaphor which is apparently intended to characterize Hamas but, in some instances, Palestinians more generally. He has referred to Gaza as a “wicked

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<sup>998</sup> Based on “statements made by Israeli political leaders and their allies, accompanied by military action in Gaza and escalation of arrests and killing in the West Bank”, by 27 October 2023, nine UN experts considered that “there is... a risk of genocide against the Palestinian people”. OHCHR, “Gaza: UN experts decry bombing of hospitals and schools as crimes against humanity, call for prevention of genocide”, 19 October 2023, <https://www.ohchr.org/en/press-releases/2023/10/gaza-un-experts-decry-bombing-hospitals-and-schools-crimes-against-humanity>

On 23 October 2023, three Palestinian NGOs said that statements made by Israeli government and military officials “using dehumanising language to describe Palestinians” indicated “a clear intent to commit war crimes, crimes against humanity and incitement to genocide”. Al-Haq and others, “Palestinian CSO send a letter to the UN High Commissioner calling for ceasefire, and stress on the root causes”, 23 October 2023, <https://www.alhaq.org/advocacy/21990.html>

In a statement issued on 27 October 2023, the UN Committee on the Elimination of Racial Discrimination (CERD) expressed concern at the “sharp increase in racist hate speech and dehumanization directed at Palestinians” and considered that language used by then Minister of Defense Yoav Gallant on 9 October 2023 “could incite genocidal actions”. CERD, Statement 5 (2023), “Israel and the State of Palestine”, 27 October 2023, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FWSA%2F9904&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FWSA%2F9904&Lang=en)

On 16 November 2023, a group of UN Special Rapporteurs and members of UN Working Groups expressed concern at “discernibly genocidal and dehumanising rhetoric coming from senior Israeli government officials, as well as some professional groups and public figures”. OHCHR, “Gaza: UN experts call on international community to prevent genocide against the Palestinian people”, 16 November 2023, <https://www.ohchr.org/en/press-releases/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against>

On 21 December 2023, CERD adopted a decision under its Early Warning and Urgent Action Procedure expressing grave concern “about the racist hate speech, incitement to violence and genocidal actions, as well as dehumanizing rhetoric targeted at Palestinians since 7 October 2023 by Israeli senior government officials, members of the Parliament, politicians and public figures”. OHCHR, “Gaza Strip: States are obliged to prevent crimes against humanity and genocide, UN Committee stresses”, 21 December 2023, <https://www.ohchr.org/en/press-releases/2023/12/gaza-strip-states-are-obliged-prevent-crimes-against-humanity-and-genocide>

<sup>999</sup> ICJ, *South Africa v. Israel*, order, 26 January 2024 (previously cited), paras 51-52.

<sup>1000</sup> Knesset channel, “אנחנו נלחמים בחיות אדם - ואנחנו נוהגים בהתאם. אנחנו מטילים מצור על העיר עזה” - שר הביטחון, יואב גלנט [“We are fighting human animals – and we are acting accordingly. We are laying siege to Gaza City” – Minister of Defense, Yoav Gallant], 9 October 2023, <https://www.youtube.com/watch?v=1nxvS9VY-tQ> (translation from the original Hebrew into English by Amnesty International).

<sup>1001</sup> COGAT, X post: “You wanted hell, you will get hell”, 10 October 2023, <https://x.com/cogatonline/status/1711718883323752586>

city”<sup>1002</sup> and to the military campaign on Gaza as a struggle between “humanity and the law of the jungle.”<sup>1003</sup> He also framed the conflict as a struggle between “the children of darkness”, an apparent reference to Palestinians in Gaza, and “the children of light”, an apparent reference to Israelis and their allies.<sup>1004</sup> He furthermore portrayed Israel as fighting for the sake of the “civilized” world.<sup>1005</sup> Speaking on 15 October 2023 at a press conference from a military base after meeting with soldiers near the border fence with Gaza, then Minister of Defense Gallant used the same imagery to mobilize public support for Israel’s offensive. He said: “This is a war between the children of light and the children of darkness”.<sup>1006</sup>

## FIGURE 25

This is a struggle between the children of light and the children of darkness, between humanity and the law of the jungle. We saw this in the horrors that the reprehensible murderers perpetrated in Kibbutz Be’eri, in Kfar Aza, in the other communities of the area adjacent to the Gaza Strip, and in the killing field of young people at a festival in Re'im.

Many people around the world now understand who stands against Israel. They understand that Hamas is ISIS. They understand that Hamas is the new version of Nazism. Just as the world united to defeat the Nazis and ISIS, so too will it unite to defeat Hamas.

I tell our friends in the enlightened world: Our war is also your war. If we do not stand together in a united front, it will reach you as well.

We have a message for Iran and Hezbollah: Do not test us in the north. Do not repeat your previous mistake because the price you will pay will be much worse.

President Biden told you in English: 'Don't do it.' I tell you in Hebrew: Be careful.

We have gone to war. We will win. We will not stop until victory."

 ↑ *This excerpt from Prime Minister Netanyahu’s remarks at the opening of the Winter Assembly of the 25th Knesset’s Second Session on 16 October 2023 frames the conflict as a struggle between “the children of darkness”, an apparent reference to Palestinians in Gaza, and “the children of light”, an apparent reference to Israelis and their allies. Source: Israeli Ministry of Foreign Affairs website.*

These racist and dehumanizing metaphors were then echoed by public figures with significant influence, including famous journalists, commentators, singers and other artists, and made their way into public discourse and, ultimately, into the Israeli army’s ranks. In an example illustrative of the spread of such discourse, in early December 2023, the deputy

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<sup>1002</sup> Israel, Ministry of Foreign Affairs, “Statement by Prime Minister Benjamin Netanyahu”, 7 October 2023 (previously cited).

<sup>1003</sup> Israel, Ministry of Foreign Affairs, “Excerpt from PM Netanyahu’s remarks at the opening of the Winter Assembly of the 25th Knesset’s second session”, 16 October 2023, <https://www.gov.il/en/pages/excerpt-from-pm-netanyahu-s-remarks-at-the-opening-of-the-knesset-s-winter-assembly-16-oct-2023>

<sup>1004</sup> Israel, Ministry of Foreign Affairs, “Excerpt from PM Netanyahu’s remarks at the opening of the Winter Assembly of the 25th Knesset’s Second Session” (previously cited).

<sup>1005</sup> See, for example, Fox News, “Benjamin Netanyahu: We have to win for the sake of the civilized world”, 13 November 2023, <https://www.foxnews.com/video/6341078188112>, minute 4:02. See section 7.3 “Statements on destruction of Palestinians” for a full analysis.

<sup>1006</sup> See, for example, Jerusalem Post, “Gallant: This is a war between light and darkness”, 15 October 2023, <https://www.ipost.com/israel-news/article-768470>



mayor of Jerusalem used an invented term in Hebrew to refer to Palestinian detainees calling them “Nazi rapists” who should be “buried alive”. He made these derogatory comments on his X account in relation to a picture showing Palestinian detainees blindfolded and stripped to their underwear after being held by Israeli soldiers in Gaza. Clearly echoing then Minister of Defense Gallant’s statement mentioned above, he said that the Palestinian men were “not human beings and not even human animals, they are subhuman and that is how they should be treated. Erase the memory of Amalek, we will not forget.”<sup>1007</sup>

Such dehumanizing statements were further spread and amplified on social media. These posts not only glorify and encourage the ongoing crimes under international law committed in Gaza, but have also generated further content on social media platforms that reinforces the dehumanization of Palestinians in Gaza and calls for their eradication.<sup>1008</sup>

## 7.3 STATEMENTS ON DESTRUCTION OF PALESTINIANS

Following 7 October 2023, senior Israeli officials responsible for designing and implementing military policies and actions in Gaza, and representing different branches of the Israeli state, made numerous public statements that appeared to call for, or justify, the destruction of Palestinians. Such statements were a key component of the evidence submitted by South Africa in the proceedings it instituted against Israel at the ICJ.<sup>1009</sup> These statements appear to have influenced at least some of the soldiers on the ground, who carried out destructive acts without apparent military necessity, while echoing Israeli officials’ words. The Israeli authorities also failed to prevent calls for genocidal acts by Israeli officials, members of the Knesset and influential public figures, allowing them to permeate Israeli society.

Some of these statements may amount to direct and public incitement to commit genocide, a specific crime under the Genocide Convention, because such statements, assessed within the applicable linguistic and cultural context, sought to directly prompt or provoke the intended audience to commit genocide.<sup>1010</sup> Other statements may amount to hate speech as defined and prohibited by Article 4 of the ICERD, or advocacy of hatred as defined and prohibited by Article 20 of the ICCPR. The following review does not seek to establish whether the statements amount to either of these violations or crimes under international law. Rather, in line with the international jurisprudence on specific intent, it is argued that these statements, altogether, are evidence of genocidal intent.<sup>1011</sup> A combined reading of Israeli

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<sup>1007</sup> Middle East Eye, “Israeli official calls for burying alive ‘subhuman’ Palestinian civilians”, 8 December 2023, <https://www.middleeasteye.net/live-blog/live-blog-update/israeli-municipality-official-calls-burying-alive-subhuman-palestinian>

See section 7.3 “Statements on destruction of Palestinians” for a full analysis of the reference to the people of Amalek.

<sup>1008</sup> Unpublished research and analysis by Amnesty International conducted together with a technical partner.

<sup>1009</sup> South Africa, Application Instituting Proceedings in the Name of South Africa Against the State of Israel, 29 December 2023 (previously cited).

<sup>1010</sup> See, for example, ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), paras 555-560; ICTR, *Prosecutor v. Nahimana and Others*, Appeals Chamber judgment (previously cited), paras 698-701; ICTR, *Prosecutor v. Kalimanzira*, Case ICTR-05-88-T, Trial Chamber judgment, 22 June 2009, para. 514.

<sup>1011</sup> As noted in section 7.2 “Dehumanization of Palestinians”, international jurisprudence has recognized that the use of “derogatory language” towards members of the targeted group can be considered as evidence of genocidal intent. See, for example, ICTR, *Prosecutor v. Akayesu*, Trial Chamber judgment (previously cited), para. 728; ICTR,

officials' and soldiers' statements and rhetoric, which accompanied Israel's military operations in Gaza following 7 October 2023, points to the existence of an intent to destroy Palestinians in Gaza, as such.

Between 7 October 2023 and 30 June 2024, Amnesty International monitored 24 web pages with clear affiliation to the Israeli state. This included the official websites of the Israeli army and the Israeli government, in addition to the social media accounts on Facebook and X of: members of the war and security cabinets, the two main bodies in charge of managing Israel's military campaign in Gaza at the time;<sup>1012</sup> the Israeli president; COGAT; the Israeli army, its spokespeople and chief of the general staff; and the Knesset. Amnesty International also monitored the social media accounts of some Knesset members affiliated with Prime Minister Netanyahu's Likud party, and closely reviewed social media content as well as reports by NGOs and other organizations referencing genocidal rhetoric by Israeli officials.

The organization identified 102 statements<sup>1013</sup> that dehumanized Palestinians, or called for, or justified, prohibited acts under the Genocide Convention or other crimes under international law against Palestinians in Gaza, such as settlement expansion, forcible transfer or indiscriminate attacks.<sup>1014</sup> They were made by members of the war and security cabinets

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*Prosecutor v. Kayishema and Ruzindana*, Trial Chamber judgment (previously cited), para. 93; ICTR, *Prosecutor v. Gacumbitsi*, Trial Chamber judgment (previously cited), paras 252-253; ICTR, *Prosecutor v. Gacumbitsi*, Appeal Chamber judgment (previously cited), para. 43; ICTY, *Prosecutor v. Karadžić*, Trial Chamber judgment (previously cited), para. 550; ICTY, *Prosecutor v. Stakić*, Appeals Chamber judgment (previously cited), para. 52.

<sup>1012</sup> See ICJ, "Public sitting held on Friday 12 January 2024, at 10 a.m., at the Peace Palace in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Verbatim record" (previously cited), p. 31, para. 39.

In mid-June 2024, Prime Minister Benjamin Netanyahu dissolved the war cabinet due to infighting, according to the media, leaving the wider security cabinet as the main decision-making body in charge of the conflict in Gaza. See, for example, AP, "Netanyahu dissolves influential war cabinet after key partner bolted from government", 18 June 2024, <https://apnews.com/article/israel-palestinians-gaza-hamas-war-cabinet-netanyahu-76b4e165609bb3f0716c8599a83efa99>

Prior to that, the full list of members of the war cabinet included Prime Minister Benjamin Netanyahu, Minister of Defense Yoav Gallant and minister without portfolio Benny Gantz, in addition to Minister of Strategic Affairs Ron Dermer and minister without portfolio Gadi Eisenkot, who both sat as observers. The list of members of the security cabinet changed during the period covered by this report but included at different times Justice Minister Yariv Levin, Minister of Foreign Affairs Eli Cohen, who was replaced by Israel Katz on 31 December 2023, but remained as a member of the security cabinet, Minister of Foreign Affairs and former Minister of Energy and Infrastructure Israel Katz, Minister of the Interior and Minister of Health Aryeh Deri, Minister of National Security Itamar Ben-Gvir, Finance Minister Bezalel Smotrich, Minister of Strategic Affairs Ron Dermer, Minister of Transport Miri Regev, Minister of Agriculture and Rural Development Avi Dichter, minister without portfolio Gideon Sa'ar, who resigned from his position in the government in March 2023, minister without portfolio Benny Gantz and minister without portfolio Gadi Eisenkot.

<sup>1013</sup> Other organizations have compiled their own lists or databases of potentially genocidal statements. Some of them are more comprehensive than the list compiled by Amnesty International, which is not exhaustive and was limited only to government and military officials and some members of the Knesset. Law for Palestine, for example, compiled a database of 422 statements that it said indicated genocidal intent. It included statements by members of the Knesset, public figures, former government officials and journalists in addition to government and military officials. Law for Palestine, Intent, <https://intent.law4palestine.org> (accessed on 24 October 2024).

<sup>1014</sup> For example, on 10 October 2023, in a meeting with Israeli soldiers deployed near Gaza, then Minister of Defense Gallant appeared to incite soldiers to indiscriminate attacks: "I released all restraints. Attack everything, take off the gloves, kill everyone who fights us, whether it is one terrorist or a hundred. From the air, from the land, with tanks, with bulldozers... all means. No compromises! Gaza will not return to what it was, and Hamas will not exist. Eliminate everything. It will take time, it won't take a day, it won't take a week, it will take weeks and maybe months. We will reach all places." Kipa Vod, משרד הביטחון, אריאל חרמוני, צילום: אריאל חרמוני, Ministry of Defense", 10 October 2023, <https://www.youtube.com/watch?v=I9wx7e4u-xM> (translation from the original Hebrew into English by Amnesty International).

and senior members of the military, as well as Israel's president, in addition to some Knesset members and cabinet ministers.

Given Israel's contention before the ICJ that the "policy and intentions" of the Israeli government can only be determined through an examination of decisions by the war and security cabinets, as well as an analysis of "whether particular comments expressed conform, or not, with the policies and decisions made", Amnesty International limited its analysis to statements made by officials with direct responsibilities over the conduct of the offensive on Gaza. With the exception of Israel's president, this included members of the war and security cabinets and senior military officials. Amnesty International also limited its analysis to statements that appeared to call for, or justify, the destruction of Palestinians, including:

- calls to deny Palestinians in Gaza access to essential services and items critical for the population's survival until Hamas is destroyed or until hostages are released;
- statements deliberately conflating Palestinians in Gaza with Hamas, thereby appearing to justify direct actions against Palestinian civilians;
- statements calling for the physical destruction of Gaza, including its entire population and civilian infrastructure, or calling for the destruction of Hamas by physically destroying Palestinians in Gaza.

Of the 102 statements it reviewed, Amnesty International identified 22 such statements. The remaining 80 statements either called for other crimes under international law against Palestinians in Gaza, such as settlement expansion, forcible transfer or indiscriminate attacks, or used racist and dehumanizing language against Palestinians. The organization analysed the 22 statements apparently calling for or justifying the destruction of Palestinians in Gaza by focusing on the identity of the speaker and his/her influence and the content of the speech. It considered how the speech was delivered and the means through which the speech was communicated: media interviews; press conferences; public and televised speeches; and letters sent to Israeli soldiers and made available online or as posts on social media. It reviewed them in their totality in the original language (Hebrew, English or Arabic) to avoid mistranslations or the possibility of statements being taken out of context. It also took into consideration the political, cultural and linguistic context in which the statements were delivered, their intended audience – whether they were Israeli soldiers, Israeli citizens as a

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In addition, following 7 October 2023, Minister of National Security Ben-Gvir and Finance Minister Smotrich called on several occasions for the rebuilding of Jewish settlements in Gaza and appeared to encourage the forcible transfer of Palestinians living there. See, for example, Itamar Ben-Gvir, X post: **את קידום הפתרון לעידוד הגירה של אנחנו חייבים לקדם תושבי עזה, אנחנו חייבים לקדם** ["We must promote the solution to encourage the immigration of Gaza residents"], 1 January 2024, <https://x.com/itamarbengvir/status/1741821404515848688> (in Hebrew); Al Jazeera, "Israeli ministers join gathering calling for resettlement of Gaza" (previously cited).

On 11 November 2023, Minister of Agriculture and Rural Development Avi Dichter said in a TV interview: "We are now rolling out the Gaza Nakba. From an operational point of view, there is no way to wage a war – as the IDF seeks to do in Gaza – with masses between the tanks and the soldiers." News 12, X post: **השר דיכטר בפגוש** ["Minister Dichter at 'Meet the Press': This is the 2023 Gaza Nakba"], 11 November 2023, <https://x.com/N12News/status/1723423333817962611> (translation from the original Hebrew into English by Amnesty International).

whole, Palestinians in Gaza or the international community – as well as the medium of communication.

It also reviewed the possible impact of these statements by analysing them against relevant decisions adopted by the war and security cabinets, as well as Israel's conduct on the ground in Gaza.

### 7.3.1 CALLS FOR NO HUMANITARIAN AID UNTIL HOSTAGES ARE RELEASED

Following 7 October 2023, Israeli officials made it clear that the military offensive would change Gaza forever. They said that Israel would wreak destruction on Gaza on an unprecedented scale and restrict the delivery of fuel, water and electricity, as well as the entry of commercial goods and humanitarian aid, to levels significantly below those in place before 7 October 2023.<sup>1015</sup>

Members of the war and security cabinets and the head of COGAT made repeated public statements either ordering, or calling for, measures aimed at cutting off Gaza's entire population from access to essential services and items critical for its survival.<sup>1016</sup> Some of these statements included dehumanizing language and implicated Gaza's civilians in the crimes committed on 7 October 2023 by Hamas and other Palestinian armed groups, in an apparent attempt to justify their collective punishment. Israeli officials expressly stated their intention to create conditions seeking the destruction of the general population to pressure Hamas to surrender and release the hostages, and sometimes as an end in itself. While, on occasions, Israeli officials publicly stated that the measures were targeted at Hamas fighters only, in no case were the measures instituted so targeted; they were always directed at Gaza's entire population. Israeli officials made such statements and decisions despite public warnings by UN agencies and other humanitarian organizations that the measures would have catastrophic humanitarian consequences and would inevitably result in the destruction of Palestinian life in Gaza.<sup>1017</sup> In some cases, they even made specific reference to such warnings, reinforcing the impression that these consequences were the intended outcome.

On 9 October 2023, then Minister of Defense Gallant announced the total siege of Gaza in a televised meeting. He stated: "We are laying a complete siege on Gaza. No electricity, no food, no water, no fuel. Everything is closed. We are fighting human animals, and we act

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<sup>1015</sup> For example, on 7 October 2023, then Minister of Energy and Infrastructure Israel Katz suggested on his X account that electricity cuts to Gaza were meant to be permanent: "I signed the order instructing the electric company to stop supplying electricity to the Gaza Strip. What was will not be." Israel Katz, X post: **חנתתי על צו המורה לחברת החשמל להפסיק את אספקת החשמל לרצועת עזה. מה שהיה לא יהיה.** ["I signed an order instructing the electricity company to stop supplying electricity to the Gaza Strip. What was will not be."], 7 October 2023, [https://x.com/Israel\\_katz/status/1710695021769265450](https://x.com/Israel_katz/status/1710695021769265450) (translation from the original Hebrew into English by Amnesty International).

Similarly, he indicated on 9 October 2023 that water cuts would be permanent.

<sup>1016</sup> Amnesty International has identified at least 15 such statements.

