

BETWEEN:

THE KING
(on the application of AL-HAQ)

Claimant

and

**SECRETARY OF STATE FOR BUSINESS
AND TRADE**

Defendant

and

OXFAM

First Intervener

and

**AMNESTY INTERNATIONAL UK
HUMAN RIGHTS WATCH**

**Joint Second
Interveners**

EXHIBIT AI/1 (ANNEX)

A. Introduction

1. This Annex focuses on the extent to which Israel's interpretation of international humanitarian law (IHL) is inconsistent with the established interpretations of international law. This includes divergence from the UK Government's own interpretation of applicable provisions.
2. This Annex explains how, with respect to a number of fundamental rules of IHL, Israel has adopted positions or practices which are incompatible (and at times flagrantly so) with this body of law, based on objective, open-source material that was available to the Secretary of State at the time of the challenged decisions. This often includes public statements by senior Israeli officials and military spokespeople. These matters are relevant to the assessment undertaken by the Secretary of State of Israel's commitment to, and respect for, IHL when applying the Strategic Export Licencing Criteria ("SELC") to the decisions under challenge.
3. As part of this assessment, it is common ground that when assessing whether there is a "*clear risk*" that military equipment "*might*" be used in a violation of IHL, it is necessary to consider both

Israel's record of compliance (or non-compliance) with IHL and its commitment to IHL. The Secretary of State's position is rightly that she approached the challenged decision in that way.

4. Yet, the evidence set out below (which is all drawn from official statements, positions and practices adopted by Israel itself) shows that Israel denies the applicability of key rules of IHL relevant to the conflict in Gaza contrary to the settled position at international law. The evidence also shows that Israel's statements, positions and established practices in Gaza and the Occupied Palestinian Territory ("**OPT**") more generally are contrary to core rules of IHL, including rules the infringement of which constitute "grave breaches" of IHL. In some instances, Israel's position is flagrantly contrary to such rules. These matters cannot properly be left out of any assessment of Israel's record of compliance with IHL (relevant to its respect for IHL) or its overall commitment to adhere to IHL. These are core elements in the assessment of the risk of arms being used in future violations under the approach to decision-making adopted by the Secretary of State.
5. The Annex is structured into the following sections, or topics:
 - 5.1. **Section B** briefly addresses a number of longstanding issues of dispute, in which Israel's well-established positions on IHL are widely regarded internationally as a clear breach of its IHL obligations. These include Israel's status as an Occupying Power under IHL; the general applicability of IHL in Gaza and the rest of the OPT; and Israel's policy of settlement expansion in the OPT.
 - 5.2. **Section C** directly addresses Israel's position, as evidenced by statements, policies and practices, on certain key issues of IHL arising in the current conflict in Gaza. These issues include humanitarian access and rules concerning the conduct of hostilities, including evacuation orders, displacement of civilians, destruction of civilian homes and property, the use of certain weaponry, and Israel's approach to its obligations to ensure continued health and medical care.
6. The Annex is focussed on the period up to 8 April 2024, as this is the date of the second challenged Decision. It is based on objective, open-source material that was available to the Secretary of State at the time of the challenged decisions. The Annex concentrates on those rules of IHL where Israel's pronouncements, policies or practices depart from IHL as properly understood. It is therefore limited in scope.¹ The analysis set out in this Annex reflect the joint views of Amnesty International ("**AI**") and Human Rights Watch ("**HRW**"), save where indicated otherwise.

¹ For the avoidance of doubt, the Annex it not intended, in any way, to provide a comprehensive account of violations of IHL on the part of Israeli forces by AI or HRW.

B. Longstanding Issues of International Dispute

7. A key issue in the Israel-Palestine context in general, and the Gaza hostilities in particular, concerns whether, and if so how, IHL applies. The Israeli Government's longstanding policy position is that it is not an occupying power in Gaza or the West Bank and that, as a result, the Fourth Geneva Convention ("GCIV") (concerning the protection of the civilian population in occupied territory) does not apply to its conduct.² This significantly diverges from the approach to the legal application of GCIV as adopted by the International Court of Justice ("ICJ"),³ key UN agencies,⁴ the High Contracting Parties to the Fourth Geneva Convention,⁵ the International Committee of the Red Cross ("ICRC"), and the overwhelming majority of States, including the UK.⁶ There is no basis in international law for the position adopted by Israel. Given that acceptance of the applicability of IHL is a prerequisite for respect for IHL, Israel's core rejection of the applicability of large swathes of IHL reflects on its commitment to IHL and, as such, is highly relevant in assessing its commitment to IHL. By definition, a State is unlikely to respect IHL rules it does not consider applicable in the first place.
8. This issue is of particular significance in the context of the Gaza hostilities because these obligations determine the scope of protection which must be afforded to the civilian population, including as regards humanitarian relief access. This has had profound implications for the well-being of civilians in Gaza and the implementation of IHL more generally.
9. As to wider issues of applicable international law, it is Israel's longstanding position that international human rights treaties that it is party to do not apply in the OPT, being territorially

² Israeli Ministry of Foreign Affairs, *Israeli Settlements and International Law*, 30 Nov 2015, <https://www.gov.il/en/pages/israeli-settlement-and-international-law#>; Israeli Ministry of Foreign Affairs, *The 2014 Gaza Conflict: Factual and Legal Aspects*, May 2015, <https://mfa.gov.il/ProtectiveEdge/Documents/2014GazaConflictFullReport.pdf>; Israeli Ministry of Foreign Affairs, *Hamas-Israel Conflict 2023: Key Legal Aspects*, 3 Dec 2023 (updated 14 Dec 2023), <https://www.gov.il/en/pages/hamas-israel-conflict2023-key-legal-aspects>.

³ International Court of Justice, Advisory Opinion. *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 9 July 2004 ("Wall Advisory Opinion"), <https://www.icj-cij.org/sites/default/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>, para. 101.

⁴ See eg UNSG, *Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories*, Aug 2013, <https://digitallibrary.un.org/record/757313?ln=en&v=pdf>.

⁵ *Declaration Adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention*, 5 Dec 2001, <https://www.un.org/unispal/document/auto-insert-199888/>; *Declaration of Conference of High Contracting Parties to the Fourth Geneva Convention*, 17 Dec 2014, reaffirming the 1999 and 2001 declarations, <https://www.un.org/unispal/document/auto-insert-198189/>.

⁶ *Ibid.* The aforementioned declarations were made on the basis that they 'reflected the common understanding reached by the participating High Contracting Parties'. The 2014 conference had 128 participating states. Many UN Security Council Resolutions affirm the application of GCIV (eg 465 (1980), 452 (1979) and 446 (1979) and recently, Resolution 2334 (2016)). See also, European Union, *Joint-Statement, The Office of the European Union Representative (West Bank and Gaza Strip, UNRWA)*, 14 Dec 2023, https://www.eeas.europa.eu/delegations/palestine-occupied-palestinian-territory-west-bank-and-gaza-strip/joint-statement_en; UK, *UN Human Rights Council 55: Statement on Occupied Palestinian Territories*, 29 February 2024, <https://www.gov.uk/government/speeches/un-human-rights-council-55-statement-on-occupied-palestinian-territories>.

bounded, rather than jurisdictionally bounded.⁷ In addition, it is Israeli Government policy that IHL and IHRL are “distinct” and “apply in different circumstances”.⁸ As a result of these positions, the Israeli Government’s position is that “international human rights law does not apply when international humanitarian law is applicable.”⁹ This position is overtly contrary to the settled jurisprudence of the ICJ and treaty bodies that the relevant provisions of both IHL and IHRL apply to the OPT.¹⁰ As regards to IHL in particular, the effect of Israel’s position, in practice, is that it does not consider itself bound to comply with, or respect, the important IHL rules which are incumbent on an Occupying Power in the OPT as a matter of law. This position has a crucial bearing on Israel’s commitment to and respect for international law in the OPT.

10. Israel has a longstanding policy of settlement establishment and expansion in the OPT (in particular, in the West Bank including East Jerusalem).¹¹ There is no factual dispute as to the existence of such a policy. The ICJ,¹² UN bodies (including the Security Council),¹³ and the vast majority of States¹⁴ have consistently adopted the position that such settlements are contrary to fundamental rules of IHL. Indeed, the UK Government’s own longstanding position is that the “settlements are illegal under international law”.¹⁵ The transfer of a civilian population by an Occupying Power into its occupied territory is also a war crime under the ICC Rome Statute¹⁶ and

⁷ See eg UN Human Rights Committee, *International Covenant on Civil and Political Rights: Fifth periodic report submitted by Israel under article 40 of the Covenant pursuant to the optional reporting procedure*, 30 Oct 2019, <https://shorturl.at/dlRV9>; UN Committee on Economic, Social and Cultural Rights (CESCR), *Fourth periodic report submitted by Israel under articles 16 and 17 of the Covenant*, 14 Jan 2019, <https://shorturl.at/psDKN>; UN Committee Against Torture (CAT), *Sixth periodic report submitted by Israel under article 19 of the Convention pursuant to the simplified reporting procedure*; 21 Dec 2021, <https://shorturl.at/bfhyI>; UN Committee on the Rights of the Child (CRC), *Combined fifth and sixth periodic reports submitted by Israel under article 44 of the Convention*, 11 Nov 2022, <https://digitallibrary.un.org/record/3994101?ln=en&v=pdf>, para. 10; UN Committee on the Rights of Persons with Disabilities, *Concluding observations on the initial report of Israel*, 9 Oct 2023, <https://rb.gy/ctw0f0>, para. 7(e).

⁸ Human Rights Committee (n 7) para. 26. See Annex 1, *Report of the Secretary-General prepared pursuant to General Assembly resolution ES-10/13*, 23 Nov 2003, <https://www.icj-cij.org/sites/default/files/case-related/131/1497.pdf>, para. 4.

⁹ Human Rights Committee, *Concluding observations on the fourth periodic report of Israel*, 21 Nov 2014, <https://shorturl.at/aiy69>.

¹⁰ See e.g. Wall Advisory Opinion (n 3) paras. 105-113; Human Rights Committee, *Concluding Observations on the Fifth Periodic Report of Israel*, 5 May 2022, <https://www.un.org/unispal/document/human-rights-committees-concluding-observations-on-fifth-periodic-report-of-israel-ccpr-c-isr-co-5-advance-unedited-version/>, para. 6; CESCR, *Concluding Observations on the Fourth Periodic report of Israel*, 12 Nov 2019, <https://www.ohchr.org/en/documents/concluding-observations/ec12isrco4-committee-economic-social-and-cultural-rights>, paras. 8-9; CAT, *Concluding Observations on the Fifth Periodic Report of Israel*, 3 Jun 2016, <https://www.ohchr.org/en/documents/concluding-observations/cacisrco5-concluding-observations-fifth-periodic-report-israel>, paras. 8-9; CRC, *Concluding Observations on the Second to Fourth Periodic Reports of Israel*, 4 Jul 2013, <https://www2.ohchr.org/english/bodies/crc/docs/co/crc-c-isr-co-2-4.pdf>, para. 3.

¹¹ Wall Advisory Opinion (n 3) para. 120; HRC, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk*, 12 Aug 2022, <https://www.un.org/unispal/document/report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-palestinian-territories-occupied-since-1967-report-a-hrc-49-87-advance-unedited-version/>, para. 47.

¹² Wall Advisory Opinion (n 3) para. 120.

¹³ UNSC Resolution 2234 (2016). See Resolutions 446 (1979); 452 (1979); 465 (1980) and 2334 (2016).

¹⁴ UNGA Resolutions 41/63 (1986); 42/160 (1987); 43/58 (1988); 44/48 (1989); ES-10/2 (1997) 55/132 (2000); ES10/9 (2001); 59/123 (2004); 60/106 (2005); 61/118 (2006); 62/108 (2008); 64/93 (2010); 65/104 (2011); 2334 (2016); 78/78 (2023); HRC, *Resolution 55/32 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan*, 5 April 2024, <https://www.un.org/unispal/document/295745-2-5apr24/>, para. 6(b).

¹⁵ UK, *The UK will work with our partners towards a two-state solution: UK statement at the UN Fourth Committee*, 9 Nov 2023, <https://www.gov.uk/government/speeches/the-uk-will-work-with-our-partners-towards-a-two-state-solution-uk-statement-at-the-un-fourth-committee>.

¹⁶ Article 8(2)(b)(viii), Rome Statute.

is designated by the Additional Protocol I (“API”) as a “grave breach” of IHL.¹⁷ The existence of a policy of settlement expansion in clear contravention of IHL also goes to the question of commitment to and respect for IHL, not least given the grave nature of the breach it entails.

C. Issues Arising from the Current Hostilities

11. The Israeli Government has adopted a position or approach to a significant number of rules of IHL relating to its conduct in the current hostilities, which are inconsistent with established rules of IHL and in a number of instances flagrantly so, which are relevant to the question its commitment to and respect for IHL.

C(1) Humanitarian Access

12. IHL imposes strict obligations on the parties to an armed conflict (including an Occupying Power) to ensure that the civilian population has access to food, medicine and other essential supplies. The following section outlines the relevant key IHL obligations in respect of humanitarian access for brief context, before addressing how Israel adopts positions and practices, including in the current hostilities in Gaza, which are incompatible with those obligations.

13. Relevant obligations include Article 55 and 54 of GCIV and Article 70 of API and rules 31 and 32 of the ICRC’s customary IHL study. These obligations are fundamental in IHL and impose a positive duty on the parties to a conflict to enable and facilitate humanitarian access, rather than merely a negative duty to refrain from blocking access. Obligations apply to both: (i) an Occupying Power; and (ii) the parties to an armed conflict more generally. In particular:

13.1. Article 55(1) GCIV provides that “[t]o 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”, restrictions are only permitted where justified by “imperative military requirements” and the restrictions countenanced are merely “temporary restrictions”.

13.2. Article 70(2) of API imposes a more general positive duty on the parties to a conflict to “allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel ... even if such assistance is destined for the civilian population of the adverse Party.” The parties to an armed conflict must “protect relief consignments and facilitate their rapid distribution.”¹⁸ This obligation applies to all parties to a conflict and is not contingent on whether or not that party is an Occupying Power. While a party to a conflict

¹⁷ Article 85(4), Additional Protocol I (“API”).

¹⁸ Article 70(4), API.

may prescribe “*technical arrangements*” for the passage of food and medical supplies, that party “*shall, in no way whatsoever, divert relief consignments from the purpose for which they are intended nor delay their forwarding, except in cases of urgent necessity in the interest of the civilian population concerned.*”¹⁹ A similar provision can be found in customary IHL, where rule 55 of the ICRC study states that the parties to the conflict “*must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control.*”²⁰

13.3. Specific rules govern access to food. Article 54(1) of API prohibits starvation as a method of warfare as a matter of IHL. An equivalent provision can be found in customary IHL’s rule 156 definition of ‘war crimes’, where the use of starvation as a method of warfare is a war crime, including, importantly, “*impeding*” access to relief supplies. Article 8(2)(b)(xxv) of the ICC Rome Statute also expressly lists the war crime of “*wilfully impeding relief supplies as provided for under the Geneva Conventions*”.

