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SITUATION IN THE STATE OF PALESTINE

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**COMMUNICATION PURSUANT
TO ARTICLE 15 OF THE ROME STATUTE**

Accessorial Liability of United States Officials

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1. This communication is filed by DAWN to the Office of the Prosecutor (hereafter, “OTP”) of the International Criminal Court (hereafter, “ICC”) under Article 15 of the Rome Statute. With this communication, DAWN requests the Prosecutor to examine the alleged accessorial liability of United States officials from October 7, 2023, in relation to the principal crimes within the jurisdiction of the ICC committed by Israel officials in the Gaza strip.

I. Procedural background of the Situation in the State of Palestine

2. On 1 January 2015, the State of Palestine (hereafter “Palestine”) made a declaration under article 12(3) of the Rome Statute referring all “*crimes within the jurisdiction of the Court committed in the occupied Palestinian territory, including East Jerusalem, since June 13, 2014*”.¹ The next day, Palestine deposited its instrument of accession to the Statute with the Secretary-General of the United Nations (hereafter, “UN”), which entered into force on 1 April 2015.²
3. On 22 January 2020, the Prosecutor filed a request pursuant to Article 19(3) of the Rome Statute for a ruling on the Court’s exercise of its criminal territorial jurisdiction in Palestine.³ On 5 February 2021, Pre-Trial Chamber I held that the jurisdictional scope of the investigation into the situation in Palestine “*extends to the territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem*”.⁴
4. On 3 March 2021, the Prosecutor formally announced the opening of an investigation with regards to crimes committed since 13 June 2014⁵ and notified States including the State of Israel (hereafter “Israel”), pursuant to Article 18(1) of the Rome Statute.⁶
5. Following the attack by Hamas’s Izz ad-Din al-Qassam Brigades and other Palestinian militant groups on 7 October 2023 and Israel’s subsequent military response, the Prosecutor received further State referrals from South Africa,

¹ ICC, Declaration Accepting the Jurisdiction of the International Criminal Court, (1 January 2015), [2015/IOR/3496/HvH](#).

² *Situation in the State of Palestine*, ICC PTC I, Decision on the ‘Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine, (5 February 2021) [ICC-01/18](#); United Nations Secretary General, Depositary Notification (6 January 2015) [C.N.13.2015.TREATIES-XVIII.10](#).

³ *Situation in the State of Palestine*, ICC OTP, Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine (22 January 2020) [ICC-01/18-12](#).

⁴ *Situation in the State of Palestine*, PTC I, Decision on the ‘Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine’ (5 February 2021) [ICC-01/18-143](#), p. 60.

⁵ ICC, [Statement of the ICC Prosecutor, Fatou Bensouda, respecting an investigation of the Situation in Palestine](#), (3 March 2021).

⁶ *Ibid.* According to information presented by Israel in 2024, Israel responded to this notification on 8 April 2021, asserting that the notice was not sufficiently specific. The Prosecutor subsequently responded on 9 April 2021 asking Israel to clarify whether it was asserting its right to have the investigation deferred pursuant to article 18(2) and, if so, whether further information was sought under rule 52(2). Following the Prosecutor’s request for clarification, Israel responded by re-affirming that the 9 March 2021 Article 18 notification was not sufficiently specific, which “*effectively precluded Israel from making any request of the OTP in response to the Prosecutor’s letter*”. See also, ICC, “Abridged Request for an Order Requiring an Article 18(1) Notice, and Staying Proceedings Pending Such a Notice”, (23 September 2024) [ICC-01/18-355AnxI-Corr](#), (“Article 18 Request”), Annex B, p. 1.; Article 18 Request, Annex C.; Article 18 Request, Annex D., Article 18 Request, Annex E, Article 18 Request, Annex G *in* Request for leave to appeal “Decision on Israel’s request for an order to the Prosecution to give an Article 18(1) notice”, (27 November 2024), [ICC-01/18](#), [6, 11].

Bangladesh, the Plurinational State of Bolivia, Comoros, and Djibouti (17 November 2023),⁷ and by the Republic of Chile and the United Mexican States (18 January 2024).⁸ On receipt of these referrals, the Prosecutor confirmed the continuation of the investigation into the Situation of Palestine.⁹

6. Following the Prosecutor's application for five warrants of arrest on 20 May 2024,¹⁰ Pre-Trial Chamber I issued on 21 November 2024 three warrants of arrest against "*Mr. Benjamin Netanyahu and Mr. Yoav Gallant, for crimes against humanity and war crimes committed from at least 8 October 2023 until at least 20 May 2024*"¹¹ as well as one arrest warrant against "*Mohammed Diab Ibrahim Al-Masri, commonly known as 'Deif', for alleged crimes against humanity and war crimes committed on the territory of the State of Israel and the State of Palestine from at least 7 October 2023*".¹²

With regards to Israeli officials, Pre-Trial Chamber I found that there were reasonable grounds to believe that Benjamin Netanyahu, Prime Minister of Israel, and Yoav Gallant, Minister of Defense of Israel, bear criminal responsibility for:

7. The war crimes of:

- **starvation** as a method of warfare, committed as co-perpetrators for committing the acts jointly with others, specifying that they "*intentionally and knowingly deprived the civilian population in Gaza of objects indispensable to their survival, including food, water, and medicine and medical supplies, as well as fuel and electricity, from at least 8 October 2023 to 20 May 2024*".¹³
- **intentionally directing attacks against the civilian population** of Gaza, committed as civilian superiors, in relation to "*two incidents that qualified as attacks that were intentionally directed against civilians*".¹⁴ The Chamber stressed that "*despite having measures available to them to prevent or repress the commission of crimes or ensure the submittal of the matter to the competent authorities*", Prime Minister Netanyahu and Yoav Gallant failed to do so.¹⁵

8. The crimes against humanity of:

⁷ South African Embassy, [State Party referral in accordance with Article 14 of the Rome Statute of the International Criminal Court](#), (17 November 2023).

⁸ *Situation in the State of Palestine*, ICC PTC I, [Chile and Mexico Article 14 Referral](#), *Situation in the State of Palestine*, (18 January 2024) ; Gobierno de México, Press Release, [Mexico and Chile refer situation in Palestine to the International Criminal Court \(ICC\)](#), (18 January 2024).

⁹ ICC, [Statement of the Prosecutor of the International Criminal Court, Karim A.A. Khan KC, on the Situation in the State of Palestine: receipt of a referral from five States Parties](#), (17 November 2023).

¹⁰ ICC, [Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine](#), (20 May 2024).

¹¹ ICC, [Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel's challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant](#), (21 November 2024).

¹² ICC, [Situation in the State of Palestine: ICC Pre-Trial Chamber I issues warrant of arrest for Mohammed Diab Ibrahim Al-Masri \(Deif\)](#), (21 November 2024).

¹³ *Supra*, n.11.

¹⁴ *Supra*, n.11.

¹⁵ *Supra*, n.11.

- **murder** in relation with “*the lack of food, water, electricity and fuel, and specific medical supplies*”, as it created conditions of life bringing about “*the destruction of part of the civilian population in Gaza*”, as co-perpetrators for committing the acts jointly with others.¹⁶
 - **other inhumane acts** in relation with the intentional limitation or prevention of “*medical supplies and medicine from getting into Gaza*”, consequently “*inflicting great suffering by means of inhumane acts on persons in need of treatment*”, as co-perpetrators for committing the acts jointly with others.¹⁷
 - **persecution** as the limitation and prevention of letting medical supplies and medicine into Gaza also deprived the civilian population of their fundamental rights, including “*the rights to life and health*”, emphasizing that “*the population was targeted based on political and/or national grounds*”, as co-perpetrators for committing the acts jointly with others.¹⁸
9. Furthermore, when issuing the arrest warrants, the Pre-Trial Chamber reiterated the affirmation of the Prosecutor that, since May 2024, “*conduct similar to that addressed in the warrant of arrest appears to be ongoing*”.¹⁹
10. On the same day, Pre-Trial Chamber I issued two separate decisions rejecting challenges by Israel. It held that “*the acceptance by Israel of the Court’s jurisdiction is not required, as the Court can exercise its jurisdiction on the basis of the territorial jurisdiction of Palestine*”.²⁰ Israel filed notices of appeal²¹ requesting the suspension of the arrest warrants for the duration of this appeal. This procedure is ongoing.

¹⁶ *Supra*, n.11.

¹⁷ *Supra*, n.11.

¹⁸ *Supra*, n.11.

¹⁹ *Supra* n.11.

²⁰ *Situation in the State of Palestine*, PTC I, Decision on Israel’s challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute, (21 November 2024), [ICC-01/18](#), [13, 17] and *Situation in the State of Palestine*, PTC I, Decision on Israel’s request for an order to the Prosecution to give an Article 18(1) notice, (21 November 2024), [ICC-01/18](#), [13, 14]

²¹ *Situation in the State of Palestine*, ICC PTC I, Decision on Israel’s request for an order to the Prosecution to give an Article 18(1) notice (21 November 2024), [ICC-01/18](#); *Situation in the State of Palestine*, ICC PTC I, Notice of Appeal of “Decision on Israel’s challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute” (27 November 2024), [ICC-01/18-374](#).

II. Factual allegations since 7 October 2023

11. The armed conflict between the States of Israel and Palestine is one of the longest running in modern history. The alleged crimes described below are part of a broader context and are deeply rooted in the many years of illegal Israeli occupation of the Palestinian territory, as well as in the political and violent confrontations that have characterized the history of the region.²²
12. Between 1922 and 1948, the League of Nations placed Palestine under mandatory control of the United Kingdom. Israel declared independence in 1948, leading to the 1948, and subsequently 1967 Arab-Israel wars.²³ In each of these wars Israel occupied additional Palestinian territory, culminating with the military occupation of the West Bank including East Jerusalem and the Gaza Strip (the “Occupied Palestinian Territory”, or “OPT”).²⁴ Between 1967 and 1990, Palestinian militant groups launched irregular attacks from Lebanon and Jordan, and in 1987 Palestinian civilians in the OPT staged a mass uprising against Israeli occupation, known as the First Intifada. To counter this uprising, Israeli forces used methods that led to mass injuries and heavy loss of life amongst the Palestinian civilian population.²⁵ In the 1990s, the Israeli government and the Palestinian Liberation Organization (hereafter, “PLO”) initiated a peace process, but by 2000, a second, more violent intifada erupted, to which Israel responded with major military operations in civilian areas of the OPT and by building the illegal²⁶ West Bank separation wall, located mostly within the OPT.²⁷ In 2005, Israel withdrew its settlers and troops from the Gaza Strip while retaining control over its borders, coastline, and airspace.²⁸
13. In 2006, Hamas won the elections for the Palestinian Legislative Council with 44% of the votes, which allowed it to form a government within the framework of the Palestinian National Authority. Following a coup attempt by Fatah forces, Fatah reasserted its control in the West Bank, while Hamas retained governance of the Gaza Strip, prompting Israel to impose a blockade of the coastal territory.²⁹ In late 2008, escalating rocket fire across the border led Israel to launch a military assault named “Cast Lead”, followed by further rounds of fighting in 2012, 2014, and 2021.³⁰

²² United Nations, Report of the United Nations Fact-Finding Mission on the Gaza Conflict, [A/HRC/12/48](#), (25 September 2009). See also: United Nations, Sigrid Kaag, [The Question of Palestine: Briefing by the UN Senior Humanitarian and Reconstruction Coordinator for Gaza](#), (16 September 2024).

²³ United Nations, Sigrid Kaag, [The Question of Palestine: Briefing by the UN Senior Humanitarian and Reconstruction Coordinator for Gaza](#), (16 September 2024).

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ International Court of Justice, [Advisory Opinion Concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory](#), General List No. 131, (9 July 2004).

²⁷ *Supra n.23.*

²⁸ *Supra n.23.*

²⁹ *Supra n.23.*

³⁰ *Supra n.23*; the violations of this operation were investigated by the UN in the Goldstone Report – UN General Assembly, HRC 12th Session; Report of the United Nations Fact Finding Mission on the Gaza Conflict (Goldstone Report), (25 September 2009) [A/HRC/12/48](#).