<sup>1017</sup> See, for example, OCHA, "Statement by the Humanitarian Coordinator for the Occupied Palestinian Territory, Lynn Hastings, on the hostilities between Palestinian armed groups in the Gaza Strip and Israel", 10 October 2023, <https://www.ochaopt.org/content/statement-humanitarian-coordinator-occupied-palestinian-territory-lynn-hastings-hostilities-between-palestinian>

accordingly.”<sup>1018</sup> His use of dehumanizing language implied that Palestinians were “subhuman” and therefore undeserving of basic necessities. The relevant video clip from the meeting was posted on his X account, allowing the statement to reach a wide Hebrew-speaking audience.<sup>1019</sup>

In a meeting with soldiers a day later, then Minister of Defense Gallant used the phrase “human animals” again, this time directing it at Palestinian fighters, prompting Israeli explanations that his previous words had been misinterpreted, and that they were directed at Palestinian fighters responsible for the killing of Israeli civilians.<sup>1020</sup> However, the measures that he announced on 9 October 2023 were clearly directed at the entire population of Gaza.<sup>1021</sup>

Similarly, on 10 October 2023, in a video posted on COGAT’s official X account, Ghassan Alian, COGAT’s head, issued a direct message to both Hamas and Palestinian residents of Gaza in which he echoed then Minister of Defense Gallant’s statement. Speaking in Arabic, he confirmed that Israel had imposed a “complete blockade on Gaza” and promised to deliver only “destruction” instead of providing access to electricity and water to the approximately 2.2 million population of Gaza. He referred to ordinary residents of Gaza as “human beasts”, because of their perceived support for Hamas’s crimes against Israeli civilians. He stated:

**“Kidnapping, mistreating and murdering children, women and the elderly isn’t human. There is no justification for such acts. Hamas became ISIS [Islamic State armed group] and the citizens of Gaza are celebrating, instead of being horrified. With such human beasts, we will deal accordingly. Israel has imposed a complete blockade on Gaza. You will not have electricity or water, just destruction. You want hell, you’ll get hell.”**<sup>1022</sup>

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<sup>1018</sup> Knesset TV, “אנחנו נלחמים בחיות אדם - ואנחנו נוהגים בהתאם. אנחנו מטילים מצור על העיר עזה” - שר הביטחון, יואב גלנט [“We are fighting human animals – and we’re acting accordingly. We are laying siege to Gaza City’ – Minister of Defense, Yoav Gallant”], 9 October 2023, <https://www.youtube.com/watch?v=1nxvS9VY-t0> (translation from the original Hebrew into English by Amnesty International).

<sup>1019</sup> Yoav Gallant, X post: “הוריתי להטיל מצור מוחלט על עזה” [“I have ordered a complete siege on Gaza”], 9 October 2023, <https://x.com/yoavgallant/status/1711335592942875097> (in Hebrew).

<sup>1020</sup> Speaking to a group of soldiers, then Minister of Defense Gallant said: “... you saw what we are fighting against. We’re fighting human animals. This is the ISIS [Islamic State armed group] of Gaza. This is what we are fighting.” Kipa Vod, “צילום: אריאל חרמוני, משרד הביטחון, משרד הביטחון” [“Video: Ariel Hirmoni, Ministry of Defense”], 10 October 2023, <https://www.youtube.com/watch?v=I9wx7e4u-xM> (translation from the original Hebrew into English by Amnesty International), minute 00:44.

<sup>1021</sup> See section 6.2.3 “Denial and obstruction of essential services and life-saving supplies”.

<sup>1022</sup> COGAT, X post: “You wanted hell, you will get hell”, 10 October 2023, <https://x.com/cogatonline/status/1711718883323752586>

Amnesty International is aware that some people in Gaza celebrated the Hamas-led attacks of 7 October 2023. However, this does not justify the collective punishment of the entire civilian population.

FIGURE 26



👁️ ↑ These stills from a video posted on COGAT's official X account on 10 October 2023, show Major General Ghassan Alian, COGAT's head, delivering a message in Arabic, with English subtitles, to both Hamas and Palestinian residents of Gaza.

Between 7 and 16 October 2023, Israel Katz, at that time Israel's minister of energy and infrastructure,<sup>1023</sup> made at least seven statements on his official X account, regarding the decision to cut off the delivery of essential supplies to Gaza, and clarifying that restoring power and allowing the entry of water and fuel was conditional on the release of the hostages or the "evacuation" of Palestinian residents from the north to the south of Gaza. For example, on 7 October 2023, he stated: "I signed the order instructing the electric company to stop supplying electricity to the Gaza Strip. What was will not be."<sup>1024</sup>

<sup>1023</sup> Israel Katz became Israel's foreign minister on 31 December 2023. He became defence minister on 8 November 2024.

<sup>1024</sup> Israel Katz, X post: *תתמתי על צו המורה לחברת החשמל להפסיק את אספקת החשמל לרצועת עזה. מה שהיה לא יהיה.* ["I signed an order instructing the electricity company to stop supplying electricity to the Gaza Strip. What was will not be."], 7 October 2023, [https://x.com/Israel\\_katz/status/1710695021769265450](https://x.com/Israel_katz/status/1710695021769265450) (translation from the original Hebrew into English by Amnesty International).

On 10 October 2023, Minister of Energy and Infrastructure Katz made it explicit that Israel's decision to ban the entry of fuel was intended to stop Palestinian authorities from generating electricity and pumping water locally, inflicting conditions of life calculated to bring about the destruction of Palestinians in Gaza:

**“So far we have transferred 54,000 cubic metres of water and 2,700 megawatts of electricity to Gaza per day. It’s over. Without fuel, even the local electricity will shut down within days and the pumping wells will stop within a week. This is what should be done to a nation of murderers and butchers of children. What was will not be.”<sup>1025</sup>**

As the UN issued its first condemnations of the total siege policy,<sup>1026</sup> Minister of Energy and Infrastructure Katz made it clear that Israel would not allow any humanitarian aid into Gaza or resume the supply of electricity, water and fuel until Israeli hostages were released. He said:

**“Humanitarian aid to Gaza? No electrical switch will be turned on, no water shut-off valve will be opened and no fuel truck will enter until the Israeli abductees are returned home. Humanitarian for humanitarian. And no one will preach us morals.”<sup>1027</sup>**

On 13 October 2023, he stated further that Israel would not provide any water or electricity to Palestinian residents who failed to comply with the Israeli army's order to “evacuate” northern Gaza, while acknowledging the UN's warnings of devastating humanitarian consequences:

**“The UN opposes the IDF's [Israel Defense Forces'] announcement to the residents of northern Gaza to evacuate to the south of the Strip for operational reasons, and warns of devastating humanitarian consequences. What hypocrisy! We will not provide an ounce of water and electricity to those who do not evacuate. We will work with all our might to eliminate the Hamas-ISIS murderers and restore security. Whatever was will not be.”<sup>1028</sup>**

In other statements, he indicated that civilians in northern Gaza would “not receive a drop of water or single battery until they leave the world”.<sup>1029</sup> Following pressure by the USA, which eventually led to the easing of the total siege in late October 2023, he made it clear that he supported the resumption of the water supply to southern Gaza only because it would “make it possible to tighten the general siege on Gaza in the areas of electricity, water and fuel”. He

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<sup>1025</sup> Israel Katz, X post: נגמר .ביום. חשמל 2,700- קוב מים ו-54,000 לעזה העברנו לעזה 54,000 קוב מים ו-2,700 מגהוואט חשמל ביום. נגמר. [“So far we have transferred 54,000 cubic metres of water and 2,700 megawatts of electricity to Gaza per day. It's over.”], 10 October 2023, [https://x.com/Israel\\_katz/status/1711659347590156417](https://x.com/Israel_katz/status/1711659347590156417) (translation from the original Hebrew into English by Amnesty International).

<sup>1026</sup> OHCHR, “UN Human Rights Chief urges States to defuse ‘powder keg’ situation in Israel and OPT, as incalculable suffering, massive death tolls take hold”, 10 October 2023, <https://www.ohchr.org/en/press-releases/2023/10/un-human-rights-chief-urges-states-defuse-powder-keg-situation-israel-and>

<sup>1027</sup> Israel Katz, X post: סיוע הומניטרי לעזה [“Humanitarian aid to Gaza?”], 12 October 2023, [https://x.com/Israel\\_katz/status/1712356130377113904](https://x.com/Israel_katz/status/1712356130377113904) (translation from the original Hebrew into English by Amnesty International).

<sup>1028</sup> Israel Katz, X post: האו"ם יוצא נגד הודעת צה"ל לתושבי צפון עזה [“The UN opposes the IDF's announcement to the residents of northern Gaza”], 13 October 2023, [https://x.com/Israel\\_katz/status/1712717454047113692](https://x.com/Israel_katz/status/1712717454047113692) (translation from the original Hebrew into English by Amnesty International).

<sup>1029</sup> Israel Katz, X post: “Indeed, Madam Congresswoman”, 13 October 2023, [https://x.com/Israel\\_katz/status/1712876230762967222](https://x.com/Israel_katz/status/1712876230762967222)

argued further that the measure would make it easier for the Israeli military to “operate and destroy the Nazi Hamas infrastructure” in northern Gaza.<sup>1030</sup> However, he publicly opposed doing so on “humanitarian grounds”, suggesting that Palestinian civilians should be deprived of basic necessities due to their perceived support for the Hamas-led attacks of 7 October 2023:

**“I strongly oppose the opening of the blockade and the introduction of goods into Gaza on humanitarian grounds. Our commitment is to the families of the murdered and the kidnapped hostages – not to the Hamas murderers and those who aided them.”<sup>1031</sup>**

Similarly, Minister of National Security Ben-Gvir repeatedly stated that Israel would not allow any humanitarian aid until Hamas released the hostages. In one post made on X on 17 October 2023, he said that the only thing that should be allowed into Gaza until then was “hundreds of tons of explosives from the air force, not an ounce of humanitarian aid”.<sup>1032</sup> The following day, he reiterated the authorities’ intention to withhold humanitarian aid:

**“As long as hundreds of women, children, old people and the other abductees are held by the Nazi entity, no humanitarian aid should be allowed. Want ‘humanitarian’? Release the hostages.”<sup>1033</sup>**

Despite pressure from the USA and other Western allies of Israel, on 18 October 2023, a day after UNRWA warned of “dehydration and waterborne diseases” due to a lack of fuel,<sup>1034</sup> Prime Minister Netanyahu maintained that Israel would not allow any humanitarian assistance from Israel into Gaza until the hostages were released. Speaking after a meeting with US President Joe Biden, he said:

**“Regarding the captives, I clarified three things for President Biden: First, I demanded the return of our captives, and we are working together for their return in every possible way. Second, until their return, we demand Red Cross visits for our captives. Third, we will not allow humanitarian assistance in the form of food and medicines from our territory to the Gaza Strip.”<sup>1035</sup>**

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<sup>1030</sup> Israel Katz, X post: [ההחלטה על פתיחת מים לדרום רצועת עזה](https://x.com/Israel_katz/status/1713572621994828188) [“The decision to open water supply to the southern Gaza Strip”], 15 October 2023, [https://x.com/Israel\\_katz/status/1713572621994828188](https://x.com/Israel_katz/status/1713572621994828188) (translation from the original Hebrew into English by Amnesty International).

<sup>1031</sup> Israel Katz, X post: [תמכתי בסיכום בין רה"מ נתניהו לנשיא ביידן](https://x.com/Israel_katz/status/1713807517816348906) [“I supported the agreement between PM Netanyahu and President Biden”], 16 October 2023, [https://x.com/Israel\\_katz/status/1713807517816348906](https://x.com/Israel_katz/status/1713807517816348906) (translation from the original Hebrew into English by Amnesty International).

<sup>1032</sup> Itamar Ben-Gvir, X post: [כל עוד חמאס לא משחרר את החטופים](https://x.com/itamarbengvir/status/1714340519487176791) [“As long as Hamas does not release the hostages”], 17 October 2023, <https://x.com/itamarbengvir/status/1714340519487176791> (translation from the original Hebrew into English by Amnesty International).

<sup>1033</sup> Itamar Ben-Gvir, X post: [כל עוד מאות נשים, ילדים, זקנים ושאר החטופים מוחזקים בידי היישות הנאצית אסור לאפשר](https://x.com/itamarbengvir/status/1714667684871250126) . שום סיוע הומניטרי [“As long as hundreds of women, children, old people and the other abductees are held by the Nazi entity, no humanitarian aid should be allowed.”], 18 October 2023, <https://x.com/itamarbengvir/status/1714667684871250126> (translation from the original Hebrew into English by Amnesty International).

<sup>1034</sup> UNRWA, “Situation report #7 on the Gaza Strip and the West Bank”, 17 October 2023, <https://www.unrwa.org/resources/reports/unrwa-situation-report-7-gaza-strip-and-west-bank>

<sup>1035</sup> Israel, Prime Minister’s Office, “Statement by PM Netanyahu”, 18 October 2023, <https://www.gov.il/en/pages/event-statement181023>



That same day, however, the security cabinet issued a decision in which it agreed not to “prevent humanitarian assistance from Egypt as long as it is only food, water and medicine for the civilian population located in the southern Gaza Strip or which is evacuating to there, and as long as these supplies do not reach Hamas”.<sup>1036</sup> Although the Israeli authorities started to allow the entry of some essential supplies through the Rafah crossing with Egypt a few days after the announcement, Israel’s refusal to open access points into Gaza from Israel and its tight restrictions on what entered Gaza through the Rafah crossing meant that in practice only a trickle of aid entered. Meanwhile, the block on the import of fuel remained in place.<sup>1037</sup>

Senior officials continued to signal that Israel would not restore the status quo that had existed prior to 7 October 2023 and continued to attempt to use humanitarian aid as a means to force Hamas to surrender and release the hostages, although they publicly disagreed on the strategy required to achieve these objectives. Finance Minister Smotrich and Minister of National Security Ben-Gvir, who represented religious-nationalist parties within the government, publicly rejected any agreement that allowed humanitarian aid into Gaza, with Finance Minister Smotrich endorsing a call for the spread of diseases in Gaza as an additional leverage point (see analysis below). Meanwhile, Prime Minister Netanyahu and then Minister of Defense Gallant made statements indicating that the offensive’s military objectives, including the best interests of Israeli soldiers, would be better served by allowing the bare minimum of the required aid.

Finance Minister Smotrich and Minister of National Security Ben-Gvir did not hold key positions related to Israel’s management of its military offensive on Gaza, and their statements have been dismissed as not representing the government’s official positions. However, Prime Minister Netanyahu hugely depended on their political support to remain in power before and during the offensive on Gaza, especially as his popularity reached a record low. This dependence allowed both politicians to shape key policies towards Gaza, including those related to humanitarian assistance and ceasefire negotiations, as they advocated for restrictions on aid and continued fighting, including for the launch of the ground operation in Rafah in May 2024, until the campaign’s objectives were fully achieved.<sup>1038</sup>

For example, following criticism by both ministers of the war cabinet’s decision, adopted on 17 November 2023 after US pressure, to allow two fuel tankers a day into southern Gaza to enable the functioning of water and wastewater infrastructure,<sup>1039</sup> Prime Minister Netanyahu was quick to clarify that the move did not signal a change of policy. In a statement issued on 19 November 2023 on his official website, he dismissed it as a: “minimal emergency quantity of fuel to operate water and sewage pumps without which we could expect the immediate outbreak of disease. It must be understood: The outbreak of disease would harm

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<sup>1036</sup> Israel, Prime Minister’s Office, “Statement from the Prime Minister’s Office”, 18 October 2023 (previously cited).

<sup>1037</sup> See section 6.2.3 “Denial and obstruction of essential services and life-saving supplies”.

<sup>1038</sup> See, for example, Financial Times, “The extremists driving Netanyahu’s approach to war with Hamas”, 19 February 2024, <https://www.ft.com/content/e468283a-04de-4f33-9f10-5eaf4b1dc657>; Times of Israel, “Smotrich threatens to quit gov’t over hostage deal; Eisenkot slams far-right ‘blackmail’”, 30 April 2024, <https://www.timesofisrael.com/smotrich-threatens-to-quit-govt-over-hostage-deal-eisenkot-slams-far-right-blackmail>

<sup>1039</sup> Jerusalem Post, “Israeli minister demands change to war cabinet as fuel tankers sent to Gaza”, 17 November 2023, <https://www.jpost.com/breaking-news/article-773745>

both the residents of the Strip and the IDF soldiers in the Strip. I want to emphasize: This is not a change of policy but a limited, localized response in order to prevent the outbreak of epidemics. These are some of the things that my colleagues and I are doing to ensure the continued diplomatic manoeuvring room for the State of Israel, which we need to achieve the goals of the war.”<sup>1040</sup>

On 19 November 2023, Finance Minister Smotrich posted a picture of a column by Giora Eiland, a retired major general in the Israeli army and a former head of the National Security Council,<sup>1041</sup> saying that he agreed with its “every word”.<sup>1042</sup> In the article published by Yedioth Ahronoth, Giora Eiland advocated for a war against the “entire opposing system” in Gaza, which he defined not only as Hamas fighters but as “civilian officials” and “the entire Gaza population who enthusiastically supported Hamas and cheered on its atrocities on 7 October”.<sup>1043</sup> He rejected the idea of “innocent civilians” and argued that intentionally harming Gaza’s population while causing a “humanitarian disaster”, including “severe epidemics”, would lead to a “system collapse” and force Hamas to surrender. He concluded:

**“And yes, we believe that humanitarian pressure is also a legitimate means of increasing the chance of seeing the hostages alive. But we must not, absolutely must not adopt the American narrative that ‘permits’ us to fight only against Hamas fighters instead of doing the right thing – to fight against the entire opposing system because it is precisely its civil collapse that will bring the end of the war closer.”<sup>1044</sup>**

Speaking at a joint press conference with then Minister of Defense Gallant on 5 December 2023, Prime Minister Netanyahu explained that the war cabinet’s recommendation to allow the entry of two to four trucks of fuel a day to meet “the minimum humanitarian needs” of the population in Gaza, which authorities “assess every day, even every few hours”, was designed to allow the fighting to continue:

**“We also know that if there is a collapse, plagues, diseases, groundwater contamination, etc., this will stop the fighting. We understand that. Therefore, we do not see a contradiction between the war effort, which... we have already seen is the most effective factor in returning**

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<sup>1040</sup> Israel, Ministry of Foreign Affairs, “PM Netanyahu holds press conference with MoD Gallant and Minister Gantz”, 18 November 2023, <https://www.gov.il/en/pages/pm-netanyahu-holds-press-conference-with-mod-gallant-and-minister-gantz-18-nov-2023>; Israel, Prime Minister’s Office, הצהרת ראש הממשלה בנימין נתניהו: “אנחנו ממשיכים – עד הסוף – עד הניצחון” [“Statement of Prime Minister Benjamin Netanyahu: ‘We will continue till the end – until victory’”], 19 November 2023, <https://www.gov.il/he/pages/swordsofiron191123> (translation from the original Hebrew into English by Amnesty International).

<sup>1041</sup> Giora Eiland often acts as a public commentator on matters of national security in Israel.

<sup>1042</sup> Bezalel Smotrich, X post: אני מסכים עם כל מילה של גיורא איילנד בטור הזה [“I agree with Giora Eiland’s every word in this column”], 19 November 2023, <https://x.com/bezalelsm/status/1726198721946480911> (translation from the original Hebrew into English by Amnesty International).

<sup>1043</sup> Yedioth Ahronoth, לא להירתע מהעולם [“Let’s not be intimidated by the world”], 19 November 2023 (translation from the original Hebrew into English by Amnesty International), on file with Amnesty International.

<sup>1044</sup> Yedioth Ahronoth, לא להירתע מהעולם [“Let’s not be intimidated by the world”], 19 November 2023 (previously cited).

**our abductees, and the humanitarian effort that accompanies the war and is a major part of it.”<sup>1045</sup>**

This position was confirmed by then Minister of Defense Gallant, who added that meeting the minimum humanitarian needs of Palestinians in Gaza was intended to create “enabling conditions” for military operations, aimed at releasing the hostages, to continue: “... we are required to [do] the humanitarian minimum in order to allow the continuation of military pressure, and not the other way around.”<sup>1046</sup>

As the humanitarian situation in Gaza worsened, government officials, including Prime Minister Netanyahu<sup>1047</sup> and then Minister of Defense Gallant<sup>1048</sup>, publicly committed to facilitating more aid, following pressure from the USA and other allies outraged at the killing of humanitarian workers in early April 2024. They also repeatedly stated their adherence to international law with regard to facilitating humanitarian aid and denied any accusations that they were intentionally starving Palestinians in Gaza.<sup>1049</sup> However, the Israeli authorities consistently failed to translate these stated commitments into meaningful action on the ground. Instead, Israeli actions to deny and obstruct essential services and life-saving supplies, and to impede humanitarian access both into and within Gaza, demonstrated that government policy was actually aligned with the series of direct calls to deny humanitarian aid to Gaza, and to condition its entry upon the release of hostages or Hamas’s destruction.<sup>1050</sup> This means that the dire humanitarian consequences that would ensue from such policies and actions were actually intended and not merely foreseen.

Further, the authorities’ failure to stop the public spread of calls to deny humanitarian aid to Gaza appeared to encourage protests and attacks on aid convoys, including those by Israeli settlers and other civilians, aimed at stopping humanitarian assistance from reaching Gaza.<sup>1051</sup> These statements also appear to have been communicated down the ranks of the

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<sup>1045</sup> Israel, Prime Minister, **שר הביטחון גלנט והשר גנץ במסיבת עיתונאים**, שידור חי: רה"מ נתניהו, שר הביטחון גלנט והשר גנץ במסיבת עיתונאים [“Live broadcast: Prime Minister Netanyahu, Minister of Defense Gallant and minister Gantz at a press conference”], 5 December 2023, <https://www.youtube.com/watch?v=GhhD5ZzZNSU> (translation from the original Hebrew into English by Amnesty International), minute 46:38.

On 6 December 2023, the security cabinet approved the war cabinet’s recommendation to allow “a minimal supplement of fuel – necessary to prevent a humanitarian collapse and the outbreak of epidemics – into the southern Gaza Strip”. The amount was due to be determined by the war cabinet according to the “morbidity situation and humanitarian situation” in Gaza. Israel, Prime Minister’s Office, “Prime Minister’s Office Announcement”, 6 December 2023, <https://www.gov.il/en/pages/pmo-announcement-6-dec-2023>

<sup>1046</sup> Israel, Prime Minister, **שר הביטחון גלנט והשר גנץ במסיבת עיתונאים**, שידור חי: רה"מ נתניהו, שר הביטחון גלנט והשר גנץ במסיבת עיתונאים [“Live broadcast: Prime Minister Netanyahu, Minister of Defense Gallant and minister Gantz at a press conference”], 5 December 2023 (previously cited).