13.4. IHL requires that a party imposing a siege or blockade allow, nonetheless, the free passage of food and other essential supplies for the civilian population.²¹ Impeding such supplies is a violation of IHL and may constitute a war crime.²²

14. In response to the 7 October attacks, the Israeli Government initially imposed a complete siege on Gaza, cutting off essential services, including water and electricity, to Gaza’s civilian population and deliberately blocking the entry of fuel and critical humanitarian aid.²³ On 9 October 2023, Defence Minister Yoav Gallant announced “*a complete siege on [the Gaza Strip]. No electricity, no food, no water, no fuel – everything is closed. We are fighting human animals, and we are acting accordingly.*”²⁴

¹⁹ Article 70(3)(c), API.

²⁰ ICRC, *Rule 55: Access for Humanitarian Relief to Civilians in Need*, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule55>.

²¹ ICRC, *Rule 53, Starvation as a Method of Warfare* <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule53>.

²² See, to similar effect, UNSC Resolution 2475 (2019).

²³ UN, ‘Secretary-General’s Remarks To The Press On The Middle East’, 9 Oct 2023,

<https://www.un.org/sg/en/content/highlight/2023-10-09.html>; OCHA, *Flash Update #6*, 12 Oct 2023,

<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-6>; OCHA, *Flash Update #10*, 16 Oct 2023

<https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-10>;

OCHA, *Flash Update #22*, 28 Oct 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-22>.

²⁴ Yoav Gallant, ‘X’ post, 9 Oct 2023, <https://twitter.com/yoavgallant/status/1711335592942875097>; Fabian, ‘Defense minister announces ‘complete siege’ of Gaza: No power, food or fuel’, *The Times of Israel*, 9 Oct 2023,

https://www.timesofisrael.com/liveblog_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/#.

See also statements from the Minister of Energy, Israel Katz, ‘X’ posts in Oct 2023, cited in HRW, *Israel: Starvation Used as*

Weapon of War in Gaza, 18 Dec 2023, <https://www.hrw.org/news/2023/12/18/israel-starvation-used-weapon-war-gaza>;

Prime Minister Netanyahu cited in Amy Spiro, ‘Families of hostages slam government decision to allow aid to Gaza via

Egypt’, *The Times of Israel*, 19 Oct 2023, <https://www.timesofisrael.com/families-of-hostages-slam-government-decision-to-allow-aid-to-gaza-via-egypt/>.

15. Since then, electricity remains cut and while some humanitarian access has been permitted, it remains highly restricted by Israel and insufficient to meet the essential needs of the population, which is now suffering from malnourishment, starvation and famine.²⁵ In December 2023, HRW found that the Israeli authorities are using starvation as a method of war and that the public statements made by high-ranking Israeli officials expressing their aim to deprive civilians in Gaza of food, water and fuel *reflect a policy being carried out by the Israeli forces*.²⁶
16. Between 7 and 19 October 2023, no aid trucks entered Gaza²⁷ and Israel blocked the entry of fuel until 15 November.²⁸ Gaza has been in a full electricity blackout since 11 October after its sole power plant shut down due to lack of fuel.²⁹ There was no access to clean water in northern Gaza until 29 April 2024, due to the lack of fuel to operate water infrastructure and Israeli authorities' blocking water from being piped into the north.³⁰ As of 4 April 2024 (the week before the second decision under challenge), only around 168 trucks per day of food, medicine and fuel were permitted to enter Gaza compared with the approximately 500 trucks per day that were entering prior to October 2023,³¹ which was already insufficient to prevent high rates of poverty and food insecurity amid Israel's unlawful closure, now in its 17th year.³² According to the United Nations Relief and Works Agency for Palestine Refugees in the Near East ("UNRWA"), 600,000 litres of fuel are needed in Gaza per day just to operate water and desalinisation plants, and current quantities fall well below this.³³
17. This has had a severe impact on the population of Gaza. As of 19 April 2024, the UN Office for the Coordination of Humanitarian Affairs ("OCHA") reports that 1.1 million people (out of a

²⁵ IPC, *Gaza Strip: Acute Food Insecurity Situation for 24 November - 7 December 2023 and Projection for 8 December 2023 - 7 February 2024*, 21 Dec 2023, <https://www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1156749/?iso3=PSE>; IPC, *GAZA STRIP: Famine is imminent as 1.1 million people, half of Gaza, experience catastrophic food insecurity, Issue 97*, 1 Mar 2024, <https://www.ipcinfo.org/ipcinfo-website/alerts-archive/issue-97/en/>; WFP, 'Gaza faces widespread hunger as food systems collapse, warns WFP', 16 Nov 2023, <https://www.wfp.org/news/gaza-faces-widespread-hunger-food-systems-collapse-warns-wfp>.

²⁶ HRW, *Starvation Used as Weapon of War* (n 24). See also HRW, *Gaza: Israel's Imposed Starvation Deadly for Children*, 9 Apr 2024, <https://www.hrw.org/news/2024/04/09/gaza-israels-imposed-starvation-deadly-children>.

²⁷ OCHA, *Hostilities In The Gaza Strip And Israel - Reported Humanitarian Impact, Day 206*, 29 Apr 2024, https://www.ochaopt.org/sites/default/files/Gaza_casualties_info-graphic_29_April_2024.pdf.

²⁸ UNRWA, 'The Gaza Strip: UNRWA Calls For Unimpeded And Safe Access To Deliver Much Needed Humanitarian Aid', 29 Dec 2023, <https://www.unrwa.org/newsroom/official-statements/gaza-strip-unrwa-calls-unimpeded-and-safe-access-deliver-much-needed>; UNRWA, 'Gaza Continues to Have Huge Needs For Fuel Amid Siege and War', 15 Nov 2023, <https://www.unrwa.org/newsroom/official-statements/gaza-continues-have-huge-needs-fuel-amid-siege-and-war>.

²⁹ OCHA, *Data: Electricity in the Gaza Strip*, <https://www.ochaopt.org/page/gaza-strip-electricity-supply>; OCHA, *Flash Update #105*, 29 Jan 2024, <https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-105>.

³⁰ OCHA, *Hostilities in the Gaza Strip and Israel - reported impact | Day 181*, 5 Apr 2024, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-181>; OCHA, *Flash Update #161*, 3 May 2024, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-161>.

³¹ OCHA, *Hostilities In The Gaza Strip And Israel - Reported Humanitarian Impact, Day 196*, 19 Apr 2024, https://www.ochaopt.org/sites/default/files/Gaza_casualties_info-graphic_19_April_2024_1.pdf.

³² UN Conference on Trade and Development, *Developments in the economy of the Occupied Palestinian Territory*, 11 Sep 2023, https://unctad.org/system/files/official-document/tdebx74d2_en.pdf.

³³ UN, 'Daily Press Briefing by the Office of the Spokesperson for the Secretary-General', 17 Oct 2023, <https://press.un.org/en/2023/db231017.doc.htm>.

population of approximately 2 million) face “catastrophic levels of food insecurity.” 31% of children under 2 years old in Gaza suffer from acute malnutrition with around 50,000 children acutely malnourished.³⁴ Gaza’s Health Ministry reported that as of 1 April 2024, 32 people, including 28 children, had died of malnutrition and dehydration at hospitals in northern Gaza.³⁵ Save the Children confirmed on 2 April 2024 the deaths from starvation and disease of 27 children.³⁶ The siege has prevented sufficient medicine and medical supplies from entering Gaza and disrupted the refrigeration needed for medication, including insulin.³⁷ The lack of water has led to significant increases in cases of disease and illnesses, including diarrhoea and Hepatitis A.³⁸ Pregnant and breastfeeding women are particularly impacted by the lack of water. In January 2024, the United Nations Children's Fund (“UNICEF”) estimated that there were about 155,000 pregnant and breastfeeding women in Gaza.³⁹

18. Israel’s position has been criticised or condemned as incompatible with IHL by authoritative UN bodies⁴⁰ (including the Security Council),⁴¹ humanitarian agencies⁴² and States.⁴³ States and agencies have overwhelmingly adopted the position that Israel must allow and facilitate the unhindered delivery of humanitarian assistance into and throughout Gaza, commensurate to the needs of the civilian population.
19. This position has also been adopted by the ICJ. In its provisional measures order dated 26 January 2024, the ICJ ordered Israel to “take immediate and effective measures to enable the

³⁴ OCHA (n 31).

³⁵ OCHA, *Hostilities in the Gaza Strip and Israel - reported impact | Day 160*, 15 Mar 2024, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-160>.

³⁶ Save the Children, “‘It’s Not Fair To Die Of Hunger’ - The Lives Of Malnourished Children In Gaza Endangered By Obliteration And Obstruction Of Medical Care”, 2 Apr 2024, <https://www.savethechildren.net/news/it-s-not-fair-die-hunger-lives-malnourished-children-gaza-endangered-obliteration-and>.

³⁷ HRW, *Gaza Blockade Puts People with Diabetes at Risk*, 15 Dec 2023, <https://www.hrw.org/news/2023/12/15/gaza-blockade-puts-people-diabetes-risk>.

³⁸ WHO, ‘Lethal combination of hunger and disease to lead to more deaths in Gaza’, 21 Dec 2023, <https://www.who.int/news/item/21-12-2023-lethal-combination-of-hunger-and-disease-to-lead-to-more-deaths-in-gaza>; UNRWA, *Resilience amidst chaos: 100 days of UNRWA’s health response to the humanitarian crisis in the Gaza strip*, Jan 2024, https://www.unrwa.org/sites/default/files/content/resources/100dayshealthreport_eng_final.pdf.

³⁹ UNICEF, ‘Intensifying conflict, malnutrition and disease in the Gaza Strip creates a deadly cycle that threatens over 1.1 million children’, 5 Jan 2024, <https://www.unicef.org/press-releases/intensifying-conflict-malnutrition-and-disease-gaza-strip-creates-deadly-cycle>.

⁴⁰ OHCHR, ‘Comment by UN High Commissioner for Human Rights Volker Türk on the risk of famine in Gaza’, 19 Mar 2024, <https://www.ohchr.org/en/press-releases/2024/03/comment-un-high-commissioner-human-rights-volker-turk-risk-famine-gaza>; UNSCO, ‘Security Council Briefing on the Situation in the Middle East, Report of the Secretary-General on the Implementation of UN SCR 2334 (as delivered by Special Coordinator Wennesland)’ 26 Mar 2024, <https://unsco.unmissions.org/security-council-briefing-situation-middle-east-report-secretary-general-implementation-un-scr-1>;

OCHA, ‘Humanitarian Coordinator Lynn Hastings briefs the press in Geneva’, 13 Dec 2023, <https://www.ochaopt.org/content/humanitarian-coordinator-lynn-hastings-briefs-press-geneva>.

⁴¹ UNSC, Resolution 2712 (2023), Resolution 2720 (2023) and Resolution 2728 (2024).

⁴² ICRC, ‘Israel and the occupied territories: Evacuation order of Gaza triggers catastrophic humanitarian consequences’, 13 Oct 2023, <https://www.icrc.org/en/document/israel-and-occupied-territories-evacuation-order-of-gaza-triggers-catastrophic-humanitarian-consequences>. See also ICRC, ‘A statement on Gaza and Israel from the president of the ICRC’, 9 Mar 2024, <https://www.icrc.org/en/document/statement-gaza-and-israel-president-icrc>.

⁴³ UN General Assembly, *Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, Resolution adopted by the General Assembly on 27 October 2023*, 30 Oct 2023, <https://www.un.org/unispal/wp-content/uploads/2023/11/N2332702.pdf>.

*provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip.*⁴⁴

20. Despite this binding order, Israel continued to restrict or block aid, and in March 2024 the ICJ issued a further order. In its ruling, it observed that:

*“[T]he catastrophic living conditions of the Palestinians in the Gaza Strip have deteriorated further, in particular in view of the prolonged and widespread deprivation of food and other basic necessities to which the Palestinians in the Gaza Strip have been subjected.”*⁴⁵

21. The Court noted the “*worsening conditions of life faced by Palestinians in Gaza, in particular the spread of famine and starvation,*” and cited the aforementioned reports of deaths due to malnutrition and dehydration.⁴⁶ It indicated further provisional measures, ordering Israel to ensure “*the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance*”⁴⁷ and that its military does not violate the Genocide Convention, including by “*preventing ... the delivery of urgently needed humanitarian assistance.*”⁴⁸
22. Israel’s assessment is that it complies with IHL as a party to the armed conflict, and not as an occupier, and has gone beyond these obligations in its humanitarian response.⁴⁹ As explained above, this means that it considers itself to have none of the IHL humanitarian access obligations in respect of Gaza as an Occupying Power, substantially reducing its obligations in respect of the civilian population in Gaza.
23. Furthermore, Israel asserts that, in practice, humanitarian aid is unrestricted. However, this assertion is not supported by the practice of Israel’s military on the ground, nor by the assessment of any UN agencies or relief organisations. There is also evidence of non-compliance with the ICJ’s provisional orders from January and March.⁵⁰ A wide range of UN agencies and relief

⁴⁴ 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 of 26 Jan 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>.

⁴⁵ ICJ, *Order on South Africa’s Request for the Modification of the Order of 26 January 2024 Indicating Provisional Measures*, Order of 28 Mar 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240328-ord-01-00-en.pdf>, para. 18.

⁴⁶ Ibid, para. 21.

⁴⁷ Ibid, para. 51(a).

⁴⁸ Ibid, para. 51(b).

⁴⁹ Supreme Court of Israel, Case No. HCJ 2280/24, Preliminary Response by the Respondents. 4 Apr 2024, <https://static.gisha.org/uploads/2024/03/כולל-כולל-להגשה-כולל-בגז-2280-24-מטעם-המשיבים-להגשה-כולל-בגז-2280-24-תגובה-מטעם-המשיבים-להגשה-כולל-בגז-2280-24-תצהירים>? cf_chl tk=czzno8BJ3bEGCE.5PzwYgndJD0iYVR9yOlwHzMmRDGw-1716973654-0.0.1.1-2261, paras. 5, 76-81. Exhibit 7: [Translation].