14. Since 8 October 1997, the United States has designated Hamas as a terrorist organization,³¹ with many other States following suit, as well as regional organizations such as the European Union.³²
15. On 7 October 2023, members of Hamas' armed wing — the Izz ad-Din al-Qassam Brigades — and other Palestinian armed groups carried out a coordinated and complex attack on Israeli civilian communities and locations as well as on military bases in southern Israel, near the border with the Gaza Strip. Attackers entered Israel by land, sea and air under cover of an unprecedented rocket and mortar attack targeting southern and central Israel.³³ They carried out mass killings at and/or around the communities of Kfar Aza, Holit, Nir Oz, Be'eri, and Nahal Oz, as well as at the Nova music festival. At least 1,195 people were killed, 815 of them civilians. Around 14,970 people were injured. Izz ad-Din al Qassam Brigades and other Palestinian armed groups took 251 people hostage.³⁴ As of 10 January 2024, more than a year after a prisoner and hostage release deal between Israel and Hamas, media reports indicated that Israel believed 61 of the hostages to be alive in Gaza, in captivity for more than 460 days, but it did not give the basis for that estimate.³⁵
16. In the warrant of arrest issued on 21 November 2024, Pre-Trial Chamber I found that there were reasonable grounds to believe that Hamas commander Mohammed Deif is responsible for crimes against humanity of murder; extermination; torture; and rape and other form of sexual violence; as well as the war crimes of murder, cruel treatment, torture; taking hostages; and outrages upon personal dignity.³⁶

1. Crimes within the jurisdiction of the ICC allegedly committed by Israeli Prime Minister Netanyahu and former Israeli Former Minister of Defense Gallant

17. Since 7 October 2023, Israeli forces have conducted repeated continuous operations in Gaza, resulting in the death of tens of thousands of Palestinian people and large-scale destruction of civilian infrastructure. The number of casualties, injuries to civilians as well as damage to infrastructure caused by Israeli forces' military actions continues to grow every day.³⁷

³¹ U.S. Department of State, [Foreign Terrorist Organization](#), Bureau of Counterterrorism.

³² These include: the [Organization of American States](#), [New Zealand](#), [European Union](#) and [Canada](#).

³³ UN General Assembly, HRC 56th Session, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, (14 June 2024), [A/HRC/56/26](#).

³⁴*Ibid.* See also Amnesty International, [Israel and the Occupied Palestinian Territory](#); Human Rights Watch, '[I can't erase all the blood from my mind. Palestinian Armed Groups' October 7 Assault on Israel](#)', (17 July 2024); UN, 'Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel – Advance unedited version, (27 May 2024), [A/HRC/56/26](#).

³⁵ The Washington Post, [Monitoring the status of hostages still in Gaza after Hamas's attack](#), (13 January 2025).

³⁶ ICC, Press release, [Situation in the State of Palestine: ICC Pre-Trial Chamber I issues warrant of arrest for Mohammed Diab Ibrahim Al-Masri \(Deif\)](#), (21 November 2024).

³⁷ The United Nations Office for the Coordination of Humanitarian Affairs (hereafter, "OCHA") publishes regular updates on the situation UN Office for the Coordination of Humanitarian Affairs, [Gaza Updates](#); see also the World Health Organization (hereafter, "WHO") which maintains a Unified Dashboard with key figures on the OPT WHO, [Unified Health Dashboard](#) on the OPT, last updated 6 January 2025.

18. As early as 8 October 2023, Israeli forces imposed a complete siege on Gaza, obstructing and destroying humanitarian aid as well as Objects Indispensable to the Survival of the Palestinian population (hereafter “OIS”), such as water, food, medicine, electricity, and fuel. This deliberate deprivation has exacerbated the already dire humanitarian crisis, resulting in the alleged war crime of starvation. The systematic targeting of Palestinians through these measures and as a consequence of direct military attacks appears to have been undertaken with an intent to inflict destruction upon the population, raising serious concerns of alleged crimes against humanity of persecution and genocide.

1.1 Direct targeting of civilian persons and objects

19. **Direct targeting of civilian persons** — Between 8 October 2023 and 8 January 2025, at least 45,936 Palestinian civilians³⁸, including women, children,³⁹ and medical workers were killed, 109,274 were injured, and at least 10,000 were reported missing according to sources from the Ministry of Health in Gaza. As early as 31 December 2023, the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem (hereafter “UN Independent Commission of enquiry”), reported large-scale killings of civilians in the Gaza Strip, conducted over a significant period of time and within a widespread geographical area.⁴⁰
20. On 22 April 2024, the Bureau of Democracy, Human Rights and Labor of the U.S. Department of State published its 2023 Human Rights report (hereafter, “the State Department’s 2023 HR report”) with regards to Israel, West Bank and Gaza⁴¹ indicating that, since 7 October 2023, the Israel Defense Forces (hereafter, “IDF”) committed “*widespread civilian deaths or harm, enforced disappearances or abductions, forcible transfers of civilian populations, torture, physical abuses, conflict-related sexual violence or punishment*”⁴² in the Gaza Strip.
21. In May 2024, despite many members of the UN Security Council (hereafter, the “UNSC”) calling on Israel to reconsider its assault on Rafah and expressing concerns about the unfolding humanitarian catastrophe, the IDF continued to perpetuate similar attacks on similar vulnerable and vital targets, ultimately exacerbating the humanitarian crisis.⁴³

³⁸ UN Office for the Coordination of Humanitarian Affairs, [Humanitarian Situation Update #253 | Gaza Strip](#), (8 January 2025); World Health Organization, [oPt Emergency Situation Update Issue 52 \(7 Oct 2023 — 4 Dec 2024\)](#), (12 December 2024).

³⁹ Oxfam, [More women and children killed in Gaza by Israeli military than any other recent conflict in a single year](#), (1 October 2024).

⁴⁰ Human Rights Council, 56th Session, ‘Detailed findings on the military operations and attacks carried out in the Occupied Palestinian Territory from 7 October to 31 December 2023’, Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel (10 June 2024), [A/HRC/56/CRP.4](#).

⁴¹ U.S. Department of State – Bureau of Democracy, Human Rights and Labor, [2023 Country Reports on Human Rights Practices: Israel, West Bank and Gaza](#), (22 April 2024).

⁴² U.S. Department of State – Bureau of Democracy, Human Rights and Labor, [2023 Country Reports on Human Rights Practices: Israel, West Bank and Gaza](#), (22 April 2024), p.3.

⁴³ United Nations Security Council, 9631st Meeting, Speakers in Security Council Urge Israel to Stop Military Incursions into Rafah, (20 May 2024), [SC/15701](#).

22. It did so even though the International Court of Justice (hereafter, the “ICJ”) — following an application by South Africa – had ordered Israel to take effective measures to prevent genocide and provide humanitarian assistance to Palestinians, noting that Israel’s military operation caused *“a large number of deaths and injuries, as well as the massive destruction of homes, the forcible displacement of the vast majority of the population, and extensive damage to civilian infrastructure.”*⁴⁴ Additionally, in its subsequent provisional order from 24 May 2024, the Court ordered Israel to *“immediately halt its military offensive and any other action in the Rafah Governorate, which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part”*⁴⁵.
23. As a consequence of Israeli forces’ military actions, 90% of the population is said to have been displaced.⁴⁶ The UN Office of the High Commissioner for Human Rights (hereafter, the “OHCHR”), in an update report published on 8 November 2024, asserted that *“the high number of fatalities per attack was due to the IDF’s use of weapons with wide area effects in densely populated areas”*.⁴⁷ It also described that the IDF attacked hospitals and medical personnel across the Gaza Strip *“in apparent systemic fashion, effectively crippling the healthcare system”*.⁴⁸
24. **Direct targeting of civilian objects** — Israeli strikes from the air, land and sea together with the detonation of residential buildings have been reported across the Gaza Strip since 8 October 2023, also resulting in extreme situations of displacement and destruction of civilian infrastructure. In its June 2024 report, the UN Independent International Commission stated that:

*“in response to the Hamas-led attack on Israel, Israeli security forces started carrying out air strikes in Gaza in the morning of 7 October. On 8 October, Israel formally announced the commencement of a major military operation, “Swords of Iron”. Israeli security forces first launched an intensive six-week air campaign, followed by ground operations under the cover of heavy artillery. The primary military goals of the offensive, as publicly stated, were to destroy Hamas completely, including its governmental functions, and to secure the release of Israeli hostages.”*⁴⁹

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](#), General List No. 192, (26 January 2024), [46].

⁴⁵ 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 modification of the Order of 28 March 2024](#), General List No. 192, (24 May 2024), 57 (2)(a).

⁴⁶ UNRWA, [UNRWA situation report number 141 on the situation in the Gaza strip and the West Bank, including East Jerusalem](#), (4 October 2024).

⁴⁷ OHCHR, Update Report, [Six-month update report on the human rights situation in Gaza: 1 November 2023 to 30 April 2024](#), (8 November 2024).

⁴⁸ OHCHR, Update Report, [Six-month update report on the human rights situation in Gaza: 1 November 2023 to 30 April 2024](#), (8 November 2024).

⁴⁹ Human Rights Council, 56th Session, ‘Detailed findings on the military operations and attacks carried out in the Occupied Palestinian Territory from 7 October to 31 December 2023’, Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel (10 June 2024), [A/HRC/56/CRP.4](#).

25. These attacks are said to have caused the destruction or damage of 69% of all infrastructure in the Gaza Strip, including the damage or complete destruction of more than 80% of the commercial facilities, around 68% of the cropland and roads and 92% of the housing units.⁵⁰ UN experts have called the destruction and bombing of more than half of the homes in Gaza by Israel, under the pretext of identifying and destroying Hamas, as "domicide" (the mass destruction of homes to make this land uninhabitable).⁵¹
26. In addition, areas that the Israeli military designated as 'safe zones,' such as al-Mawasi⁵² — have also been repeatedly bombed by Israeli forces and all warring parties continue to fight in densely populated areas. As documented for example in a January 2025 report by Palestinian human rights organization Al Haq, those "safe zones" *"are routinely targeted by Israeli Occupying Forces (IOF) by air, land and sea. Crowded together with nowhere to flee, Palestinians in Gaza are either killed by Israeli strikes, severely physically and mentally injured by the IOF's physical and psychological warfare, or subject to a slow death as a result of starvation, dehydration, a complete lack of crucial medical care, or the rampant spread of infectious diseases in the densely populated, unsanitary zones."*⁵³
27. Humanitarian actors have continuously denounced that nowhere is safe in Gaza. Israeli military attacks on hospitals and medical personnel have nearly completely destroyed the healthcare system in the Gaza Strip,⁵⁴ exacerbating the harm suffered by civilians. Hospitals have been destroyed in airstrikes claiming significant casualties among doctors, nurses, medics and other civilians and causing significant damage, if not complete destruction of civilian infrastructure.⁵⁵ A total of 617 attacks against medical facilities and personnel have been recorded by the WHO's Unified Dashboard since October 2023⁵⁶ and according to reports from January 2025, hospitals are currently lacking the capacity to treat chronic diseases and complex injuries, which are innumerable in the Gaza Strip.⁵⁷ As of December 2024, 122 health facilities are said to have been affected including 33 hospitals damaged.⁵⁸ Oxfam has underlined the fact that *"Israeli explosive weapons hit civilian infrastructure in Gaza — including schools, hospitals and aid distribution points — once every three hours"*.⁵⁹

⁵⁰ UN Office for the Coordination of Humanitarian Affairs, [Reported impact snapshot | Gaza Strip](#), (8 January 2025); NPR, [These maps and images show what's left of Gaza, 1 year into the Israel-Hamas war](#), (10 October 2024), citing satellite data analysis by Corey Scher of the City University of New York's Graduate Center and Jamon Van den Hoek of Oregon State University.

⁵¹ OHCHR, Press release, [Gaza: UN experts deplore use of purported AI to commit 'domicide' in Gaza, call for reparative approach to rebuilding](#), (15 April 2024).

⁵² See Annex 1: Non exhaustive compilation of selected attacks allegedly using U.S. weapons (October 2023 – August 2024).

⁵³ Al-Haq, [How to hide a genocide, the Role of Evacuation Orders and Safe Zones in Israel's Genocidal Campaign in Gaza](#), 2024.

⁵⁴ *Ibid.*

⁵⁵ OHCHR, Thematic Report, [Attacks on hospitals during the escalation of hostilities in Gaza \(7 October 2023- 30 June 2024\)](#), (31 December 2024).

⁵⁶ WHO, [Unified Health Dashboard on the OPT](#), last updated 6 January 2025.

⁵⁷ UN, Press release, Security Council Debates Israeli Attacks on Hospitals Allegedly Misused by Hamas, as UN Rights Chief Urges Independent Probes, [SC/15959](#), (3 January 2025).

⁵⁸ World Health Organization, [oPt Emergency Situation Update 52 \(7 Oct 2023 — 4 Dec 2024\)](#), (12 December 2024).

⁵⁹ Oxfam, [More women and children killed in Gaza by Israeli military than any other recent conflict in a single year](#), (1 October 2024).