<sup>1047</sup> See, for example, Benjamin Netanyahu, X post: “Israel’s commitment to international law is unwavering.”, 26 January 2024, <https://x.com/netanyahu/status/1750879210866929886>; CNN, “Dana Bash presses Netanyahu on allowing humanitarian aid into Gaza”, 17 March 2024, <https://www.youtube.com/watch?v=Od9CCDGBSgE>

<sup>1048</sup> Yoav Gallant, X post: “Toured the new IDF humanitarian coordination and deconfliction with @USAmblsrael”, 7 April 2024, <https://x.com/yoavgallant/status/1776981486152843647>

<sup>1049</sup> CNN, “‘A pack of lies.’ Israeli Prime Minister denies he is starving civilians in Gaza as a method of war”, 21 May 2024, <https://edition.cnn.com/2024/05/21/middleeast/israel-netanyahu-interview-icc-intl-latam/index.html>

<sup>1050</sup> See section 6.2.3 “Denial and obstruction of essential services and life-saving supplies”.

<sup>1051</sup> Guardian, “‘Barbaric’: Palestinian lorry drivers recount settlers’ attack on Gaza aid convoy”, 16 May 2024, <https://www.theguardian.com/world/article/2024/may/16/palestinian-lorry-drivers-israeli-settlers-attack-gaza-aid-convoy>

See also Gisha, “Statement by Gisha in response to protests blocking aid at Kerem Shalom crossing: Israel must ensure the continuous operation of the crossing”, 26 January 2024, <https://gisha.org/en/response-to-protests-blocking-aid-at-kerem-shalom-crossing>

Israeli military, with soldiers reiterating the authorities' intent to deny Gaza's entire population items critical for their survival.<sup>1052</sup> In one example identified by Amnesty International, a video publicized in Israeli media on 30 October 2023 shows Israeli soldiers celebrating the total siege policy, forced displacement of civilians and large-scale destruction in Gaza by singing and dancing to the tune of a recently released song written by a popular Israeli singer:

**“Who doesn't have water, food or electricity? Gaza! They're going to have a carnival... in Gaza! There are no more games with IDF. Hamas will piss their pants. We have God. Who's going to live in tents? Gaza! Air Force brought down the buildings. In Gaza! We don't want peace with a terrorist. This is the land of Israel. We don't want peace with Gaza!”<sup>1053</sup>**

The singer said in a media interview that he was called upon by the Israeli military to perform for soldiers and lift their morale.<sup>1054</sup>

### 7.3.2 STATEMENTS THAT THERE ARE NO 'UNINVOLVED CIVILIANS'

At least 21 of the 102 statements made by Israeli senior officials since 7 October 2023 and documented by Amnesty International suggested that all Palestinian civilians were complicit in, responsible for or supportive of the Hamas-led attacks on 7 October 2023. By doing so, these statements implied that all Palestinians in Gaza were legitimate targets that could be either directly eliminated through military attacks or denied access to essential services and humanitarian aid. These statements were consistent with Israeli officials' track record of deliberately conflating Hamas with Palestinians in Gaza (and elsewhere in the OPT), which only became more apparent after the attacks on 7 October 2023. Amnesty International's findings show that such statements have increasingly permeated Israeli society as well as the ranks of the Israeli army.

One of the most publicized attributions of the alleged responsibility of Palestinians as a whole for actions carried out by Hamas and other Palestinian armed groups came from Isaac Herzog, the Israeli president. Although Amnesty International recognizes that his role is largely ceremonial and that he is not part of the government, he nonetheless made a statement as a state representative before the media, which gave him the ability to influence a large audience as well as public discourse and policy towards Gaza at the time. His role is

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<sup>1052</sup> See, for example, two videos available at: Muhammad Shehada, X post: “Israeli soldiers set fire to food and water”, 10 December 2023, <https://x.com/muhammadshehad2/status/1733627762085183877>; Jalal#CeasefireNow, X post: “Destruction of the Tal Sultan water reservoir in honor of Shabbat”, 27 July 2024, [https://x.com/JalalAK\\_joio/status/1817094566165565646](https://x.com/JalalAK_joio/status/1817094566165565646). Captions in the video on the latter post read “Destroying the Tal al-Sultan water reservoir in honour of the Sabbath” and “For the soul” (translations from the original Hebrew into English by Amnesty International). According to Israeli media, the military opened an investigation into the incident. See Haaretz, מפקדים בצה"ל הורו לפוצץ מאגר מי שתיה ברפיח; חשד להפרת הדין הבינלאומי [“Commanders in IDF ordered to blow up a reservoir of drinking water in Rafah; suspicion of violation of international law”], 29 July 2024, <https://www.haaretz.co.il/news/politics/2024-07-29/ty-article/00000190-faf3-d10b-a3b8-fff33ec10000> (in Hebrew).

<sup>1053</sup> See, for example, Now 14, מושיקו מור הסתבך עם מוחמד חדיד: “הולך להיות קרנבל בעזה” [“Moshiko Mor gets in trouble with Muhammad Hadid: ‘There's going to be a carnival in Gaza’”], 30 October 2023, <https://www.now14.co.il/article/865873> (translation from the original Hebrew into English by Amnesty International).

<sup>1054</sup> Now 14, מושיקו מור הסתבך עם מוחמד חדיד: “הולך להיות קרנבל בעזה” [“Moshiko Mor gets in trouble with Muhammad Hadid: ‘There's going to be a carnival in Gaza’”] (previously cited).

also significant in that the president is perceived by Israelis as the face of the state and a unifying figure who transcends politics.<sup>1055</sup> Responding to a question posed by a journalist at an English-language press conference on 12 October 2023 about what could be done to alleviate the suffering of civilians in Gaza, President Herzog said:

**“First of all, we have to understand there’s a state, there’s a state, in a way, that has built a machine of evil right at our doorstep. It’s an entire nation out there that is responsible. It’s not true this rhetoric about civilians not aware, not involved. It’s absolutely not true. They could have risen up. They could have fought against that evil regime which took over Gaza in a coup d’état murdering their family members who were in Fatah. There’s a short memory in the world. Israel evacuated Gaza unilaterally in order to show that it is willing to make peace. I was a member of that cabinet. We said to our nation: ‘This will be Hong Kong of the Middle East.’ Well, reality has turned into a tragedy. OK? Therefore, I must say that this situation impacts the entire vision of people as to their ability to adhere to the same old rhetoric. We are working, operating militarily according to rules of international law. Period. Unequivocally. But we’re at war, we are at war... We are defending our homes. We are protecting our homes. That’s the truth. And then when a nation protects its home, it fights. And we will fight until we break their backbone.”**<sup>1056</sup>

President Herzog clarified at a later point in the press conference, in response to a question by another journalist, that he did not say that, by implication, all Palestinians were legitimate targets; he acknowledged that “there are many, many innocent Palestinians who don’t agree” with Hamas’s actions. However, other comments he made at the same event again failed to clearly distinguish between civilians and Hamas fighters, and appeared to generalize that civilians were directly involved in launching attacks against Israelis from their homes.<sup>1057</sup> After the ICJ took note of his statements in its order on provisional measures issued on 26 January 2024,<sup>1058</sup> President Herzog clarified that the ICJ had used “very partial and fragmented quotes”, that there are “innocent Palestinians in Gaza” and that they “are not considered targets”.<sup>1059</sup> He explained that his answer to the journalist’s question was referring to “the widespread civilian support in Gaza for the crimes and atrocities of October

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<sup>1055</sup> Israel, Office of the President, “The fourth branch of government: On the institution of the presidency”, 21 June 2023, <https://www.president.gov.il/en/הרשות-הרביעית-על-מוסד-הנשיאות>

<sup>1056</sup> Isaac Herzog, Facebook post: [הצטרפו לשידור החי מבית הנשיא](https://www.facebook.com/watch/live/?ref=watch_permalink&v=278073995128781) [“The President’s briefing for international media. Join the live broadcast from the President’s Residence”], 12 October 2023, [https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=278073995128781](https://www.facebook.com/watch/live/?ref=watch_permalink&v=278073995128781) (in English), minute 19:37.

<sup>1057</sup> He said, for example: “I was asked something about separating civilians from Hamas, but with all due respect, with all due respect, if you have a missile in your goddamn kitchen and you want to shoot it at me, am I allowed to defend myself? Yes. That’s the situation. These missiles are there... The missiles come out from the kitchen onto my children.” Isaac Herzog, Facebook post: [הצטרפו לשידור החי מבית הנשיא](https://www.facebook.com/watch/live/?ref=watch_permalink&v=278073995128781) [“The President’s briefing for international media. Join the live broadcast from the President’s Residence”], 12 October 2023, [https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=278073995128781](https://www.facebook.com/watch/live/?ref=watch_permalink&v=278073995128781) (in English), minute 24:58.

<sup>1058</sup> ICJ, *South Africa v. Israel*, order, 26 January 2024 (previously cited).

<sup>1059</sup> Israel, Ministry of Foreign Affairs, “President Herzog addresses ICJ ruling”, 28 January 2024, <https://www.gov.il/en/pages/president-herzog-addresses-icj-ruling-28-jan-2024>

7 [2023]”, and the fact that Hamas “operates from the heart of the civilian population everywhere”.<sup>1060</sup>

These explanations, however, failed to address the clarity with which the original statement implicated Gaza’s civilian population, with President Herzog fully aware that it would be broadcast by the world’s media. Amnesty International examined the dissemination of his statement through video clips from the press conference that were posted on social media and found that it spread across different platforms, thereby suggesting that it reached a wide audience. One of the posts that Amnesty International traced had achieved 7.1 million views on X by 30 June 2024.<sup>1061</sup> While the post would have undoubtedly been shared as an example of incitement against Palestinians by voices critical of Israel, the slogan “there are no uninvolved civilians” was later scrawled in public places along bypass roads that connect Jewish settlements to each other, on watchtowers used by Israeli soldiers and other infrastructure.<sup>1062</sup>

**FIGURE 27**



👁️ ↑ *This photograph shows graffiti scrawled on the side of an Israeli military watchtower in the occupied West Bank. It reads “There are no uninvolved” (translation from the original Hebrew by Amnesty International), followed by “Destroy Gaza” in English. The photograph was taken by a Palestinian journalist on 24 February 2024 on the road between Bethlehem and Hebron. © Ahmad Al-Bazz*

<sup>1060</sup> Israel, Ministry of Foreign Affairs, “President Herzog addresses ICJ ruling”, 28 January 2024 (previously cited).

<sup>1061</sup> See Sprinter, X post: “Israeli President says there are no innocent civilians in the Gaza Strip”, 14 October 2023 <https://x.com/SprinterFamily/status/1713064886027063584>

<sup>1062</sup> Observations by Amnesty International researchers in the West Bank. Amnesty International also reviewed two photographs showing such slogans. The photographs were taken by a Palestinian journalist on 24 February 2024 on the road between Bethlehem and Hebron.

A statement by Minister of National Security Ben-Gvir on TV was another example of a call for the destruction of all Palestinians in Gaza by attributing complicity in the Hamas-led attacks of 7 October 2023 to the entire civilian population. He stated that Palestinians who expressed support for Hamas and its actions were considered “terrorists” and must also be destroyed. On 11 November 2023, he posted on his X account a video clip from the TV show in which he participated, along with the following comment:

**“To be clear, when they say that Hamas needs to be eliminated, it also means those who sing, those who support and those who distribute sweets, all of these are terrorists. And they should be eliminated!”**<sup>1063</sup>

A group of soldiers appeared to echo this statement as they filmed themselves claiming to be burning food in the Shuja'iya neighbourhood of Gaza City in December 2023.<sup>1064</sup>

Meanwhile, in a social media post on 10 October 2023, Minister of Energy and Infrastructure Katz referred to Palestinians in Gaza as a “nation of murderers and butchers of children”.<sup>1065</sup> On 15 April 2024, Finance Minister Smotrich said in a radio interview that there were “2 million Nazis... who want to slaughter, rape and murder every Jew”.<sup>1066</sup>

Amnesty International identified several videos posted on social media in which Israeli soldiers appeared to conflate the entire civilian population in Gaza with Hamas by echoing statements made by senior officials, particularly those claiming that there are no “uninvolved” or “innocent civilians” in Gaza, showing the spread of these assertions within the ranks of the Israeli army. Some of these statements were aired on Israeli media.

For example, Amnesty International identified two instances in a report broadcast on 17 February 2024 on Israeli channel Now 14 in which soldiers stated that there were no “innocent” civilians in Gaza. In one of these examples, an officer of the Givati Brigade made such a statement seemingly to justify the possible ill-treatment of Palestinian detainees, whom he accused of being “terrorists”. He spoke on camera as he stood next to Palestinian men who were shown blindfolded, forced to kneel and bow down, with their hands tied behind their backs.<sup>1067</sup> In another example, an Israeli soldier appeared in a video, posted on

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<sup>1063</sup> Itamar Ben-Gvir, X post: **שיהיה ברור, כשאומרים שצריך לחסל את חמאס, זה גם את אלו ששרים** [“To be clear, when we say that Hamas needs to be eliminated, it also means those who sing”], 11 November 2023, <https://x.com/itamarbengvir/status/1723435457558569102> (translation from the original Hebrew into English by Amnesty International).

<sup>1064</sup> See section 7.3.4 “Echoes of calls for total destruction”.

<sup>1065</sup> Israel Katz, X post: **עד עתה העברנו לעזה 54,000 קוב מים ו-2,700 מגהוואט חשמל ביום. נגמר**. [“So far, we have transferred 54,000 cubic meters of water and 2,700 megawatts of electricity to Gaza per day. It's over”], 10 October 2023, [https://x.com/Israel\\_katz/status/1711659347590156417](https://x.com/Israel_katz/status/1711659347590156417) (translation from the original Hebrew into English by Amnesty International).

<sup>1066</sup> Finance Minister Smotrich made the statement while speaking on the Israeli army's radio station. Galei Tsahal, **ומהר, סמוטריץ': איראן חייבת לרעוד - ומהר** [“Smotrich: Iran must shake – and immediately”], 15 April 2023, <https://omny.fm/shows/editcontent/6fc8f22a-13ef-4cbf-8ebd-b15300727d99> (translation from the original Hebrew into English by Amnesty International), minute 1:38.

<sup>1067</sup> Now 14, **יחידי סגולה: תיעוד דרמטי של חטיבת גבעתי בדרום הרצועה**, 17 February 2024, <https://www.youtube.com/watch?v=Ij-ZbxNvEtQ> (translation from the original Hebrew into English by Amnesty International), minute 24:11. In an earlier segment of the same report, Eli Zilberman, a reserve officer with the Givati Brigade, stated: “There isn't a house we entered here that does not have artefacts of Hamas, that does not identify with Hamas. There are no innocent people here who do not have photos of Hamas leaders on their cabinets”, minute 11:50.

social media on 14 January 2024, pointing to a herd of goats and saying mockingly: “These are the only uninvolved in Gaza. We are taking care of them.”<sup>1068</sup>

**FIGURE 28**



👁️ ↑ *This screenshot from a video broadcast on Israeli channel Now 14 shows an officer and four soldiers of Israel’s Givati Brigade standing next to Palestinian detainees, who are seen blindfolded, forced to kneel and bow down, with their hands tied behind their backs. In another part of the video, the officer stated that there were no “innocent” civilians in Gaza, seemingly to justify the possible ill-treatment of the detainees.*

Speaking anonymously in an interview which was broadcast on the UK’s Channel 4 on 23 April 2024, an Israeli soldier explained that the “ground assumption” in the army was that everyone in Gaza was complicit in Hamas’s actions. He implied that attacks on civilians were justified by the widely held view that those who took part in the 7 October 2023 attacks were “the kids that the [army] spared in [the hostilities in] 2014”. According to him, some high-ranking officers, as well as many settlers serving in the army were frequently expressing the view that there are “no uninvolved, only unarmed” Palestinians in Gaza.<sup>1069</sup>

Amnesty International recognizes that the general assertion that there are no “uninvolved” or “innocent civilians” predates this current conflict.<sup>1070</sup> It is therefore unable to conclude with certainty whether Israeli soldiers echoed statements by President Herzog and other senior officials or merely repeated a widely held belief. Nevertheless, it is clear that these statements reached millions of online viewers, including Israeli soldiers in Gaza, resonating with some of

<sup>1068</sup> Video available at: Younis Tirawi, X post: “Gaza city”, 14 January 2024, <https://x.com/ytirawi/status/1746322932643610798> (translation from the original Hebrew into English by Amnesty International). Amnesty International is referencing this source as the original source of the video is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.

<sup>1069</sup> 4 News, “Israeli soldier speaks out on war in Gaza”, 23 April 2024, <https://www.channel4.com/news/israeli-soldier-speaks-out-on-war-in-gaza>

<sup>1070</sup> In 2015, the Israeli NGO Breaking the Silence published over 60 testimonies of Israeli soldiers who fought in the 2014 offensive describing the permissive rules of engagement under which they were told to shoot at anyone they saw in a combat zone. Speaking about the army’s open-fire policy, one soldier clarified the situation at the time: “The saying was: ‘There’s no such thing there as a person who is uninvolved.’ In that situation, anyone there is involved.” Breaking the Silence, *This Is How We Fought in Gaza: Soldiers’ Testimonies and Photographs from “Operation Protective Edge”*, 2015, <https://www.breakingthesilence.org.il/pdf/ProtectiveEdge.pdf>



them. All of this helped create a permissive environment in which soldiers were unafraid to publicly state that there were “no uninvolved” or “innocent civilians” in Gaza, and film themselves destroying Palestinian property without any apparent military necessity.<sup>1071</sup> This apparently pervasive environment, where Palestinians as a group are equated with the enemy to be destroyed, is the environment in which a military campaign of unparalleled scale and intensity occurred.

### 7.3.3 CALLS FOR ANNIHILATION OF GAZA

Another theme in the analysed statements, intrinsically linked to the notion of Palestinian complicity, is a call, either explicit or implied, for the total destruction of Gaza, making no distinction between civilians and Hamas as a military target.

Among those who made such statements was Prime Minister Netanyahu, who referred on at least three occasions<sup>1072</sup> to the biblical story of the total destruction of the people of Amalek (also known as the Amalekites), killed in an act of revenge for their attack on the Israelites.<sup>1073</sup> This generated much debate about the intent implied in his words. In the context of proceedings before the ICJ, South Africa claimed that the speech referred to verses in the Bible that presented God’s command to kill all the people of Amalek.<sup>1074</sup> Israel argued that it invoked a passage ordering Jews never to forget the evil acts of their enemies.<sup>1075</sup>

Prime Minister Netanyahu made the first mention of the story of the people of Amalek in a press conference on 28 October 2023, the day after Israel’s ground operation began in Gaza. The speech, which he delivered in Hebrew, was subsequently posted on his official YouTube channel. He started by clarifying that the “war” had entered a second stage and that “the destruction of the military and governmental capabilities of Hamas and the return of the hostages” remained its objectives. He then said:

**“In recent days, I have met with our soldiers at their bases, at the assembly points, in the north and in the south. We have an amazing army, with wonderful and heroic soldiers: Jews and non-Jews, secular and religious, left and right. They are all imbued with a fighting spirit the likes of which I have never seen, including a willingness to fight with strength and force against an enemy whose brutality and criminality are unparalleled.**

**“They are longing to recompense the murderers for the horrific acts they perpetrated on our children, our women, our parents and our friends. They are committed to eradicating this evil from the world, for our existence, and I add, for the good of all humanity. The entire people,**

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<sup>1071</sup> See section 7.1.3 “Destruction of cultural and religious sites”.

<sup>1072</sup> Amnesty International has analysed two examples of Prime Minister Netanyahu’s reference to the biblical story of Amalek. A third example is available in the following statement: Israel, Prime Minister’s Office, “Excerpt from PM Netanyahu’s Knesset Speech on the Occasion of the Swearing-in of the National Emergency Government” (previously cited).

<sup>1073</sup> They are described in the Hebrew Bible as descendants of the biblical figure Amalek.

<sup>1074</sup> In its application initiating proceedings against Israel at the ICJ, South Africa claimed that the relevant passage of the Hebrew Bible was 1 Samuel 15:1-34. South Africa, Application Instituting Proceedings in the Name of the Republic of South Africa Against the State of Israel, 29 December 2023 (previously cited), para. 101.

<sup>1075</sup> The relevant verse of the Hebrew Bible is Deuteronomy 25:17.

and the leadership of the people, embrace them and believe in them. ‘Remember what Amalek did to you’ (Deuteronomy 25:17). We remember and we fight.

**“Our brave soldiers who are now in Gaza, around Gaza and in the other sectors throughout the country, join a chain of heroes of Israel that has continued for over 3,000 years, from Joshua, Judah Maccabee and Bar Kochba, and up to the heroes of 1948, the Six Day War, the Yom Kippur War and Israel’s other wars. Our heroic soldiers have one supreme goal: To destroy the murderous enemy and ensure our existence in our land. We have always said ‘Never again’. ‘Never again’ is now.”<sup>1076</sup>**

The press conference was live-streamed on YouTube and by major media outlets, and then widely shared on 28 October 2023 on X, before spreading to Instagram by 30 October 2023. Just on X, 16 accounts shared segments of the speech, reaching at least 20 million views by 30 September 2024.<sup>1077</sup> Amnesty International was unable to identify how many of those were based in Israel. However, the original speech posted on Prime Minister Netanyahu’s YouTube channel in Hebrew received 72,267 views and generated approximately 1,700 likes.