⁵⁰ HRW, *Israel Not Complying with World Court Order in Genocide Case*, 26 Feb 2024, <https://www.hrw.org/news/2024/02/26/israel-not-complying-world-court-order-genocide-case>; Amnesty, *Israel defying ICJ ruling to prevent genocide by failing to allow adequate humanitarian aid to reach Gaza*, 26 Feb 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/>; HRW, *Gaza: Israel Flouts World Court Orders*, 7 May 2024, <https://www.hrw.org/news/2024/05/07/gaza-israel-flouts-world-court-orders>.

organisations have reported that Israel is preventing and restricting access and aid delivery, at times without any explanation or clear justification, including: ActionAid,⁵¹ Action Against Hunger,⁵² CARE International,⁵³ Egyptian Red Crescent Society,⁵⁴ International Rescue Committee,⁵⁵ Islamic Relief,⁵⁶ Médecins Sans Frontières,⁵⁷ Norwegian Refugee Council,⁵⁸ OCHA,⁵⁹ Palestine Red Crescent Society,⁶⁰ UNICEF,⁶¹ UNFPA,⁶² UNRWA,⁶³ WFP,⁶⁴ the World Health Organisation (“WHO”),⁶⁵ as well as the Inter-Agency Standing Committee.⁶⁶

24. They describe how the process put in place by Israel governing the delivery of aid is slow, unpredictable and unnecessarily complex, with multiple obstacles that continue to impede timely and efficient delivery. This includes lengthy inspection processes leading to bottlenecks, lack of fuel, insufficient drivers and trucks approved by Israel to use the fence road running to northern Gaza, and Israel blocking aid missions.⁶⁷

24.1. OCHA reported in January that in the first two weeks of 2024 only seven out of 29 planned missions to deliver aid reached areas north of Wadi Gaza, and 18 out of 19 missions with fuel and medicines for water infrastructure and health facilities north of Wadi Gaza were

⁵¹ ActionAid, ‘Essential aid prevented from entering Gaza, as 2.3 million people face starvation’, 19 Jan 2024, <https://www.actionaid.org.uk/latest-news/essential-aid-prevented-entering>. See also IRC, ‘Joint NGO Submission under National Security Memorandum 20: The State of the Humanitarian Response in Gaza’, 23 Mar 2024, <https://www.rescue.org/press-release/joint-ngo-submission-under-national-security-memorandum-20-state-humanitarian>.

⁵² Action Against Hunger, ‘Statement: NGOs call for the UN Security Council to pass Gaza ceasefire resolution’, 29 Feb 2024, <https://www.actionagainsthunger.org.uk/press-releases/ngos-call-for-the-unsco-to-pass-gaza-ceasefire-resolution>.

⁵³ CARE International, ‘Witnessing the unimaginable in Gaza: “Rafah is unlike anything I have ever seen”’, 13 Feb 2024, <https://www.care-international.org/stories/witnessing-unimaginable-gaza-rafah-unlike-anything-i-have-ever-seen>.

⁵⁴ Egyptian Red Cross Society, ‘Unpacking Egypt’s vital aid role in Gaza and Sudan’, UN News, 13 Feb 2024, <https://news.un.org/en/interview/2024/02/1146512>.

⁵⁵ IRC, ‘Why isn’t more aid getting into Gaza?’, 3 Apr 2024, <https://philanthropynewsdigest.org/news/other-sources/article/?id=14793314&title=Why-isn't-more-aid-getting-into-Gaza>.

⁵⁶ Islamic Relief, ‘Explainer: How can we get more aid into Gaza?’, 18 Mar 2024, <https://www.islamic-relief.org.uk/explainer-how-can-we-get-more-aid-into-gaza/>.

⁵⁷ MSF, ‘Gaza: Attacks on aid workers and blocks to supplies create impossible situation’, 6 Mar 2024, <https://msf.org.uk/article/gaza-attacks-aid-workers-and-blocks-supplies-create-impossible-situation>.

⁵⁸ Høvring, ‘10 things you should know about the humanitarian situation in Gaza’, NRC, 24 Oct 2023, updated 5 Apr 2024, <https://www.nrc.no/perspectives/2023/10-things-you-should-know-about-the-humanitarian-situation-in-gaza/>.

⁵⁹ UN, ‘UN continues to face aid access denials in Gaza’, 9 Apr 2024, <https://news.un.org/en/story/2024/04/1148386>.

⁶⁰ PRCS, ‘X’ post, 11 Feb 2024, <https://x.com/PalestineRCS/status/1756616532778446937>.

⁶¹ UNICEF, ‘Children In Gaza Still At The Sharp End Of Unrelenting War’, 12 Jan 2024, <https://www.unicef.org.uk/press-releases/children-in-gaza-still-at-the-sharp-end-of-unrelenting-war/>.

⁶² UNFPA, ‘Statement by the Executive Director on Impending Famine in Gaza’, 27 Mar 2024, <https://www.unfpa.org/press/statement-executive-director-impending-famine-gaza>.

⁶³ UNRWA, ‘Statement by the Commissioner-General of UNRWA to the Security Council’, 17 Apr 2024, <https://www.unrwa.org/newsroom/official-statements/statement-commissioner-general-unrwa-security-council>.

⁶⁴ WFP, ‘Preventing famine and deadly disease outbreaks in Gaza requires faster, safer aid access and more supply routes’, 15 Jan 2024 <https://www.wfp.org/news/preventing-famine-and-deadly-disease-outbreaks-gaza-requires-faster-safer-aid-access-and-more>.

⁶⁵ WHO, ‘X’ post, 14 Apr 2024, <https://x.com/WHOoPt/status/1779614666668270018>.

⁶⁶ IASC, ‘Statement by Principals of the Inter-Agency Standing Committee - Civilians in Gaza in extreme peril while the world watches on: Ten requirements to avoid an even worse catastrophe’, 21 Feb 2024, <https://interagencystandingcommittee.org/inter-agency-standing-committee/statement-principals-inter-agency-standing-committee-civilians-gaza-extreme-peril-while-world>.

⁶⁷ See OCHA, *Flash Update #155*, 19 Apr 2024, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-155>.

denied access by Israeli authorities.⁶⁸ Similarly, in February, the Israeli authorities only facilitated the access of six out of 24 planned aid missions by the UN and its humanitarian partners to these areas.⁶⁹ In March 2024, 22 out of 52 humanitarian access missions to northern Gaza were denied by Israel and a further 13 were postponed or withdrawn,⁷⁰ reflecting Israel's "*systematic refusal*" to grant access to UN-coordinated aid convoys to large parts of Gaza.⁷¹

24.2. A survey of impediments to the entry of aid faced by 24 international non-governmental organisations operating in Gaza between 26 January and 15 February 2024 reported long delays and denials of entry due to Israeli inspection mechanisms, lack of transparency surrounding entry processes and concern about safety of trucks. Only a third of the 24 organisations have been able to enter Gaza with aid (some because they are not registered in Egypt), and some organisations' trucks have been waiting for months for authorisation to go through Israeli crossing points.⁷²

24.3. In March 2024, the UN High Commissioner for Human Rights stated that "[t]he situation of hunger, starvation and famine is a result of Israel's extensive restrictions on the entry and distribution of humanitarian aid and commercial goods," which "together with the manner in which it continues to conduct hostilities, may amount to the use of starvation as a method of war, which is a war crime."⁷³

24.4. While Israeli authorities have blamed the UN for distribution delays and Gaza police of failing to secure convoys,⁷⁴ the then Foreign Secretary Lord Cameron stated in March 2024 that "*the main blockers remain arbitrary denials by the government of Israel and lengthy*

⁶⁸ OCHA, *Flash Update #93*, 15 Jan 2024, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-93>.

⁶⁹ OCHA, *Flash Update #134*, 7 Mar 2024, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-134#>

⁷⁰ OCHA, *Hostilities In The Gaza Strip And Israel - Reported Humanitarian Impact, Day 194*, 17 Apr 2024, https://www.ochaopt.org/sites/default/files/Gaza_casualties_info-graphic_17_April_2024.pdf.

⁷¹ Tétrault-Farber, 'UN Deplores Israel's 'Systematic' Refusal to Grant Access to North Gaza.' *Reuters*, 12 Jan 2024, <https://www.reuters.com/world/un-deplores-israels-systematic-refusal-grant-access-north-gaza-2024-01-12/>. See also UN (n 59).

⁷² Association of International Development Agencies, *Snapshot of Deprivation of Humanitarian Aid in the Gaza Strip Since January 2024*, 20 Feb 2024, <https://www.anera.org/wp-content/uploads/2024/02/Snapshot-of-Deprivation-of-Humanitarian-Aid-in-the-Gaza-Strip.pdf>.

⁷³ OHCHR (n 40). See also statement by UN Special Rapporteur on the right to food in Lakhani, 'Israel is deliberately starving Palestinians, UN rights expert says', *The Guardian*, 27 Feb 2024, <https://www.theguardian.com/world/2024/feb/27/un-israel-food-starvation-palestinians-war-crime-genocide>.

⁷⁴ COGAT, 'X' post, 30 Mar 2024, <https://twitter.com/cogatonline/status/1774153802511167767>; Times of Israel Staff, 'Israel says UN failing to distribute aid in Gaza, needs to 'scale up operations'', *The Times of Israel*, 16 Feb 2024, <https://www.timesofisrael.com/israel-slams-un-on-aid-to-gaza-says-it-needs-to-scale-up-operations/>. See Exhibit 2: Kingsley, 'Amid Food Shortages, People in Gaza Are Ambushing Aid Convoys', *The New York Times*, 21 Feb 2024, <https://www.nytimes.com/2024/02/21/world/middleeast/gaza-aid-convoys-ambush.html>.

clearance procedures,” with some UK-funded aid being stuck at the border for nearly three weeks.⁷⁵

25. Israel’s inspection process further restricts and proscribes the entry into Gaza of ‘dual-use’ items (civilian goods with a potential military use), under a policy that has been in place for many years.⁷⁶ Humanitarian agencies have reported that Israeli authorities are blocking the entry of critical and seemingly innocuous civilian items into Gaza, such as anaesthetics and anaesthesia machines, oxygen tanks, ventilators, X-ray machines, water filtration systems and testing kits, generators, solar-powered equipment, psychosocial support kits, tents (because they included metal poles), cancer medicines, maternity kits, crutches and other assistive devices, and medical kits (because they included scalpels).⁷⁷
26. The extensive and arbitrary restrictions on aid imposed by Israel, and the impact on the population of Gaza, has been compounded by the hostilities and Israel’s attacks on aid workers and civilians waiting for aid.
 - 26.1. At least 244 humanitarian relief workers have been killed in Gaza since October 2023.⁷⁸ The vast majority of these by the Israeli military. The Israeli military has carried out attacks on aid convoys and aid workers, including UN aid convoys,⁷⁹ a World Central Kitchen convoy,⁸⁰ a Doctors Without Borders guesthouse and convoy,⁸¹ a joint International Rescue Committee and Medical Aid for Palestinians medical team’s guesthouse,⁸² the offices of aid

⁷⁵ Lord Cameron, *Letter to Chair of Foreign Affairs Committee Alicia Kearns MP on Urgent: Humanitarian Aid Access to Gaza*, 15 Mar 2024, <https://committees.parliament.uk/publications/44011/documents/217998/default/>.

⁷⁶ Gisha, *Red Lines, Gray Lists: Israel’s dual-use policy and the Gaza Reconstruction Mechanism*, 11 Jan 2022, <https://features.gisha.org/red-lines-gray-lists/>.

⁷⁷ Keath, ‘Cumbersome Process and ‘Arbitrary’ Israeli Inspections Slow Aid Delivery into Gaza, US Senators Say’, *Associated Press*, 6 Jan 2024, <https://apnews.com/article/israel-gaza-rafah-aid-us-senators-2bc2a3c5e5f8af8e2d3f0b7242c1a885>; Qiblawi et al, ‘Anesthetics, crutches, dates. Inside Israel’s ghost list of items arbitrarily denied entry into Gaza’ *CNN*, 2 Mar 2024, <https://edition.cnn.com/2024/03/01/middleeast/gaza-aid-israel-restrictions-investigation-intl-cmd/index.html>; Philippe Lazzarini, ‘X’ *post*, 11 Mar 2024, <https://twitter.com/UNLazzarini/status/1767250887234261005>; OCHA, *Flash Update #103*, 26 Jan 2024, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-103>; Salem and Shirbon, ‘For Civilians or Hamas? ‘Dual Use’ Issue Complicates Gaza Aid Efforts.’ *Reuters*, 5 Jan 2024, <https://www.reuters.com/world/middle-east/civilians-or-hamas-dual-use-issue-complicates-gaza-aid-efforts-2024-01-05/>; OCHA, *Humanitarian Needs and Response Update | 12-18 March 2024*, 22 Mar 2024, <https://www.ochaopt.org/content/humanitarian-needs-and-response-update-12-18-march-2024>.

⁷⁸ OCHA, *Hostilities in the Gaza Strip and Israel - reported impact | Day 188*, 12 Apr 2024, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-188>

⁷⁹ UN, ‘Gaza: Northern aid push frustrated as regional tensions rise’, 5 Feb 2024, <https://news.un.org/en/story/2024/02/1146192>.

⁸⁰ WCK, ‘7 WCK team members killed in Gaza’, 2 Apr 2024, <https://wck.org/news/gaza-team-update>.

⁸¹ MSF, ‘Gaza: MSF Strongly Condemns Deadly Israeli Attack on Staff and Family Shelter’, 22 Feb 2024, <https://msf.org.uk/article/gaza-msf-strongly-condemns-deadly-israeli-attack-staff-and-family-shelter>; MSF, ‘Gaza: MSF Condemns Deadly Attack on Convoy Transporting Staff and Family Members’, 22 Nov 2023, <https://www.msf.org/gaza-msf-condemns-deliberate-attack-convoy-transporting-staff-resulting-one-death-and-one-injury>.

⁸² IRC and MAP, ‘IRC and MAP condemn Israeli airstrike on Gaza compound housing Emergency Medical Team’, 31 Jan 2024, <https://www.rescue.org/uk/press-release/irc-and-map-condemn-israeli-airstrike-gaza-compound-housing-emergency-medical-team>.

workers,⁸³ and an International Development and Relief Foundation water truck.⁸⁴ In many of these instances, the organisations had shared the coordinates of their staff and structures with Israel but received no warning prior to the attack.⁸⁵ Such attacks have resulted in a decrease in aid missions as well as the pause of some operations completely.⁸⁶ Civilians have also reportedly been attacked and killed while waiting for aid.⁸⁷

26.2. Israeli Government actions that undermine the ability of UNRWA to carry out its recognised role in distributing aid in Gaza have exacerbated the effects of these restrictions.⁸⁸

27. Israel has proffered several justifications for restricting humanitarian aid, which are inconsistent with IHL and demonstrate Israel's significance divergence from the settled interpretation of applicable international law. As explained above, the rejection of humanitarian access obligations goes to the core questions of commitment to comply with IHL and respect for the rules of IHL. Furthermore, these matters are fundamental when assessing whether there is a risk that non-compliance will be continued or repeated.