28. For example, throughout its reporting period from 1 November 2023 to April 2024, the OHCHR reported that attacks against hospitals (Al Shifa Medical Complex in Gaza city, Al Awda and Kamal Adwan hospitals in North Gaza, Al Aqsa Martyrs Hospital in Middle Gaza, as well as Nasser Medical Complex and Al Amal Hospital in western Khan Younis) consisted of “*direct strikes, sieges, the use of snipers, raids, and the apparent arbitrary detention and ill-treatment of medical staff, patients and their companions, and internally displaced persons (IDPs) sheltering at hospitals.*”⁶⁰ In its latest December 2024 report, the OHCHR concluded that “*the conduct of hostilities in Gaza since 7 October has destroyed the healthcare system in Gaza*” and “*the destruction of the healthcare system in Gaza, and the extent of killing of patients, staff, and other civilians in these attacks, is a direct consequence of the disregard of international humanitarian and human rights law*”.⁶¹
29. On 3 January 2025, the UN High Commissioner for Human Rights, Volker Türk denounced during a briefing to the UNSC, the “*intense bombardment on residential buildings, shelters, and medical facilities, displacement orders, the prevention of the entry of aid, attacks on Palestinians trying to flee, and on their shelters*”, and warned “*in the strongest terms about the risk of atrocity crimes being committed in the Occupied Palestinian Territory*” and urged “*all those with influence to take action accordingly and to protect civilians as a matter of absolute priority*”.⁶²
30. Furthermore, Israeli authorities knew or ought to have known that the targets of their military operations were civilian objects given that on several occasions, the objects in question were in areas to which the Israeli military had ordered residents to relocate (*cf. Annex 1 lines 4, 6, 10*). In addition, as described by the OHCHR the type of weapons used were “*large and heavy munitions used to penetrate through several floors of concrete [which can] completely collapse tall structures*”, stressing that “*the use of such a wide area effect weapon would have in all likelihood resulted in an indiscriminate attack*”.⁶³
31. As described above, since 7 October 2023, several UN agencies and human rights mechanisms have continuously warned about the human rights violations and international crimes allegedly committed by Israeli forces against the Palestinian population, raising concerns about targeted attacks against civilian persons and infrastructure as well as calling for an immediate ceasefire.⁶⁴ The UN Office of the High Commissioner centralizes the related statements on a regularly updated page.⁶⁵

⁶⁰ OHCHR, Update Report, [Six-month update report on the human rights situation in Gaza : 1 November 2023 to 30 April 2024](#), (8 November 2024), p.19.

⁶¹ OHCHR, Thematic Report, [Attacks on hospitals during the escalation of hostilities in Gaza \(7 October 2023- 30 June 2024\)](#), (31 December 2024), p.22.

⁶² OHCHR, Statement and Speeches, [Israel’s attacks have devastating impact on Gaza’s hospitals, Türk tells Security Council](#), (3 January 2025).

⁶³ OHCHR, Thematic Report, [Indiscriminate and disproportionate attacks during the conflict in Gaza \(October – December 2023\)](#), (19 June 2024), p. 11.

⁶⁴ OHCHR, Media Centre, [News on the situation in the Occupied Palestinian Territory, Israel and Lebanon](#).

⁶⁵ OHCHR, Media Centre, [News on the situation in the Occupied Palestinian Territory, Israel and Lebanon](#).

1.2 Siege on the Gaza Strip and the use of starvation as a method of warfare

32. “*We are putting a complete siege on Gaza City... No electricity, no food, no water, no gas – it’s all closed,*” announced Israel’s then-Defense Minister Gallant on 9 October 2023.⁶⁶ Since 7 October 2023, Israel has imposed a complete siege on the Gaza Strip, blocking humanitarian aid as well as depriving Palestinians of Objects Indispensable to the survival of the Civilian population (hereafter” OIS”) such as water, food, electricity, fuel and medicine. OIS enjoy heightened protections from attack under International Humanitarian Law and International Criminal Law applicable in both international and non-international armed conflicts.⁶⁷
33. As early as 10 October 2023, the International Committee of the Red Cross (hereafter, the “ICRC”) alerted that “*the decision by the Israeli authorities to halt all food and energy supplies entering Gaza will have a massive impact on essential services and deepen an already degraded humanitarian situation. The latest violence comes on top of 16 years of restrictions on the movement of people and goods, which have taken a huge toll on the economy and lives of residents of Gaza*”.⁶⁸ Fabricio Carboni, ICRC’s regional director for the Near and Middle East, declared that “*during the darkest hours of our presence in Gaza we never envisaged a scenario where 2 million civilians could possibly live through heavy bombing, deprived of water, food, electricity & medicines. All measures to avoid such a situation should be taken immediately.*”⁶⁹
34. In addition to imposing a complete siege on the Gaza Strip, Israel systematically attacked and destroyed OIS in the Gaza Strip,⁷⁰ further exacerbating the effects of the siege. For instance in March 2024, Israel attacked the queue of civilians that had gathered to receive flour, which resulted in 118 persons being killed and 760 injured.⁷¹
35. In its report covering the period up to April 2024, OHCHR declared that restrictions to humanitarian assistance were indeed exacerbated by Israel’s:
- i) intense aerial bombardment of densely populated urban areas and civilian infrastructure and farmland, destroying local food production and distribution systems;*

⁶⁶Al Jazeera, [Israel announces “total” blockade on Gaza](#), (9 October 2023); Le Monde, [Israeli army seals off Gaza Strip in a “complete siege”](#), (October 2023); BBC, [Israel-Gaza war : Death and Israel’s search for “total victory”](#), (11 February 2024); Euronews, [Besieged Gaza Strip running short of bread and drinking water](#), (26 October 2023).

⁶⁷ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), (8 June 1977), Article 54(2); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), (8 June 1977), Article 14; Rome Statute of the International Criminal Court (17 July 1998), Article 8(2)(b)(xxv).

⁶⁸ ICRC, [Israel and the occupied territories: People caught in rising violence need help](#), (10 October 2023).

⁶⁹ *Ibid.*

⁷⁰OHCHR, Thematic Report, [Attacks on hospitals during the escalation of hostilities in Gaza \(7 October 2023- 30 June 2024\)](#), (31 December 2024) ; UN, Press release, Security Council Debates Israeli Attacks on Hospitals Allegedly Misused by Hamas, as UN Rights Chief Urges Independent Probes, (3 January 2025), [SC/15959](#).

⁷¹ OHCHR, Press Release, [UN experts condemn ‘flour massacre’, urge Israel to end campaign of starvation in Gaza](#), (5 March 2024).

- ii) *large-scale military ground operations which thoroughly destroyed the targeted areas, including civilian infrastructure;*
 - iii) *unexploded ordnance (UXO) contamination;*
 - iv) *widespread movement restrictions on people and goods across Gaza; as well as*
 - v) *the prevailing insecurity and breakdown of public order and safety”*.⁷²
36. On 22 April 2024, the State Department’s 2023 HR report established that “*the Israeli military campaign resulted in an **intensification of the longstanding humanitarian crisis in Gaza***”⁷³ and that “*famine posed a major threat*” citing several non-governmental organizations and press sources reporting the various restrictions on humanitarian aid that Israel imposed.⁷⁴
37. As a result of Israel’s siege on the Gaza Strip and its destruction of OIS, the Integrated Food Security Phase Classification (here after “IPC”) also alerted on 8 November 2024 that there is “*a strong likelihood that famine is imminent in areas within the northern Gaza Strip,*”⁷⁵ a culmination of dire earlier warnings.⁷⁶
38. As of 8 January 2025, Israeli authorities continued to largely deny access to the North Gaza governorate, which has been under intensified siege since 6 October 2024. From 6 October to 31 December 2024, the UN attempted to reach the area 165 times, of which 149 attempts were denied and 16 were allowed to proceed but faced impediments. Coordinated aid missions to areas in the Rafah governorate, where there has been an ongoing Israeli military operation since early May, have faced similar challenges.⁷⁷
39. Overall, in 2024, the UN and its partners carried out 5,321 coordinated humanitarian movements across the Gaza Strip. Of these, 48%t were facilitated, 24% were denied, 19% were interfered with or initially agreed to but then faced impediments, and 9% were cancelled by the organizers due to logistical and security challenges. Movements facing impediments were accomplished either partially or not at all.⁷⁸ In addition, across Gaza, the lack of fuel to operate electricity generators has continued to severely affect the already decimated health system, placing the lives of patients at risk and food insecurity continues to deteriorate across the Gaza Strip while assistance equivalent to food rations sufficient for the whole population for more than three

⁷² OHCHR, Update Report, [Six-month update report on the human rights situation in Gaza : 1 November 2023 to 30 April 2024](#), (8 November 2024), p.17.

⁷³ U.S. Department of State – Bureau of Democracy, Human Rights and Labor, [2023 Country Reports on Human Rights Practices: Israel, West Bank and Gaza](#), (22 April 2024), p.54.

⁷⁴ U.S. Department of State – Bureau of Democracy, Human Rights and Labor, [2023 Country Reports on Human Rights Practices: Israel, West Bank and Gaza](#), (22 April 2024), p.57-58.

⁷⁵ IPC, [IPC Famine Review Committee alert — Gaza Strip](#), (8 November 2024), p. 1.

⁷⁶ *Ibid*; The IPC had already warned in February 2024 that Gaza had the highest share of people facing high levels of acute food insecurity that the IPC initiative has ever classified for any given area or country (See IPC, [Gaza Strip : Hostilities leave the entire population highly food insecure and at risk of famine](#), (January 2024).

⁷⁷OCHA, [Humanitarian Situation Update #253 | Gaza Strip](#), (8 January 2025).

⁷⁸ *Ibid*.

months (about 120,000 metric tons) continues to remain stranded outside the Gaza Strip.⁷⁹

40. In its 28 March and 24 May 2024 orders, the ICJ observed the deterioration of “*the catastrophic living conditions of the Palestinians in the Gaza Strip (...) in particular in view of the prolonged and widespread deprivation of food and other basic necessities*”.⁸⁰ It alerted that “*famine is setting in*”,⁸¹ and that the military bombardments and ground offensive in Rafah “*entails a further risk or irreparable prejudice*” posing an “*immense risk to (...) the Palestinian population*”, requesting that Israel “*immediately halt its military offensive, and any other action in the Rafah Governorate*”.⁸²
41. On 12 December 2024, the UN General Assembly adopted a resolution expressing “*grave concern over the catastrophic humanitarian situation in the occupied Palestinian territories*” requesting the ICJ to issue an advisory opinion on Israel’s humanitarian responsibilities in the Gaza Strip. 137 countries voted in favor of the resolution; Israel, the United States, and 10 other countries opposed the measure, while 22 nations abstained.
42. Despite claims that Israel facilitated humanitarian assistance in the Gaza Strip,⁸³ Israel’s siege-tactics, destruction of OIS, impediment of humanitarian aid all while 1.1 million people in the Gaza Strip faced extreme levels of food insecurity⁸⁴ — combined with statements made by Israeli officials — points to Israel intentionally using starvation as a method of warfare.

1.3 Targeting of the Palestinian as a group

43. Israeli officials have made public statements demonstrating their intent to bring about the destruction of the Palestinian population in the Gaza Strip. By way of example, on 9 October 2023, Defense Minister Gallant announced that Israel was “*fighting human animals*”,⁸⁵ echoed the next day by Israeli Major General Ghassan Alian,⁸⁶ who heads Israel’s Coordinator of Government Activities in the Territories (hereafter, “COGAT”). Meanwhile IDF spokesperson Daniel Hagari declared that the military

⁷⁹ *Ibid.*

⁸⁰ 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 modification of the Order of 28 March 2024](#), General List No. 192, (24 May 2024), [27, 28].

⁸¹ 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 modification of the Order of 26 January 2024 indicating provisional measures](#), General List No. 192, (28 March 2024), [21].

⁸² 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 modification of the Order of 28 March 2024](#), General List No. 192, (24 May 2024), [28, 43, 46, 47, 50].

⁸³ Refugees International, [Siege and Starvation — How Israel Obstructs Aid to Gaza](#), (March 2024), p. 4.

⁸⁴ IPC, [Global Initiative – Special Brief: IPC Acute Food Insecurity Analysis 15 February – 15 July 2024](#), (18 March 2024).

⁸⁵ The Times of Israel, [Defense minister announces ‘complete siege’ of Gaza: No power, food or fuel](#), (9 October 2023).