On 3 November 2023, Prime Minister Netanyahu used the same reference in a letter addressed to Israeli soldiers and commanders during the expansion of the ground operation. The letter was posted on his official X<sup>1078</sup> and Facebook accounts and clearly aimed to motivate soldiers to fight in Gaza in the name of the victims of the Hamas-led attacks of 7 October 2023. Below are some extracts from the letter:

**“The current fight against the murderers of ‘Hamas’ is another chapter in the generations-long story of our national resilience. ‘Remember what Amalek did to you.’ We will always remember the horrific scenes of the massacre on Shabbat Simchat Torah, 7 October 2023. We see our murdered brothers and sisters, the wounded, the hostages, and the fallen of the IDF and the security services.**

**“In their name and on their behalf, we have gone to war, the purpose of which is to destroy the brutal and murderous Hamas-ISIS enemy, bring back our hostages and restore the security to our country, our citizens and our children. This is a war between the children of light and the children of darkness. We will not relent in our mission until the light overcomes**

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<sup>1076</sup> Israel, Prime Minister, **מְשׁוֹתֶפֶת, עֵיתוֹנַיִם מְשׁוֹתֶפֶת, שֵׁר הַבֵּיטחון גֵּלַנְט וְהַשָּׂר גֵּנֵץ בְּמִסִּבַּת עֵיתוֹנַיִם מְשׁוֹתֶפֶת**, [“Live broadcast: Prime Minister Netanyahu, Minister of Defense Gallant and minister Gantz at a joint press conference”], 28 November 2023, <https://www.youtube.com/watch?v=llPkoDk6isc> (in Hebrew).

The official transcript of the speech in Hebrew is available. See Prime Minister’s Office, **ראש הממשלה נתניהו שר**, [“Prime Minister Netanyahu, Minister of Defense Yoav Gallant and minister Benny Gantz in joint statements from the meeting in Tel Aviv”], 28 October 2023, <https://www.gov.il/he/pages/event-statement281023>

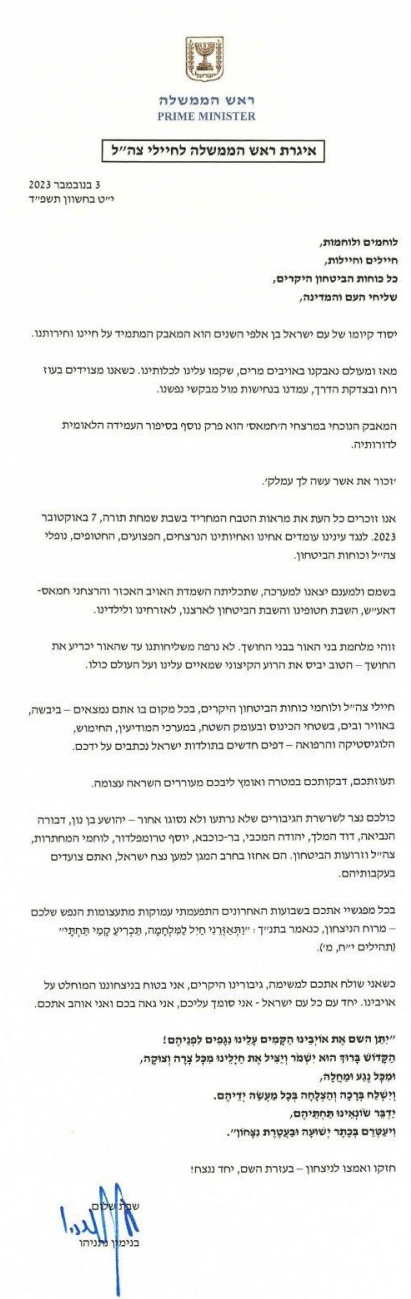
An official translation of the speech into English is available. See Israel, Ministry of Foreign Affairs, “Statement by PM Netanyahu”, 28 October 2023 (previously cited).

<sup>1077</sup> Amnesty International research.

<sup>1078</sup> By the end of September 2024, the letter had generated at least 46,300 views on X.

the darkness; the good will defeat the extremist evil that threatens us and the entire world.”<sup>1079</sup>

FIGURE 29



This letter in Hebrew, signed by Prime Minister Netanyahu and published on 3 November 2023, addressed Israeli soldiers and commanders during the expansion of the ground operation in Gaza. He referenced the Biblical story of Amalek and clearly aimed to motivate soldiers to fight in Gaza in the name of the victims of the Hamas-led attacks of 7 October 2023.

<sup>1079</sup> Israel, Prime Minister, X post: “Letter from Prime Minister Benjamin Netanyahu to Our Soldiers and Commanders in the Swords of Iron War”, 3 November 2023, <https://x.com/IsraeliPM/status/1720433540087558324A> (in Hebrew). An official translation of the letter into English is available. See Israel, Prime Minister, Facebook Post: “Letter from Prime Minister Benjamin Netanyahu to Our Soldiers and Commanders in the Swords of Iron War”, 3 November 2023, <https://www.facebook.com/IsraeliPM/posts/pfbid02ZYHhvvuHE3DU8hSbGbbFZ4gPbYEd8QZicqVxZN6aPEv1adWdEM5cpZsttsLo9du8l>

It is unclear from these statements alone whether Prime Minister Netanyahu intended only to refer to the verses of the Bible that are an injunction to remember the acts of the people of Amalek, or also to allude to those passages that call for the people of Amalek to be attacked and for none of them, not even children, to be spared. The official English language translation of Prime Minister Netanyahu's speech on 28 October 2023 suggested that the quote referred to the injunction to remember.<sup>1080</sup> However, Amnesty International's comparison of this translation with the official Hebrew transcript of the speech, on the one hand,<sup>1081</sup> and the video recording, on the other, revealed two discrepancies. A parenthetical phrase mentioning the exact verse from the Bible implied in Prime Minister Netanyahu's reference to the story of the people of Amalek (Deuteronomy 25:17) was added to the English translation despite not featuring in the speech or its transcript in Hebrew. Meanwhile, a sentence referring to a "command" was omitted from the translation despite the fact that Prime Minister Netanyahu clearly said it, raising questions as to whether the Israeli authorities were intentionally attempting to remove an ambiguous term that could be relevant to an inference of intent.

The full sentence removed from the translation reads: "We were commanded". As a result, a more accurate translation of the relevant passage of the speech would have been: "Remember what [the people of] Amalek did to you. We were commanded. We remember and we fight." While the word "command" features in the verses of the Bible relating to the order to kill all the people of Amalek, it is not present in those ordering Jews to remember.<sup>1082</sup>

In mid-January 2024, Prime Minister Netanyahu's official X account clarified – in response to the inclusion of the reference to the people of Amalek in South Africa's filing to the ICJ<sup>1083</sup> – that this was not incitement to genocide, but rather "a description of the utterly evil actions perpetrated by the genocidal terrorists of Hamas on Oct. 7th and the need to confront them". It further explained that the comparison had been used "throughout the ages to designate those who seek to eradicate the Jewish people, most recently the Nazis".<sup>1084</sup>

Amnesty International notes these explanations, as well as the stated aims of the ground invasion included in both Prime Minister Netanyahu's speech of 28 October 2023 and the letter sent on 3 November 2023. However, regardless of the Israeli authorities' insistence that the reference to the people of Amalek is merely an injunction upon Jews never to forget the evil acts of their enemies, it is a well-known biblical story of absolute vengeance in which an entire nation – the people of Amalek – is ordered to be destroyed. The fact that Prime Minister Netanyahu made these references in the first week of Israel's ground invasion in Gaza, directly addressing soldiers and the wider Israeli public to garner their support for the

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<sup>1080</sup> The official translation posted on Israel's Ministry of Foreign Affairs website quotes the book of Deuteronomy of the Hebrew Bible, which includes verses urging Israelites to remember acts perpetrated by the Amalek. Israel, Ministry of Foreign Affairs, "Statement by PM Netanyahu", 28 October 2023 (previously cited).

<sup>1081</sup> Israel, Prime Minister's Office, ראש הממשלה נתניהו שר הביטחון יואב גלנט והשר בני גנץ בהצהרות משותפות מהקריה [Prime Minister Netanyahu, Defense Minister Yoav Gallant and Minister Benny Gantz in joint statements from the meeting in Tel Aviv], 28 October 2023 (previously cited).

<sup>1082</sup> Hebrew Bible, 1 Samuel 15:1-34, [https://www.sefaria.org/I\\_Samuel.15.1-34?lang=bi](https://www.sefaria.org/I_Samuel.15.1-34?lang=bi)

<sup>1083</sup> South Africa, Application Instituting Proceedings in the Name of South Africa Against the State of Israel, 29 December 2023 (previously cited), para. 101.

<sup>1084</sup> Israel, Prime Minister, X post: "The Amalekites mercilessly attacked the children of Israel after the exodus from Egypt", 16 January 2024, <https://x.com/IsraeliPM/status/1747185945277821375>

new and highly destructive phase of the conflict, that the speech refers to revenge for the Hamas-led attacks, and that the letter aimed to motivate soldiers to fight undermines the credibility of Israel's defence. This is particularly so considering that, as the highest officeholder, Prime Minister Netanyahu oversaw the offensive on Gaza. He would have most certainly known how his words would be understood by soldiers, particularly those affiliated with the settler movement and religious nationalist parties, given their leaders' previous calls for the destruction of Gaza.<sup>1085</sup> Indeed, Amnesty International has identified five videos posted on social media in which Israeli soldiers interpreted the reference to the people of Amalek as a call for the annihilation of Palestinians in Gaza.<sup>1086</sup>

One of these videos, first posted on X on 7 December 2023 and later screened by South Africa during a hearing before the ICJ, shows a group of soldiers dancing and singing:

**"I am coming to conquer Gaza... to blot out the memory of [the people of] Amalek. I left home behind me and won't come back until victory. We know our slogan, there are no uninvolved civilians."**<sup>1087</sup>

In another video, posted on X on 30 January 2024, an Israeli soldier filmed himself saying that the Israeli army had killed "tens of thousands of the Amalek", in a reference that clearly did not make any distinction between fighters and civilians.<sup>1088</sup> By then, the death toll in Gaza was estimated at 26,900, including thousands of women and children.<sup>1089</sup> He went on to say that "every Arab is a suspicious object", and called for the execution of "all terrorists after investigating them" and to "occupy and settle all parts of the land of Israel", implicitly speaking about the West Bank and Gaza.

Amnesty International cannot establish with certainty whether the soldiers in these videos directly echoed Prime Minister Netanyahu's statements of 28 October and 3 November 2023. The trope in which Arabs or Palestinians are compared to the "nation of Amalek"

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<sup>1085</sup> Haaretz, "Israel, beware: In war, apocalyptic Jewish ultra-nationalists are in a state of ecstasy", 2 November 2023, <https://www.haaretz.com/opinion/2023-11-02/ty-article-opinion/.premium/israel-beware-nationalist-haredis-are-in-a-state-of-ecstasy/0000018b-8c23-d7a8-afcf-aea34fd90000>

<sup>1086</sup> The five videos are available at: Meir Rapaport, Instagram post: [עוד נמחה את זכר העמלק מתחת השמים, ולא נשכח](https://www.instagram.com/p/CziC-oPNbsq/?igsh=NHU1ZHFvOGRhd281) ["We will wipe out the memory of Amalek, and we will not forget"], 12 November 2023, <https://www.instagram.com/p/CziC-oPNbsq/?igsh=NHU1ZHFvOGRhd281>; Yinon Magal, X post: [את עזה אני בא לכבוש](https://x.com/YinonMagal/status/1732652279461757102) ["I am coming to conquer Gaza"], 7 December 2023, <https://x.com/YinonMagal/status/1732652279461757102>; Younis Tirawi, X post: "Khan Younis I Must watch video", 30 January 2024, <https://x.com/ytirawi/status/1752452789077147808>; Quds News Network, X post: "During an interview on an Israeli channel, senior Israeli official Colonel Oren Zini called for the eradication of Palestinians in Gaza", 23 April 2024, <https://x.com/QudsNen/status/1782820717521760386>; Abier Khatib, X post: "It ok to call it genocide – now?", 5 July 2024, <https://x.com/abierkhatib/status/1809052546251604376>. Amnesty International is referencing these sources as the original source of the videos is no longer available. It verified these videos in accordance with the methodology explained in footnote 1098.

<sup>1087</sup> Video available at: Yinon Magal, X post: [את עזה אני בא לכבוש](https://x.com/YinonMagal/status/1732652279461757102) ["I am coming to conquer Gaza"], 7 December 2023, <https://x.com/YinonMagal/status/1732652279461757102> (translation from the original Hebrew into English by Amnesty International). Amnesty International is referencing this source as the original source of the video is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.

<sup>1088</sup> Video available at: Younis Tirawi, X post: "Khan Younis I Must watch video", 30 January 2024, <https://x.com/ytirawi/status/1752452789077147808> (translation from the original Hebrew into English by Amnesty International). Amnesty International is referencing this source as the original source of the video is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.

<sup>1089</sup> OCHA, "Hostilities in the Gaza Strip and Israel: Flash update #107", 31 January 2024, <https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-107>

certainly predates the current conflict. Members of the military rabbinate unit used it already during Israel's 2008-2009 military offensive codenamed "Operation Cast Lead", when they visited soldiers about to be sent to Gaza.<sup>1090</sup>

However, the analogy certainly gained more prominence after Prime Minister Netanyahu first invoked it on 28 October 2023 and increasingly permeated Israeli society. In addition to featuring in speeches by soldiers, it featured in an Israeli hit song,<sup>1091</sup> in statements by Knesset members and other politicians,<sup>1092</sup> and in the writings of influential rabbis and university professors.<sup>1093</sup> Further, given that Prime Minister Netanyahu used the reference in a letter addressed to soldiers, it is reasonable to assume that the reference was communicated down the ranks of the Israeli army.

Meanwhile, Finance Minister Smotrich publicly referred to the story of the people of Amalek at least twice. On 16 November 2023, he posted on his Facebook page a comment following a meeting with the families of two soldiers killed in Gaza, saying:

**"The families' message is unequivocal: We don't stop until [the people of] Amalek are finally destroyed. Those who paid the highest price demand from us that the price will not be in vain."**<sup>1094</sup>

<sup>1090</sup> A former soldier recounted to the Israeli NGO Breaking the Silence how members of the military rabbinate unit visited soldiers as they prepared to fight inside the Gaza Strip, urging them to act "with courage, cruelty, aggressiveness" and to show "no mercy". The soldier explained further: "Often these surreal analogies are made, equating the Palestinians with the Amalekites, for example. The Palestinians are the enemy, whether they are Israeli citizens or subjects of the Palestinian Authority makes no difference." Breaking the Silence, *Soldiers' Testimonies from Operation Cast Lead, Gaza 2009*, 2009, [https://www.breakingthesilence.org.il/wp-content/uploads/2011/02/Operation\\_Cast\\_Lead\\_Gaza\\_2009\\_Eng.pdf](https://www.breakingthesilence.org.il/wp-content/uploads/2011/02/Operation_Cast_Lead_Gaza_2009_Eng.pdf), p. 41. See also Haaretz, "IDF rabbinate publication during Gaza war: we will show no mercy on the cruel", 26 January 2009, <https://www.haaretz.com/2009-01-26/ty-article/idf-rabbinate-publication-during-gaza-war-we-will-show-no-mercy-on-the-cruel/0000017f-e2b5-d804-ad7f-f3ffec7c0000>

<sup>1091</sup> See, for example, a video shared by a well-known comedian that refers in its title to the biblical story of the destruction of the Amalek. Guy Hochman, Instagram post: "We will get to all of you, sons of Amalek!", 17 December 2023, <https://www.instagram.com/reel/C080Hu7M>

A version of the video with English subtitles is available. See Documenting Israel, "Harbu Darbu by Stilla & Nes (English subtitles)", 8 February 2024, <https://www.youtube.com/watch?v=1wvaaEshglE>

<sup>1092</sup> See, for example, Knesset member Boaz Bismuth, X post: "אסור לשכוח שגם האזרחים התמימים - האכזריים" ["We must not forget that the cruel and monstrous 'innocent citizens' from Gaza also took an active part in the pogrom inside the settlements of Israel"], 16 October 2023, <https://x.com/BismuthBoaz/status/1713812686784311358> (in Hebrew).

<sup>1093</sup> See, for example, Shmuel Eliyahu, "המלחמה בעזה" ["The war in Gaza"], 10 October 2023, <https://hse.org.il/lessons/המלחמה-בעזה> (in Hebrew); Mida, "דעה: הציוני המוסרי למחות את חמאס" ["Opinion: The moral imperative to erase Hamas"], 20 October 2023, <https://mida.org.il/2023/10/20/דעה-הציוני-המוסרי-למחות-את-חמאס> (in Hebrew); Ovadya Yosef, "הרב עובדיה יוסף | פרשת לך לך | פלסטינים עמלק" ["Rabbi Ovadya Yosef | Lech Lecha portion | Palestinians Amalek"], 25 October 2023, <https://www.youtube.com/watch?v=xxqXsmTgs50> (in Hebrew); Ishay Fridman, X post: "נשיא אוני @TelAvivUni הפרופ' אריאל פורת" ["President of @TelAvivUni Prof. Ariel Porat"], 7 November 2023, <https://x.com/IshayFridman/status/1721840631964668231> (in Hebrew); Moshe Ratt, Facebook post: "שמעתי מלא מעט אנשים בחודשיים האחרונים, שעכשיו הם מבינים סוף סוף את מצוות מחיית עמלק" ["I heard from many people in the last two months that they finally understood the commandment to obliterate Amalek"], 2 December 2023, <https://www.facebook.com/moshe.ratt/posts/pfbid02TfzkeFbpDuTZUqgMTsJPW6YGXUJ8iHxDRYsiwB6wy7UU3VrkuAgGXEPd4w5gdoyZl> (in Hebrew).

<sup>1094</sup> Bezalel Smotrich, Facebook post: "יוצא עכשיו מניחומי אבליים" ["I'm leaving now after paying my respects"], 16 November 2023, <https://www.facebook.com/Bezazelsmotrich/posts/pfbid0T8v7pcRpLumWC6v3iTnbKbzmun1m4Rp3JATjJE2mRhTcYbBHGF5ZvXRjEmB1HMDI> (translation from the original Hebrew into English by Amnesty International).

On 29 April 2024, only one week before Israel began its ground operation in Rafah, he used the metaphor again to call for the annihilation of entire cities in Gaza, without any distinction between fighters and civilians. Speaking at a public event to mark the end of Passover, he referred to the destruction of [the people of] Amalek to call for the destruction of Deir al-Balah, Nuseirat and Rafah; about 1.4 million Palestinians, some 65% of Gaza’s population, were seeking shelter in Rafah at the time.<sup>1095</sup> He started his speech with a quote from the Bible referring to the total destruction of enemies: “I pursued my enemies and destroyed them, and did not turn back until they were consumed”. He went on to say: “There are no jobs half done. Rafah, Deir al-Balah, Nuseirat, destruction! Blot out the memory of [the people of] Amalek from under heaven.”<sup>1096</sup>

Meanwhile, explicit calls to “erase Gaza” were scrawled on objects located on roads used by Israeli settlers in the occupied West Bank, demonstrating how such statements permeated Israeli society.<sup>1097</sup>

**FIGURE 30**



👁️ ↑ This photograph shows graffiti scrawled on a barrier next to a bus stop used by Israeli settlers in the occupied West Bank. It reads “Erase Gaza not the graffiti” (translation from the original Hebrew by Amnesty International). The photograph was taken by a Palestinian journalist on 24 February 2024 on the road between Bethlehem and Hebron. © Ahmad Al-Bazz

<sup>1095</sup> UN, “Daily press briefing by the Office of the Spokesperson for the Secretary-General”, 19 June 2024, <https://press.un.org/en/2024/db240619.doc.htm>

<sup>1096</sup> Bezalel Smotrich’s speech in Hebrew is available at: Younis Tirawi, X post: ["قبل: وزير المالية الاسرائيلي سموتريتش: 'قبل: الخالص الإلهي علينا ان لا نتردد.. علينا تدمير رفح' \["Israeli Finance Minister Smotrich: ‘Before the divine salvation, we must not hesitate.. We must destroy Rafah’”\], 30 April 2024, <https://x.com/ytirawi/status/1785090534521946516> \(translation from the original Hebrew into English by Amnesty International\).](https://twitter.com/younis_tirawi/status/1785090534521946516)

See also Haaretz, “Israel’s far-right minister Smotrich calls for ‘no half measures’ in the ‘total annihilation’ of Gaza”, 30 April 2024, <https://www.haaretz.com/israel-news/2024-04-30/ty-article/.premium/smotrich-calls-for-no-half-measures-in-the-total-annihilation-of-gaza/0000018f-2f4c-d9c3-abc-f7f7d25460000>

<sup>1097</sup> Amnesty International reviewed three photographs of slogans scrawled on roadblocks near Israeli settlements in the West Bank that said: “Erase Gaza not the graffiti”. The photographs were taken by a Palestinian journalist on 24 February 2024 on the road between Bethlehem and Hebron.

### 7.3.4 ECHOES OF CALLS FOR TOTAL DESTRUCTION

The statements of senior Israeli officials were heard and received by soldiers engaged in the military campaign in Gaza, and appear to have communicated, either explicitly or implicitly through known cultural references, a perceived mission of the campaign.

Amnesty International analysed 62 videos posted online that show Israeli soldiers making calls for the destruction of Gaza or the denial of essential services to Gaza, or celebrating the destruction of Palestinian property.<sup>1098</sup> Among these, it identified at least 31 videos, audio recordings and photographs in which soldiers called orally or in writing for the annihilation, destruction, burning or “erasure” of Gaza, or used other similar rhetoric. In 16 of these videos, soldiers appeared to repeat calls made by Israeli officials, using the same racist and dehumanizing language, as they carried out military actions in Gaza. They also seemingly echoed calls inciting the destruction of Gaza made by public figures, influential media and Knesset members. A recurrent theme in many is the desire to leave Gaza uninhabitable, to create conditions incapable of supporting life well into the future – in other words, to create conditions of life calculated to bring about the destruction of Palestinians in Gaza.