28. First, Israel has conditioned humanitarian aid on the release of hostages, with senior Israeli officials stating that no humanitarian assistance would be allowed to enter Gaza from Israeli territory as long as the hostages are not returned.⁸⁹ Quite apart from the fact that the taking of hostages is a grave breach of IHL, the creation of such a quid pro quo is also prohibited. On 17 October 2023, the Minister of National Security, Itamar Ben Gvir, stated: "*So long as Hamas does not release the hostages ... the only thing that should enter Gaza is hundreds of tons of air explosives, not an ounce of humanitarian aid.*"⁹⁰ As HRW and Amnesty have repeatedly stated, the taking of hostages by multiple armed groups including Hamas and the Palestinian Islamic Jihad is a war crime, as is the

⁸³ Humanity & Inclusion, 'Humanity & Inclusion Office in Gaza Destroyed', 31 Jan 2024, <https://www.hi-canada.org/en/news/statement--humanity---inclusion-office-in-gaza-destroyed>.

⁸⁴ Nasser, 'Canada Contacts Israel After Aid Agency Says Water Truck Bombed in 'Targeted' Attack', *CBC*, 20 Apr 2024, <https://www.cbc.ca/news/canada/toronto/canadian-aid-truck-bombed-water-gaza-1.7179849>.

⁸⁵ 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>.

⁸⁶ WFP, 'UN Food Agency pauses deliveries to the North of Gaza', 20 Feb 2024, <https://www.wfp.org/news/un-food-agency-pauses-deliveries-north-gaza>; OCHA, *Humanitarian Access Snapshot – Gaza Strip | End-February 2024 – UN OCHA*, 6 Mar 2024, <https://www.un.org/unispal/document/humanitarian-access-snapshot-un-ocha-6mar24/>; Anera, 'Anera Pauses Gaza Operations Amid Rising Threats and Attack on WCK', 2 Apr 2024, <https://www.anera.org/press/unprecedented-pause-anera-suspends-gaza-operations-amid-rising-threats/>.

⁸⁷ OCHA, *Flash Update #131*, 4 Mar 2024, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-131>; Khadder, Al-Za'anoun and Kent, 'At Least 19 Killed, 23 Injured from Israeli Fire on Gaza Residents Waiting for Aid', *CNN*, 22 May 2024, <https://edition.cnn.com/2024/03/23/world/palestinians-killed-israeli-military-gazan-authorities/index.html>.

⁸⁸ HRW, *Starvation Deadly for Children* (n 26); UN, "'Insidious Campaign' by Israel is Denying Lifesaving Aid to Gaza Says UNRWA Chief", 17 Apr 2024, <https://news.un.org/en/story/2024/04/11486760>.

⁸⁹ 'Israel says it will not prevent aid entering Gaza from Egypt', *Reuters*, 18 Oct 2023, <https://www.reuters.com/world/middle-east/israel-will-not-allow-gaza-supplies-israel-not-block-egypt-pm-2023-10-18/>;

Israeli Government, 'Statement from the Prime Minister's Office' 18 Oct 2023, <https://www.gov.il/en/departments/news/spoke-cabinet181023>; Israel Katz, 'X' post, 12 Oct 2023, cited in HRW, *Starvation Used as Weapon of War* (n 24).

⁹⁰ Ben Gvir, 'X' post, 17 Oct 2023, cited in HRW, *Starvation Used as Weapon of War* (n 24).

continued detention of those civilians by the groups.⁹¹ But this does not justify under IHL Israel restricting humanitarian aid to Gaza's civilian population.⁹²

29. Second, official statements have conditioned aid on Hamas' destruction.⁹³ However, such conditioning of aid finds no basis in IHL. Senior Israeli officials have made the following statements:

29.1. Israeli Energy Minister, Israel Katz, on 11 October: "*we have decided to cut off the supply of water, electricity and fuel, and now, the local power plant has collapsed, and there is no electricity in Gaza. We will keep holding a tight siege until the Hamas threat is lifted from Israel and the world.*" (emphasis added).⁹⁴

29.2. Israeli Energy Minister, Israel Katz, on 16 October: "*There's no reason to give them anything until we eliminate the Nazi Hamas.*"⁹⁵

29.3. The Israeli Defense Ministry's Coordinator of Government Activities in the Territories further indicated on 1 December that Israel will punish the civilians in Gaza for the actions of Hamas: "*After the Hamas terror organization violated the agreement and in addition fired at Israel, the entry of humanitarian aid was stopped in the manner stipulated in the agreement.*"⁹⁶

30. Third, some Israeli officials have blamed the UN for distribution delays and accuse Hamas of diverting aid for its own military purposes or point to the lack of security for convoys.⁹⁷ However,

⁹¹ e.g., Amnesty, *Israel/OPT: Hamas and other armed groups must release civilian hostages and treat all captives humanely*, 7 Oct 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/>; HRW, *Hamas, Islamic Jihad: Holding Hostages is a War Crime*, 19 Oct 2023, <https://www.hrw.org/news/2023/10/19/hamas-islamic-jihad-holding-hostages-war-crime>.

⁹² Just Security, 'Top Legal Experts on Why Aid to Gaza Can't Be Conditioned on Hostage Release, in Response to Remarks by US Official', 20 Nov 2023, <https://www.justsecurity.org/90196/top-experts-on-why-aid-to-gaza-cant-be-conditioned-on-hostage-release-in-response-to-remarks-by-us-official/>.

⁹³ HRW, *Starvation Used as Weapon of War* (n 24) citing Israel Katz on 11 Oct 2023; Israel Katz, 'X' post, 16 Oct 2023, https://twitter.com/Israel_katz/status/1713898358044074397; Israeli Ministry of Foreign Affairs, 'UN Ambassador Gilad Erdan addresses UN Security Council', 29 Nov 2023, <https://www.gov.il/en/departments/general/un-ambassador-erdan-addresses-uns-29-nov-2023>.

⁹⁴ HRW, *Starvation Used as Weapon of War* (n 24) citing Israel Katz.

⁹⁵ 'UNRWA indicates Hamas stole supplies from its Gaza premises, then walks back claim', *The Times of Israel*, 16 Oct 2023, <https://www.timesofisrael.com/un-refugee-agency-says-hamas-stole-fuel-and-medications-from-its-gaza-premises/>.

⁹⁶ Magid and Times of Israel Staff, 'Israel said to tell neighbors and US of plans to create Gaza buffer zone after war', *The Times of Israel*, 2 Dec 2023, <https://www.timesofisrael.com/israel-said-to-tell-neighbors-and-us-of-plans-to-create-gaza-buffer-zone-after-war/>.

⁹⁷ Paddison and March, 'Gazans forced to drink dirty, salty water as the fuel needed to run water systems runs out', *CNN*, 24 Oct 2023, <https://edition.cnn.com/2023/10/24/middleeast/gaza-water-war-climate-intl-cmd/index.html>; Exhibit 3: Barnes, 'Hamas Terrorists Are 'Hoarding Fuel to Ventilate Gaza Tunnels'', *The Telegraph*, 26 Oct 2023, <https://www.telegraph.co.uk/world-news/2023/10/26/hamas-hoarding-fuel-ventilate-gaza-tunnels-israel/>; 'IDF Spokesperson claims 'Hamas goes into UNRWA facilities and takes food' intended for relief', *NBC*, 26 Dec 2023, <https://www.nbcnews.com/meet-the-press/video/idf-spokesperson-claims-hamas-goes-into-unrwa-facilities-and-takes-food-intended-for-relief-200964165779>; Eylon Levy, 'X' post, 7 Jan 2024, <https://twitter.com/EylonALevy/status/1744051926453346699>; 'Israeli military publication dropped on Rafah accuses Hamas of 'stealing aid'', *Arab News*, 20 Feb 2024, <https://www.arabnews.com/node/2463496/middle-east>; Eylon Levy, 'X' post, 21 Feb 2024, <https://twitter.com/EylonALevy/status/1760357301855175020>; Kingsley (n 74).

Israel's restrictions are nonetheless arbitrary and unlawful in practice, as demonstrated above. Under IHL, consent to the passage of relief supplies may only be withheld for reasons of military necessity to regulate, not prohibit, humanitarian access and even then only temporarily.⁹⁸ Moreover, withholding consent for reasons of military necessity must not be arbitrary.⁹⁹ For instance, a party (such as one imposing a siege) must give consent to the passage of relief supplies where a civilian population is threatened with starvation that could be remedied by a humanitarian organisation.¹⁰⁰ Withholding consent to humanitarian relief in order to punish the civilian population for acts for which it is not responsible would also be arbitrary, violating the prohibition on collective punishment.¹⁰¹

C(2) Conduct of Hostilities

31. The Israeli Government has adopted a series of policies relating to the conduct of hostilities and targeting practices in Gaza, which significantly diverge from the settled interpretation of applicable IHL by the international community and further demonstrate its lack of respect for and commitment to complying with IHL. In particular, this divergence is apparent with respect to: evacuation orders, effective warnings, risk of forced displacement, the destruction of property, the use of white phosphorus, and the protection and ongoing provision of healthcare. This sub-section will deal with these issues in turn.
32. Israel's practice has been the subject of serious criticism by international experts and UN bodies. The Spokesperson for the UN High Commissioner for Human Rights has stated that "*we have repeatedly highlighted Israel's recurring failures to uphold the fundamental principles of international humanitarian law: distinction, proportionality, and precautions in carrying out attacks*" and stressed the risk of liability for war crimes, and risks of other atrocity crimes.¹⁰²

C(2a) Evacuation Orders, Advanced Warnings, and Displacement

33. Israeli practice with regards to its evacuation system departs from IHL in several interrelated ways and demonstrate its lack of respect for and commitment to IHL: first, as set out below, Israel issues evacuation orders with limited time windows and nowhere safe to go, while its advanced warnings

⁹⁸ See ICRC, *Article 23 - Consignments of Medical Supplies, Food and Clothing*, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-23/commentary/1958?activeTab=1949GCs-APs-and-commentaries>; ICRC, 'ICRC Q&A and Lexicon on Humanitarian Access' (2014) 96 *International Review of the Red Cross* 359, <https://international-review.icrc.org/sites/default/files/irrc-893-q-a.pdf> pp. 359-375.

⁹⁹ Akande and Gillard, *Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict*, Commissioned by OCHA, Oct 2016, <https://www.elac.ox.ac.uk/wp-content/uploads/2022/06/oxfordguidancepdfpdf.pdf>, Part E.

¹⁰⁰ ICRC, Rule 55 (n 20); Akande and Gillard (n 99) pg. 23.

¹⁰¹ Akande and Gillard (n 99) pgs. 23-24.

¹⁰² OHCHR, 'Israel-Occupied Palestinian Territory situation, 100 days on', 12 Jan 2024, <https://www.ohchr.org/en/press-briefing-notes/2024/01/israel-occupied-palestinian-territory-situation-100-days>.

are frequently ineffective; second, Israel's evacuation orders risk forced displacement of large swathes of the civilian population, which is a war crime.

i. Unlawful Evacuations and Ineffective Warnings

34. Under IHL, parties to a conflict must endeavour to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives.¹⁰³ They must also, at all times, take all feasible precautions to minimise harm to civilians, including providing effective advance warnings of attacks unless circumstances do not permit.¹⁰⁴ Warnings are distinct from evacuation orders or directives to leave an area.
35. Evacuation of the civilian population from an area of hostilities is permissible only in very limited circumstances and on a temporary basis. Under Article 49, GCIV, an Occupying Power “*may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons demand.*” However, the Occupying Power must: allow the transfer of the civilian population back to their homes as soon as hostilities in the area from which they were displaced have ceased;¹⁰⁵ ensure, to the greatest practicable extent, that evacuations are carried out under conditions that ensure civilians are evacuated safely; and ensure, to the greatest extent practicable, that the evacuated civilian population is provided with adequate accommodation, food, water, hygiene, and healthcare, and that members of the same family are not separated.¹⁰⁶ In addition, IHL prohibits evacuation orders that are primarily intended to terrify civilians into leaving.¹⁰⁷
36. Israel's official position on evacuation and advance warnings is broadly consistent with IHL rules.¹⁰⁸ However, its practice departs in several primary ways from IHL.
37. Israel's evacuation practice does not effectively safeguard civilians or ensure they can reach safety, while its advance warnings ahead of an attack are frequently ineffective. It is clear (and a matter of settled practice) that for a warning to be ‘effective’, civilians must be given adequate time to leave. The warning should give clear time slots for evacuation linked to guaranteed safe

¹⁰³ Article 58(a), API; ICRC, *Rule 24: Removal of Civilians and Civilian Objects from the Vicinity of Military Objectives*, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule24>.

¹⁰⁴ Article 57, API; ICRC, *Chapter 5. Precautions in Attack, Rules 15-21*, <https://ihl-databases.icrc.org/en/customary-ihl/v1>.

¹⁰⁵ Article 49, GCIV.

¹⁰⁶ Ibid. ICRC, *Article 49 - C Deportations, transfers, evacuations*, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-49/commentary/1958>, pg. 278 para. 3.

¹⁰⁷ ICRC, *Rule 129: The Act of Displacement*, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule129>; ICRC, *Article 17 – Prohibition of forced movement of civilians*, <https://ihl-databases.icrc.org/en/ihl-treaties/apii-1977/article-17/commentary/1987>; Article 51(2), API; Art 13(2), Additional Protocol II.

¹⁰⁸ Exhibit 4: Israel's Manual, *Rules of Warfare On the Battlefield*, May 2006, p. 27; Israeli Ministry of Foreign Affairs, *The Operation in Gaza-Factual and Legal Aspects*, 29 July 2009 (updated 16 Aug 2021), <https://www.gov.il/en/pages/the-operation-in-gaza-factual-and-legal-aspects>, para. 138; Israeli Ministry of Foreign Affairs, *The 2014 Gaza Conflict* (n 2) paras. 293, 306-308; Israeli Ministry of Foreign Affairs, *Hamas-Israel Conflict 2023* (n 2).

corridors.¹⁰⁹ Officials should ensure that civilians obeying evacuation orders are not targeted on their evacuation routes.¹¹⁰ People with disabilities should be provided with accessible advance warnings and adequate evacuation procedures, including using accessible forms of communication.¹¹¹ This reflects the UK's position, set out in the UK's Military Manual: "*To be effective the warning must be in time and sufficiently specific and comprehensive to enable them [the population] to do this.*"¹¹² Contrary to these positions:

37.1. On 13 October 2023, Israel ordered over one million people - roughly half of Gaza's population - to evacuate northern Gaza within 24 hours and move south.¹¹³ Israel did not make arrangements for this population to be accommodated, or provided with food, medicine or water.¹¹⁴ On 14 October, OCHA reported that shelters were overwhelmed, with people sleeping outside, and water and sanitation services severely limited, putting everyone at immense risk.¹¹⁵

37.2. UN officials and experts, humanitarian agencies and international organisations stated in response to the order, there were no safe places in Gaza amid Israel's intense aerial campaign and no reliably secure ways to get anywhere.¹¹⁶

37.3. On 21 October, the Israeli army dropped leaflets across broad areas of northern Gaza ordering residents' immediate "evacuation" southwards. The leaflets warned residents to leave immediately, declaring their lives at risk.¹¹⁷

¹⁰⁹ Human Rights Council (HRC), *Report of the Commission of Inquiry on Lebanon Pursuant to Human Rights Council Resolution S-2/1*, 23 Nov 2006, https://www.refworld.org/reference/countryrep/UN_Human_Rights_Council/2006/en/61214, paras. 153-157; HRC, *Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1*, 22 Jun 2015, <https://reliefweb.int/report/occupied-palestinian-territory/report-detailed-findings-independent-commission-inquiry>, para. 94.