⁸⁶ The Times of Israel, [COGAT chief addresses Gazans: ‘You wanted hell, you will get hell’](#), (10 October 2023).

would drop “hundreds of tons of bombs” as the “emphasis is on damage and not on accuracy”.⁸⁷

44. As early as October 2023, concerns regarding the risk of an unfolding genocide in the Gaza Strip were raised by UN experts.⁸⁸ “[c]onsidering statements made by Israeli political leaders and their allies, accompanied by military action in Gaza and escalation of arrests and killing in the West Bank, there is also a risk of genocide against the Palestinian People.”⁸⁹
45. The ICJ, in its rulings on 26 January and 24 May 2024, requested that Israel should, among other provisional measures, take immediate steps to prevent its military from committing acts that might be considered genocidal and to enable the provision of humanitarian assistance in the Gaza Strip,⁹⁰ while stressing the existence of a “real and imminent risk” of a violation to the Genocide Convention.⁹¹ It requested the State of Israel to take measures that would ensure “the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance”⁹² and that “its military does not (...) preven[t], through any action, the delivery of urgently needed humanitarian assistance”.⁹³
46. Furthermore, on 25 March 2024, the UN Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 found that “there are reasonable grounds to believe that the threshold indicating Israel’s commission of genocide is met”.⁹⁴ In her subsequent report in October 2024, she concluded that “the violence that Israel has unleashed against the Palestinians post-7 October is not happening in a vacuum, but is part of a long-term intentional, systematic, State organized forced displacement and replacement of the Palestinians. This trajectory risks causing irreparable prejudice to the very existence of the Palestinian people in Palestine. Member States must intervene now to prevent new atrocities that will further scar human history”.⁹⁵
47. The UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories found on 20 September 2024 that: “the policies and practices of Israel [during the reporting period] are consistent with the characteristics of genocide. The targeting of

⁸⁷ The Guardian, [‘We’re focused on maximum damage’: ground offensive into Gaza seems imminent](#), (10 October 2023) ; Amnesty International, [You feel like you are subhuman. Israel’s Genocide against Palestinians in Gaza](#), (5 December 2024).

⁸⁸ UN, Press Release, [Gaza: UN experts call on international community to prevent genocide against the Palestinian people](#), (16 November 2023); UN, Press Release, [Over one hundred days into the war, Israel destroying Gaza’s food system and weaponizing food, say UN human rights experts](#), (16 January 2024).

⁸⁹ OHCHR, [Gaza: UN experts decry bombing of hospitals and schools as crimes against humanity, call for prevention of genocide](#), (19 October 2023).

⁹⁰ *Supra n. 78 et n. 79*, [78].

⁹¹ 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 modification of the Order of 28 March 2024](#), General List No. 192, (24 May 2024), [47].

⁹² *Ibid.* p. 13.

⁹³ *Ibid.* p. 4.

⁹⁴ United Nations General Assembly, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, (25 March 2024) ([A/HRC/55/73](#)), [7].

⁹⁵ *Ibid.*, p.2.

*Palestinians as a group; the life -threatening conditions imposed on Palestinians in Gaza through warfare and restrictions on humanitarian aid — resulting in physical destruction, increased miscarriages and stillbirths — and the killing of and serious bodily or mental harm caused to Palestinians in Gaza and the occupied West Bank, including East Jerusalem, are violations under international law”.*⁹⁶

48. The violations committed by Israeli authorities viewed in light of the dehumanizing statements made since the beginning of its military operations in the Gaza Strip — of which Amnesty International has made an extensive collection⁹⁷ — are indications of the specific genocidal intent required as emphasized by Amnesty International in its report:

*“The evidence presented in the report clearly shows that the destruction of the Palestinians in Gaza, as such, was Israel’s intent, either in addition to, or as a means to achieve, its military aims. There is only one reasonable inference that can be drawn from the evidence presented: genocidal intent has been part and parcel of Israel’s conduct in Gaza since 7 October 2023, including its military campaign”.*⁹⁸

49. In this report, Amnesty International concluded that, according to the available evidence, the responsibility of Israel should be engaged on the basis of the 1949 Genocide Convention for the alleged underlying acts of “*killing, causing serious bodily or mental harm and deliberately inflicting on Palestinians in Gaza conditions of life calculated to bring about their physical destruction in whole or in part*” and considered that there is “*a sufficient basis to conclude that Israel, through its policies, actions and omissions against Palestinians in Gaza following 7 October 2023, committed and is committing genocide*”.⁹⁹ Furthermore, Human Rights Watch, also concluded that the actions of Israeli authorities constitute crimes of extermination and genocide in regards to the dire state of the Palestinians’ access to adequate water for survival in Gaza since October 2023.¹⁰⁰ For Human Rights Watch, the measures taken by Israel, including the deliberate destruction of water and sanitation infrastructure, “*amount to deliberately inflicting conditions of life calculated to bring about the physical destruction of the Palestinian population in Gaza,*” thereby meeting the legal criteria for acts of genocide.¹⁰¹

50. Notwithstanding the above corroborated and repeated alerts by the UN and its agencies, the ICJ, human rights as well as humanitarian non-governmental organizations, credible media reports further echoed by American agencies

⁹⁶ Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, (20 September 2024) ([A/79/363](#)), [69].

⁹⁷ Amnesty International, ‘[You feel like you are subhuman. Israel’s Genocide against Palestinians in Gaza](#)’, (5 December 2024), p. 235 to 278.

⁹⁸ *Ibid.* p. 282.

⁹⁹ *Ibid.* p.283.

¹⁰⁰ Human Rights Watch, ‘[Extermination and Acts of Genocide. Israel Deliberately Depriving Palestinians in Gaza of Water](#)’, (December 2024).

¹⁰¹ *Ibid.* p.176.

themselves, the U.S. government continued to provide unconditional military, financial and political support to Israel.

2. United States military and political support, encouragement and assistance to Israel

51. Israel has committed and continues to commit international crimes in the Gaza Strip, supported, encouraged, and assisted — particularly by the United States, its strongest political and military ally — through acts of aiding, abetting, or alternatively contributing to the principal crimes carried out by Israeli officials. The United States has specifically provided military and political support to Israel, which are defined as follows:

- U.S. Military Support which includes but goes far beyond the direct provision of arms. It includes the deployment of U.S. military assets¹⁰² and weapons, the deployment of U.S.-operated military intelligence¹⁰³ and active military operations against groups threatening Israel on other fronts.¹⁰⁴
- U.S. Political Support which goes from the unconditional support to Israel repeatedly using its position as a permanent member of the UNSC to veto resolutions on the humanitarian situation in the Gaza Strip, to the statements made by U.S. officials offering their full and unconditional support to Israel. (*c.f. Annex 3*).

2.1 Legal framework of U.S. foreign military support

52. Preliminarily, a specific domestic legal framework governs military assistance provided by the United States, particularly assistance in the form of weapons exports.¹⁰⁵ This framework entails a wide range of provisions that in theory aim to prevent and remedy violations of human rights and international humanitarian law when providing military assistance and exporting arms to Israel.

53. **U.S. Domestic Legal Framework Regarding Foreign Military Support** — Weapons can be transferred to foreign countries through three different mechanisms:

¹⁰² See for example two U.S. naval carrier strike groups to protect Israel from military attack on other fronts : CNN, [U.S sending second carrier strike group, fighter jets to region as Israel prepares to expand Gaza operations](#), (15 October 2023).

¹⁰³ Including the deployment of U.S. intelligence personnel, special forces troops, and high-level advisors to assist in the planning of military operations and strategy : Axios, [Scoop : Marine Corps 3-star general advising Israeli military on Gaza ground operation](#), (23 October 2023) ; see also the provision of real-time intelligence and surveillance support for Israeli military operations to locate Hamas military commanders and Israeli hostages : New York Times, [U.S. Intelligence Helped Israel Rescue Four Hostages in Gaza](#), (8 June 2024).

¹⁰⁴ See for example operations against groups threatening Israel on other fronts, primarily in the form of missile defense activities in the Gulf of Aden, the Kingdom of Jordan, and elsewhere in the region: AP News, [Pentagon chief extends deployment of aircraft carrier, ships in the Red sea as Houthi attacks go on](#), (31 May 2024).

¹⁰⁵ Congressional Research Service, [Transfer of Defense Articles: U.S. Sale and Export of U.S.-Made Arms to Foreign Entities](#), (23 March 2023), [R46337](#).

- Foreign Military Financing (hereafter, “FMF”): a program led by the U.S. government and managed by the U.S. Department of State, through which the United States provides funds to foreign governments that are then used to purchase U.S. defense articles;¹⁰⁶
 - Foreign Military Sales (hereafter, “FMS”): a government-to-government program through which the U.S. Department of Defense sells U.S. defense articles to foreign governments via the Defense Security Cooperation Agency (hereafter, “DSCA”);¹⁰⁷
 - Direct Commercial Sales (hereafter, “DCS”): private-sector sales through which the U.S. government issues export licenses to private U.S. defense contractors for them to sell defense articles directly to foreign governments or entities.¹⁰⁸
54. Military assistance provided by the United States to a foreign country is subject to the Foreign Assistance Act 1961 (hereafter, “FAA”) and the Arms Export Control Act (hereafter, “AECA”). The AECA approval process for arms exports requires the U.S. President to formally notify Congress 30 days (15 days for Israel and a select group of U.S. allies) before concluding a sale or issuing an export license for weapons transfers above a certain financial threshold (\$14 million for major defense equipment and \$50 million for defense articles and services).¹⁰⁹ After such a notification, Congress may block the proposed arms transfer by adopting a Joint Resolution of Disapproval (hereafter, “JRD”), if both senators and representatives conclude that the arms sale is inconsistent with, among other criteria, “*U.S. foreign policy interests, advance internationally recognized human rights*” or would lead to “*the identification of the United States with any human rights violations*”.¹¹⁰
55. Under the FAA and the AECA, only defense articles or services used for international security, legitimate self-defense or in a way consistent with the UN Charter may be transferred from the U.S. to foreign entities.¹¹¹ As per section 4 of the AECA:

*“Defense articles and defense services shall be sold or leased by the United States Government under this Act to friendly countries **solely for internal security, for legitimate self-defense, for preventing or hindering the proliferation of weapons of mass destruction and of the means of delivering such weapons,** to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and*

¹⁰⁶ Congressional Research Service, Arms Sales: Congressional Review Process, (13 August 2024) ([RL31675](#)).

¹⁰⁷ Congressional Research Service, Transfer of Defense Articles: Foreign Military Sales (FMS), (21 February 2020) ([IF11437](#)); Congressional Research Service, Transfer of Defense Articles: U.S. Sale and Export of U.S.-Made Arms to Foreign Entities, (23 March 2023) ([R46337](#)).

¹⁰⁸ Congressional Research Service, Transfer of Defense Articles: Direct Commercial Sales, (2 March 2020) ([IF11441](#)).

¹⁰⁹ [U.S. Code](#), Section 2753 (b) (5).

¹¹⁰ Bernie Sanders, [FACT SHEET: Joint Resolutions of Disapproval under the Arms Export Control Act and Proposed Arms Sales to Israel](#), (18 September 2024).

¹¹¹ [Arms Export Control Act](#), Section 4; [Foreign Assistance Act](#), section 502; [U.S. Code](#), Section 2754. See also U.S. Department of State, [Legal Basis for Arms Transfer](#).

security, or for the purpose of enabling foreign military forces in less developed friendly countries to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries.”¹¹²
(Emphasis added.)

56. The same is reaffirmed in identical terms both in section 502 of the FAA and section 2754 of the U.S. Code which provide:

“Defense articles and defense services to any country shall be furnished solely for internal security (including for antiterrorism and nonproliferation purposes), for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations.”¹¹³

57. In addition, section 502(B) of the FAA provides that:

“(…) Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries. (...) Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.”¹¹⁴

58. Furthermore, the so-called “*Leahy Laws*”, which were made permanent under section 620M of the FAA refer to two provisions¹¹⁵ — one applying to the Department of State and the other to the Department of Defense – that prohibit the transfer of funds or assistance, including arms transfers, to any unit of the security forces of a foreign country if there is credible information they have engaged in gross human rights violations.¹¹⁶ More specifically, the Department of State must withhold assistance to a foreign security unit if it finds (i) credible information that the unit has committed gross violations of human rights and (ii) that the government has failed to take effective measures to bring the responsible members of the security force unit to justice. The threshold of “credible information” is particularly low, as the State Department has indicated that it can include reports from the press, non-governmental organizations, and witness testimonies as long as they are deemed reliable and accurate.¹¹⁷

59. The “*Leahy Laws*” are designed to discourage foreign security forces from engaging in gross human rights abuses, protect victims, limit the capacity of such units to

¹¹² [Arms Export Control Act](#), Section 4; [Foreign Assistance Act](#), section 502; [U.S Code](#), Section 2754.