For example, in a video posted on Instagram on 26 October 2023, a soldier is clear about his understanding that the goal was to destroy the entirety of Gaza: “Until Gaza is wiped, no one is safe here... We need to destroy Gaza, end this story once and for all. To turn Gaza into beaches, soccer fields, a place that is ours.”<sup>1099</sup>

In an interview with *Now 14* on 4 November 2023, Brigadier General Yogev Bar Sheshet, the Ministry of Defense’s deputy comptroller, a role within the ministry’s Defense Establishment Comptroller Unit, which oversees the preparedness and legality of the military’s activities, said: “Whoever returns here, if they return here after, will find scorched earth. No houses, no agriculture, nothing. They have no future.”<sup>1100</sup> The statement confirmed the aim to destroy

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<sup>1098</sup> To authenticate images and videos posted on social media and confirm their relevance to events in Gaza since 7 October 2023, Amnesty International conducted a digital verification process that aimed to determine the time of the event recorded (chrono-location) and the location of each event (geolocation). In cases where it was not possible to determine the date of an event, Amnesty International used reverse image searches to determine the earliest known upload date. Where applicable, satellite imagery, ground-level photography and other publicly available information were also used to establish or corroborate event dates. As part of the verification process, Amnesty International cross-checked relevant content against other social media posts, as well as reports, articles and videos published by media outlets, human rights organizations and other institutions. In total, Amnesty International referenced in this chapter over 130 videos and images showing the conduct and actions of Israeli soldiers in Gaza since 7 October 2023. The referenced videos were posted on official Israeli military channels or directly by soldiers on private social media accounts or messaging applications.

Some of the original videos were deleted or removed due to platform policies. This prevented Amnesty International from establishing the original source of some videos. In such cases, Amnesty International relied on versions of these videos re-posted by media outlets and journalists. To verify these videos, Amnesty International used digital verification methods to establish the earliest date when the content was available online (mainly via reverse image searches), the time of the event recorded (chrono-location) and the location of the event (geolocation).

<sup>1099</sup> See Ofek Center, “Taljah – Destroy Gaza”, 11 December 2023, <https://www.youtube.com/shorts/VA00sITCvNQ> (in Hebrew). The Ofek Center – the Israel Center for Public Affairs, is a think tank that describes itself as “dedicated to advancing a peaceful resolution to the Israeli-Palestinian conflict”. Ofek Center, home, <https://www.ofekcenter.org.il/eng> (accessed on 2 October 2024). Amnesty International is referencing this source as the original source of the video is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.

<sup>1100</sup> *Now 14*, נקמה זה ערך חשוב [“Revenge is an important value”], 4 November 2023, <https://www.youtube.com/watch?v=gsEopPRgchY> (translation from the original Hebrew into English by Amnesty International), minute 4:37.



Palestinian land and render Gaza uninhabitable and was reflective of the military's actions on the ground.

In the same media report, Colonel Erez Eshel, an army reserve colonel from the 162th Brigade, who served in Gaza at the time of the interview, vowed to make Gaza uninhabitable:

**“Vengeance is a great value. There is vengeance for what they did to us. For a hundred years to come they should know that you shouldn't mess with Jews... This place will be a fallow land. They will not be able to live here.”<sup>1101</sup>**

Speaking on Israeli radio 103FM on 16 January 2024, the commander of the 74th battalion of the 188th Brigade, who identified himself as Lieutenant Colonel Oren, not only expressed an intention to destroy Gaza without any distinction between fighters and civilians, but also clarified to the radio host that his battalion had operated with the assumption that every Palestinian in Gaza was a legitimate target and all Palestinian homes should be destroyed. He said:

**“We need to make sure that whenever the IDF meets Gaza there is destruction. Nothing less, nothing more... Wherever the 74th battalion was, it happened, I can guarantee you that. Destruction nothing less. In every place we were, there was only sand left and houses on the ground. Because in every home, unfortunately, I learned that in Gaza, there is no innocence.”<sup>1102</sup>**

In other posts on social media reviewed by Amnesty International, soldiers appeared in an image standing next to graffiti on a building damaged with bullet holes reading “Erase Gaza instead of graffiti”,<sup>1103</sup> or in a video opening fire on graffiti reading “May their village burn”.<sup>1104</sup> This was a clear reference to a chant which had become a feature of anti-Palestinian and anti-Arab marches in Israel over the years, including in annual marches celebrating Israel's unlawful annexation of East Jerusalem.<sup>1105</sup> In a video verified by Amnesty

<sup>1101</sup> Now 14, נקמה זה ערך חשוב, [“Revenge is an important value”], 4 November 2023 (previously cited), minute 6:00.

<sup>1102</sup> Maariv, חשב שהאויב לא דמיין שנתעשת כל כך מהר, <https://103fm.maariv.co.il/programs/media.aspx?ZrqvVq=JGLIIE&c41t4nzVQ=FJE> (translation from the original Hebrew into English by Amnesty International), minute 4:34. An article published by the Israeli military's official website on 21 September 2023 included the full name of the commander of the 74th Battalion as Oren Schindler. IDF, מגיד 74 - אז והיום, [“Commander of the 74th battalion: Then and now”], 21 September 2023, <https://www.idf.il/-/188-חטיבת-74-מגיד-74-אז-והיום> (in Hebrew).

<sup>1103</sup> Image available at: Dan Cohen, X post: “Israeli soldier defaces a house: Instead of erasing graffiti let us erase Gaza”, 6 December 2023, <https://x.com/dancohen3000/status/1732464776351973881>; CNN, “Videos show Israeli soldiers in Gaza burning food, vandalizing a shop, and ransacking private homes”, 15 December 2023, <https://edition.cnn.com/2023/12/15/middleeast/israeli-soldiers-burningfood-gaza-intl>. Amnesty International is referencing these sources as the original source of the image is no longer available. It verified these images in accordance with the methodology explained in footnote 1098.

<sup>1104</sup> Video available at: Younis Tirawi, X post: “Gaza city I ‘May your village burn””, 19 February 2024, <https://x.com/ytirawi/status/1759679360842313849>

Amnesty International is referencing this source as the original source of the video is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.

<sup>1105</sup> New York Times, “18 Arrested at Israeli nationalist flag march through East Jerusalem”, 5 June 2024, <https://www.nytimes.com/2024/06/05/world/middleeast/israeli-palestinian-jerusalem-flag-march.html>; Haaretz, “Analysis: I've seen every Jerusalem Flag March in last 16 years. This one was the ugliest”, 6 June 2024,

International and originally posted on Instagram on 17 January 2024, an Israeli soldier is seen spraying the walls of a house in Khan Younis with the words: “We will build from the ruins of Gaza, our Temple Mount”.<sup>1106</sup> In a series of other posts by the same soldier, most of them recorded in the same area, soldiers appear celebrating the burning of a factory, vandalizing Palestinian property, or posing next to graffiti saying “Nakba 2023”; other posts include pictures of scenes from Gaza with calls for the destruction of Gaza and the elimination of the “Amalekites”.<sup>1107</sup>



*This screenshot from a video verified by Amnesty International and originally posted on Instagram on 17 January 2024 shows an Israeli soldier spraying the walls of a house in Khan Younis with the words: “We will build from the ruins of Gaza, our Temple Mount”.*

<https://www.haaretz.com/israel-news/2024-06-06/ty-article/.premium/if-jerusalem-day-is-an-accurate-thermometer-of-israeli-society-the-diagnosis-is-terminal/0000018f-eab4-d463-a19f-ffbd44ad0000>

<sup>1106</sup> Video available at: Younis Tirawi, X post: “Israeli soldiers filming themselves writing on a house in Gaza”, 18 May 2024 <https://x.com/ytirawi/status/1791782291053654207> (translation from the original Hebrew into English by Amnesty International). Amnesty International is referencing this source as the original source of the video is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.

<sup>1107</sup> Posts available at: Younis Tirawi, X thread: “Exclusive on Israeli war crimes published on soldiers’ social media accounts”, 18 May 2024, <https://x.com/ytirawi/status/1791771747160588700>

In one post, a soldier wrote: “May it be a Sabbath of as little peace as possible, and as many dead Amalekites as possible.” Post available at: Younis Tirawi, X post: “23 December. In a message to Gaza residents. An Explicit call to Amalek”, 18 May 2024, <https://x.com/ytirawi/status/1791773461318160564> (translation from the original Hebrew into English by Amnesty International).

In another post, the same soldier wrote: “I would have preferred to sleep at home tonight. To eat a warm soup. To sit in a bar. To be with electricity and light, and most importantly to pee in a toilet that you can flush. But there is still a lot of work, and the effort and loss so far must not be in vain. All of the above we can do when there are no more Gazan Amalekites in the world.” Post available at: Younis Tirawi, X post: “Here he writes about Gaza and Amalek”, 18 May 2024, <https://x.com/ytirawi/status/1791777762585268410> (translation from the original Hebrew into English by Amnesty International). Amnesty International is referencing this source as the original source of the posts is no longer available. It verified these posts in accordance with the methodology explained in footnote 1098.

In a video posted on Instagram on 13 November 2023, a group of soldiers who identified themselves as belonging to unit 9208 stated their intention to occupy and ethnically cleanse Gaza: “We will continue the mission we received. We occupy, we displace, we settle. Did you hear that, Bibi?”<sup>1108</sup>

Calls for destruction did not stop after the ICJ issued its first provisional measures order on 26 January 2024.<sup>1109</sup> Two videos emerged online, on respectively 7 and 8 May 2024, showing a group of soldiers chanting “Let’s destroy Rafah” as they were preparing for the ground operation, which started on 6 May 2024.<sup>1110</sup> Approximately 1.4 million Palestinians had been sheltering in Rafah prior to the start of the operation.<sup>1111</sup>

Amnesty International also reviewed several videos in which Israeli artists with significant influence produced content or performed songs for soldiers that echoed the rhetoric used by senior officials. These videos show how calls to remember the biblical story of Amalek, or to “erase” or “burn” Gaza, spread among the ranks of the Israeli army, and how normalized they became in public discourse in Israel, thus creating an environment which emboldened soldiers to violate international law and carry out genocidal acts against Palestinians in Gaza.

In one video apparently filmed on 17 November 2023, Israeli soldiers are seen dancing and singing along to a song performed by Kobi Peretz, a famous Israeli singer, with the words “may their village burn” and “may Gaza be erased”.<sup>1112</sup> A banner behind the singer indicates that he is singing to the members of the 13th and 51st Battalions of the Golani Brigade. In another video, posted on 10 December 2023 and verified by Amnesty International, Kobi Peretz repeats his chorus, “may their village be erased”, at a concert in the Israeli military base in Tzrifin.<sup>1113</sup> In March 2024, the Israeli newspaper Haaretz reported Kobi Peretz saying that he sings “‘may their village burn’ at almost every performance before soldiers”.<sup>1114</sup> As he

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<sup>1108</sup> Video available at: Khaled Yousry, Instagram post: “The secret slogan of the @IDF OCCUPY CLEANSE SETTLE”, 13 November 2023, <https://www.instagram.com/reel/CzmtR2YKqdu> (translation from the original Hebrew into English by Amnesty International).

“Bibi” is a nickname for Benjamin and is often used in the public domain in Israel in reference to Benjamin Netanyahu. Amnesty International is referencing this source as the original source of the video is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.

<sup>1109</sup> ICJ, *South Africa v. Israel*, order, 26 January 2024 (previously cited), para. 79.

<sup>1110</sup> Videos available at: Ubay Aboudi, X post: “Psychotic Israeli soldiers”, 7 May 2024, <https://x.com/UbaiAboudi/status/1787925218377265407> (translation from the original Hebrew into English by Amnesty International); Middle East Eye, “Israeli soldiers chant for the destruction of Rafah ahead of attack”, 8 May 2024, <https://www.youtube.com/shorts/zt3mArbFCWo> (translation from the original Hebrew into English by Amnesty International). Amnesty International is referencing these sources as the original sources of the videos are no longer available. It verified these videos in accordance with the methodology explained in footnote 1098.

<sup>1111</sup> UN News, “Gaza humanitarian update: UNRWA 6 May 2024” (previously cited).

<sup>1112</sup> Video available at: Ofek Center, “Peretz sings may your village burn 2”, 26 November 2023, <https://www.youtube.com/watch?v=xCH2o4c5KZY> (translation from the original Hebrew into English by Amnesty International). The Ofek Center said that it posted the video, which it said was filmed on 17 November 2023, to expose “the rise of hate speech”. Amnesty International verified this video in accordance with the methodology explained in footnote 1098.

<sup>1113</sup> See Documenting Israel, “Amazing!! 19 minutes of Kobi Peretz singing for IDF soldiers at a base”, 10 December 2023, <https://www.youtube.com/watch?v=0Z8ZODj3K3g> (translation from the original Hebrew into English by Amnesty International), minute 14:57. Amnesty International verified this video in accordance with the methodology explained in footnote 1098.

<sup>1114</sup> Haaretz, “The IDF uses revenge poems to boost soldiers’ morale in Gaza”, 26 March 2024, <https://www.haaretz.com/israel-news/2024-03-26/ty-article-magazine/.premium/send-fire-on-gaza-israels-army-uses-revenge-poetry-to-encourage-its-soldiers/0000018e-7bad-d96c-af9f-7fed4ee60000>

was preparing to perform at an Israeli military base, soldiers asked him to leave because of the racist song, the appropriateness of which had become a subject of public debate,<sup>1115</sup> in light of South Africa's proceedings against Israel at the ICJ.<sup>1116</sup> However, shortly afterwards, the Knesset's deputy speaker, Nissim Vaturi, presented him with a certificate of appreciation for his performances for the military.<sup>1117</sup>

Another video, posted on X on 16 November 2023, shows Lior Narkis, another Israeli singer, performing a racist song to a crowd of cheering Israeli soldiers: "Gaza, you Black woman, you piece of trash. Gaza, you whore. Gaza, you daughter of a thousand whores. Screw your mother, Gaza. Gaza, you whore."<sup>1118</sup> Finally, a short video produced by Guy Hochman, an Israeli comedian, which shows the destruction of buildings in Gaza and the humiliation of Palestinian detainees, included a reference to the story of the destruction of the people of Amalek: "We will get to all of you, sons of Amalek."<sup>1119</sup>

### 7.3.5 CELEBRATION OF DESTRUCTION

Of the 62 videos, audio recordings and photographs included in Amnesty International's analysis, 41 show Israeli soldiers celebrating or mocking the destruction of Palestinian property through controlled demolitions, vandalizing Palestinian property or setting Palestinian property alight. In addition, 15 of the 62 videos show controlled demolitions of buildings with manually laid explosive charges, as Israeli soldiers celebrate or mock such destruction. Of these 15, 11 videos show controlled demolitions, in the absence of any apparent imperative military necessity,<sup>1120</sup> in which soldiers reiterate calls for destruction or mock and celebrate the destruction. These images suggest that they understood statements by Israeli officials as providing, at a minimum, encouragement or permission to destroy Gaza.

In one such video posted on X on 31 December 2023, two Israeli soldiers filmed themselves bulldozing a house in Khan Younis and dedicating their act to Eyal Golan, an Israeli singer, who made several appearances on Israeli media at the time calling for the "erasure of Gaza". As they proceed with the bulldozing, they start singing.<sup>1121</sup> Amnesty International also

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<sup>1115</sup> See, for example, Middle East Eye, Instagram post: "Israeli singer Kobi Peretz, known for singing 'may your village burn,' suggests the need to 'erase and then burn' and ridicule the ICJ", 14 March 2024, <https://www.instagram.com/reel/C4fGawrgUL>

<sup>1116</sup> 7 Israel National News, "Singer expelled from IDF base for right-wing song", 6 March 2024, <https://www.israelnationalnews.com/news/386318>

<sup>1117</sup> Kobi Peretz, Facebook post: "בלבלו אותי לגמרי כבר... אתמול בערב גורשתי מבסיס צה"ל על ידי "קצין" אנרכיסט שהוא מסתבר נגד התפילין שאני מחלק לחיילים ונגד זה שאני שר להם "שימחק להם הכפר בעזה" ... והיום ישתבח שמו לעד מקבל תעודת הוקרה ["I've been completely confused. Last night I was expelled from an IDF base by an anarchist 'officer' who apparently opposes the *tefillin* [phylacteries] I distribute to the soldiers and against the fact that I sing to them 'Let their village in Gaza be erased'. And today his name will forever be praised, receiving a certificate of appreciation"], 6 March 2024, <https://www.facebook.com/watch/?v=1372132274180123> (translation from the original Hebrew into English by Amnesty International).

<sup>1118</sup> Video available at: Lepicky, X post: "Lior Narkis, popular Israeli singer, touring IDF bases and singing to Israeli soldiers", 16 November 2023, <https://x.com/LepickyOfficial/status/1725044924347736261> (translation from the original Hebrew into English by Amnesty International).

<sup>1119</sup> Guy Hochman, Instagram post: "We will get to all of you, sons of Amalek!", 17 December 2023, <https://www.instagram.com/reel/C080Hu7MLor> (translation from the original Hebrew into English by Amnesty International).

<sup>1120</sup> Fourth Geneva Convention, Article 53.

<sup>1121</sup> Video available at: Rami Abdul, X post: "Israeli soldiers inside a military bulldozer addressing Khan Younis residents", 31 December 2023, <https://x.com/RamAbdu/status/1741547946305343650> (translation from the

identified a photograph in which one of the soldiers who appeared in the video posed in front of a Caterpillar D9 bulldozer boasting about demolition operations.<sup>1122</sup>

In another video posted on X on 10 December 2023, soldiers filmed themselves setting fire to water bottles and food items stored in a truck they claimed to be located in Shuja'iyah, as they celebrated Hannukah.<sup>1123</sup> The soldiers refer to a struggle between “children of light” and “children of darkness”. As they set the food on fire, one of the soldiers says: “[This is] a factory of sweets that are given to kids when they carry out a terrorist attack. We are turning on the light against this dark place and burning it until there is no sign left of it.” While they appear to justify their actions by stating that they found a “huge [tunnel] shaft” near their location, they fail to show it on camera. There is no indication that destroying the food is demanded by imperative military necessity. They end the video saying “Shuja'iyah neighbourhood, a horrible neighbourhood. Everyone, have a happy holiday! Second candle of Hanukkah. Happy holiday!”

As documented above, Prime Minister Netanyahu repeated several times the racist theme of a struggle between “children of light” and “children of darkness”, and Minister of National Security Ben-Gvir said that “those who distribute sweets” are also “terrorists” who should be eliminated.<sup>1124</sup> The apparent reference to statements made by two senior Israeli officials indicates how the use of dehumanizing and racist language seems to have encouraged the destruction of Palestinian civilian property in Gaza by soldiers on the ground.

Other social media content showed Israeli soldiers acting on the call to “burn Gaza”. In a video that was posted on X on 22 April 2024, a soldier films buildings burning in the background, saying: “Friends, this is our work for today, burning all of these locations”. He then laughs together with another soldier at the devastation, saying: “It's been fire, it's been fire”.<sup>1125</sup>

In several other videos, Israeli soldiers are seen mocking and celebrating the destruction of Palestinian homes, in some cases entire neighbourhoods, or public buildings such as schools, through controlled demolitions, with no indication that the destruction was justified

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original Hebrew into English by Amnesty International). Amnesty International is referencing this source as the original source of the video is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.

<sup>1122</sup> Photograph available at: Zleaf, Tiktok post: “Eliran Mizrahi, an Israeli reserve soldier”, 9 June 2024, <https://www.tiktok.com/@zleafzleaf/video/7378557901809470762> – Amnesty International is referencing this source as the original source of the photograph is no longer available. It verified this photograph in accordance with the methodology explained in footnote 1098.

<sup>1123</sup> Video available at: Muhammad Shehada, X post: “Israeli soldiers set fire to food & water supplies”, 10 December 2023, <https://x.com/muhammadshehad2/status/1733627762085183877> (translation from the original Hebrew into English by Amnesty International). Amnesty International is referencing this source as the original source of the video is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.

<sup>1124</sup> Israel, Ministry of Foreign Affairs, “Excerpt from PM Netanyahu's remarks at the opening of the Winter Assembly of the 25th Knesset's Second Session” (previously cited); Itamar Ben-Gvir, X post: **שיהיה ברור, נשאומרים** [“To be clear, when we say that Hamas needs to be eliminated, it also means those who sing”], 11 November 2023 (previously cited).