¹¹⁰ Ibid, HRC, 2006, para. 157; Ibid, HRC, 2015, para. 94.

¹¹¹ HRC, 'Thematic Study on the Rights of Persons with Disabilities Under Article 11 of the Convention on the Rights of Persons with Disabilities, on Situations of Risk and Humanitarian Emergencies', 30 Nov 2015, <https://www.refworld.org/docid/56c42c744.html>, para. 42.

¹¹² UK, *The Manual of the Law of Armed Conflict*, 23 Oct 2004, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/27874/JSP3832004Edition.pdf, Article 5.32.8.

¹¹³ HRW, *Why Israel's Gaza Evacuation Order is So Alarming*, 16 Oct 2023, <https://www.hrw.org/news/2023/10/16/why-israels-gaza-evacuation-order-so-alarming>.

¹¹⁴ See HRW, *Israel: Rafah Evacuation Plans Catastrophic, Unlawful*, 9 Feb 2024, <https://www.hrw.org/news/2024/02/09/israel-rafah-evacuation-plans-catastrophic-unlawful>.

¹¹⁵ OCHA, *Flash Update #8*, 14 Oct 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-8>.

¹¹⁶ Amnesty, *Israel/OPT: Appalling Gaza "evacuation order" must be rescinded by Israel immediately*, 13 Oct 2023, <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-appalling-gaza-evacuation-order-must-be-rescinded-by-israel-immediately/>; HRW, 'Nowhere to Go in Gaza', 13 Oct 2023, <https://www.hrw.org/news/2023/10/13/nowhere-go-gaza>; ICRC, 'Evacuation order of Gaza triggers catastrophic humanitarian consequences' (n 42); WHO, 'WHO pleads for immediate reversal of Gaza evacuation order to protect health and reduce suffering', 13 Oct 2023, <https://www.who.int/news/item/13-10-2023-who-pleads-for-immediate-reversal-of-gaza-evacuation-order-to-protect-health-and-reduce-suffering>; UN, 'UN Expert Warns of New Instance of Mass Ethnic Cleansing of Palestinians, Calls for Immediate Ceasefire', 14 Oct 2023, <https://www.ohchr.org/en/press-releases/2023/10/un-expert-warns-new-instance-mass-ethnic-cleansing-palestinians-calls>.

¹¹⁷ Amnesty, *Israel/OPT: Israeli army threats ordering residents of northern Gaza to leave may amount to war crimes*, 25 Oct 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/>.

- 37.4. Israel's repeated evacuation orders and ineffective advance warnings have, in practice, taken no account of the needs of people most at risk of rights violations, including people with disabilities, children, older people and hospital patients, many of whom are unable to leave without assistance or medical support.¹¹⁸ Those who did manage to flee described the difficulties they faced doing so, especially in the absence of advance warnings of specific attacks, and the heavy destruction they had to navigate.¹¹⁹
- 37.5. Israel's evacuation order to 22 hospitals in northern Gaza on 13 October was also neither effective nor logistically feasible because it did not take into account the specific requirements for hospitals, including providing for the safety of patients and medical personnel.¹²⁰
- 37.6. Israel has not taken effective measures to ensure the safety of the evacuated population (and the limited steps taken have been ineffective). On 1 December, Israeli authorities published an interactive map on social media dividing Gaza into 600 blocks and indicating areas to be 'evacuated', ostensibly to guide people to safety. However, a large number of Palestinians in Gaza, had no meaningful access to this crucial information because of lack of access to the internet, damage to core communications infrastructure, electricity shortages and blackouts (some imposed, apparently deliberately, by the Israeli military) preventing civilians from charging mobile phones.¹²¹
- 37.7. On 31 October 2023, HRW documented an Israeli attack on a six-storey residential building sheltering hundreds of displaced Palestinians. Survivors told HRW that there was no advanced warning. Four munitions hit the building within 10 seconds, destroying it and killing at least 106 civilians. HRW did not identify any military object in the area and Israel has not commented on the attack.¹²²
- 37.8. Nowhere is safe in Gaza for civilians, including evacuation routes and Israeli designated 'safe zones.' OCHA reports that civilians have been attacked and killed as they evacuated

¹¹⁸ HRW, *Gaza: Israeli Attacks, Blockade Devastating for People with Disabilities*, 1 Nov 2023, <https://www.hrw.org/news/2023/11/01/gaza-israeli-attacks-blockade-devastating-people-disabilities>; HRW, 'Older People Not Spared in Hostilities in Israel/Palestine', 10 Nov 2023, <https://www.hrw.org/news/2023/11/10/older-people-not-spared-hostilities-israel/palestine>; HRW, *Gaza: Unlawful Israeli Hospital Strikes Worsen Health Crisis*, 14 Nov 2023, <https://www.hrw.org/news/2023/11/14/gaza-unlawful-israeli-hospital-strikes-worsen-health-crisis>; HRW, *Most of Gaza's Population Remains Displaced and in Harm's Way*, 20 Dec 2023, <https://www.hrw.org/news/2023/12/20/most-gazas-population-remains-displaced-and-harms-way>.

¹¹⁹ HRW, *Blockade Devastating for People with Disabilities* (n 118).

¹²⁰ HRW, *Unlawful Israeli Hospital Strikes Worsen Health Crisis* (n 118).

¹²¹ HRW, *Blockade Devastating for People with Disabilities* (n 118); HRW, *Gaza: Communications Blackout Imminent Due to Fuel Shortage*, 15 Nov 2023, <https://www.hrw.org/news/2023/11/15/gaza-communications-blackout-imminent-due-fuel-shortage>; HRW, *Most of Gaza's Population Remains Displaced* (n 118); Access Now, 'Press Release: Gaza: A Week in the Dark', 18 Jan 2024, <https://www.accessnow.org/press-release/gaza-a-week-in-the-dark/>.

¹²² HRW, *Gaza: Israeli Strike Killing 106 Civilians an Apparent War Crime*, 4 Apr 2024, <https://www.hrw.org/news/2024/04/04/gaza-israeli-strike-killing-106-civilians-apparent-war-crime>.

using specific routes designated by the Israeli military,¹²³ and that Israel has bombed areas where civilians were told to relocate despite their designation as ‘safe zones’.¹²⁴ HRW documented an apparently unlawful Israeli strike on 3 November on a marked ambulance just outside of Gaza’s largest hospital, al-Shifa. The ambulance had been part of a convoy set to evacuate wounded patients to the Rafah crossing for lifesaving medical care outside Gaza.¹²⁵ The strike left at least 21 dead or injured people in the area surrounding the ambulance, including 5 children. AI has reported on several instances where people have been killed by Israeli fire after having evacuated to ‘safe zones’. These include a 12 December 2023 bombing of two houses in Rafah which killed 25 civilians, including 10 children, nine men and six women, one of whom was eight months pregnant. Several of those killed had evacuated to Rafah after being ordered to do so by the IDF.¹²⁶ In early April, just prior to the second decision under challenge in this case, AI reported that Israeli airstrikes in and around the ‘safe zone’ of Al-Mawasi had killed at least 28 people.¹²⁷

ii. *Risk of Forced Displacement*

38. Israel has issued evacuation orders in respect of entire areas of Gaza, which appears contrary to IHL requiring that evacuations are only to be carried out for the security of the population or an imperative military reason. Since 7 October, around 78% of the Gaza Strip has been placed under evacuation orders.¹²⁸ Most residents of Gaza have now been displaced multiple times pursuant to Israeli orders.¹²⁹ More than half of Gaza’s population fled to Rafah (which constitutes less than 20% of Gaza’s land), living in overcrowded and inaccessible shelters and unsanitary conditions.

¹²³ OCHA, *Flash Update* #7, 13 Oct 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-7>; OCHA (n 115). See also McKernan and Taha, ‘Gaza civilians afraid to leave home after bombing of ‘safe routes’’, *The Guardian*, 15 Oct 2023, <https://www.theguardian.com/world/2023/oct/14/gaza-civilians-afraid-to-leave-home-after-bombing-of-safe-routes>.

¹²⁴ HRC, *Anatomy of a Genocide: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, 25 Mar 2024, <https://www.ohchr.org/en/documents/country-reports/ahrc5573-report-special-rapporteur-situation-human-rights-palestinian>, paras. 79-81; OCHA, *Flash Update* #59, 4 Dec 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-59>; *Flash Update* #62, 7 Dec 2023 <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-62>; *Flash Update* #64, 9 Dec 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-64>; *Flash Update* #68, 13 Dec 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-68>. See also OCHA, ‘The war in Gaza must end - Statement by Martin Griffiths, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator’, 5 Jan 2024, <https://reliefweb.int/report/occupied-palestinian-territory/war-gaza-must-end-statement-martin-griffiths-under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-5-january-2024-enhear>.

¹²⁵ HRW, *Gaza: Israeli Ambulance Strike Apparently Unlawful*, 7 Nov 2023, <https://www.hrw.org/news/2023/11/07/gaza-israeli-ambulance-strike-apparently-unlawful>.

¹²⁶ Amnesty, *Israel/OPT: New evidence of unlawful Israeli attacks in Gaza causing mass civilian casualties amid real risk of genocide*, 12 Feb 2024, <https://www.amnesty.org/en/latest/news/2024/02/israel-opt-new-evidence-of-unlawful-israeli-attacks-in-gaza-causing-mass-civilian-casualties-amid-real-risk-of-genocide/>.

¹²⁷ Amnesty, *Time is running out for international action to protect civilians and prevent atrocity crimes in Rafah, as UN Security Council resolution is ignored*, 3 Apr 2024, <https://www.amnesty.org/en/latest/news/2024/04/time-is-running-out-for-international-action-to-protect-civilians-and-prevent-atrocity-crimes-in-rafah-as-un-security-council-resolution-is-ignored/>.

¹²⁸ OCHA, *Flash Update* #168, 20 May 2024, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-168>.

¹²⁹ HRW, *Most of Gaza’s Population Remains Displaced* (n 118); OHCHR, ‘Gaza: Israel’s dehumanisation of displaced persons must end, says UN expert’, 6 Mar 2024, <https://www.ohchr.org/en/press-releases/2024/03/gaza-israels-dehumanisation-displaced-persons-must-end-says-un-expert>.

On 9 February 2024, Prime Minister Netanyahu ordered the production of “*a combined plan for evacuating the population*” from Rafah.¹³⁰ Since 6 May, around 945,000 people in Rafah, many of them previously displaced, have been forced to flee again, many to so-called ‘safe zones’, following Israel’s evacuation orders and military operation in the area.¹³¹

39. Even where there is an imperative military reason, taking actions that prevent people from returning to their homes after hostilities have ceased or failing to take steps to ensure the humanitarian needs of evacuated civilians are met, risks forced displacement, which is a war crime.
40. While Israel has stated that temporary evacuation is reversible,¹³² UN officials¹³³ and the ICRC¹³⁴ have expressed their concerns that the evacuation orders may violate IHL and risk forced displacement, given the extensive destruction of homes and civilian infrastructure. States, including the UK Government, have repeatedly opposed the forcible displacement of Palestinians from Gaza.¹³⁵ There is mounting evidence that the actions of the Israeli army are rendering large parts of the Strip unliveable, as discussed below at section C(2b), and massive reconstruction efforts, which could take decades, will be required to enable Palestinians to return to their previous lives.
41. Concerns have been expressed by the UN Special Rapporteur on the human rights of internally displaced persons that Israel’s destruction of essential civilian infrastructure entrenches displacement and appears “*aimed at or has the effect of rendering the return of civilians to these areas impossible*” and “*threatens to make the continuation of Palestinian life in Gaza*

¹³⁰ Israeli Prime Minister’s Office, ‘Prime Minister’s Office Statement’, 9 Feb 2023, <https://www.gov.il/en/departments/news/spoke-rafah090224>; Prime Minister’s Office, ‘Statement by Netanyahu’, 8 Apr 2024, <https://www.gov.il/en/departments/news/spoke-cairo080424>.

¹³¹ Amnesty, *Israel/OPT: 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/>; OCHA, *Flash Update #171*, 27 May 2024, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-171>.

¹³² UN, ‘As Israel’s Aerial Bombardments Intensify, ‘There Is No Safe Place in Gaza’, Humanitarian Affairs Chief Warns Security Council’, 9531st Meeting (PM) SC/15564, 12 Jan 2024, <https://press.un.org/en/2024/sc15564.doc.htm>.

¹³³ OHCHR, ‘Israel must rescind evacuation order for northern Gaza and comply with international law: UN expert’, 13 Oct 2023, <https://www.ohchr.org/en/press-releases/2023/10/israel-must-rescind-evacuation-order-northern-gaza-and-comply-international>; OHCHR, ‘UN Human Rights Has ‘Grave Fears’ About Toll on Civilians in Gaza’, 17 Oct 2023, <https://www.ohchr.org/en/press-briefing-notes/2023/10/un-human-rights-has-grave-fears-about-toll-civilians-gaza>; UN, *ibid*; UN, ‘Daily Press Briefing by the Office of the Spokesperson for the Secretary-General’, 12 Feb 2024, <https://press.un.org/en/2024/db240212.doc.htm>.

¹³⁴ ICRC, ‘Evacuation order of Gaza triggers catastrophic humanitarian consequences’ (n 42).