¹¹³ [Foreign Assistance Act](#), Section 502 ; [U.S Code](#), Section 2754.

¹¹⁴ [Foreign Assistance Act](#), Section 502(B).

¹¹⁵ [U.S. Code](#), Section 2378d. For more information about the ‘Leahly Laws’, see U.S. Department of State, ‘[About the Leahly Law](#)’, (20 January 2021).

¹¹⁶ [U.S. Code](#), Section 2378d.

¹¹⁷ U.S. Department of State, [Introduction to Leahy Vetting Policy](#), (20 January 2021).

perpetrate violations, and shield the United States from associated political, military, and security risks while maintaining its international reputation. The gross violations of human rights included in the “*Leahy Laws*” are defined in sections 116 and 502B(d)(1) of the FAA as:

“torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denials of the right to life, liberty, or the security of person”.

60. Consequently, U.S. law strictly prohibits weapon transfers that may be used for offensive or illegitimate purposes.
61. To ensure that there are no arms transfers contrary to the above provisions, the AECA establishes an end-use monitoring mechanism (hereafter, “EUM”). This mechanism establishes that the U.S. Government as a whole must ensure that the defense articles it transfers to foreign countries are not used for illegal purposes.¹¹⁸ U.S. Code Section 2785, entitled “*End-use monitoring of defense articles and defense services*”, requires the U.S. Government to ensure that the defense articles it transfers to foreign countries are not used for illegal purposes: “*In order to improve accountability with respect to defense articles and defense services sold, leased, or exported under this chapter or the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the President shall establish a program which provides for the end-use monitoring of such articles and services.*”¹¹⁹ Such monitoring must provide for the end-use verification of defense articles and shall aim to prevent diversion of such articles.¹²⁰ The President must then submit an annual report to Congress “*describing the actions taken to implement this section*”.¹²¹
62. However, the AECA also grants the President the authority to bypass congressional review in cases of emergency, if he deems an immediate arms transfer necessary to protect national security.¹²²
63. **A facilitated legal framework of military aid between the United States and Israel** — In relation to arms exports, the 1952 Mutual Defense Assistance Agreement and subsequent agreements with Israel limit the use of U.S. military equipment to defensive purposes.¹²³ Israel, unlike most other U.S. allies, benefits from an advantageous legal framework, which facilitates the exchange of military aid between the United States and Israel.

¹¹⁸ [Arms Export Control Act](#), Section 2785.

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

¹²² Arms Export Control Act (AECA), Sections 3(2)(A) and 36).

¹²³ [Mutual Defense Assistance Agreement](#), (20 June 1952).

64. In the case of Israel, the AECA 30-day notification period is reduced to 15 days, and the financial thresholds are increased to \$25 million for major defense equipment and \$100 million for other defense articles and services.¹²⁴
65. Furthermore, since the 1980s, the U.S. Department of Defense has stockpiled weapons within Israeli territory in the War Reserve Stockpile Allies — Israel (hereafter, “WRSA-I”),¹²⁵ which the Department of Defense can use directly or transfer to a foreign country.¹²⁶ Israel highly benefits from its location, as it reduces the time required for U.S. procurement and delivery processes.¹²⁷

2.2 U.S. military support to Israel since 7 October 2023 and its impact on the conflict

66. Within this legal framework, the United States has provided military support to Israel, increasing it exponentially since 7 October 2023. Israel has in turn stressed its heavy reliance on U.S. military support in the course of its actions in the Gaza Strip and has used U.S.-made weapons to perpetrate crimes against the Palestinian population.
67. **U.S. unconditional and increased military support to Israel** — Since Israel’s founding in 1948, the U.S. has supplied Israel with economic and military assistance, amounting to a total of about USD \$310 billion (adjusted for inflation).¹²⁸ Regarding the provision of U.S. weapons to Israel, from 2019 to 2023 only, the U.S. supplied Israel with 69% of its arms imports, including “*aircraft, armored vehicles, missiles and ships.*”¹²⁹
68. According to the Stockholm International Peace Research Institute (hereafter, “SIPRI”), “*the USA [United States] quickly stepped-up emergency military aid to Israel after 7 October 2023*”.¹³⁰ Indeed, since 7 October 2023, the U.S. has provided Israeli military forces with various types of taxpayer-funded military assistance, amounting to at least \$17.9 billion of U.S. military aid, compared to around \$3.8 billion a year before 7 October 2023¹³¹. This represents a 381% increase since 7 October 2023, equating to the highest level of military assistance since the U.S. began

¹²⁴ Congress Bill, Making emergency supplemental appropriations for the fiscal year ending September 30, 2024, and for other purposes, (24 April 2024), [H.R. 815](#); Congressional Review Process, Arms Sales: Congressional Review Process, (13 August 2024), [RL31675](#).

¹²⁵ Congressional Research Service, U.S. Foreign Aid to Israel, (1 March 2023), [RL33222](#); Just Security, [The “War Reserve Stockpile Allies – Israel” Explained & Why Congress Should Not Expand It](#), (16 January 2024); The New York Times, [Pentagon Sends U.S. Arms Stored in Israel to Ukraine](#), (17 July 2023).

¹²⁶ *Ibid.*

¹²⁷ The New York Times, [Pentagon Sends U.S. Arms Stored in Israel to Ukraine](#), (17 July 2023).

¹²⁸ *Ibid.*

¹²⁹ Stockholm International Peace Research Institute, [How top arms exporters have responded to the war in Gaza](#), (3 October 2024).

¹³⁰ *Ibid.*

¹³¹ In 2007, the U.S. and Israel signed a memorandum of understanding under which the U.S. committed to providing \$3.8 billion in annual military aid to Israel until 2028 (see The White House, Office of the Press Secretary, ‘[Fact Sheet: Memorandum of Understanding reached with Israel](#)’, (14 September 2016). See also Council on Foreign Relations, ‘[U.S. Aid to Israel in Four Charts](#)’, (13 November 2024); Brown University – Watson Institute for International and Public Affairs, ‘[United States Spending on Israel’s Military Operations and Related U.S. Operations in the Region, October 7, 2023 – September 30, 2024](#)’, (7 October 2024).

giving assistance to Israel in 1948.¹³² This figure is likely even higher, as only arms transfers above a certain financial threshold which require congressional notification are made public.

69. In addition to new arms transfers and sales authorizations, the U.S. used pre-existing contracts and additional emergency military aid measures to expedite the delivery of major arms, including “1000 GBU-39 guided aircraft bombs, small diameter bombs, joint direct attack munition (JDAM) guidance kits, missiles”.¹³³ Researchers with the Brown University Watson Institute for International and Public Affairs — Cost of War project estimated, based on news and non-governmental organization reports, that between 7 October 2023 and September 2024, the breakdown of U.S. arms exports to Israel comprised, *inter alia*:¹³⁴ 4,127,000 kilograms JP-8 jet fuel, 57,000 155mm artillery shells, 36,000 rounds of 30mm cannon ammunition, 20,000 M4A1 rifles, 13,981 anti-tank missiles, 8,700 (Mk82) 500-pound bombs, 3,500 night vision devices, 3,000 Joint Direct Attack Munitions (JDAM), 14,100 (Mk84) 2,000 pound unguided bombs, 3,000 laser-guided Hellfire missiles, 1,800 (M141) bunker buster bombs, 2,600 250-pound small diameter bombs, 200 Switch Blade (Series 600) drones, more than 100 Skydio X series drones and 75 Joint Light Tactical Vehicles (JLTV).¹³⁵
70. The lack of transparency of said transfers renders their tracking particularly difficult. According to the Jewish Institute for National Security of America (hereafter “JINSA”), at least 23 transfers have been approved by Congress between December 2023 and January 2025, and 13 transfers have reportedly been delivered, with only 2 transfers being reportedly suspended.¹³⁶
71. Early January 2025, the U.S. Department of State informally notified Congress of a planned arms sale to Israel amounting to USD \$8bn, expected to include, amongst others, 500-pound bombs, unguided bombs, GPS guidance systems and artillery shells.¹³⁷ According to the media “*Israel would use money provided by the United States to buy the weapons. The annual aid had been about \$3 billion, but Mr. Biden increased that amount after Israel began waging war in Gaza after the Oct. 7, 2023, terrorist attacks by Hamas*”.¹³⁸
72. Furthermore, U.S. military support to Israel goes beyond the provision and delivery of weapons, encompassing the deployment of U.S.-operated military intelligence and active military operations targeting groups posing threats to Israel on other fronts. For

¹³²Brown University — Watson Institute for International & Public Affairs, [United States spending on Israel’s military operations and related U.S. operations in the region, October 7, 2023 – September 30, 2024](#), (7 October 2024).

¹³³ Stockholm International Peace Research Institute, [‘How top arms exporters have responded to the war in Gaza’](#), (3 October 2024).

¹³⁴ Brown University — Watson Institute for International & Public Affairs, [United States spending on Israel’s military operations and related U.S. operations in the region, October 7, 2023 – September 30, 2024](#), (7 October 2024).

¹³⁵ *Ibid.*

¹³⁶ JINSA, [U.S.-Israel Arms Transfers Infographic](#), (9 January 2025).

¹³⁷ The New York Times, [State Dept. Tells Congress It Plans to Send \\$8 Billion in Arms to Israel](#), (3 January 2025); BBC, [Biden plans to send \\$8bn arms shipment to Israel](#), (4 January 2025).

¹³⁸ *Ibid.*

example, in October 2024, President Biden stated that he had ordered U.S. intelligence services “to work side-by-side with their Israeli counterparts” since 7 October 2023, and that the intelligence shared “help[ed], the IDF relentlessly purs[ue] Hamas’s leaders, flushing them out of their hiding places and forcing them onto the run”.¹³⁹ Additionally, President Biden announced the deployment of U.S. military assets, including multiple naval carrier strike groups, military advisors, intelligence assets as well as officers to Israel and the region to support Israel’s war in the Gaza Strip, as detailed above (*cf. Annex 3 pp. 19-20*).

73. **Israel’s essential reliance on U.S. weapons** — Since October 2023, U.S.¹⁴⁰ and Israeli¹⁴¹ officials have repeatedly acknowledged Israel’s crucial reliance on U.S. military, financial, and Political Support to wage war in the Gaza Strip.¹⁴²
74. For instance, in October 2023, Minister Gallant admitted that Israel fully relied on U.S. assistance for its military operations and stressed that the Israeli government was not in a position to refuse ‘the Americans’ because “[they] *rely on them for planes and military equipment*”.¹⁴³ As for intelligence support, according to Israeli officials and “while Israel has its own intelligence, the United States and Britain have been able to provide intelligence from the air and cyberspace that Israel cannot collect on its own”.¹⁴⁴
75. This reliance is starkly illustrated by Israel’s temporary shortages of weapons resulting from restrictions on U.S. arms exports to Israel. For instance, the Biden Administration’s decision in May 2024 to suspend arms shipments to Israel reportedly forced the IDF to ration the use of certain munitions.¹⁴⁵ At the time, a senior Israeli official stated that the U.S. decision to suspend arms shipments to Israel could “*harm operational plans in the war and even force Israel to run an “arms economy”*”,¹⁴⁶ while another news report highlighted Israel’s shortage of weapons.¹⁴⁷
76. After the approval of the August 2024 arms transfer, Minister Gallant published a message on the social media X emphasizing that U.S. weapons support critical force-building initiatives vital for Israel to develop and maintain its qualitative military superiority in the region.¹⁴⁸

¹³⁹ White House Press Release, [Statement from President Joe Biden on the death of Yahya Sinwar](#), (17 October 2024).

¹⁴⁰ Just Security, [Report To Congress Under Section 2 of The National Security Memorandum On Safeguards and Accountability With Respect To Transferred Defense Articles and Defense Services \(NSM-20\)](#), (10 May 2024), p. 22

¹⁴¹ See for instance, The Guardian (Mehdi Hasan), [Biden can end the bombing of Gaza right now. Here’s how](#), (21 February 2024); The Times of Israel, [Gallant: We can’t say ‘no’ to the US on humanitarian aid given how much they do for us](#), (20 October 2023).

¹⁴² *Ibid.*; Just Security, [Report To Congress Under Section 2 of The National Security Memorandum On Safeguards and Accountability With Respect To Transferred Defense Articles and Defense Services \(NSM-20\)](#), (10 May 2024), p. 22

¹⁴³ The Guardian (Mehdi Hasan), [Biden can end the bombing of Gaza right now. Here’s how](#), (21 February 2024); The Times of Israel, [Gallant: We can’t say ‘no’ to the US on humanitarian aid given how much they do for us](#), (20 October 2023).