<sup>1125</sup> Video available at: Younis Tirawi, X post: “Khan Younis | “This is our work for today”, 22 April 2024, <https://x.com/ytirawi/status/1782212698953990238> (translation from the original Hebrew into English by Amnesty International). Amnesty International is referencing this source as the original source of the video is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.

by imperative military necessity.<sup>1126</sup> While Amnesty International was not able to fully investigate some of these cases, the soldiers' conduct captured on camera – showing them relaxed, joking or posing for photographs – as well as the manner in which the destruction was carried out, that is, through manually laid explosives, suggests that they were in control of the area and there were no active hostilities. These factors, when combined, raise questions as to whether the destruction was justified by imperative military necessity, as required under international humanitarian law.<sup>1127</sup>

**FIGURE 32**



👁️ ↑ *The satellite imagery from 23 November 2023 (on the left) shows the Palace of Justice in Gaza City, located near the military zone referred to by Israel as the “Netzarim Corridor”. Armoured vehicles, highlighted by a yellow box, can be seen positioned in front of it. In the satellite imagery from 2 December 2023 (on the right), a line of armoured vehicles, again highlighted by a yellow box, appears in front of the building. The ground surrounding the building appears scraped. New berms, highlighted by blue dashed lines, have been constructed.*

Videos verified by Amnesty International show Israeli soldiers recording themselves inside army vehicles and cheering as controlled demolitions of numerous buildings in the south of Gaza City were set off.<sup>1128</sup> For example, the organization verified two videos published on 4 December 2023,<sup>1129</sup> showing the moment Israeli soldiers blew up part of the Palace of

<sup>1126</sup> See, for example, a video posted on X on 4 January 2024 showing an Israeli soldier, apparently from the 55th Brigade, blowing up a house. He stated in the video that the explosion was dedicated to “the memory of fallen friends throughout 40 years of military service”. Video available at: Roy Sharon, **חוזר עכשיו מהאן יונס** [“Returning now from Khan Younis”], 4 January 2024, <https://x.com/roysharon11/status/1742947327864676444> (in Hebrew). See also New York Times, “Israel’s controlled demolitions are razing neighborhoods in Gaza”, 1 February 2024, <https://www.nytimes.com/interactive/2024/02/01/world/middleeast/Israel-gaza-war-demolish.html>; CNN, “Israeli soldier records himself blowing up a mosque” (previously cited).

<sup>1127</sup> Fourth Geneva Convention, Article 53.

<sup>1128</sup> Videos available at: Younis Tirawi, X post: “10. Gaza city.”, 5 March 2023, <https://x.com/ytirawi/status/1765092534777532561>

Amnesty International is referencing this source as the original source of the videos is no longer available. It verified these videos in accordance with the methodology explained in footnote 1098.

<sup>1129</sup> Video available at: Emanuel Fabian, X post: “Footage shows the IDF demolishing Hamas’s main courthouse in the Gaza Strip”, 4 December 2023, <https://x.com/manniefabian/status/1731621793385812234>

Amnesty International is referencing this source as the original source of the video is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.

Justice, a complex of judicial courts in the south of Gaza City, located near the military zone referred to by Israel as the “Netzarim Corridor”. In one of these videos, cheering in Hebrew is audible when part of the complex is reduced to rubble.<sup>1130</sup> Satellite imagery confirms that two sections of the building appear to have been destroyed on 3 December 2023.<sup>1131</sup> The army was in control of the complex at the time, having already seized it in November 2023. Amnesty International verified an image from 20 November 2023 showing a large group of Israeli soldiers photographed in front of the complex.<sup>1132</sup> Satellite images taken on 23 November and 2 December 2023 confirm the presence of Israeli military vehicles on its grounds.<sup>1133</sup> The remaining parts of the building appear collapsed in satellite imagery from 22 February 2024, but not in satellite imagery from 21 February 2024, indicating it was destroyed between those two dates.<sup>1134</sup>

**FIGURE 33**



👁️ ↑ *The satellite imagery from 6 December 2023 (on the left) shows two large sections of the Palace of Justice destroyed. Armoured vehicles are no longer visible. In satellite imagery from 22 February 2024 (on the right), the remaining parts of the building appear to have collapsed.*

Amnesty International was not able to find any official reference to the demolition that would justify its destruction on the basis of imperative military necessity. That and the fact that the army was in control of the area for weeks before the destruction and the manner in which the complex was destroyed – through an explosion – indicate that the destruction of the Palace of Justice could not be justified on grounds of military necessity. In April 2024, UN experts

<sup>1130</sup> Video available at: Islam Channel, “Moment Gaza’s Palace of Justice detonated by Israeli army”, 4 December 2023, [https://www.youtube.com/watch?v=vf3yW\\_yrxHE](https://www.youtube.com/watch?v=vf3yW_yrxHE)

<sup>1131</sup> Planet Labs PBC, Image catalogue ID 20231203\_070012\_ssc2\_u0001, 3 December 2023.

<sup>1132</sup> Image available at: Emanuel Fabian, X post: “A picture circulating online”, 20 November 2023, <https://x.com/manniefabian/status/1726577407887573363>

Amnesty International is referencing this source as the original source of the image is no longer available. It verified this image in accordance with the methodology explained in footnote 1098.

<sup>1133</sup> Planet Labs PBC, Image catalogue ID 20231123\_075819\_ssc1\_u0001, 23 November 2023; Maxar Technologies, Image catalogue ID 20231202\_071316\_ssc12\_u0001, 2 December 2023.

<sup>1134</sup> Maxar Technologies, Image catalogue ID 10200100E9533000, 21 February 2024; Planet Labs PBC, Image catalogue ID 20240222\_052939\_ssc15\_u0001, 22 February 2024.

issued a statement condemning the explosion as an “unnecessary destruction of the judicial infrastructure in Gaza”.<sup>1135</sup>

Videos verified by Amnesty International also show Israeli soldiers engaging in large-scale demolitions in late December 2023 and early January 2024 in areas located in the vicinity of Gaza’s border with Israel.

In two videos, posted on 20 December 2023, Israeli soldiers are seen celebrating the mass destruction of approximately 30 homes in the Shuja’iya neighbourhood in eastern Gaza City. Referring to one of the kibbutzim that was a target of the Hamas-led attacks on 7 October 2023 and is located 1km from the border fence with Gaza, a soldier is heard saying: “Nahal Oz [kibbutz], God willing – what a beauty – you’ll have a view of the sea.”<sup>1136</sup> In another video, recorded on the same day in the same area, a soldier looks over the destroyed buildings and can be heard saying: “Sunrise at the rubble of what Saja’iya [a common Israeli mispronunciation of “Shuja’iya”] used to be”.<sup>1137</sup>

In three other videos posted in early January 2024, Israeli soldiers are seen smoking cigarettes or water pipes and posing in sunglasses as they casually watch and celebrate the demolition of buildings behind them, clearly mocking the destruction of large areas of Khuza’a, a town in the east of Khan Younis governorate.<sup>1138</sup> Their relaxed demeanour suggests that there were no active hostilities and they did not feel that they were in danger of being attacked. While the Israeli army announced on 10 January 2024 that it had “destroyed hundreds of terrorist infrastructures, rocket launch positions and observation posts”, adding that soldiers “eliminated dozens of terrorists and uncovered and destroyed about 40 tunnel shafts”,<sup>1139</sup> Amnesty International’s review of satellite imagery and videos shows that the army also destroyed hundreds of residential buildings, a school and a cemetery.<sup>1140</sup>

An April 2024 investigation by Bellingcat and Scripps News into the conduct of Israeli army unit 8219 Commando, which claimed to have destroyed 49 tunnels and 662 buildings in 82 days of fighting, identified and geolocated numerous demolitions of Palestinian homes in Gaza City, Khan Younis and Khuza’a by analysing videos and content posted by the unit’s

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<sup>1135</sup> UN, “Israel/Gaza: UN experts condemn destruction of judicial infrastructure, call for protection of justice operators”, 16 April 2024, <https://www.ohchr.org/en/press-releases/2024/04/israelgaza-un-experts-condemn-destruction-judicial-infrastructure-call>

<sup>1136</sup> Video available at: Itay Blumental, X post: [מפוצץ 749 מבנים בשכונת שוגיעיה](https://x.com/ItayBlumental/status/1737499329718297082) [“Documentation: Battalion 749 blows up 56 buildings in Shuja’iya neighbourhood”], 20 December 2023, <https://x.com/ItayBlumental/status/1737499329718297082> (translation from the original Hebrew into English by Amnesty International).

<sup>1137</sup> Video available at: Shomer Israel, Telegram post, 20 December 2023, [https://t.me/Guard\\_israel/71094](https://t.me/Guard_israel/71094) (translation from the original Hebrew into English by Amnesty International). Amnesty International is referencing this source as the original source of the video is no longer available. It verified this video in accordance with the methodology explained in footnote 1098.

<sup>1138</sup> Videos available at: Baz News, Telegram post: [שאכטה של החיים](https://t.me/baznews9/10689) [“The puff of a lifetime”], 3 January 2024, <https://t.me/baznews9/10689> (in Hebrew); Baz News, Telegram post: [עזה גדחה"ן קומנדו 8219](https://t.me/baznews9/10813) [“Gaza Combat Engineering Corps Commando 8219”], 6 January 2024 <https://t.me/baznews9/10813> (in Hebrew). Amnesty International is referencing this source as the original source of the videos is no longer available. It verified these videos in accordance with the methodology explained in footnote 1098.

<sup>1139</sup> IDF, [לוחמי צק"ח 5 השמידו מאות תשתיות טרור במסגרת מבצע עוז וניר](https://www.idf.il/171249), [“Battlegroup 5 combatants destroyed hundreds of terror infrastructures as part of the Oz and Nir operation”], 10 January 2024, <https://www.idf.il/171249> (translation from the original Hebrew into English by Amnesty International).

<sup>1140</sup> Amnesty International, “Israel/OPT: Israeli military must be investigated for war crime of wanton destruction in Gaza – new investigation” (previously cited).



members on social media. Although the Israeli authorities justified demolitions of Palestinian homes as a necessary means to destroy Hamas's military and administrative capabilities, the evidence gathered by Bellingcat and Scripps News suggested that, in some cases at least, demolitions were carried out as acts of revenge for the Hamas-led attacks of 7 October 2023 and the killings of Israeli soldiers.<sup>1141</sup>

### 7.3.6 OFFICIAL ISRAELI NARRATIVE AND OTHER EXPLANATIONS ABOUT STATEMENTS

The majority of the 22 statements by Israeli leaders analysed above that appeared to call for, or justify, genocidal acts were made in the initial days and weeks following the Hamas-led attacks of 7 October 2023. In this respect, Israel rejected South Africa's claims before the ICJ that comments by senior officials demonstrated intent to destroy Palestinians in Gaza, as such. Israel's lawyers argued that the timing showed that the statements were "clearly rhetorical" and expressed "anguish" in the immediate aftermath of a deeply traumatic event.<sup>1142</sup> They further maintained that the statements used as evidence by South Africa were merely "random quotes" that were mistranslated, used selectively and taken out of context. Crucially, they argued that the statements did not affect the Israeli army's conduct on the ground in Gaza, which was regulated by policy, military directives and procedures in line with international humanitarian law, coupled with measures "to mitigate civilian harm".<sup>1143</sup> Instead, they pointed to other statements made by Prime Minister Netanyahu and then Minister of Defense Gallant between 28 October 2023 and 10 January 2024 in which they explicitly said that the military campaign was directed at Hamas, not the Palestinian people.<sup>1144</sup>

Amnesty International recognizes that, at the start of the military offensive, Israeli officials defined its objectives as dismantling the military and governing capabilities of Hamas, subsequently adding to them the release of hostages and captives. Following that, Prime Minister Netanyahu, then Minister of Defense Gallant and Israeli army spokespeople publicly clarified on numerous occasions that the offensive was directed at Hamas rather than the Palestinian people. However, they appear to have intensified such clarifications only following mounting pressure from Israel's Western allies over the scale of deaths and destruction resulting from weeks of relentless bombardment. Crucially, as highlighted above, there is a large amount of evidence of soldiers continuing to circulate and make use of these officials' earlier statements long after they were first uttered. Videos point as well to soldiers making

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<sup>1141</sup> Bellingcat, "We've Become Addicted to Explosions": The IDF Unit Responsible for Demolishing Homes Across Gaza, 29 April 2024, <https://www.bellingcat.com/news/2024/04/29/weve-become-addicted-to-explosions-the-idf-unit-responsible-for-demolishing-homes-across-gaza>

<sup>1142</sup> ICJ, "Public sitting held on Friday 12 January 2024, at 10 a.m., at the Peace Palace in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Verbatim record" (previously cited).

<sup>1143</sup> ICJ, "Public sitting held on Friday 12 January 2024, at 10 a.m., at the Peace Palace in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Verbatim record" (previously cited), pp. 20 and 33-34.

<sup>1144</sup> See, for example, Times of Israel, "Gallant: Second stage of war may last months, 'pockets of resistance' will remain", 29 October 2023, <https://www.timesofisrael.com/gallant-second-stage-of-war-may-last-months-pockets-of-resistance-will-remain>; Al Jazeera English, "'Our war against Hamas is not a war against the people of Gaza': Yoav Gallant", 18 December 2023, <https://www.youtube.com/watch?v=ilmv61LJZ0w>

these calls while engaged in apparent acts of destruction.<sup>1145</sup> This indicates the widespread circulation and impact of officials' statements. It also shows that Israeli officials largely failed to build alternative narratives. Indeed, the widespread circulation of statements calling for the destruction of Gaza and civilian objects within it appear to have been condoned and not adequately investigated, let alone punished, by the Israeli authorities, which failed to take any action for months.<sup>1146</sup>

Furthermore, throughout the nine-month period under review, Israel continued to carry out unlawful attacks that killed and seriously injured Palestinian civilians, and to deliberately impose conditions of life on the entire population of Gaza, challenging Israel's defence that the statements made by senior government officials, and which reverberated through the military, were merely the type of inflammatory comments that can be expected at the start of an armed conflict.

In addition, even though there was a significant drop in genocidal rhetoric by Israeli officials after South Africa instituted proceedings against Israel before the ICJ on 29 December 2023, two members of the security cabinet – Finance Minister Smotrich and Minister of National Security Ben-Gvir – continued to make calls for genocidal acts until at least the end of April 2024. Neither of the two officials held a key position related to Israel's management of its military offensive on Gaza and their statements have been dismissed as not representing the government's official positions. However, Prime Minister Netanyahu hugely depended on their political support to remain in power before and during the offensive on Gaza,<sup>1147</sup> especially when his popularity had reached a record low over his government's failure to prevent the Hamas-led attacks on 7 October 2023, and to secure the release of hostages, with many demanding his resignation.<sup>1148</sup>

Some observers have suggested that the continuous bombing of Gaza and the infliction of conditions of life calculated to bring about the destruction of Palestinians in Gaza were motivated by Prime Minister Netanyahu's resolve to avoid or delay investigations into his, and his government's, failures in relation to the 7 October 2023 attacks.<sup>1149</sup> Others argued that his biblical references and calls for destruction were being directed to appease the support base of Minister of Finance Smotrich and Minister of National Security Ben-Gvir, and to satisfy their calls for revenge.<sup>1150</sup> However, Prime Minister Netanyahu's political motives in catering to the demands of this constituency are irrelevant to an assessment of genocidal intent for purposes of state responsibility. Moreover, in this instance, the proffered motives

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<sup>1145</sup> See sections 7.3.4 "Echoes of calls for total destruction" and 7.3.5 "Celebration of destruction".

<sup>1146</sup> See section 7.3.7 "Impunity for calls for destruction".

<sup>1147</sup> Financial Times, "The extremists driving Netanyahu's approach to war with Hamas" (previously cited).

<sup>1148</sup> Reuters, "Most Israelis think Netanyahu responsible for failing to prevent Hamas attack, poll shows", 20 October 2023, <https://www.reuters.com/world/middle-east/most-israelis-think-netanyahu-responsible-failing-prevent-hamas-attack-poll-2023-10-20>

<sup>1149</sup> Jerusalem Post, "Over 70% of Israelis believe Netanyahu should resign – poll", 13 July 2024, <https://www.jpost.com/israel-news/article-810113>; Reuters, "Only 15% of Israelis want Netanyahu to keep job after Gaza war, poll finds", 2 January 2024, <https://www.reuters.com/world/middle-east/only-15-israelis-want-netanyahu-keep-job-after-gaza-war-poll-finds-2024-01-02>; Mairav Zonszein, "The problem isn't just Netanyahu. It's Israeli society", Foreign Policy, 2 April 2024, <https://foreignpolicy.com/2024/04/02/netanyahu-gaza-palestinians-war-israeli-society>

<sup>1150</sup> Le Monde diplomatique, "'We act like human beings – we are not on a killing spree': Far right's Biblical pretexts for mass expulsion", 1 April 2024, <https://mondediplo.com/2024/04/07israel>

would reinforce a conclusion of intent to commit genocide. The two ministers have consistently used their political leverage<sup>1151</sup> over Prime Minister Netanyahu to affect key Israeli policies and conduct, including the launch of a ground incursion into Rafah and the continuous conditioning of humanitarian assistance upon the release of hostages. They have publicly threatened to leave the governing coalition if Prime Minister Netanyahu failed to fulfil their demands.<sup>1152</sup>

### 7.3.7 IMPUNITY FOR CALLS FOR DESTRUCTION

For months the Israeli authorities failed to take any action to investigate statements by Israeli officials and on-duty soldiers that appeared to call for genocidal acts against Palestinians in Gaza. As detailed in section 2.2.2 “Engagement with Israeli and Hamas authorities”, Amnesty International wrote to the Speaker of the Knesset, the Military Advocate General and the Attorney General to enquire whether any measures, including investigations, had been initiated against the president, the prime minister, other ministers, members of the Knesset or senior military officials over statements they had made. The letters sent covered all statements referenced by Amnesty International in this chapter. At the time of publication, the organization had not received a substantive response.

In addition to members of the war and security cabinets, high-ranking military officials and the Israeli president, Knesset members and government ministers made numerous explicit calls for the destruction of Palestinians. For example, on 7 October 2023, Ariel Kallner, a Knesset member for the ruling Likud party, posted on his X account a call to inflict on Palestinians a “Nakba that will overshadow the Nakba of 48. Nakba in Gaza and Nakba to anyone who dares to join!” The post was a clear reference to the expulsion of hundreds of thousands of Palestinians, the mass killings of others, and the destruction of hundreds of Palestinian villages between late 1947 and 1949.<sup>1153</sup>

Meanwhile, on 17 November 2023, Deputy Speaker of the Israeli Knesset Nissim Vaturi, from the ruling Likud party, made a post on X which was later removed for violating the platform’s rules. It stated: “All the preoccupation with whether or not there is internet in Gaza shows that we have learned nothing. We are too humane, burn Gaza now no less!”<sup>1154</sup> Nissim Vaturi was disciplined several days later by the Knesset’s Ethics Committee for calling two Palestinian members of the Knesset “ Hamas collaborators”, but not for his call to “burn Gaza now,” although Prime Minister Netanyahu publicly condemned the statement as not

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<sup>1151</sup> Guardian, “Netanyahu’s political survival in hands of far-right ministers”, 8 May 2024, <https://www.theguardian.com/world/article/2024/may/08/cant-you-kill-some-netanyahus-political-survival-in-hands-of-far-right>

<sup>1152</sup> See, for example, Times of Israel, “Ben Gvir threatens coalition over open-fire rule changes; IDF says there’ve been no changes”, 29 January 2024, [https://www.timesofisrael.com/liveblog\\_entry/ben-gvir-threatens-coalition-over-open-fire-rule-changes-idf-says-thereve-been-no-changes](https://www.timesofisrael.com/liveblog_entry/ben-gvir-threatens-coalition-over-open-fire-rule-changes-idf-says-thereve-been-no-changes); BBC, “Israeli ministers threaten to quit over ceasefire plan”, 2 June 2024, <https://www.bbc.com/news/articles/cz55y6k0p5go>

<sup>1153</sup> Ariel Kallner, X post: נקבה לאויב עכשיו [“Nakba to the enemy now”], 8 October 2023, <https://x.com/ArielKallner/status/1710769363119141268> (translation from the original Hebrew into English by Amnesty International).

<sup>1154</sup> Nissim Vaturi, X post: כל ההתעסקות בעניין של יש או אין אינטרנט בעזה מראה שלא למדנו כלום [“All the preoccupation with whether or not there is internet in Gaza shows that we have learned nothing”], 17 November 2023, on file with Amnesty International (translation from the original Hebrew into English by Amnesty International).

reflecting the Israeli army's conduct.<sup>1155</sup> Despite widespread condemnation, Nissim Vaturi confirmed his call for the total destruction of Gaza in a radio interview three days later by suggesting that there were no civilians in Gaza: "I said, 'Burn Gaza! Why should we be ashamed? Are there civilians in Gaza?... What's left in Gaza? Tunnels, Hamas, and the damned terrorists who hold children captive."<sup>1156</sup> He did so again on 10 January 2024, a day before the start of the first oral hearing at the ICJ.<sup>1157</sup>

Other officials made repeated statements that appeared to deliberately conflate Palestinian fighters with Gaza's civilians. For example, Minister of Heritage Amichay Eliyahu referred to Palestinians as "Nazis and their assistants" in a social media post on 17 October 2023.<sup>1158</sup> On 30 November 2023, Knesset member Avigdor Liberman stated on his X account that "there are no innocents in Gaza".<sup>1159</sup> On 12 October 2023, COGAT posted on its X account an audio recording which it claimed were the sounds of Palestinians in Gaza cheering the transfer of dead bodies, hostages and captives to Gaza by Hamas and other Palestinian armed groups following their attacks on Israel five days earlier. It commented that "killing" was Gaza's "national sport".<sup>1160</sup>

Israeli Knesset members, including ministers, enjoy broadly defined immunity. The Knesset's Ethics Committee, however, is authorized to address inappropriate behaviour, including statements, through disciplinary measures separate from any criminal proceedings. During the nine-month period under review, no Israeli Knesset member referred to in this research was subjected to a disciplinary hearing for publicly expressing views that justify acts of violence against civilians and making apparent calls for genocidal acts. Even if such disciplinary measures were to be taken, they would not be an adequate substitute for an independent and transparent criminal investigation, where appropriate, considering that direct and public incitement to genocide is a crime under the Genocide Convention.<sup>1161</sup>

On 10 January 2024, a day before the first hearing in the proceedings brought by South Africa against Israel before the ICJ, the Israeli attorney-general issued a statement in which she clarified that "any statement calling, inter alia, for intentional harm to civilians, contradicts the policy of the State of Israel and may amount to a criminal offense, including

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<sup>1155</sup> Times of Israel, "Knesset ethics committee sanctions far-right Likud MK for claiming Arab lawmakers backed Hamas", 20 November 2023, [https://www.timesofisrael.com/liveblog\\_entry/knesset-ethics-committee-sanctions-far-right-likud-mk-for-claiming-arab-lawmakers-backed-hamas](https://www.timesofisrael.com/liveblog_entry/knesset-ethics-committee-sanctions-far-right-likud-mk-for-claiming-arab-lawmakers-backed-hamas)

<sup>1156</sup> 103FM, X post: סגן יו"ר הכנסת ח"כ @nissimv (הליכוד) לאחר שקרא 'לשרוף את עזה' בצינור בטוויטר [“Deputy head of Knesset, MK @nissimv (Likud) after he called to “burn Gaza down” in a tweet on Twitter”], 20 November 2023, <https://x.com/radio103fm/status/1726522005824864427> (translation from the original Hebrew into English by Amnesty International).