¹³⁵ UK, *UK statement on situation in Gaza*, 3 Jan 2024 <https://www.gov.uk/government/news/uk-statement-on-situation-in-gaza-3-january-2024>; UK, *Explanation of Vote by Ambassador Barbara Woodward at the UN Security Council meeting on Gaza*, 22 Mar 2024, <https://www.gov.uk/government/speeches/we-voted-yes-on-the-need-for-an-immediate-and-sustained-ceasefire-to-protect-civilians-in-gaza-uk-statement-at-the-un-security-council>; HRC (n 14) para. 6(b).

impossible.”¹³⁶ The UN has estimated that it will take decades to restore all fully destroyed housing units and cost as much as \$40bn (£32bn).¹³⁷

42. The sweeping nature of Israel’s evacuation order on 13 October, the impossibility of safe compliance, given that there is no reliably secure way to flee or safe place to go in Gaza, and the extensive destruction of homes and civilian infrastructure raises concerns that the purpose of the order was not to protect civilians.¹³⁸
43. Prior to the first decision under challenge in this case, senior Israeli officials made the following statements that may be relevant to the issue of forced displacement and other international crimes:
 - 43.1. On 7 October 2023, Prime Minister Netanyahu stated “*All of the places which Hamas is deployed, hiding and operating in, that wicked city, we will turn them into rubble. I say to the residents of Gaza: Leave now because we will operate forcefully everywhere.*”¹³⁹
 - 43.2. On 10 October 2023, Yoav Gallant stated: “*We are fighting against human animals... Gaza won’t return to what it was before. We will eliminate everything ... If it doesn’t take one day, it will take a week, it will take weeks or even months, we will reach all places.*”
 - 43.3. On 13 October 2023, Israel’s Ministry of Intelligence presented a White Paper proposing the deportation of Gaza’s population into Egypt and other countries.¹⁴⁰ Prime Minister Netanyahu’s office have called it a “*concept paper, the likes of which are prepared at all levels of the government and its security agencies.*”¹⁴¹
 - 43.4. On 15 October 2023, Israel Katz, then the Israeli Minister for Energy and Infrastructure, justified the decision to re-start limited water supplies to some parts of Gaza on the basis that it “*will push the civilian population to the southern [part of the] Strip.*”¹⁴²

¹³⁶ OHCHR, ‘Gaza: UN experts call on international community to prevent genocide against the Palestinian people’, 16 Nov 2023, <https://www.ohchr.org/en/press-releases/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against>. See also OHCHR, ‘Widespread destruction by Israeli Defence Forces of civilian infrastructure in Gaza’, 8 Feb 2024, <https://www.ohchr.org/en/press-releases/2024/02/widespread-destruction-israeli-defence-forces-civilian-infrastructure-gaza>.

¹³⁷ Burke and Tondo, ‘Rebuilding homes in Gaza will cost \$40bn and take 16 years, UN finds’, 2 May 2024, *The Guardian*, <https://www.theguardian.com/world/article/2024/may/02/rebuilding-homes-in-gaza-will-cost-40bn-and-take-16-years-un-finds>.

¹³⁸ HRW, *Unlawful Israeli Hospital Strikes Worsen Health Crisis* (n 118).

¹³⁹ Israeli Ministry of Foreign Affairs, ‘Statement by Prime Minister Benjamin Netanyahu’, 7 Oct 2023, <https://www.gov.il/en/departments/news/statement-by-pm-netanyahu-7-oct-2023>.

¹⁴⁰ Israeli Ministry of Intelligence, *Policy Paper: Alternatives to a Political Directive for Gaza’s Civilian Population Executive Summary*, 13 Oct 2023, https://drive.google.com/file/d/1ab15OpWWABA7wAYa_ng1EH4xIY346VKw/view.

¹⁴¹ Teibel and Times of Israel Staff, ‘Intelligence Ministry ‘concept paper’ proposes transferring Gazans to Egypt’s Sinai’, *The Times of Israel*, 31 Oct 2023, <https://www.timesofisrael.com/intelligence-ministry-concept-paper-proposes-transferring-gazans-to-egypts-sinai/>.

¹⁴² Spiro, Magid and Agencies, ‘Israel says it is restarting water supply to southern Gaza Strip’ *The Times of Israel*, 15 Oct 2023, <https://www.timesofisrael.com/israel-says-it-is-restarting-water-supply-to-southern-gaza-strip/>.

- 43.5. On 11 November 2023, Avi Dichter, Israel’s Minister for Agriculture stated that *“We are now actually rolling out the Gaza Nakba.”*¹⁴³
- 43.6. On 25 December 2023, according to the Times of Israel, Prime Minister Netanyahu told a Likud faction meeting that he is working to facilitate ‘voluntary migration’, stating that *“Our problem is [finding] countries that are willing to absorb Gazans, and we are working on it.”*¹⁴⁴
- 43.7. On 31 December 2023, Israeli Finance Minister Bezalel Smotrich announced that *“What needs to be done in the Gaza Strip is to encourage emigration ... If in Gaza there will be 100,000 or 200,000 Arabs and not 2 million the entire conversation on ‘the day after’ will look different.”*¹⁴⁵
- 43.8. On 1 January 2024, National Security Minister Itamar Ben Gvir stated that the ongoing war was *“an opportunity to concentrate on encouraging the migration of the residents of Gaza.”*¹⁴⁶
- 43.9. On 19 February 2024, Prime Minister Netanyahu said: *“Israel will maintain full security control over the entire area west of Jordan - including Gaza.”*¹⁴⁷
- 43.10. On 19 March 2024, Prime Minister Netanyahu said: *“As far as the State of Israel is concerned, there is no obstacle for the Gazans to leave, perhaps even the port they are building could be used for this, but there are no countries in the world that are ready to receive them.”*¹⁴⁸
44. Although Prime Minister Netanyahu has stated that *“Israel has no intention of permanently occupying Gaza or displacing its civilian population”*,¹⁴⁹ the aforementioned statements of Israeli officials, including Mr Netanyahu, reflect the practice of Israel in rendering the return of civilians to their homes increasingly difficult.

¹⁴³ Hauenstein, ‘X’ post, 11 Nov 2023, <https://twitter.com/hahauenstein/status/1723441134221869453>. See on the Nakba: HRW, *75 Years Later, Israel Blocking Palestinian Refugees’ Return*, 15 May 2023,

<https://www.hrw.org/news/2023/05/15/75-years-later-israel-blocking-palestinian-refugees-return>.

¹⁴⁴ Yerushalmi, ‘Israel in talks with Congo and other countries on Gaza ‘voluntary migration’ plan’, *The Times of Israel*, 3 Jan 2024, <https://www.timesofisrael.com/israel-in-talks-with-congo-and-other-countries-on-gaza-voluntary-migration-plan>.

¹⁴⁵ Lazaroff, ‘Smotrich: Day after is different with only 200,000 Arabs in Gaza’, *The Jerusalem Post*, 31 Dec 2023, <https://www.jpost.com/israel-hamas-war/article-780229>.

¹⁴⁶ Sokol, ‘Ben Gvir: War an Opportunity to Encourage Migration from Gaza’, *The Times of Israel*, 1 Jan 2024, www.timesofisrael.com/ben-gvir-war-an-opportunity-to-encourage-migration-from-gaza.

¹⁴⁷ Kann News, ‘X’ post, 19 Feb 2024, https://twitter.com/kann_news/status/1759623847580434610.

¹⁴⁸ Shapira, ‘X’ post, 19 Mar 2024, https://twitter.com/yaara_shapira/status/1770058283132293354.

¹⁴⁹ Israeli Ministry of Foreign Affairs, ‘Statement by PM Netanyahu’, 10 Jan 2024, <https://www.gov.il/en/pages/statement-by-pm-netanyahu-10-jan-2024>.

iii. *Treatment of Civilians Who Remain Behind*

45. Civilians who stay behind do not lose their protected status and parties must still abide by the principles of distinction and proportionality when launching an attack. Nor does the failure of one party to abide by the obligation to remove civilians relieve the attacking side of its duty to abide by these principles.¹⁵⁰
46. In the cases that AI and HRW have documented, Israeli evacuation orders and statements from Israeli officials suggest that, after declaring an area for evacuation, civilians who remain are frequently treated as no longer having the protections they are entitled to as civilians, at times being described as “human shields” and an “accomplice”, as will be discussed below. In prior hostilities, UN fact-finding missions,¹⁵¹ legal experts,¹⁵² and humanitarian agencies¹⁵³ have documented how Israel’s interpretation of legitimate military targets and military policy may itself violate or be broader than IHL permits, including with respect to considering civilians who remain in evacuation zones as an enemy who has lost their civilian status.
- 46.1. On 21 October 2023, the Israeli army dropped leaflets on northern Gaza, warning residents to leave immediately, declaring their lives at risk and stating that: “*Anyone who chooses not to leave from the north of the Strip to south of Wadi Gaza may be determined an accomplice in terrorist organisation.*”¹⁵⁴
- 46.2. On 2 November, Israel’s Ministry of Foreign Affairs described “*the residents of the Gaza Strip*” as a whole as “*human shields*” and stated that Hamas uses “*the civilian population as human shields.*”¹⁵⁵
- 46.3. Israeli leaders, military officials¹⁵⁶ and soldiers¹⁵⁷ have also indicated that they view all Palestinians as responsible for 7 October. Israeli President Isaac Herzog stated that “[i]t’s

¹⁵⁰ ICRC, *Rule 20 – Advanced Warning*, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule20>.

¹⁵¹ HRC, 2006 (n 109) paras. 147-148, 318-322; HRC, *Report of the United Nations Fact-Finding Mission on the Gaza Conflict*, 25 Sep 2009, <https://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf>, paras. 382-392, 408-438, 522-542 (“Goldstone Report”); HRC, *Report of the Independent Commission of Inquiry on the 2014 Gaza Conflict*, 24 Jun 2015, <https://www.ohchr.org/en/hr-bodies/hrc/co-i-gaza-conflict/report-co-i-gaza>, paras. 39, 44-45, 55, 56, 59, 77.

¹⁵² Sharp, ‘Gaza conflict: Who is a civilian?’, *BBC*, 5 Jan 2009, http://news.bbc.co.uk/1/hi/world/middle_east/7811386.stm.

¹⁵³ See ICRC at para. 5 in WikiLeaks, ‘A/S Posner Discusses Goldstone Report with Israeli NGOS, ICRC, and Legal Experts’, 27 Jan 2010, https://wikileaks.org/plusd/cables/10TELAIVIV184_a.html.

¹⁵⁴ Amnesty, *Israel/OPT: Israeli army threats ordering residents of Northern Gaza to leave may amount to war crimes*, 25 Oct 2023, <https://www.amnesty.org.uk/press-releases/israelopt-israeli-army-threats-ordering-residents-northern-gaza-leave-may-amount-war>.

¹⁵⁵ Israeli Ministry of Foreign Affairs, *Hamas-Israel Conflict 2023* (n 2).

¹⁵⁶ Maj. Gen. Ghassan Alian (Coordinator of COGAT), ‘*X*’ *Post*, 10 Oct 2023, <https://x.com/cogatonline/status/1711718883323752586>.

¹⁵⁷ Quds News Network, ‘*X*’ *post*, 8 Dec 2023, <https://twitter.com/QudsNen/status/1732913533598237086>.

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."¹⁵⁸

46.4. UN experts have raised concerns about Israel's targeting practices and civilian casualties due to evacuation orders, concluding that the IDF has adopted a much broader approach to targeting than previously and reiterating that individuals that do not comply with evacuation orders do not lose their right to protection.¹⁵⁹

C(2b) Destruction of Civilian Objects and Property

47. IHL prohibits attacks directed at civilian objects. In occupied territory private property must be respected and may not be confiscated or destroyed except where destruction or seizure of such property is required by imperative military necessity.¹⁶⁰ As well as being a violation of IHL, by a state, such prohibited extensive destruction will constitute a grave breach¹⁶¹ and a war crime if carried out intentionally.¹⁶²

48. Israel claims to adhere to these provisions of military necessity in its IDF directive.¹⁶³ However, Israel's conduct diverges from the settled interpretation of, and demonstrates its lack of respect for and commitment to complying with, IHL. Israeli authorities demolish hundreds of Palestinian homes, schools and businesses every year in the occupied West Bank for lacking a building permit which is effectively impossible to obtain, and in the case of homes as a punishment, rationales that do not even purport to be about military necessity, making them violations of IHL.¹⁶⁴ As regards the current hostilities, Israeli authorities have extensively damaged and destroyed many of the homes, schools, hospitals and much of the civilian infrastructure throughout Gaza. Grave concerns have been raised by UN agencies, and others, as to the compatibility of such destruction with IHL.

¹⁵⁸ Omaar and Omari, 'Israeli President Isaac Herzog Says Gazans Could Have Risen Up to Fight 'Evil' Hamas', *ITV News*, 13 Oct 2023, <https://www.itv.com/news/2023-10-13/israeli-president-says-gazans-could-have-risen-up-to-fight-hamas>.

¹⁵⁹ HRC (n 124) paras. 78 and 60-62 on civilians being framed as operative, accomplices and shields and HRC, *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice, Report of the United Nations High Commissioner for Human Rights*, 4 Mar 2024, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F55%2F28&Language=E&DeviceType=Desktop&LangRequested=False>, para 29. See also IDF, *video shared on YouTube*, 13 Oct 2023, <https://www.youtube.com/watch?v=oRXgOlnhoxo>; OHCHR, 'Israel working to expel civilian population of Gaza, UN expert warns', 22 Dec 2023, <https://www.ohchr.org/en/press-releases/2023/12/israel-working-expel-civilian-population-gaza-un-expert-warns>.

¹⁶⁰ Article 53, GCIV.

¹⁶¹ Article 147, GCIV.

¹⁶² See eg Article 8(2)(b)(xiii), Rome Statute. See also Article 8(2)(a)(iv), Rome Statute.

¹⁶³ ICJ, *Public sitting 12 January 2024 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)*, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240112-ora-01-00-bi.pdf>, para. 44. See also Israeli Ministry of Foreign Affairs, *Operation in Gaza-Factual and Legal Aspects* (n 108) para. 226.

¹⁶⁴ See Amnesty, *Israel/OPT: Forced evictions of over 300 Palestinians in the Naqab is 'clear illustration of apartheid'*, 9 May 2024, <https://www.amnesty.org.uk/press-releases/israelopt-forced-evictions-over-300-palestinians-naqab-clear-illustration-apartheid>; HRW, *Israel: Stop Unlawful West Bank Home Demolitions*, 24 Aug 2013, <https://www.hrw.org/news/2013/08/24/israel-stop-unlawful-west-bank-home-demolitions>.

Moreover, the factual justification or rationale put forward for such destruction by Israeli officials has often been inconsistent with IHL.