¹⁴⁴ The New York Times, [U.S. Intelligence helped Israel rescue four hostages in Gaza](#), (8 June 2024).

¹⁴⁵ Haaretz, [Weapons rationing Leading to More Deaths of Israeli Soldiers by Explosive Devices in Gaza](#), (31 October 2024); Kan News, [Israeli official: Delaying weapons could change operational plans](#), (9 May 2024).

¹⁴⁶ Kan News, [Israeli official: Delaying weapons could change operational plans](#), (9 May 2024).

¹⁴⁷ Mako, [What is an arms economy and how does it affect war?](#), (25 December 2023): “*In Israel, there are those calling for “flattening Gaza from the air”. But in the simplest terms, and without going into the inefficiency of this, there are not enough bombs to do it.*”.

¹⁴⁸ Overt Defense, [US Greenlights \\$20 billion arms sale to Israel including 50 F-15 Fighter Jets](#), (21 August 2024): “*This includes incorporating F-15LAs into the IAF fleet of fighter aircraft and providing critical munitions to ensure Israel’s capabilities and security. As*

77. Finally, Israel's dependence on U.S. military support is evident in its use of U.S.-made weapons during military operations in the Gaza Strip.
78. **Israel's use of U.S. weapons in Gaza** — Multiple credible sources — including from the Biden administration itself — reported that the IDF has used U.S.-supplied weapons to carry out attacks and military operations violating international humanitarian and human rights law.
79. As early as 31 January 2024, while rejecting the Center for Constitutional Rights' (hereafter, "CCR") lawsuit — brought against U.S. senior government officials for not fulfilling their duties under the Genocide Convention — a U.S. Federal Court "*implore[d]*" the executive branch to "*examine the results of their unflagging support of the military siege against the Palestinians in Gaza*" paraphrasing the ICJ's plausibility finding.¹⁴⁹
80. On 8 February 2024, President Biden issued National Security Memorandum 20 (NSM-20) on "*Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services*",¹⁵⁰ a directive tasking "*the Departments of State and Defense with a report to Congress*" within 90 days of the memorandum's promulgation. This memorandum is to assess "*credible reports or allegations that certain U.S.-provided defense articles and services have been used by foreign recipients in conflict areas in ways that violate international law, or are out of step with best practices for mitigating civilian harm, including U.S. military best practice*", as well whether the recipients of U.S. assistance have "*restricted the delivery of humanitarian assistance*".¹⁵¹
81. Consequently, on 29 April 2024, the Independent Task Force on the Application of NSM-20¹⁵² to Israel, an unaffiliated body of experts, analyzed "*credible reports involving U.S.-provided weapons by Israeli forces*" and found that there is "*a context of systematic disregard for fundamental principles of international law*".¹⁵³ Indeed, "*among a clear pattern of violations of international law*", the Task force identified multiple incidents¹⁵⁴ involving U.S.-provided arms "*for which it believes there is*

we fight to defend Israel on seven different fronts, your unwavering support and commitment to Israel's security are not only clear but also deeply appreciated."

¹⁴⁹ United States District Court, Northern District of California, Defense for Children International-Palestine et al. v. Joseph R. Biden et al., Order granting motion to dismiss and denying motion for preliminary injunction, (31 January 2024), [Case No. 23-cv-05829-JSW](#).

¹⁵⁰ White House Press Release, [National Security Memorandum on safeguards and accountability with respect to transferred defense articles and defense services](#), (8 February 2024). The National Security Memorandum-20 (NSM-20) is a directive issued by the President tasking "*the Departments of State and Defense with a report to Congress*" within 90 days of the memorandum's promulgation. The report needs to assess "*credible reports or allegations that certain U.S.-provided defense articles and services have been used by foreign recipients in conflict areas in ways that violate international law or are out of step with best practices for mitigating civilian harm, including U.S. military best practice*" as well whether the recipients of U.S. assistance have "*restricted the delivery of humanitarian assistance*".

¹⁵¹ *Ibid.*

¹⁵² *Ibid.* See also, Just Security, [Report of the Independent Task Force on the Application of National Security Memorandum-20 to Israel](#), (18 April 2024), p.3.

¹⁵³ *Ibid.*

¹⁵⁴ Extensive work by both journalists and NGOs has revealed that U.S. bombs, aircraft and other military equipment have been used in at least 25 Israeli attacks against civilians, causing deaths, injuries and destruction (cf. Annex 1).

compelling and credible evidence of violations of international humanitarian law and/or U.S. military best practices by the Israel Defense Forces".¹⁵⁵ The Task Force also concluded that the *"patterns of unlawful attacks reflect[ed] reliance on an unyielding and unconditioned supply of U.S. weapons"*,¹⁵⁶ which raises *"grave concerns regarding the Administration's compliance with both U.S. and international law, particularly with respect to security assistance and arms transfers"*.¹⁵⁷

82. On 1 May 2024, in their submission to the NSM-20, Amnesty International USA published extensive documentation of several incidents of civilian deaths or injuries by U.S.-made weapons or other evidence of use of these weapons inconsistent with international law. According to Amnesty International, *"U.S.-supplied weapons provided to the government of Israel have been used in serious violations of international humanitarian and human rights law, and in a manner that is inconsistent with U.S. law and policy"*.¹⁵⁸

83. Acknowledging some of the above findings, on 10 May 2024, the Biden administration submitted its first NSM-20 report to Congress, which noted that:

*"certain Israeli-operated systems are entirely U.S.-origin (e.g., crewed attack aircraft) and are **likely to have been involved in incidents that raise concerns about Israel's IHL compliance**"*.¹⁵⁹

84. It established that *"[g]iven Israel's significant reliance on U.S.-made defense articles, it is reasonable to assess that defense articles covered under NSM-20 have been used by Israeli security forces since October 7 in instances inconsistent with its IHL obligations or with established best practices for mitigating civilian harm."*¹⁶⁰ It also evidenced that *"the U.S. Intelligence Community (IC) notes that **security forces in Israel (...) have inflicted harm on civilians in military or security operations, potentially using U.S.-provided equipment**"* and *"assesses that Israel could do more to avoid civilian harm, however."*¹⁶¹

85. On 25 September 2024, U.S. Senator Bernie Sanders submitted six joint resolutions before the U.S. Senate pushing for the suspension of a large arms sale to Israel approved in August 2024.¹⁶² He specifically noted that some of the weapons included in this sale — notably Joint Direct Attack Munitions and 120mm tank shells — have been reportedly used by Israel in violent attacks against civilians.¹⁶³ Of these joint

¹⁵⁵ *Ibid.* n.113.

¹⁵⁶ *Ibid.* p.3.

¹⁵⁷ *Ibid.* p.54.

¹⁵⁸ Amnesty International, [U.S.-made weapons used by government of Israel in violation of international law and U.S. law](#), (1 May 2024).

¹⁵⁹ Just Security, [Report to Congress under Section 2 of the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services \(NSM-20\)](#), (10 May 2024), p.20.

¹⁶⁰ *Ibid.* p. 22.

¹⁶¹ *Ibid.* p. 22.

¹⁶² U.S. Congress, A joint resolution providing for congressional disapproval of the proposed foreign military sale to the Government of Israel of certain defense articles and services, (9 September 2024), [S.J.Res.111](#); Office of Senator Sanders; [Fact Sheet :Joint Resolution of Disapproval under the Arms Export Control Act and Proposed Arms Sales to Israel](#), (25 September 2024).

¹⁶³ *Ibid.*

resolutions, three were rejected in a vast majority in the Senate (S.J.Res.111, S.J.Res.113, and S.J.Res.115), and three have yet to be brought to a vote.¹⁶⁴

86. According to the above sources and available evidence, Israeli forces used U.S.-supplied bombs, including 2,000-pound bombs, GBU-31, 32 and 39, against non-military targets in at least 15 attacks (*cf. Annex 1 lines 3, 5, 7, 8, 10, 11, 15-19, 21, 24, 26, 27*). (*Note that this is a non-exhaustive number based on a small sampling of publicly available information, and it is likely to be much higher*) :

- On 9 October 2023, IDF airstrikes hit a busy market in Jabalia refugee camp, killing at least 70 people;¹⁶⁵
- On 17 October 2023, the IDF bombed the al-Lamdani family house in Khan Younis , killing between 15 and 40 people;¹⁶⁶
- On 31 October 2023, IDF undertook airstrikes on the densely populated Jabalia refugee camp with a U.S.-made GBU-31 bomb, killing at least 126 people;¹⁶⁷
- On 9 January 2024, an IDF airstrike hit the two top floors of the Nofal family five-story building located in Tal Al-Sultan, a neighborhood in Rafah to which the Israeli military had repeatedly ordered displaced residents to flee;¹⁶⁸
- On 13 January 2024, IDF dropped two bombs on a house in Deir al-Balah, destroying the home;¹⁶⁹
- On 9 May 2024, IDF launched air strikes into densely populated urban areas at 2am when families were sleeping, killing at least 10 people;¹⁷⁰
- On 12 May 2024, an Israeli fighter jet attacked the al-Matayna neighborhood in Deir al-Balah, central Gaza, with a U.S.-made GBU-32/31 bomb, destroying or damaging 23 residential buildings as well as a medical facility;¹⁷¹

¹⁶⁴ U.S. Congress, A joint resolution providing for congressional disapproval of the proposed foreign military sale to the Government of Israel of certain defense articles and services, (25 September 2024), [S.J.Res.111](#) ; U.S. Congress, A joint resolution providing for congressional disapproval of the proposed foreign military sale to the Government of Israel of certain defense articles and services, (25 September 2024), [S.J.Res.112](#) ;U.S. Congress, A joint resolution providing for congressional disapproval of the proposed foreign military sale to the Government of Israel of certain defense articles and services, (25 September 2024), [S.J.Res.113](#) ; U.S. Congress, A joint resolution providing for congressional disapproval of the proposed foreign military sale to the Government of Israel of certain defense articles and services, (25 September 2024), [S.J.Res.114](#) ; U.S. Congress, A joint resolution providing for congressional disapproval of the proposed license amendment for the export of certain defense articles, defense services, and technical data to Israel, (25 September 2024), [S.J.Res.115](#) ; U.S. Congress, A joint resolution providing for congressional disapproval of the proposed enhancement or upgrade of sensitivity of technology or capability of certain major defense equipment for the Government of Israel, (25 September 2024), [S.J.Res.116](#).

¹⁶⁵ Annex 1, line 3.

¹⁶⁶ Annex 1, line 5.

¹⁶⁷ Annex 1, line 8.

¹⁶⁸ Annex 1, line 10.

¹⁶⁹ Annex 1, line 11.

¹⁷⁰ Annex 1, line 15.

¹⁷¹ Annex 1, line 16.

- On 13 May 2024, IDF bombed a school housing displaced civilians in Nuseirat, killing up to 30 people.¹⁷² On the same day, they launched an attack against a four-story building of eight apartments in the Jabalia refugee camp;¹⁷³
- On 26 May 2024, IDF's air strikes on the Kuwaiti Peace Camp, a makeshift camp for internally displaced people (IDP) in Tal al-Sultan, west Rafah, killed at least 36 people – including six children – and injured more than 100;¹⁷⁴
- On 6 June 2024, an IDF airstrike on the UN-run al-Sardi school in Nusreit, central Gaza, killed at least 40 people, including nine women and 14 children. About 6,000 displaced Palestinians were sheltering at the school when the IDF bombed it;¹⁷⁵
- On 10 July 2024, IDF conducted a deadly strike on a school complex where displaced people lived, near Khan Younis in southern Gaza, killing at least 27 people;¹⁷⁶
- On 14 July 2024, an IDF airstrike hit the UNRWA Abu Oraiban school, where hundreds of Palestinian refugees had taken refuge, killing at least 22 people;¹⁷⁷
- On 10 August 2024, an IDF airstrike killed more than 100 Palestinians sheltering at al-Tabin school in Gaza City.¹⁷⁸

87. Additionally, according to publicly available information, other U.S.-made military equipment involved in indiscriminate and deliberate Israeli attacks include a David light armored vehicle, F-16 aircrafts, Hellfire missiles and Apache helicopters (*cf*, *Annex 1, lines 9, 11, 12, 22, 23 and 26*).

88. The above-described attacks by the Israeli forces in the Gaza Strip involved U.S. weapons¹⁷⁹ and underline a pattern of indiscriminate and deliberate attacks on civilians, resulting in high death tolls and extensive destruction.

¹⁷² Annex 1, line 17.

¹⁷³ Annex 1, line 18.

¹⁷⁴ Annex 1, line 19.