<sup>1157</sup> Kol Barama, "הם שרפו אותנו, חייבים לשרוף את עזה" [“Knesset member Vaturi does not apologize: ‘They burned us, we must burn Gaza’”], 10 January 2024, <https://kol-barama.co.il/item/-כ-ואטורי-לא-מתנצל-הם-שרפו-אותנו-חייבים-מתנצל-הם-שרפו-אותנו-חייבים> (in Hebrew).

<sup>1158</sup> Amichay Eliyahu, X post: קיבלתי על עצמי לדבר פחות ולהתמקד בעשייה [“I took it upon myself to talk less and focus on action”], 17 October 2023, [https://x.com/Eliyahu\\_a/status/1714181758235681217](https://x.com/Eliyahu_a/status/1714181758235681217) (translation from the original Hebrew into English by Amnesty International).

<sup>1159</sup> Avigdor Liberman, X post: אין חפים מפשע בעזה [“There are no innocents in Gaza”], 30 November 2023, <https://x.com/AvigdorLiberman/status/1730297081959530685> (translation from the original Hebrew into English by Amnesty International).

<sup>1160</sup> COGAT, X post: “These are the authentic sounds made in Gaza”, 12 October 2023 <https://x.com/cogatonline/status/1712532413971042432>

<sup>1161</sup> Genocide Convention, Articles III(c) and V.

the offense of incitement”.<sup>1162</sup> Despite stating that “several such statements” were being investigated by authorities, to Amnesty International’s knowledge, as of the end of September 2024, no investigations into incitement had been initiated.<sup>1163</sup> In early July 2024, The Times of Israel reported that the state prosecutor had asked permission from Israel’s attorney-general to open a criminal investigation into incitement against Palestinians in Gaza by Minister of National Security Ben-Gvir, but a decision had yet to be made.<sup>1164</sup>

It was not until 20 February 2024, almost a month after the ICJ’s first order of 26 January 2024, which required Israel to “take all measures within its power to prevent the commission” of all acts prohibited under the Genocide Convention,<sup>1165</sup> that the chief of the general staff of the Israeli army issued a letter to commanders stating that the army is “not on a spree of killing, revenge, or genocide”. The letter instructed them “not to use force where it is not required, to distinguish between a terrorist and one who is not, not to take what is not ours – a souvenir or parts of a weapon – and not to shoot revenge videos”.<sup>1166</sup>

On 21 February 2024, the Military Advocate General sent a separate letter to military commanders denouncing isolated cases of “inappropriate statements that encourage unacceptable actions; operationally unjustifiable use of force, including against detainees; looting, non-operational use or removal of private property; and destruction of civilian property in violation of orders”, stating that such acts would be investigated.<sup>1167</sup> At the end of May 2024, she confirmed that the military police had opened criminal investigations into 70 incidents where the commission of a criminal offence was suspected. This included allegations concerning detention conditions at the Sde Teiman detention facility,<sup>1168</sup> and cases of deaths in custody, in addition to “incidents in which civilians were killed under operational circumstances; incidents of violence; and incidents involving crimes relating to property and looting”.<sup>1169</sup> She also referred to an unspecified number of “other incidents” which had been dealt with through disciplinary measures after their review by the military’s Fact-Finding Assessment Mechanism did not indicate the commission of a criminal offence. However, she failed to specifically mention statements by on-duty soldiers. Amnesty

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<sup>1162</sup> Israel, Ministry of Justice, X post: “1/3 Statement by Israel’s Attorney General and the State Attorney”, 10 January 2024, <https://x.com/justicegov/status/1745066921689530625>

<sup>1163</sup> See Adalah, “Adalah demands Israel investigate and prosecute incitement to genocide by public figures”, 17 April 2024, <https://www.adalah.org/en/content/view/11095>

<sup>1164</sup> Times of Israel, “State Prosecutor seeking probe of Ben-Gvir for anti-Gazan incitement – report”, 3 July 2024, <https://www.timesofisrael.com/state-prosecutor-seeking-probe-of-ben-gvir-for-anti-gazan-incitement-report>

<sup>1165</sup> ICJ, *South Africa v. Israel*, order, 26 January 2024 (previously cited), para. 86(1).

<sup>1166</sup> IDF, “Chief of the General Staff’s Letter to the Commanders of the IDF”, 20 February 2024, <https://www.idf.il/en/mini-sites/israel-at-war/all-articles/chief-of-the-general-staff-s-letter-to-the-commanders-of-the-idf>

<sup>1167</sup> Israel, Military Advocate General, לחימה וניצחון בהתאם לדין [“Combat and victory in accordance with the law”], letter to military commanders, 21 February 2024, <https://img.haarets.co.il/bs/0000018d-cb1a-ddae-a18ffbe29be0000/53/63/2dde25434286ba6f4ef1bffdd485/אגרת.pdf> (translation from the original Hebrew into English by Amnesty International).

<sup>1168</sup> Amnesty International’s findings regarding Sde Teiman military detention facility are detailed in Amnesty International, “Israel must end mass incommunicado detention and torture of Palestinians from Gaza” (previously cited).

<sup>1169</sup> Israel, Military Advocate General Corps, “Remarks of the Military Advocate General at the Israel Bar Association annual conference, May 2024”, 28 May 2024, <https://www.idf.il/en/mini-sites/military-advocate-general-s-corps/remarks-of-the-military-advocate-general-at-the-israel-bar-association-annual-conference-may-2024>

International's research shows that soldiers continued to issue videos celebrating, or calling for, destruction after the announcement in February 2024.

While such investigations provide a semblance of an accountability process, several NGOs, including Amnesty International, have long expressed concerns that the civil and military justice systems have failed to deliver genuine accountability and justice for Palestinians.<sup>1170</sup> Without evidence of actual accountability throughout the chain of command, these purported investigations do little to counter the conclusion of widespread impunity.

## 7.4 INTENT TO DESTROY PALESTINIANS

Amnesty International considers that the pattern of conduct which characterized Israel's military operations, coupled with the statements of Israeli officials and soldiers made in a context of apartheid, an unlawful blockade and an unlawful military occupation, provide sufficient evidence of Israel's intent to destroy Palestinians in Gaza, as such.

As discussed in Chapter 5 "Genocide under international law", the international jurisprudence has highlighted that the evidence on genocidal intent must be approached and considered holistically, that is, assessed based on direct, circumstantial and contextual evidence, alongside the existence of a pattern of conduct, the scale and allegedly systematic nature of the prohibited acts, and the scale, nature, extent and degree of casualties and harm against the protected group. At the same time, finding or inferring specific intent does not require finding a single or sole intent. A state's actions can serve the dual goal of achieving a military result and destroying a group as such. Genocide can also be the means for achieving a military result. In other words, a finding of genocide may be drawn when the state intends to pursue the destruction of a protected group in order to achieve a certain military result, as a means to an end, or until it has achieved it. Amnesty International does not consider the ICJ's jurisprudence to preclude either instrumental or dual intent, as long as genocidal intent is clearly assessed to be the state's intent based on the totality of the evidence. Allowing for dual or instrumental intent is the only way to ensure that genocide remains prohibited during times of war. International law places certain conduct, including genocide, outside the permissible methods of war, meaning there are acts which can never be justified by military necessity.

An assessment of the historical context demonstrates that Israel's offensive is occurring in the context of its unlawful military occupation and system of apartheid against Palestinians, including Palestinians in Gaza, a context replete with serious violations of international law and predicated on endemic dehumanization of Palestinians. Indeed, many high-level Israeli

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<sup>1170</sup> See section 3.1.3 "Impunity for war crimes and violations" for more details on concerns about the Israeli judicial system's ability to deliver accountability and adequately investigate allegations of crimes under international law in the OPT. See also Amnesty International, "Defending the rule of law, enforcing apartheid: The double life of Israel's judiciary" (previously cited); Yesh Din, "The General Staff whitewashing mechanism: The Israeli law enforcement system and breaches of international law and war crimes in Gaza" (previously cited); B'Tselem, "After a year of protests in Gaza: 11 Military Police investigations, 1 charade", March 2019, [https://www.btselem.org/sites/default/files/publications/201903\\_gaza\\_demonstrations\\_investigations\\_charade\\_eng.pdf](https://www.btselem.org/sites/default/files/publications/201903_gaza_demonstrations_investigations_charade_eng.pdf); B'Tselem, *Whitewash Protocol: The So-called Investigation of Operation Protective Edge*, September 2016, [https://www.btselem.org/sites/default/files/sites/default/files/201609\\_whitewash\\_protocol\\_eng.pdf](https://www.btselem.org/sites/default/files/sites/default/files/201609_whitewash_protocol_eng.pdf)

officials, as well as other politicians and public figures with significant reach and influence in Israel, have used deeply rooted dehumanizing, derogatory and racist language towards Palestinians for years, without any genuine or effective accountability. The dehumanization of Palestinians has been a constant feature of Israel's apartheid system: they are treated as an inferior racial group undeserving of basic human rights and necessities. To maintain this system of oppression and domination, Israel has long subjected Palestinians, including those in Gaza, to torture, arbitrary detention, forcible transfer and unlawful killings and injuries. As part of this system of apartheid, Israel's unlawful blockade of Gaza had been slowly inflicting harmful conditions of life on Palestinians there for 16 years prior to 7 October 2023, leaving them in a uniquely vulnerable situation.

During the nine months under review, Amnesty International investigated acts of torture and other ill-treatment, the wanton destruction of agricultural land and civilian buildings across eastern Gaza, unlawful attacks killing and injuring civilians, the deliberate denial of essential services and goods, and the use of "evacuation" orders to forcibly displace civilians. The organization has concluded that these acts may amount to war crimes and should be investigated as such.<sup>1171</sup> In assessing genocidal intent, Amnesty International analysed such violations of international law, including those detailed in Chapter 6 "Israel's actions in Gaza", in the context of the entire offensive: it reviewed them together and cumulatively, taking into account their recurrence and their simultaneous occurrence time and time again, compounding each other's harmful impact. Furthermore, the organization considered the scale and severity of the casualties and destruction repeated over time, in spite of continuous warnings by the UN and Israel's own allies, as well as the multiple binding orders of the ICJ.

Viewed individually, the acts analysed in this report constitute serious violations of international humanitarian law and/or gross violations of human rights. Viewed holistically, a more disturbing picture emerges: the commission of prohibited acts under the Genocide Convention, including killing and causing serious bodily or mental harm to members of a protected group and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part. Such prohibited acts took place alongside other violations of international law that indicate genocidal intent, such as the detention, torture and other ill-treatment of Palestinians from Gaza, as well as the widespread destruction of cultural, historical and religious sites, sometimes in circumstances in which Israel had already gained military control over them.

The evidence analysed in this report demonstrates the following pattern of conduct by Israel: repeated direct attacks on civilians and civilian objects and deliberately indiscriminate strikes over months, wiping out entire Palestinian families, repeatedly launched at times when these strikes would result in high numbers of civilian casualties; the repeated use of weapons with wide area effects in densely populated residential neighbourhoods; the speedy, massive and comprehensive destruction of civilian objects and infrastructure, be they homes, shelters, health facilities, water infrastructure, agricultural land or other objects essential to the survival of the civilian population, including life-sustaining infrastructure; the repeated destruction of civilian objects and infrastructure and of cultural and religious sites after Israel had gained

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<sup>1171</sup> See Chapter 2 "Scope and methodology" for further details.

military control over them; the sweeping, often incomprehensible, misleading and arbitrary “evacuation” orders, repeated over the nine-month period under review, and directed at an extremely large number of people, which caused their repeated mass forced displacement under unsafe and inhumane conditions with no way out of Gaza; the torture and incommunicado detention; and the continuous refusal to allow adequate humanitarian aid and other essential supplies to reach people in Gaza in the face of international condemnation and legally binding orders by the ICJ.

This unlawful conduct resulted in unprecedented harm to Palestinians in Gaza: extremely high levels of casualties and harm to civilians, including children and breastfeeding women; the collapse of the healthcare system, food production system and water and sanitation services; alarming levels of hunger and malnutrition; rising rates of infectious diseases; and other serious effects on the physical and mental health of Palestinians in Gaza. Crucially, the impact of these acts was well understood and planned, as demonstrated by the repeated patterns of unlawful acts over time.

Israel’s unlawful acts were often announced, called for and urged in the first place by officials in Israel’s war and security cabinets, who called for the destruction of Palestinians in Gaza in public and widely circulated statements. Many of the unlawful acts identified above were preceded by officials urging their implementation. Also, the language used by Israeli officials was frequently repeated, including by soldiers in Gaza, apparently explaining the rationale for their behaviour. The existence of a large number of these public videos and statements highlights not only systemic impunity but also the creation of an environment that emboldens, if not tacitly rewards, such behaviour.

The existence of military objectives – including the eradication of Hamas – in no way undermines or belies the existence of genocidal intent. The Israeli authorities argue that their military forces lawfully targeted Hamas and other Palestinian armed groups throughout Gaza and that the resulting unprecedented destruction and denial of aid were the outcome of Hamas’ co-location among Palestinian civilians and its diversion of aid, respectively. However, even where Hamas fighters were located near or within densely populated areas, Israel was obligated to take all feasible precautions to spare civilians and avoid attacks that would be indiscriminate or disproportionate. Amnesty International, numerous other human rights organizations and UN experts have found that Israel repeatedly failed to do so. Israel committed multiple war crimes and other crimes under international law for which there can be no justification based on Hamas’ actions. Amnesty International has also not found evidence that the possible diversion of aid by Hamas explained the actions Israel took in blocking, restricting and impeding the entry and delivery of aid and other items necessary for life into and within Gaza.

Amnesty International likewise considered and rejected the argument that Israel is acting recklessly, without specific intent to destroy Palestinians in Gaza. Many of Israel’s unlawful acts are, by definition, intentional, including arbitrary and unlawful detention and torture. Similarly, Israel’s control over humanitarian aid was precise and deliberate, with no indication of recklessness. Israel’s repeated mass “evacuation” orders of Gaza’s population to areas that lacked the basic infrastructure to support life, coupled with its failure to allow the



temporary relocation of civilians to other parts of the OPT or to enter Israel, were intentional and clearly designed to confine Palestinians to an ever smaller and more inhospitable area of Gaza, with insufficient humanitarian aid and other essentials. In other words, Israel deliberately inflicted conditions of life calculated to bring about the physical destruction of Palestinians in Gaza. Moreover, while, in principle, Israel's direct attacks on civilians and civilian objects and indiscriminate strikes could be the result of recklessness, it strains belief that these could be anything other than intentional after so many months of recurring attacks, in defiance of legally binding orders by the ICJ, multiple resolutions of the UN Security Council and numerous warnings.

In addition, Amnesty International considered whether the killings, destruction, displacement and denial of aid and other essentials required to sustain life could be motivated "simply" by depraved disregard for the lives of Palestinians. In other words, the suggestion would be that Israel did not intend the destruction of Palestinians: it simply wanted to destroy Hamas and did not care if it needed to destroy Palestinians in the process. This is either another articulation of the recklessness rejected above, or it is suggesting that Israel believes it must destroy Palestinians in order to destroy Hamas, and simply does not care sufficiently about Palestinian life to reject that course. In other words, the destruction of Palestinians is instrumental to destroying Hamas. Yet, instrumental intent, destroying Palestinians in order to destroy Hamas, is still genocidal intent.

Moreover, this disregard for Palestinian life is itself evidence of genocidal intent as it indicates a view by the Israeli government and military officials that Palestinians' lives are not worth considering. Viewing those targeted as subhuman, as not warranting protection, is a consistent feature of genocide. In this respect, Israel's long-standing discrimination against Palestinians under apartheid and occupation policies, and their separation policy towards Gaza specifically, had laid the ground for the "genocidal moment" that followed 7 October 2023.

There is no denying that the Hamas-led attacks of 7 October 2023 and the trauma they evoked triggered a military campaign with specific military aims. But they also unleashed a genocide that, with the increasingly dominant openly anti-Palestinian agenda, had been long in the making.

Finally, Amnesty International recognizes that Israel's policy towards Gaza may have been driven by different motives held by various officials in the government. Motive does not equal intent, though. International jurisprudence is clear that many motives may prompt genocidal acts, including a desire for profit, political advantage and so on. Ultimately, as long as genocidal intent is clear, the underlying motive of individual officials does not matter – whether it be security, revenge, a resolve to remain in power, the desire to show overwhelming strength in the region, or the pursuit of Gaza's resettlement.

Amnesty International recognizes that there is resistance and a hesitancy among many in finding genocidal intent when it comes to Israel's conduct in Gaza. This resistance has impeded justice and accountability with respect to past conflicts around the world and should be avoided in the future. Amnesty International rejects a hierarchy among crimes under international law. Amnesty International concedes that identifying genocide in armed

conflict is complex and challenging, because of the multiple objectives that may exist simultaneously. Nonetheless, it is critical to recognize genocide when it occurs in the context of armed conflict, and to insist that war can never excuse it.

The evidence presented in the report clearly shows that the destruction of the Palestinians in Gaza, as such, was Israel's intent, either in addition to, or as a means to achieve, its military aims. There is only one reasonable inference that can be drawn from the evidence presented: genocidal intent has been part and parcel of Israel's conduct in Gaza since 7 October 2023, including its military campaign.

# 8. CONCLUSION AND RECOMMENDATIONS

## 8.1 CONCLUSION

Through its research findings and legal analysis, Amnesty International has found sufficient basis to conclude that Israel committed, during the nine-month period under review, prohibited acts under Articles II (a), (b) and (c) of the Genocide Convention, namely killing, causing serious bodily or mental harm and deliberately inflicting on Palestinians in Gaza conditions of life calculated to bring about their physical destruction in whole or in part. The organization has also found sufficient basis to conclude that these acts were committed with the specific intent to destroy Palestinians in Gaza, as such, who form a substantial part of the Palestinian population.

According to Amnesty International, the evidence it has gathered provides a sufficient basis to conclude that Israel, through its policies, actions and omissions against Palestinians in Gaza following 7 October 2023, committed and is committing genocide. Although this report focused on a nine-month period, Amnesty International is unaware of evidence suggesting that Israel's policies, actions and omissions have changed in any significant way. The commission of genocide engages Israel's responsibility under the Genocide Convention. The organization believes that further investigations and determinations by judicial and non-judicial bodies, including the ICJ and the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, are warranted, with an examination of Israel's responsibility under the Genocide Convention and an indication of appropriate remedies.

## 8.2 RECOMMENDATIONS

In light of these conclusions, Amnesty International is making a range of recommendations to the Israeli authorities, third states, the UN and regional organizations, the Office of the Prosecutor of the ICC, and the Palestinian authorities. The aim is to urgently end the commission of prohibited acts under the Genocide Convention against Palestinians in Gaza,

prevent the further commission of such acts, and ensure justice, accountability and full reparation for any such acts that have already been committed.

In addition to addressing the question of state responsibility for genocide, which was the specific focus of this report, some recommendations urge relevant actors to conduct impartial, independent and effective investigations to determine the criminal responsibility, including command responsibility, of individuals suspected of genocide and other crimes under international law perpetrated in the context of Israel's military offensive on Gaza since 7 October 2023.

At the same time, Amnesty International is making a series of recommendations to different actors, notably Israel, to significantly improve the humanitarian situation in Gaza as a matter of urgency. It is also demanding that all parties to the conflict, specifically Israel, Hamas and other Palestinian armed groups, comply with international humanitarian law and refrain from conduct that amounts to crimes under international law and other serious violations of international humanitarian law and international human rights law.

More broadly, Amnesty International hopes that this report's findings will contribute to ending a long cycle of impunity for crimes under international law in Israel and the OPT.

## **8.2.1 ISRAELI AUTHORITIES**

### **ACTS OF GENOCIDE**

Amnesty International calls on the Israeli authorities to do the following in relation to the commission of genocide in Gaza:

- Immediately stop the commission of any of the prohibited acts under the Genocide Convention against Palestinians in Gaza, particularly killing, causing serious bodily or mental harm, and deliberately inflicting on them conditions of life calculated to bring about their physical destruction.
- Take all available measures within their power to prevent the further commission of any of the prohibited acts under the Genocide Convention by any organ of the state, including the military.
- Suspend, investigate and, if sufficient admissible evidence exists, prosecute any governmental or other state officials suspected of responsibility for genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide, or complicity in genocide.
- Engage and cooperate fully and in good faith with the proceedings before the ICJ. In particular, immediately and fully comply with all provisional measures ordered by the ICJ since 26 January 2024, including by granting immediate and unimpeded access to Gaza to independent international investigative bodies and taking effective measures to ensure that all evidence related to genocide and other crimes under international law is preserved.
- Engage and cooperate fully with any international investigations into genocide.