49. Prior rounds of hostilities in Gaza have been marked by the extensive destruction of civilian property by Israel's armed forces (including schools, hospitals and essential civilian infrastructure). A range of authoritative inquiries, UN agencies and NGOs have found such destruction to violate IHL, often following detailed investigation:

49.1. During the 2008-2009 Gaza hostilities (Operation Cast Lead), some 3,540 homes, along with 268 factories and warehouses, were destroyed, with 2,870 houses being severely damaged in Gaza.¹⁶⁵ HRW conducted a case study of 12 separate cases where Israeli forces destroyed civilian property in Gaza, concluding that all were carried out for either punitive or other unlawful reasons, and without any evident military purpose, which suggest the war crime of wanton destruction. A UN fact-finding mission concluded that "*Israeli armed forces unlawfully and wantonly attacked and destroyed without military necessity a number of food production or food processing objects and facilities*", along with "*widespread destruction of private residential houses, water wells and water tanks unlawfully and wantonly.*"¹⁶⁶

49.2. During the 2014 Gaza hostilities (Operation Protective Edge), the UN Office for the Coordination of Humanitarian Affairs estimated that approximately 18,000 housing units were destroyed and a further 37,650 housing units were damaged.¹⁶⁷ An independent commission established by the UN Human Rights Council concluded that this operation caused "*enormous destruction of civilian infrastructure in Gaza*".¹⁶⁸

50. In relation to the present hostilities, there is significant evidence of widespread destruction of civilian property in Gaza. The World Bank has estimated that as of the end of January 2024, over 60% of residential buildings and over 80% of commercial facilities have been damaged or destroyed in Gaza.¹⁶⁹ As of 12 March, the WHO reported that there had been 410 attacks on healthcare, damaging 30 hospitals and 54 ambulances.¹⁷⁰ According to an April assessment by the humanitarian agencies, 49% of Gaza's 563 school buildings have been "directly hit," 24% damaged and 17% "likely or possibly damaged," with nearly 73% of school buildings needing full

¹⁶⁵ HRW, *'I Lost Everything': Israel's Unlawful Destruction of Property during Operation Cast Lead*, 2010, <https://www.hrw.org/report/2010/05/13/i-lost-everything/israels-unlawful-destruction-property-during-operation-cast-lead>.

¹⁶⁶ Goldstone Report (n 151) para. 1929.

¹⁶⁷ OCHA, *Occupied Palestinian Territory: Gaza Emergency Situation Report (as of 4 September 2014), 08:00 hrs*, 4 Sep 2014, <https://www.ochaopt.org/content/occupied-palestinian-territory-gaza-emergency-situation-report-4-september-2014-0800-hrs>.

¹⁶⁸ HRC, *Independent Commission of Inquiry on 2014 Gaza Conflict* (n 151) para. 23.

¹⁶⁹ World Bank, 'Joint World Bank, UN Report Assesses Damage to Gaza's Infrastructure', 2 Apr 2024, <https://www.worldbank.org/en/news/press-release/2024/04/02/joint-world-bank-un-report-assesses-damage-to-gaza-s-infrastructure>.

¹⁷⁰ WHO, *oPt Emergency Situation Update, Issue 25, 7 Oct 2023- 12 Mar 2024 at 16:00*, 21 Mar 2024, https://www.emro.who.int/images/stories/Sitrep_-_issue_25.pdf?ua=1.

reconstruction or major rehabilitation to be functional again.¹⁷¹ Since mid-November 2023, satellite imagery that HRW reviewed shows that orchards, fields and greenhouses have also been systematically razed, leaving sand and dirt and exacerbating food shortages with long-term effects.¹⁷²

51. The extensive destruction has been met with significant criticism from UN bodies and officials,¹⁷³ and the majority of States, including the UK.¹⁷⁴ Particular criticism has been directed to Israel's reported efforts to create 'buffer zones' near the fences separating Israel and Gaza and massive destruction of property in those areas - 90% of the over 4,000 buildings in just the eastern part of Gaza have been destroyed or damaged, according to a preliminary analysis on 29 February 2024 by the UN Satellite Centre.¹⁷⁵ The UN High Commissioner for Human Rights has said:

“Destructions carried out to create a ‘buffer zone’ for general security purposes do not appear consistent with the narrow ‘military operation’ exception set out in international humanitarian law... further, extensive destruction of property, not justified by military necessity and carried out unlawfully and wantonly, amounts to a grave breach of the fourth Geneva convention and a war crime.”¹⁷⁶

52. In their public statements about demolitions, expanded 'buffer zones', and other intentional destruction of civilian property, Israeli officials have repeatedly praised and justified the destruction as an end in itself, rather than in terms of military necessity:

52.1. On 18 October 2023, the then-Foreign Minister Eli Cohen stated: *“At the end of this war, not only will Hamas no longer be in Gaza, but the territory of Gaza will also decrease.”¹⁷⁷*

52.2. On 4 November 2023, Colonel Yogev Bar-Shesht, Deputy Head of the Civil Administration: *“whoever returns here, if they return here after, will find scorched earth. No houses, no agriculture, no nothing. They have no future.”¹⁷⁸*

¹⁷¹ Occupied Palestinian Territory Education Cluster, *Verification of damages to schools based on proximity to damaged sites Gaza, Occupied Palestinian Territory*, 25 Apr 2024, <https://reliefweb.int/report/occupied-palestinian-territory/verification-damages-schools-based-proximity-damaged-sites-gaza-occupied-palestinian-territory-25-april-2024>.

¹⁷² HRW, *Starvation Used as Weapon of War* (n 24).

¹⁷³ HRC, *Report of the United Nations High Commissioner for Human Rights* (n 159). This document refers to “enormous destruction” (para. 30), “extensive destruction” (para. 33), and “mass destruction of civilian homes and infrastructure” (para. 48), committed by the IDF during the present hostilities; OHCHR, ‘Widespread destruction’ (n 136).

¹⁷⁴ See UK, ‘Diplomatic Missions Urge Israel to Cease Demolitions of Schools’, 7 Feb 2024, <https://www.gov.uk/government/news/diplomatic-missions-urge-israel-to-cease-demolitions-of-schools>.

¹⁷⁵ United Nations Satellite Centre, ‘UNOSAT Gaza Strip Comprehensive Damage Assessment 1km Stretch of Land from the Armistice Demarcation Line - April 2024’, 11 Apr 2024, <https://unosat.org/products/3820>.

¹⁷⁶ UN, ‘Gaza ‘buffer zone’ possible war crime: UN human rights chief’, 8 Feb 2024, <https://news.un.org/en/story/2024/02/1146352>.

¹⁷⁷ Exhibit 5: Morris, Cahlan and Baran, ‘What to Know About Israel’s Controversial ‘Buffer Zone’ in Gaza’, *The Washington Post*, 24 Jan 2024, <https://www.washingtonpost.com/world/2024/01/24/israel-buffer-zone-gaza-war/>.

¹⁷⁸ Palumbo et al, ‘At Least Half of Gaza’s Buildings Damaged or Destroyed, New Analysis Shows’, *BBC News*, 30 Jan 2024, <https://www.bbc.co.uk/news/world-middle-east-68006607>.

- 52.3. Senior Israeli officials have also made similar statements in previous hostilities. Following the hostilities in Gaza in 2009, the then Deputy Prime Minister stated with respect to rocket attacks against Israel by armed groups that “*even if they fire at an open area or into the sea, we must damage their infrastructures and destroy 100 houses.*”¹⁷⁹ In 2008, an Israeli military commander stated that: “*What happened in the Dahiya quarter of Beirut in 2006 [which was severely damaged by Israeli military attacks] will happen in every village from which Israel is fired on*” and “*We will apply disproportionate force on it [the village] and cause great damage and destruction there.*”¹⁸⁰
53. In light of the persistence and extent of demolitions of civilian property in Gaza and the West Bank, and the justifications given for such destruction, by Israeli authorities for decades in ways that do not comply with IHL, it is considered that much of the destruction and damage to property in the OPT has been carried out in violation of Israel’s obligations under IHL and demonstrates Israel’s lack of respect for, and commitment to comply with, IHL.

C(2c) White Phosphorus

54. Use of white phosphorus is subject to the core rules of IHL, including the duty to distinguish between the civilian population and combatants in attacks that use white phosphorus, and an obligation to take all feasible measures to avoid harm to civilians when it is used as a weapon in military operations. However, as a powerful incendiary it is extremely difficult to use in a controllable and discriminate fashion and poses grave risks to civilian populations. Thus, its use in practice is highly restricted by IHL and is unlawfully indiscriminate when used in densely populated areas.
55. Israel’s position is that white phosphorus is permitted under IHL.¹⁸¹ However, its use in current and past hostilities in Gaza (one of the most densely populated areas in the world) demonstrates how Israel’s practices consistently breach established principles of international law.
56. Israel’s use of white phosphorus in the 2008 to 2009 hostilities in Gaza was found to violate IHL by international commissions of inquiry and other similarly rigorous forms of investigation, giving rise to significant unnecessary civilian casualties. In February 2009, the UN Secretary General appointed a Board of Inquiry to investigate specific incidents in the Gaza Strip.¹⁸² The Board

¹⁷⁹ Cited in HRW, *I Lost Everything* (n 165).

¹⁸⁰ Ibid.

¹⁸¹ Exhibit 4: Israel’s Manual, *Rules of Warfare On the Battlefield*, May 2006 pg. 16; Israel, Ministry of Foreign Affairs, *The Operation in Gaza 27 December 2008–18 January 2009: Factual and Legal Aspects*, 29 Jul 2009,

<https://reliefweb.int/report/israel/opt-operation-gaza-27-dec-2008-18-jan-2009-factual-and-legal-aspects>, para. 407, see also paras. 406-414.

¹⁸² Letter dated 4 May 2009 from the Secretary-General addressed to the President of the Security Council, A/63/855–S/2009/250, 15 May 2009, <https://digitallibrary.un.org/record/655912?v=pdf#files>.

concluded that the firing by the Israeli army of projectiles containing white phosphorus in such close proximity to a UNRWA school being used to shelter families so as to cause the death of two young children and serious injuries to others “*was highly negligent and amounted to a reckless disregard for the lives and safety of those sheltering in the school.*”¹⁸³ The Board similarly concluded that the use of white phosphorus “*into, over or in such close proximity to UNRWA headquarters as to cause injuries to persons and very substantial damage to property was grossly negligent and amounted to recklessness.*”¹⁸⁴

57. A UN Fact-Finding Mission on the 2009 Gaza conflict, also known as the Goldstone report, then conducted a detailed investigation into Israel’s use of white phosphorus.¹⁸⁵ The report found that “*the Israeli armed forces were systematically reckless in determining [white phosphorus] use in built-up areas*” and constituted an intentional attack against the civilian population.¹⁸⁶
58. The Mission investigated various specific incidents in which Israel forces had used white phosphorus in and around civilian areas, an UNRWA compound housing civilians, and hospitals, and found that this usage had violated IHL on numerous occasions.¹⁸⁷
59. Amnesty and HRW also documented Israel’s unlawful use of white phosphorus in Gaza in the 2008-2009 hostilities, determining that the IDF’s repeated firing of air-burst white phosphorus shells into densely populated areas was indiscriminate and indicates the commission of war crimes.¹⁸⁸ Amnesty and HRW found dozens of civilian casualties in the six incidents documented, while both organisations documented extensive damage to civilian structures.
60. Despite these authoritative findings, Israel has continued to maintain that white phosphorus was not used in built-up areas of the Gaza Strip in 2008-2009 and only fired at open unpopulated areas and for marking and signalling purposes.¹⁸⁹
61. In regard to the current hostilities in Gaza, there is significant evidence that Israel is using white phosphorus in the conduct of military operations. Amnesty and HRW have determined that Israel

¹⁸³ Ibid, para. 67.

¹⁸⁴ Ibid, para. 56.

¹⁸⁵ Goldstone Report (n 151).

¹⁸⁶ Ibid, paras. 44 and 48.

¹⁸⁷ Ibid, paras. 467, 520, 791, parts IX B, C and D and XI B(11) and (13).

¹⁸⁸ HRW, *Rain of Fire: Israel’s Unlawful Use of White Phosphorus in Gaza*, 25 Mar 2009, <https://www.hrw.org/report/2009/03/25/rain-fire/israels-unlawful-use-white-phosphorus-gaza>; Amnesty, *Israel used white phosphorus in Gaza civilian areas*, 19 Jan 2009, <https://www.amnesty.org/en/latest/news/2009/01/israel-used-white-phosphorus-gaza-civilian-areas-20090119/>.

¹⁸⁹ See Israeli Ministry of Foreign Affairs, *Gaza Operation Investigations: An Update*, 29 Jan 2010, <https://reliefweb.int/report/israel/gaza-operation-investigations-update>, paras. 117-119.

has used white phosphorus in the current hostilities.¹⁹⁰ The videos and photos, reviewed and verified by researchers, show multiple airbursts of artillery-fired white phosphorus over the Gaza City port and nearby hotels and locations along the Israel-Lebanon border in October 2023.

62. In response to these findings, the Spokesperson for the UN Secretary-General stated that “*We’re obviously very concerned about any use of these types of incendiary munitions, especially in populated areas*”.¹⁹¹ A US spokesperson also expressed that the US Government is “*certainly concerned*” about Israel’s reported use of white phosphorus in Lebanon.¹⁹² In January 2024, a group of UN Special Rapporteurs stated that journalists and media workers have been killed and injured, including as a result of “*indiscriminate use of force through air strikes containing chemical components, such as white phosphorus*”.¹⁹³

C(2d) Duty to Protect and Respect Healthcare in Armed Conflict

63. IHL imposes strict obligations on parties to an armed conflict, both to protect and respect the provision of healthcare. In particular, Article 16 GCIV creates an obligation to protect and care for the sick and wounded. Customary IHL rules 109-111 make clear that this applies to sick and wounded fighters, as well as civilians. Article 18 GCIV provides that civilian hospitals “*may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict.*” To similar effect, Article 12(1) API provides: “*Medical units shall be respected and protected at all times and shall not be the object of attack.*” The protection of hospitals may only be discontinued, pursuant to Article 19 GCIV, if hospitals “*are used to commit, outside their humanitarian duties, acts harmful to the enemy*”, and only after “*due warning has been given*”. Similar obligations can be found in customary IHL.¹⁹⁴

¹⁹⁰ HRW, *Israel: White Phosphorus Used in Gaza, Lebanon*, 12 Oct 2023, <https://www.hrw.org/news/2023/10/12/israel-white-phosphorus-used-gaza-lebanon>; *Questions and Answers on Israel’s Use of White Phosphorus in Gaza and Lebanon*, 12 Oct 2023, <https://www.hrw.org/news/2023/10/12/questions-and-answers-israels-use-white-phosphorus-gaza-and-lebanon>; Amnesty, *Israel/OPT: Identifying the Israeli army’s use of white phosphorus in Gaza*, 13 Oct 2023, <https://citizenevidence.org/2023/10/13/israel-opt-identifying-the-israeli-armys-use-of-white-phosphorus-in-gaza/>; Amnesty, *Lebanon: Evidence of Israel’s unlawful use of white phosphorus in southern Lebanon as cross-border hostilities escalate*, 31 Oct 2023, <https://www.amnesty.org/en/latest/news/2023/10/lebanon-evidence-of-israels-unlawful-use-of-white-phosphorus-in-southern-lebanon-as-cross-border-hostilities-escalate/>.