¹⁷⁵ Annex 1, line 21.

¹⁷⁶ Annex 1, line 24.

¹⁷⁷ Annex 1, line 26.

¹⁷⁸ Annex 1, line 27.

¹⁷⁹ For example, an IDF airstrike on a busy market in Jabalia on 9 October 2023, allegedly killed at least 69 people while a subsequent IDF airstrike on the Al Yarmouk neighborhood in Gaza City on October 25, 2023, allegedly killed 91 people, including 39 children. Similarly, IDF airstrikes on refugee camps such as Nuseirat and the Kuwaiti Peace Camp in May 2024, and on schools sheltering displaced civilians in May, June, July and August 2024 (See *Annex 1*); OHCHR, Thematic Report, [Indiscriminate and disproportionate attacks during the conflict in Gaza \(October – December 2023\)](#), (19 June 2024); UN General Assembly, Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice, (4 March 2024) [A/HRC/55/28](#); OHCHR, [Shock at impact on civilians of Israeli raid in Gaza to free hostages](#), (11 June 2024); Amnesty International, [Israel/OPT: Israeli attacks targeting Hamas and other armed group fighters that killed scores of displaced civilians in Rafah should be investigated as war](#), (27 August 2024); Responsible Statecraft, [Gaza breakdown: 20 times Israel used US arms in likely war crimes](#), (25 August 2024); Rescue, [Gaza: IRC and MAP additional statement on airstrike on residential compound housing Emergency Medical Team](#), (13 March 2024).

2.3 U.S. political support to Israel and its consequences on the humanitarian crisis

89. In addition to its continuous military support, the United States contributed through its Political Support to the violations committed by Israel in Gaza. Such a support enabled a prolongation of the conflict, resulting in further attacks, deaths, injuries and ongoing starvation-related violations in particular through its use of the veto power as a permanent member of the UNSC.

90. Public encouragement of Israel's actions by the Biden Administration – Since 7 October 2023, the Biden Administration has demonstrated its unwavering Political Support to Israel. It has done so firstly through repeated statements from high-ranking U.S. officials which — despite acknowledging Israel's indiscriminate bombings, killings of civilians and its blockage of humanitarian aid and destruction of OIS in Gaza — have consistently reiterated the United States' absolute and unconditional commitment to Israel (*cf. Annex 3*). These statements play a decisive role in determining the individual responsibilities of President Biden, Secretary Blinken and Secretary Austin and will be further analyzed in Part V of the present communication.

91. Secondly, the United States has systematically used its position on the UNSC to block UN resolutions concerning ceasefires and the access of humanitarian aid into the Gaza Strip. It gave its full Political Support to the alleged violations committed by Israel by repeatedly vetoing resolutions demanding an *“immediate access by the civilian population in the Gaza Strip to basic services and humanitarian assistance indispensable to its survival”*, *“the facilitation of full, rapid, safe and unhindered entry of humanitarian assistance at scale to and throughout the Gaza Strip”*¹⁸⁰ as well as *“an immediate, unconditional and permanent ceasefire”*.¹⁸¹

- On 16 October 2023, the United States vetoed a draft resolution calling for a humanitarian ceasefire, the release of all hostages, and the *“unimpeded provision and distribution of humanitarian assistance”*.¹⁸²

¹⁸⁰ UNSC, Brazil : draft resolution, (18 October 2023), ([S/2023/773](#)) ; UNSC, Afghanistan, Andorra, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Cambodia, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic Republic of the Congo, Djibouti, Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Finland, Gambia, Grenada, Guyana, Iceland, Indonesia, Iraq, Ireland, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Luxembourg, Malaysia, Maldives, Malta, Mauritania, Mexico, Morocco, , Namibia, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Türkiye, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe: draft resolution, (8 December 2023), ([S/2023/970](#)) ; UNSC, Algeria : draft resolution, (20 February 2024), ([S/2024/173](#)) ; UNSC, Algeria, Ecuador, Guyana, Japan, Malta, Mozambique, Republic of Korea, Sierra Leone, Slovenia and Switzerland : draft resolution, (20 November 2024), ([S/2024/835](#)).

¹⁸¹ *Ibid.*

¹⁸² UNSC, Bahrain, Bangladesh, Belarus, Djibouti, Egypt, Eritrea, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Maldives, Mali, Mauritania, Nicaragua, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sudan, Türkiye, United Arab Emirates, Bolivarian Republic of Venezuela, Yemen and Zimbabwe: draft resolution, (16 October 2023) ([S/2023/772](#)); UNSC, 9439th meeting, The situation in the Middle East, including the Palestinian question, (16 October 2023) ([S/PV.9439](#)).

- On 18 October 2023, the United States vetoed a draft resolution calling, among other things, for a humanitarian pause to allow aid into the Gaza Strip and the “*rescission of the order for civilians and UN staff to evacuate all areas in Gaza north of the Wadi Gaza and relocate in southern Gaza*”.¹⁸³
- On 25 October 2023, after the failure of its own resolution, the United States vetoed a draft resolution condemning “*all violence and hostilities against civilians*”, calling for the release of all hostages, and urging “*the immediate rescission of the order*” mentioned above.¹⁸⁴
- On 8 December 2023, the United States vetoed a draft resolution introduced by more than 50 States demanding “*an immediate humanitarian ceasefire*”, “*the immediate and unconditional release of all hostages*”, and calling for the parties involved to respect international humanitarian law.¹⁸⁵
- On 20 November 2024, the United States vetoed a draft resolution demanding “*immediate access by the civilian population in the Gaza Strip to basic services and humanitarian assistance*”, the release of hostages, and respect for international humanitarian law.¹⁸⁶

92. **U.S. Failure to impose a halt to its Political Support of Israel’s siege in the Gaza Strip** - According to the U.S. administration itself, the U.S. authorities are compelled, based on U.S. laws and policies to continually assess Israel’s adherence to its prior assurances that it would “*facilitate and not arbitrarily deny, restrict or otherwise impede, directly or indirectly the transport or delivery of United States humanitarian assistance and U.S. government supported international efforts to provide humanitarian assistance*”¹⁸⁷ to and within the Gaza Strip.

93. Indeed, with regards to humanitarian assistance, Section 620i of the FAA prohibits the United States from providing security assistance or arms sales to any country when the President is made aware that the country's government “*prohibits or otherwise*

¹⁸³ UNSC, Brazil: draft resolution, (18 October 2023) ([S/2023/773](#)); UNSC, 9442nd meeting, The situation in the Middle East, including the Palestinian question, (18 October 2023), ([S/PV.9442](#)).

¹⁸⁴ UNSC 9453rd meeting, The situation in the Middle East, including the Palestinian question, (25 October 2023) ([S/PV.9453](#)); UNSC, Russian Federation, Sudan and Bolivarian Republic of Venezuela: draft resolution, (25 October 2023), ([S/2023/795](#)).

¹⁸⁵ UNSC, 9499th meeting, The situation in the Middle East, including the Palestinian question, (8 December 2023), ([S/PV.9499](#)); UNSC, Afghanistan, Andorra, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Cambodia, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic Republic of the Congo, Djibouti, Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Finland, Gambia, Grenada, Guyana, Iceland, Indonesia, Iraq, Ireland, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Libya, Luxembourg, Malaysia, Maldives, Malta, Mauritania, Mexico, Morocco, , Namibia, New Zealand Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Türkiye, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe: draft resolution, (8 December 2023), ([S/2023/970](#)).

¹⁸⁶ UNSC, Algeria, Ecuador, Guyana, Japan, Malta, Mozambique, Republic of Korea, Sierra Leone, Slovenia and Switzerland: draft resolution, (20 November 2024), ([S/2024/835](#)); UNSC 9790th meeting, The situation in the Middle East, including the Palestinian question, (20 November 2024), ([S/PV.9790](#)).

¹⁸⁷ White House Press Release, [National Security Memorandum on safeguards and accountability with respect to transferred defense articles and defense services](#), (8 February 2024).

*restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.”*¹⁸⁸

94. Several credible sources show that the U.S. government had full knowledge of the catastrophic humanitarian situation in Gaza but nonetheless decided to continue its blind political support for Israel. For instance:

- On 22 April 2024, the State Department’s 2023 HR report with regard to Israel¹⁸⁹ underlining that the press had reported that *“the Israeli military campaign resulted in an **intensification of the longstanding humanitarian crisis in Gaza**”* and that *“famine posed a major threat”*.¹⁹⁰
- In the Biden Administration’s NSM-20 report dated 10 May 2024, the U.S. administration recognized that *“despite regular engagement from humanitarian actors and repeated USG [U.S. government] interventions with Israeli officials on deconfliction/coordination procedures, the IDF has struck humanitarian workers and facilities.”*¹⁹¹ It further notes that *“one specific area of concern is the impact of Israel’s military operations on humanitarian actors”* and deplors that the *“UN and humanitarian organizations have reported Israeli civilian harm mitigation efforts as inconsistent, ineffective, and inadequate, failing to provide protection to vulnerable civilians who cannot or chose not to relocate”*. It concludes that *“the reported rate of civilian harm in the conflict also raises serious questions about the efficacy of Israeli precautionary measures”*.¹⁹²

95. Furthermore, in a letter dated 13 October 2024 from Antony Blinken, Secretary of State, and Lloyd Austin, Secretary of Defense, to then former Minister Gallant and Ron Dermer, Israeli Minister of Strategic Affairs, Blinken and Austin stressed that the *“humanitarian situation for over two millions civilians in Gaza is increasingly dire”* and listed a number of measures they would require of Israeli authorities to *“reverse the downward humanitarian trajectory”*.¹⁹³ In that letter, Blinken and Austin underscore the U.S. government *“deep concern over the deteriorating humanitarian situation in Gaza”* and search for *“urgent and sustained actions by your government this month to reverse this trajectory”* and stress that *“failure to demonstrate a sustained commitment to implementing and maintaining these measures may have implications for US policy under NSM-20 and relevant US law”*.¹⁹⁴

¹⁸⁸ [Foreign Assistance Act](#), Section 620 (i).

¹⁸⁹ U.S. Department of State – Bureau of Democracy, Human Rights and Labor, [2023 Country Reports on Human Rights Practices: Israel, West Bank and Gaza](#), (22 April 2024). For example, the report indicates that *“on October 25, Oxfam International issued a report finding that just 2 percent of food that would have been delivered before the closure of October 9 had entered Gaza (...) in addition to citing Israel’s restrictions on humanitarian aid delivery into Gaza”*, and that *“Oxfam cited Israeli airstrikes destroying bakeries and grain mills, agriculture, farmland, and water and sanitation facilities”*.

¹⁹⁰ U.S. Department of State – Bureau of Democracy, Human Rights and Labor, [2023 Country Reports on Human Rights Practices: Israel, West Bank and Gaza](#), (22 April 2024), P.57-58.

¹⁹¹ Just Security, [Report to Congress under Section 2 of the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services \(NSM-20\)](#), (10 May 2024), p.22 (Emphasis added.)

¹⁹² *Ibid.* p.26. (Emphasis added.)

¹⁹³ Institute for Palestine Studies, [Letter from Antony Blinken, Secretary of State, and Lloyd Austin, Secretary of Defense, to Yoav Gallant, Minister of Defense, and Ron Dermer, Minister of Strategic Affairs](#), (13 October 2024), p. 2.

¹⁹⁴ *Ibid.* p. 2.

96. Amongst the required measures, Blinken and Austin emphasized that Israel should enable “*a minimum of 350 trucks per day to enter Gaza*” by allowing “*assistance to enter Gaza consistently through all four major crossings*”, to institute “*adequate humanitarian pauses across Gaza as necessary to enable humanitarian activities, including vaccinations, deliveries and distribution, for at least the next four months*” or “*ensuring humanitarian organizations have continuous access to northern Gaza through northern crossings and from southern Gaza*”.¹⁹⁵
97. In November 2024, a consortium of humanitarian aid organizations assessed Israel’s compliance with these requirements “*and by extension its compliance with U.S. and international law*”. They showed that Israel “*not only failed to meet the U.S. criteria that would indicate support to the humanitarian response, but concurrently took actions that dramatically worsened the situation on the ground, particularly in Northern Gaza*”.¹⁹⁶ Indeed, by way of example, between 13 October and 7 November 2024, Israel permitted an average of only 42 trucks per day to cross into the Gaza Strip,¹⁹⁷ and targeted a vaccination center during a humanitarian pause amidst the “*final phase of a UN-supported polio vaccine campaign*”.¹⁹⁸ The UN Office for the Coordination of Humanitarian Affairs (hereafter, "OCHA") reported that in the sole month of October 2024 “*denials of movements to northern Gaza via Al Rashid checkpoint (...) increased by 115 per cent*”.¹⁹⁹
98. Nonetheless and in an apparent blind eye to the recognition that U.S. support may lead to an exacerbation of Israel’s crimes in the Gaza strip, the U.S. government continues to publicly and politically support Israeli military operations. In its 12 November 2024 press briefing, the Department of State Principal Deputy Spokesperson Bedant Patel stated that there is no “*change in US policy to announce*”, even though Israel failed to meet the requirements set out in the 13 October 2024 letter.²⁰⁰
99. The Associated Press interpreted the above statement as a decision to “*not limit arms transfers to Israel as it had threatened to a month ago*”²⁰¹ at a time when the Integrated Food Security Famine Classification Famine Review Committee called on “*immediate action, within days not weeks, [to be taken by] all actors who are directly taking part in the conflict, or have influence on its conduct, to avert and alleviate this catastrophic situation*”.²⁰²

¹⁹⁵ *Ibid.*, p. 2 and 3.