## **HUMANITARIAN SITUATION**

Amnesty International calls on the Israeli authorities to do the following in relation to the humanitarian situation in Gaza:

- Agree to and uphold an immediate, sustained ceasefire to save and protect civilian life, and to allow for safe, consistent and predictable routes to bring aid into and across Gaza for those who need it.
- Protect and facilitate humanitarian access and delivery of aid during a ceasefire and while fighting continues.
- Allow the unhindered passage into Gaza of humanitarian aid and other life-saving supplies, including sufficient quantities of food, medicine, fuel, electricity and other necessities; immediately open all available aid routes and access points, and urgently and significantly increase the amount of aid able to move through all of Gaza's crossings and to all areas of Gaza. Ensure that the humanitarian response has the required access and security guarantees to address the humanitarian situation in a meaningful and consistent manner.
- In line with Israel's obligations as the occupying power, take urgent and effective steps to drastically improve the humanitarian situation in Gaza and reverse, as a matter of priority, all policies and actions that have resulted in the rapid deterioration of conditions of life in Gaza, including hunger and disease.
- Ensure that the basic needs of people living in Gaza are met, including by ensuring there are sufficient, safe, acceptable, accessible and affordable supplies of water, food, dignified temporary housing – until reconstruction is completed – and other essentials available to all those living in Gaza, and by enabling access to essential services, through the sufficient and continuous supply of electricity and fuel to power healthcare, food production, and water and sanitation infrastructure.
- Allow all Palestinians forcibly displaced since 7 October 2023 to return to their areas of residence or any other areas of their choosing in Gaza, including to the area north of Wadi Gaza, and enable the urgent reconstruction of their homes, including by allowing all required construction materials and equipment and ensuring the clearance and disposal of debris and waste materials, including the safe removal of mines and unexploded ordnance.
- Allow into Gaza, as a matter of urgency, the material and equipment necessary for the reconstruction and repair of all damaged and destroyed civilian property and infrastructure, including water and sanitation, agricultural and other domestic food production facilities and infrastructure, hospitals and other health facilities; allow the quantities of fuel necessary for operating these facilities.
- Allow the free passage of civilians residing in the area north of Wadi Gaza to the area located south of it if they so wish, and refrain from imposing any undue restrictions on their movement.

- Ensure that staff working for civilian local authorities, national and international humanitarian aid and other organizations are able to safely access areas with damaged or destroyed critical infrastructure to carry out the needed repairs.
- End the policy of punitive cuts to the supply of essential services, including water, electricity and telecommunications, and undue impediments to the import of essential goods, including water, food, medical supplies or fuel, and ensure that they are never used as an instrument of political pressure, bargaining or collective punishment of Gaza's population under any circumstances.
- Allow all patients, including those wounded since 7 October 2023, in need of urgent medical treatment not available in Gaza to access healthcare in other parts of the OPT or abroad, and guarantee that they will be allowed to return after their treatment. Remove all arbitrary and undue restrictions on their access to healthcare and treatment and ensure that children are able to be accompanied by their parents, adult relatives or carers.

### **CONDUCT OF HOSTILITIES**

Amnesty International also calls on the Israeli authorities to do the following in relation to the conduct of hostilities in Gaza:

- Immediately end and refrain, in the future, from all conduct that amounts to crimes under international law and other serious violations of international humanitarian law and international human rights law, including, for example and not exhaustively: unlawful attacks carried out through air strikes and ground operations; the use of starvation of civilians as a method of warfare; the destruction of houses, land, cultural, religious and other civilian objects without imperative military necessity; collective punishment through movement restrictions and limitations on essential services; enforced disappearances and arbitrary arrest; torture and other ill-treatment; and unlawful and arbitrary restrictions on other human rights, including the rights to health, education and family life.
- More generally, respect and implement all applicable rules of international humanitarian law, particularly those aimed at the protection of the civilian population, including the principles of distinction, proportionality, and precautions in attack, and the obligation to take all feasible precautions against the effects of attacks.
- Suspend from active duty any military or official personnel suspected of ordering or committing serious violations of international law, including international humanitarian law, pending the completion of prompt, impartial, independent and effective investigations.
- Order prompt, impartial, independent, effective and transparent investigations into all allegations of war crimes and crimes against humanity, and other serious human rights violations, by Israeli state officials and actors. These investigations must demonstrate a willingness and ability genuinely to investigate and, where there is sufficient admissible evidence, bring those reasonably suspected of individual criminal responsibility, including command responsibility, to trial in proceedings that

meet international standards of fairness, impartiality and independence. In the absence of genuine investigations and prosecutions, such cases should be considered by the Office of the Prosecutor of the ICC (see below).

- Ensure that Israel's legal and institutional frameworks enable the effective investigation and prosecution of perpetrators of all crimes under international law.
- Ensure that no statute of limitations or other legal and policy obstacles exist for the investigation and prosecution of crimes under international law. Ensure that no immunity from prosecution or amnesty is granted for such crimes.
- Develop clear guidelines in line with international standards requiring officials to report abuses, and ensure that officers at all levels of the chain of command know about these guidelines and are held responsible for enforcing them, with penalties imposed, following fair proceedings, for failing to report, or covering up, violations or misconduct by security forces.
- Provide full and effective reparations to victims, including individuals and communities, of serious human rights violations, serious international humanitarian law violations, and crimes under international law, including war crimes and crimes against humanity. Reparations should include restitution, compensation, rehabilitation, reconstruction, satisfaction and guarantees of non-recurrence.
  - Reparations should be provided to direct and indirect victims, that is, individuals or their family members who were harmed in attacks that resulted in unlawful killings, serious bodily injuries, or property damage. Reparations, including in the form of compensation, should also be made to local civilian authorities, including municipal authorities, educational institutions and public and private healthcare providers for damage caused by unlawful attacks on their premises.
  - Reparations should be provided for the harms suffered by Palestinians in Gaza as a result of Israel deliberately inflicting conditions of life calculated to bring about their physical destruction. This should include reparations that allow those requiring further or ongoing medical treatment to access the necessary healthcare services.
  - Reparations should be provided regarding all belongings unlawfully confiscated or looted from houses raided by soldiers or from those detained. This should include the return of all belongings to their rightful owners and compensation, among other forms of reparation.

### **APARTHEID, OCCUPATION, BLOCKADE**

More broadly, Amnesty International calls on the Israeli authorities to do the following in relation to apartheid, the unlawful occupation and the blockade of Gaza:

- End the system of apartheid against Palestinians, by dismantling measures of discrimination, segregation and oppression currently in place against the Palestinian

population, and put an immediate end to all prohibited acts that help to entrench apartheid.

- End the unlawful occupation of the West Bank, including East Jerusalem, and Gaza, in line with the advisory opinion issued by the ICJ on 19 July 2024. Accordingly, withdraw occupying forces from all parts of the Palestinian territory, including Gaza; dismantle all military bases, civilian settlements and their associated infrastructure that have been unlawfully built on Palestinian land in the OPT; and relocate all settlers outside of the OPT.
- Refrain from any action or rhetoric that directly or indirectly supports or emboldens the re-establishment of settlements inside Gaza.
- Relinquish control over all aspects of Palestinians' lives, including control of the OPT's population registry, borders, natural resources, air space and territorial waters. Accordingly, lift the 17-year-old unlawful blockade of Gaza, significantly tightened since 7 October 2023, and remove all associated arbitrary restrictions on freedom of movement of people and goods in and out of Gaza.
- End the regime of arbitrary movement restrictions imposed on Palestinians across different parts of the OPT, those between Gaza and the West Bank, including East Jerusalem, and those across international borders.
- Allow the Palestinian population to access natural resources in Gaza, in line with the finding of the ICJ's advisory opinion of 19 July 2024 regarding the Palestinian people's permanent sovereignty over the natural resources of the OPT. This must include access to fertile agricultural land located in the buffer zone along Gaza's eastern perimeter, which Israel has been expanding since 7 October 2023, as well as fishery, water, oil and gas resources, in a manner that satisfies their personal and domestic needs and for their economic development, including the development of their industrial and agricultural activities and other activities necessary to enjoy their rights to an adequate standard of living, water, food, adequate housing, health and work.
- Ensure Palestinians in Gaza have access to their social and economic rights to food, water, livelihoods, healthcare and education without undue obstructions, and halt any discriminatory and restrictive policies that may hinder their enjoyment of these rights.
- Recognize the right of Palestinian refugees and their descendants, including those living in Gaza, to return to the homes where they or their families once lived in Israel or the OPT, and to receive restitution and compensation, and other effective remedies and reparations, for the loss of their land and property, as appropriate.

## **8.2.2 HAMAS AND OTHER PALESTINIAN ARMED GROUPS**

Amnesty International calls on Hamas and other Palestinian armed groups to do the following in relation to conduct of hostilities and the humanitarian situation in Gaza:



- Immediately and unconditionally release civilian hostages.
- Ensure all captives are treated humanely and can be visited by the ICRC and other international monitors.
- Respect and implement all applicable rules of international humanitarian law, particularly those aimed at the protection of the civilian population, including the principles of distinction, proportionality, and precautions in attack, and the obligation to take all feasible precautions against the effects of attacks. As part of these precautions, avoid locating, to the extent feasible, military targets in or around densely populated areas.
- Agree to and uphold an immediate, sustained ceasefire to save and protect civilian life, and to allow for safe, consistent and predictable routes to bring humanitarian aid into and across Gaza to those who need it.
- Protect and facilitate access to and delivery of humanitarian aid during a ceasefire and while fighting continues.

### **8.2.3 AUTHORITIES OF STATE OF PALESTINE**

Amnesty International calls on the authorities of the State of Palestine to do the following:

- Expedite the opening of impartial, independent and effective investigations into all allegations of crimes under international law and other serious human rights violations committed by members of Palestinian armed groups, with a view to bringing those reasonably suspected of individual criminal responsibility, including command responsibility, to trial in proceedings that meet international standards of fairness, impartiality and independence, without recourse to the death penalty.
- Ensure that the domestic legal and institutional frameworks enable the effective investigation and prosecution of perpetrators of all crimes under international law.
- Ensure that no statute of limitations or other legal and policy obstacles exist for the investigation and prosecution of crimes under international law. Ensure that no immunity from prosecution or amnesty is granted for such crimes.

### **8.2.4 THIRD STATES**

Amnesty International calls on states with influence over Israel, particularly allies such as the USA, the UK, Germany and certain other members states of the EU, but also other states with diplomatic, political and economic relations with Israel, to do the following:

- Take urgent steps to bring an end to all Israeli actions in Gaza which amount to genocide, including by ensuring as a first step that Israel duly implements all provisional measures ordered by the ICJ since 26 January 2024.
- In line with the ICJ's advisory opinion of 19 July 2024, do not render aid or assistance in maintaining the unlawful situation created by Israel's continued

occupation of the OPT, reinforced through a system of apartheid, and cooperate to bring it to an end.

- Oppose any attempts by Israel to establish a permanent military presence in Gaza, alter its borders and demographic make-up, or shrink its territory including through any expanded buffer zones or the construction of permanent checkpoints. Refuse to recognize Israel's ongoing blockade of Gaza as legal, as well as refuse to support Israel, directly or indirectly, in maintaining the blockade. As a priority, Egypt should work towards reopening the Rafah crossing to allow those Palestinians from Gaza who wish to leave the ability to do so without undermining their right to return to Gaza. Medical patients unable to access adequate treatment in Gaza should be allowed to enter Egypt as a priority.
- Immediately suspend the direct and indirect supply, sale or transfer, including transit and trans-shipment, to Israel of all weapons, munitions and other military and security equipment, including the provision of training and other military and security assistance, in light of the clear risk that they would contribute to the commission of serious violations of international humanitarian law and international human rights law, including crimes under international law.
- Expedite the adoption of adequate policies aligned with international law in order to ensure that private legal entities registered in their jurisdiction cease the provision of military services, technology and supplies used by Israel in its military operations in Gaza, and any other supplies and services that would contribute to Israel's international law violations.
- Urgently act to bring an end to and pursue fair and effective justice and individual criminal accountability for any alleged crimes under international law, including war crimes, crimes against humanity and genocide, perpetrated in Gaza since 7 October 2023 by exercising domestic, universal or other forms of extraterritorial criminal jurisdiction. Ensure that no statute of limitations or other legal and policy obstacles exist for the investigation and prosecution of crimes under international law. Ensure that no personal or functional immunity from prosecution or amnesty is granted for such crimes.
- Proactively and promptly cooperate with other states and international justice mechanisms undertaking investigations and prosecutions into alleged crimes under international law committed in Gaza, including the ICC. ICC member states should also, in particular, consider requesting cooperation and assistance from the Office of the Prosecutor of the ICC pursuant to Article 93(10) of the Rome Statute to meet their international obligations to investigate and prosecute crimes under the Rome Statute.
- Ensure that domestic legal and institutional frameworks enable the effective investigation and prosecution of suspected perpetrators of all crimes under international law.

- Undertake a national-level structural investigation – a broad investigation focused on structures related to potential international crimes and potential perpetrators – into genocide and other crimes under international law committed in Israel and the OPT. A structural investigation should include gathering and collecting evidence, including witness testimony, from persons who may be on a state’s territory. Victims of crimes under international law within a state’s jurisdiction must be able to provide their evidence to domestic authorities.
- Where sufficient evidence exists, ensure that competent authorities conduct criminal investigations and prosecutions in civilian courts. This applies to individuals within their jurisdiction, based on the principles of universal jurisdiction and the nationality of both perpetrators and victims, including cases of dual nationality. This should encompass potential perpetrators who may have committed crimes as members of the Israeli army or settler movements. In addition, proactively cooperate with other states who have opened national-level investigations.
- Pressure Israel to immediately allow entry into Gaza of members and staff of any international investigative or UN-mandated mechanism, including the ICC, the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel and the UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967.
- Use all economic, political and diplomatic tools at their disposal to ensure that the Israeli authorities implement the recommendations outlined in this report and ensure that international law is central to all bilateral and multilateral agreements with the Israeli authorities, including by exercising due diligence to ensure that these do not contribute to genocide or other crimes under international law.
- Support the investigation of the Office of the Prosecutor of the ICC into crimes falling under the Rome Statute allegedly committed in Israel and the OPT, including through executing any ICC arrest warrants and other forms of cooperation. Ensure that the Office of the Prosecutor has adequate resources for its investigation into the situation in the State of Palestine. Safeguard the ICC’s independence and protect the ICC from any attempts to unduly interfere with its work.

Amnesty International calls on states with influence over Hamas and other Palestinian armed groups to do the following:

- Immediately suspend the direct and indirect supply, sale or transfer, including transit and trans-shipment, to Hamas and other Palestinian armed groups of all weapons, munitions and other military and security equipment, including the provision of training and other military and security assistance, in light of the clear risk that they would contribute to the commission of serious violations of international humanitarian law and international human rights law, including crimes under international law.
- Urgently act to bring an end to and pursue fair and effective justice and individual criminal accountability for any alleged crimes under international law perpetrated in

Gaza or Israel on 7 October 2023 or thereafter by exercising universal or other forms of extraterritorial criminal jurisdiction. Ensure that no statute of limitations or other legal and policy obstacles exist for the investigation and prosecution of crimes under international law. Ensure that no personal or functional immunity from prosecution or amnesty is granted for such crimes.

- Proactively and promptly cooperate with other states and international justice mechanisms undertaking investigations and prosecutions into alleged crimes under international law committed in Gaza or Israel, including the ICC. ICC member states should also, in particular, consider requesting cooperation and assistance from the Office of the Prosecutor of the ICC pursuant to Article 93(10) of the Rome Statute to meet their international obligations to investigate and prosecute crimes under the Rome Statute.
- Ensure that domestic legal and institutional frameworks enable the effective investigation and prosecution of suspected perpetrators of all crimes under international law.

## 8.2.5 OFFICE OF PROSECUTOR OF ICC

While recognizing that the Office of the Prosecutor of the ICC must conduct credible, professional and independent criminal investigations, Amnesty International calls on it to do the following:

- 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.
- Consider how the Office of the Prosecutor's investigations into the situation in the State of Palestine could be further expedited. Where appropriate, apply for arrest warrants against suspected individuals, including for the crime of genocide.
- Promptly investigate and prosecute apartheid as a crime against humanity; and ensure that the crime and ongoing situation of apartheid forms a critical and explicit contextual element to the whole investigation into the situation in the State of Palestine, including any investigations into the crime of genocide.
- Where offences against the administration of justice under Article 70 of the Rome Statute may be committed in the course of the investigation into the situation in the State of Palestine, for example against officials of the ICC or witnesses, consider charges against those individually responsible for such offences. Request adequate resources from the Assembly of States Parties, including at its 23rd annual session, for full, effective and prompt investigations into all situations examined by the Office of the Prosecutor, including the situation in the State of Palestine.
- Publicly support all Palestinian NGOs and those who are integral to the successful realization of the Office of the Prosecutor's investigations into the situation in the State of Palestine. Unequivocally condemn attacks on NGOs that are targeted for their work on international justice.

- Pursuant to the Rome Statute’s provisions, urgently ensure that protection for victims and witnesses is given. Notwithstanding such obligations in the Rome Statute, in keeping with the importance the Office of the Prosecutor attaches to local civil society to effectively carry out its mandate, ensure as much as possible that those pursuing justice in the OPT are not harmed or targeted for doing so. This should include condemnation of attacks on NGOs and clear assurances that those who target human rights defenders and organizations integral to the ICC’s work will be held accountable by the Office of the Prosecutor.
- Undertake urgent and effective outreach to affected communities and conduct public information activities concerning the Office of the Prosecutor’s ongoing investigation into the situation in the State of Palestine.
- In line with the Office of the Prosecutor’s 2024 Policy on Complementarity and Cooperation, where appropriate and as provided for in the Rome Statute, consider cooperating and sharing information with national authorities concerning crimes under international law committed in the OPT to ensure that states uphold their primary responsibilities to investigate and prosecute such crimes where they have jurisdiction, for example on the basis of nationality.

## 8.2.6 UN BODIES

### SECURITY COUNCIL

Amnesty International calls on the UN Security Council to do the following:

- Adopt a resolution calling for an immediate and enduring ceasefire, including measures to ensure compliance by the parties.
- Impose a comprehensive arms embargo on Israel, Hamas and other and Palestinian armed groups operating in Gaza. The embargo should cover the direct and indirect supply, sale or transfer, including transit and trans-shipment, of all weapons, munitions and other military and security equipment, including the provision of training and other military and security assistance.
- Impose targeted sanctions, such as asset freezes, against Israeli and Hamas officials who are most implicated in crimes under international law, including those committed in the context of Israel’s offensive on Gaza since 7 October 2023.
- Take steps to advance the withdrawal by Israel from the OPT, in line with the ICJ’s advisory opinion of 19 July 2024 and the UN General Assembly resolution of 18 September 2024 demanding Israel end its unlawful presence and policies in the OPT within 12 months.

### GENERAL ASSEMBLY

Amnesty International calls on the UN General Assembly to do the following:

- Maintain engagement on the situation in Gaza and meet again if the UN Secretary-General’s report on Israel’s compliance with the UN General Assembly resolution of 18 September 2024 shows that inadequate steps have been taken.

- Ensure across the complete UN funding cycle that entities and mandates that cover the issues that are the subject of this report are fully funded and supported.
- Adopt a resolution to re-establish the Special Committee against Apartheid, which was originally established under UN General Assembly Resolution 1761 (XVII) of 6 November 1962, to focus on all situations, including Israel and the OPT, where the serious human rights violation and crime against humanity of apartheid is being committed, and to bring pressure on those responsible to dismantle this system of oppression and domination.

## **HUMAN RIGHTS COUNCIL**

Amnesty International calls on the UN Human Rights Council to do the following:

- Provide the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel with significant additional resources, including for securing additional staff, so as to enable it to work more fully on all aspects of its mandate, including with respect to investigations and to the preservation of evidence of crimes.
- Fully support the mandate and operations of the UN database of business activities in Israeli settlements pursuant to Human Rights Council Resolutions 31/36 of 24 March 2016 and 53/25 of 19 July 2023, and call for its expansion to cover all business enterprises involved in any activity within the OPT that facilitates Israel's policies and practices as the occupying power, which were found to be in breach of international law by the advisory opinion issued by the ICJ on 19 July 2024.

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TO ONE PERSON, IT  
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# 'YOU FEEL LIKE YOU ARE SUBHUMAN'

## ISRAEL'S GENOCIDE AGAINST PALESTINIANS IN GAZA

On 7 October 2023, Israel began an offensive on the occupied Gaza Strip. Since then, it has killed and injured tens of thousands of Palestinians and forcibly displaced 90% of Gaza's inhabitants. It has deliberately obstructed or denied the import and delivery of life-saving goods and humanitarian aid. It has restricted power supplies. Together with massive damage, destruction and displacement, this has led to the collapse of the water, sanitation, food production and healthcare systems in Gaza.

Amnesty International investigated this pattern of conduct and analysed public statements by Israeli decision-makers that dehumanized Palestinians or called for their destruction in Gaza. It did so within the context of Israel's unlawful occupation and blockade of Gaza and its system of apartheid against Palestinians, as well as the Hamas-led attacks on Israel that preceded the offensive.

Amnesty International has found that Israel committed prohibited acts under the Genocide Convention, namely killing, causing serious bodily or mental harm, and deliberately inflicting on Palestinians in Gaza conditions of life calculated to bring about their physical destruction. It considers that Israel committed these acts with the specific intent to destroy Palestinians in Gaza, as such. It concludes that Israel has committed genocide in Gaza.

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