¹⁹¹ UN, ‘Daily Press Briefing by the Office of the Spokesperson for the Secretary-General’, 11 Dec 2023, <https://press.un.org/en/2023/db231211.doc.htm>.

¹⁹² The White House, ‘Press Gaggle by Deputy Press Secretary Andrew Bates and NSC Coordinator for Strategic Communications John Kirby En Route Philadelphia, PA’, 11 Dec 2023, <https://www.whitehouse.gov/briefing-room/press-briefings/2023/12/11/press-gaggle-by-deputy-press-secretary-andrew-bates-and-nsc-coordinator-for-strategic-communications-john-kirby-en-route-philadelphia-pa/>.

¹⁹³ *Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967*, Letter, Ref: AL ISR 12/2023, 4 Jan 2024, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28678>.

¹⁹⁴ ICRC, *Rule 8, Definition of Military Objectives; Rule 25, Medical Personnel; Rule 26, Medical Activities; Rule 28, Medical Units; Rule 29, Medical Transports; Rule 30, Persons and Objects Displaying the Distinctive Emblem; Rule 31, Humanitarian Relief Personnel; Rule 32, Humanitarian Relief Objects*, <https://ihl-databases.icrc.org/en/customary-ihl/v1>.

64. More broadly, the positive obligations set out in Article 55 GCIV and Articles 69, 70 and 71 AP1 (detailed in section C(1)) apply equally to the operation of medical centres and the provision of essential supplies for those centres.
65. Israeli forces have departed from these obligations during their operations in Gaza, in breach of IHL. This demonstrates their lack of respect for and commitment to comply with international law. Israel's attacks on healthcare facilities, transportation and workers, blockade restricting entry of life-saving aid, including medical supplies, and orders to evacuate hospitals have impeded or blocked access to healthcare and led to the near total collapse of the healthcare system in Gaza. Causing this collapse demonstrates a lack of commitment to the IHL framework that pertains to the provision of healthcare during armed conflict.

i. The Collapse of the Healthcare System

66. Before 7 October 2023, 36 hospitals in the Gaza Strip served the population of approximately 2.3 million people.¹⁹⁵ By 18 December, the date of the initial decision under challenge in this case, the WHO was already reporting that: only 11 of the 36 hospitals remained functional, with 8 reported as operating at partial capacity and 3 reported as operating at minimal capacity; bed occupancy rates were estimated at over 200%; only 25% of primary healthcare facilities still functional; and that the situation in the north of the Gaza Strip, which at this point still housed several hundred thousand people, was particularly acute, having only one partially functioning hospital and the three minimally functioning hospitals.¹⁹⁶
67. Shortly after, the WHO reported that what limited hospital provision there had remained in northern Gaza had shut down completely.¹⁹⁷
68. Since 18 December 2023, the provision and protection of healthcare in Gaza has remained in a state of collapse:
- 68.1. An Interim Damage Assessment conducted by a joint World Bank, EU and UN mission and published in March 2024 found: “*Health service delivery is experiencing major disruptions as nearly 84% of health facility buildings have been destroyed or damaged and those remaining lack access to medicines, ambulances, basic life-saving treatments, electricity and water.*”¹⁹⁸

¹⁹⁵ OCHA, ‘Occupied Palestinian Territory’, <https://www.unocha.org/occupied-palestinian-territory>.

¹⁹⁶ WHO, *oPt Emergency Situation Update: Issue 17*, 14 Dec 2023, https://www.emro.who.int/images/stories/Sitrep_-_issue_17_for_review.pdf.

¹⁹⁷ UN, ‘Injured patients ‘waiting to die’ in northern Gaza as last hospital shuts down, amid rising ‘catastrophic’ hunger levels’, 21 Dec 2023, <https://news.un.org/en/story/2023/12/1145017>.

¹⁹⁸ UN, *Gaza Interim Damage Assessment: Final Report*, 29 Mar 2024, <https://palestine.un.org/sites/default/files/2024-04/Gaza-Interim-Damage-Assessment-Final.pdf>.

68.2. As of 2 April 2024, the WHO was reporting that only 10 hospitals in the whole of the Gaza Strip were operating, all at partial capacity.¹⁹⁹ Of these 10 hospitals, four were in the north.²⁰⁰ These 10 hospitals were overwhelmed with demand, with an average bed occupancy rate at 323%. Four emergency ‘field hospitals’ were also operating, with a fifth minimally functioning.²⁰¹

68.3. The decimation of the health system, extreme lack of healthcare goods and resources, and arbitrary constraints on humanitarian aid have forced doctors to make agonising decisions.²⁰² People with mental health conditions also do not have access to their regular treatment because the only psychiatric hospital in the Gaza Strip ceased providing services on 6 November 2023.²⁰³

ii. Israeli Army Actions and Israel’s Blockade Collapsing the Healthcare System

69. This collapse of Gaza’s healthcare system has been brought about by a combination of two factors: first, the direct actions of the IDF against healthcare facilities and workers; and second, the application of Israel’s wider policy to blockade Gaza and only permit limited humanitarian access.

70. On 13 October 2023, 22 hospitals in the north of the Gaza Strip and Gaza City received forced evacuation orders from the Israeli army.²⁰⁴ Staff and patients were instructed to leave their healthcare facilities and travel to southern Gaza. In many instances these orders were impossible to comply with owing to the acute and severe medical needs of patients, the lack of fuel and the danger and impassability of the terrain. However, the day after these orders were issued, verified attacks by Israeli forces on hospital facilities began to occur, including the shelling of the Al-Ahli Arab Hospital on 14 October and the bombing of the vicinity of the Al-Quds hospital on 22 October.²⁰⁵ Prior to 13 October, the Indonesian Hospital was struck by Israeli airstrikes with no apparent order to evacuate or advance warning, while the International Eye Hospital received no apparent advance warning for an attack that left it completely destroyed.²⁰⁶

¹⁹⁹ WHO, *Situation Report: Issue 27*, https://www.emro.who.int/images/stories/Sitrep_-_issue_27.pdf

²⁰⁰ OCHA, *Humanitarian Needs and Response Update: 2 - 8 April 2024*, <https://www.unocha.org/publications/report/occupied-palestinian-territory/humanitarian-needs-and-response-update-2-8-april-2024>.

²⁰¹ WHO (n 196).

²⁰² HRW, *Israel: Unlawful Gaza Blockade Deadly for Children*, 18 Oct 2023, <https://www.hrw.org/news/2023/10/18/israel-unlawful-gaza-blockade-deadly-children>.

²⁰³ MSF, *Gaza’s silent killings: The destruction of the healthcare system in Rafah*, 29 Apr 2024, <https://www.msf.org/gazas-silent-killings-destruction-healthcare-system-rafah>.

²⁰⁴ WHO, ‘Evacuation Orders by Israel to Hospitals in Northern Gaza Are a Death Sentence for the Sick and Injured’, 14 Oct 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>; Amnesty, *Israel & OPT: Rescind evacuation order against Gaza hospitals*, 24 Oct 2023, <https://www.amnesty.org/en/documents/mde15/7347/2023/en/>.

²⁰⁵ Amnesty, *ibid*; HRW, *Unlawful Israeli Hospital Strikes Worsen Health Crisis* (n 118).

²⁰⁶ HRW, *Unlawful Israeli Hospital Strikes Worsen Health Crisis* (n 118).

71. The Israeli authorities routinely seek to justify attacks on the basis that Hamas fighters are either present in a hospital or that the hospital is in some way being used as cover for Hamas' underground tunnel network.²⁰⁷ The IDF has, for example, alleged that the Indonesian Hospital near the Jabalia refugee camp in northern Gaza was “*systematically built*” by Hamas “*to disguise its underground terror infrastructure.*” In the attacks investigated by HRW in October and November 2023 it found that the Israeli authorities had put forward no evidence that would justify those attacks on hospitals.²⁰⁸
72. It is incontestable that direct military operations against hospital facilities have repeatedly caused levels of damage to hospitals which, combined with the forced evacuation of staff, render them non-operational for the long term, and long after any alleged military target connected to the hospital has been eliminated.²⁰⁹ Most recently, a multi-agency mission led by the WHO to examine the condition of al-Shifa hospital in northern Gaza found that it had been rendered “*completely non-functional*” with most of the buildings “*extensively damaged or destroyed and the majority of equipment unusable or reduced to ashes.*”²¹⁰ Such levels of damage interferes with Israel's obligation to ensure adequate medical care is provided to the people of Gaza, further contributing to the overall collapse of the health care system.
73. The WHO, OHCHR and ICRC have all repeatedly raised grave concerns about the damage being done to Gaza's hospitals and the threat Israeli military activities pose to both the immediate and long-term capacity of Gaza's hospitals to function.²¹¹ The impact of these direct military activities against healthcare facilities have been magnified by the tightened blockade Israel imposed on Gaza since 7 October 2023.²¹²
74. While Israel's cutting off of electricity and water and blocking of lifesaving aid has had a serious impact across all civilian life in Gaza, these actions inevitably have a particular impact on the

²⁰⁷ See eg Fabian, ‘IDF releases new intel detailing Hamas use of Gaza hospitals for terror purposes’, *The Times of Israel*, 5 Nov 2023, <https://www.timesofisrael.com/idf-releases-new-intel-detailing-hamas-use-of-gaza-hospitals-for-terror-purposes/>; Khadder et al, ‘Israeli special forces raid largest functioning hospital in Gaza’, 15 Feb 2024, <https://edition.cnn.com/2024/02/15/middleeast/nasser-hospital-israeli-snipers-khan-younis-intl-hnk/index.html>; Exhibit 6: Khaled and Ivanova, ‘Five patients dead after Israeli raid on Gaza hospital, officials say’, *Financial Times*, 16 Feb 2024, <https://www.ft.com/content/4ba99af6-fa6d-4955-aac5-8e6d3e117f42>.

²⁰⁸ HRW, *Unlawful Israeli Hospital Strikes Worsen Health Crisis* (n 118).

²⁰⁹ See eg HRW, *ibid.* OCHA, ‘Today's Top News: Occupied Palestinian Territory, Ukraine, Haiti’, 17 Apr 2024, <https://www.unocha.org/news/todays-top-news-occupied-palestinian-territory-ukraine-haiti-1>; WHO, ‘Six Months of War Leave Al-Shifa Hospital in Ruins: WHO Mission Reports’, 6 Apr 2024, <https://www.who.int/news/item/06-04-2024-six-months-of-war-leave-al-shifa-hospital-in-ruins--who-mission-reports#>.

²¹⁰ UN, ‘Gaza: ‘Systematic dismantling of healthcare must end’ says WHO’, 6 Apr 2024, <https://news.un.org/en/story/2024/04/1148316>.

²¹¹ See eg UN Geneva, ‘Press Briefing: United Nations Information Service’, 26 Jan 2024, <https://www.ungeneva.org/en/news-media/bi-weekly-briefing/2024/01/press-briefing-united-nations-information-service-4>; ICRC, ‘Gaza at risk of complete medical shut down without urgent action to preserve services’, 26 Jan 2024, <https://www.icrc.org/en/document/gaza-risk-complete-medical-shut-down-without-urgent-action-preserve-services>; Director-General of WHO, ‘X’ post, 17 Apr 2024, <https://twitter.com/DrTedros/status/1780426028457824615>.

²¹² ‘Tightened’ in the sense that a blockade had already been imposed on Gaza since 2007.

functioning of health facilities, which require electricity and clean water to operate life-saving equipment and maintain basic standards of hygiene. On 8 November 2023, the WHO reported that, “*damaged water and sanitation systems, and dwindling cleaning supplies have made it almost impossible to maintain basic infection prevention and control measures*” in health facilities.²¹³ In December 2024, a spokesperson for the WHO stated in relation to northern Gaza that, “*There are no operating theatres any more due to the lack of fuel, power, medical supplies and health workers, including surgeons and other specialists.*”²¹⁴ In February 2024, the WHO reported that the Nasser hospital, while nominally still partially operational, “*has no electricity or running water, and medical waste and garbage are creating a breeding ground for disease.*”²¹⁵

75. Beyond electricity, fuel and water, other essential medical supplies, including medicines, oxygen and medical equipment have been repeatedly and arbitrarily prevented from entering Gaza, while aid agencies report ongoing arbitrary hindrance of their operations.²¹⁶ In March 2024, the then Foreign Secretary Lord Cameron stated in Parliament that supposedly dual-use goods are being denied entry by Israel, some which “*are absolutely necessary for medical and other procedures.*”²¹⁷ Similar findings were made by the Foreign Affairs Committee following an inspection of Al Arish on the Gaza-Egypt border²¹⁸ and the Humanitarian Coordinator of OCHA, who stated that “*a massive amount*” of aid supplies had built up in the warehouses of Al Arish due to Israeli restrictions, including medical equipment.²¹⁹

²¹³ WHO, ‘Risk of disease spread soars in Gaza as health facilities, water and sanitation systems disrupted’, 8 Nov 2023, <https://www.emro.who.int/media/news/risk-of-disease-spread-soars-in-gaza-as-health-facilities-water-and-sanitation-systems-disrupted.html>.

²¹⁴ ‘No Functional Hospital Left in Northern Gaza, WHO Says’, *Al Jazeera*, 21 Dec 2023, <https://www.aljazeera.com/news/2023/12/21/no-functional-hospital-left-in-northern-gaza-who-says>.

²¹⁵ WHO, ‘WHO transfers critical patients out of Nasser Medical Complex, fears for safety of remaining patients’, 20 Feb 2024, <https://www.who.int/news/item/20-02-2024-who-transfers-critical-patients-out-of-nasser-medical-complex--fears-for-safety-of-remaining-patients>.

²¹⁶ WHO, ‘Six months of war leave Al-Shifa hospital in ruins, WHO mission reports’, 6 Apr 2024, <https://www.who.int/news/item/06-04-2024-six-months-of-war-leave-al-shifa-hospital-in-ruins--who-mission-reports>.

²¹⁷ House of Lords, *Foreign Affairs: Volume 836: Contribution by Lord Cameron of Chipping Norton*, 4 Mar 2024, <https://hansard.parliament.uk/Lords/2024-03-05/debates/118562C7-2918-4CEB-94AF-9A30F8F31558/ForeignAffairs?highlight=medical#>.

²¹⁸ Foreign Affairs Committee, *Letter from Chair Alicia Kearns MP to the Foreign Secretary, Urgent: Humanitarian Aid Access to Gaza*, 9 Mar 2024, <https://committees.parliament.uk/publications/4401/documents/217998/default/>.

²¹⁹ OCHA, ‘Humanitarian situation in the occupied Palestinian territory’, 18 Mar 2024, <https://www.unognewsroom.org/teleprompter/en/2101/ocha-press-conference-humanitarian-situation-in-the-occupied-palestinian-territory-18-march-2024/6349>.