¹⁹⁶ Oxfam and others, [The Gaza Scorecard — Israel Fails to Comply with U.S. Humanitarian Access Demands in Gaza](#), (November 2024), p. 2.

¹⁹⁷ *Ibid.*, p. 8 ; UNRWA, [Gaza supplies and dispatch tracking](#), (November 2024).

¹⁹⁸ Oxfam and others, [The Gaza Scorecard — Israel Fails to Comply with U.S. Humanitarian Access Demands in Gaza](#), (November 2024), p. 10 ; UN News, [Gaza: Strike hits health center as polio vaccine campaign resumes in ravaged north](#), (2 November 2024).

¹⁹⁹ Oxfam and others, [The Gaza Scorecard — Israel Fails to Comply with U.S. Humanitarian Access Demands in Gaza](#), (November 2024), p. 17 ; 18 ; UNOCHA, [Humanitarian Situation Update #235 | Gaza Strip](#), (5 November 2024).

²⁰⁰ U.S. Department of State, [Department Press Briefing](#), (12 November 2024).

²⁰¹ AP News, [US says it will not limit Israel arms transfers after some improvements in flow of aid to Gaza](#), (12 November 2024).

²⁰² IPC, [IPC Famine Review Committee alert — Gaza Strip](#), (8 November 2024), p. 1.

100. U.S. support, assistance and encouragement continued while, to prevent further commission of international crimes by Israeli forces in the Gaza Strip, several UN entities and agencies and civil society organizations ordered or called for the ceasing of the sale, transfer and diversion of weapons to Israel:

- On 23 February 2024, the OHCHR called for States to “*refrain from transferring any weapon or ammunition – or parts for them – if it is expected, given the facts or past patterns of behavior, that they would be used to violate international law*”;²⁰³
- On 26 March 2024, the UN General Assembly called upon States to “*cease the sale, transfer and diversion of arms, munitions and other military equipment to Israel, the occupying Power, in order to prevent further violations of international humanitarian law and violations and abuses of human rights, and to refrain, in accordance with international norms and standards, from the export, sale or transfer of surveillance goods and technologies and less-lethal weapons*”;²⁰⁴
- In April 2024, the UN Human Rights Council adopted five resolutions to halt arms and munitions transfers to Israel “*in order to prevent further violations of international humanitarian law and violations and abuses of human rights*”;²⁰⁵
- On 20 June 2024, UN experts called on States and private companies to stop arms transfers to Israel;²⁰⁶
- On 13 September 2024, the UN General Assembly asked member States to “*take steps towards ceasing (...) the provision or transfer of arms, munitions and related equipment to Israel, the occupying Power, in all cases where there are reasonable grounds to suspect that they may be used in the Occupied Palestinian Territory*”;²⁰⁷

²⁰³ OHCHR, Press Release, [Arms exports to Israel must stop immediately: UN experts](#), (23 February 2024) : “*States must accordingly refrain from transferring any weapon or ammunition – or parts for them – if it is expected, given the facts or past patterns of behavior, that they would be used to violate international law.*”.

²⁰⁴ UN General Assembly, Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, (16 March 2024), [A/HRC/55/L.30](#), [13] : “*Calls upon all States to cease the sale, transfer and diversion of arms, munitions and other military equipment to Israel, the occupying Power, in order to prevent further violations of international humanitarian law and violations and abuses of human rights, and to refrain, in accordance with international norms and standards, from the export, sale or transfer of surveillance goods and technologies and less-lethal weapons*”.

²⁰⁵ OHCHR, Press Release, [Human Rights Council Adopts Five Resolutions, including a Text Calling for an Immediate Ceasefire in Gaza, Urging States to Prevent the Continued Forcible Transfer of Palestinians Within or From Gaza, and Calling on States to Cease the Sale or Transfer of](#), (5 April 2024).

²⁰⁶ OHCHR, Press Release, [States and companies must end arms transfers to Israel immediately or risk responsibility for human rights violations: UN experts](#), (20 June 2024).

²⁰⁷ UN General Assembly, Advisory opinion of the International Court of Justice on the legal consequences arising from Israel’s policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of Israel’s continued presence in the Occupied Palestinian Territory, (13 September 2024), [A/ES-10/L.31/Rev.1](#) : called on UN member States to “*take steps towards ceasing (...) the provision or transfer of arms, munitions and related equipment to Israel, the occupying Power, in all cases where there are reasonable grounds to suspect that they may be used in the Occupied Palestinian Territory*”).

- On 1 October 2024, the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 reaffirmed that States must “*halt the provision or transfer of arms, munitions and related equipment to Israel, the occupying Power, in all cases where there are reasonable grounds to suspect that they may be used in the Occupied Palestinian Territory, including East Jerusalem*”,²⁰⁸
- On 1 November 2024, 52 States signed a joint call “*for immediate steps to be taken to halt the provision or transfer of arms, munitions and related equipment to Israel*” when there are reasonable grounds that they may be used by Israel in the Gaza Strip and the occupied territory.²⁰⁹

101. Furthermore, in January 2024, more than 250 humanitarian and human rights organizations called upon UN Members to stop arms transfers to Israel and demanded an immediate ceasefire²¹⁰ and in October 2024, 38 humanitarian organizations called again for an immediate halt to “*the transfer of all weapons, parts and ammunition that could be used to commit further violations of international humanitarian law*”.²¹¹

102. At the national level, an increasing number of countries have, since 7 October 2023, stopped or limited their weapons exports to Israel due to concerns that they would be used in violation of international humanitarian law and human rights,²¹² including Canada,²¹³ Italy,²¹⁴ the Netherlands,²¹⁵ Belgium,²¹⁶ Spain,²¹⁷ and the United Kingdom (hereafter, “the UK”).²¹⁸ For example, the Hague Court of Appeals held on 12 February 2024 that the Dutch government must halt the export of F-35 fighter jet parts to Israel within seven days, as there was a “*clear risk*” that Israel would commit serious violations of international humanitarian law with these aircrafts.²¹⁹ The UK also suspended 30 arms export licenses following “*a review of Israel’s compliance with international humanitarian law*”, and specifically Israel’s lack of compliance

²⁰⁸ United Nations General Assembly, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, (1 October 2024), [A/79/384](#), p.32 : urged UN member states to “*use all their political leverage – commencing with a full arms embargo and sanctions – so that Israel stops the assault against the Palestinians, accepts a ceasefire and fully withdraws from the occupied Palestinian territory in line with the ICJ Advisory Opinion of 19 July 2024*”).

²⁰⁹ UN General Assembly, Letter dated 1 November 2024 from the Permanent Representative of Türkiye to the United Nations addressed to the Secretary-General, (1 November 2024), [A/79/572-S/2024/802](#) : “*We therefore make this collective call for immediate steps to be taken to halt the provision or transfer of arms, munitions and related equipment to Israel, the occupying Power, in all cases where there are reasonable grounds to suspect that they may be used in the Occupied Palestinian Territory, including East Jerusalem, as stipulated in General Assembly resolution ES-10/24 of 18 September 2024.*”.

²¹⁰ Amnesty International, [More than 250 humanitarian and human rights organizations call to stop arms transfers to Israel and Palestinian armed groups](#), (24 January 2024).

²¹¹ Oxfam International, [Urgent joint statement: Northern Gaza is being erased – global leaders must act now to end Israel’s atrocities](#), (15 October 2024).

²¹² See for instance: The Guardian, [Which countries have banned or restricted arms sales to Israel?](#), (3 September 2024); Al Jazeera, [Arms to Israel: Will countries halt sales in wake of ICC arrest warrants?](#), (22 November 2024).

²¹³ Ploughshares, [Statement: Canada’s announced policy on arms exports to Israel](#), (21 March 2024).

²¹⁴ Governo Italiano, [Consiglio europeo del 17-18 ottobre: intervento di replica al Senato del Presidente Meloni](#), (15 October 2024); The New Arab, [Meloni: Italy blocked arms sales to Israel over Gaza war](#), (17 October 2024).

²¹⁵ The Hague Court of Appeal, [The Netherlands has to stop the export of F-35 fighter jet parts to Israel](#), (12 February 2024).

²¹⁶ Amnesty International, [Exportation de poudre wallonne vers Israël : des efforts sont encore nécessaires](#), (6 February 2024).

²¹⁷ The Jerusalem Post, [Spain freezes arms sales and purchases to Israel amid internal government tensions](#), (24 October, 2024)

²¹⁸ Gov.uk, Press release, [UK suspends around 30 arms export licences to Israel for use in Gaza over International Humanitarian Law concerns](#), (2 September 2024).

²¹⁹ The Hague Court of Appeal, [The Netherlands has to stop the export of F-35 fighter jet parts to Israel](#), (12 February 2024).

with the UK's repeated calls to ensure the delivery of humanitarian aid in Gaza Strip and improved treatment of detainees.²²⁰

103. Despite the above and the ICJ ruling identifying a “*real and imminent risk*” of violation of the Genocide Convention,²²¹ the U.S. has continuously provided military support to Israel. As touched upon above, the Biden Administration continues to provide weapons to Israel, notifying Congress in January 2025 of yet another planned arms sale.²²²
104. Hence through corroborated and repeated alerts by the UN and its agencies, the ICJ, human rights as well as humanitarian non-governmental organizations, credible media reports further echoed by American agencies themselves, the Biden administration as a whole and U.S. officials taken individually had what could be defined as “General knowledge” of the situation in the Gaza Strip since at least 7 October 2023.

²²⁰Plougshares, [Statement: Canada's announced policy on arms exports to Israel](#), (21 March 2024) ; Gov.uk, Press release, [UK suspends around 30 arms export licences to Israel for use in Gaza over International Humanitarian Law concerns](#), (2 September 2024).

²²¹ICJ, 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 modification of the Order of 28 March 2024](#), General List No. 192, (24 May 2024), 57 (2)(a) [47].

²²²BBC, [Biden plans to send \\$8bn arms shipment to Israel](#), (4 January 2025); The Wall Street Journal, ['U.S. Plans \\$8 Billion Sale of Arms Including Bombs to Israel'](#), (4 January 2025).

IV. Legal framework

1. Legal characterization of the principal perpetrators' alleged crimes

105. The alleged facts described above are the result of the deliberate and indiscriminate Israeli attacks on civilian persons and objects combined with the complete siege of the Gaza Strip, depriving the population of OIS and humanitarian aid. They are constitutive of international crimes, which are detailed *infra*.

106. The Pre-Trial Chamber, in issuing the arrest warrants against Prime Minister Netanyahu and then minister of Defense Yoav Gallant, established that there are reasonable grounds to believe that the elements of the following crimes are fulfilled in the context of the Israeli military operations in the Gaza Strip since 7 October 2023:²²³

- **The war crime²²⁴ of starvation as a method of warfare:** Article 8(2)(b)(xxv) of the Statute criminalizes the use of starvation as a method of warfare as a war crime prohibiting the intentional use of “*starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions*”.²²⁵ According to the ICC Elements of Crimes, the war crime of starvation as a method of warfare can be established if “*i) the perpetrator deprived civilians of objects indispensable to the survival of the civilian population and ii) the perpetrator intended to starve civilians as a method of warfare*”.²²⁶ It must be noted that deprivation and intent are sufficient, no actual consequences are needed to prove the crime of starvation.
- **The war crime of intentionally directing attacks against the civilian population** (Article 8(2)(b)(i) of the Statute): Article 8(2)(b)(i) of the Statute criminalizes “*intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities*”.²²⁷ According to the ICC Elements of Crimes, this crime can be established if “*i) the perpetrator directed an attack, ii) the object of the attack was a civilian population as such or individual civilians not taking direct part in hostilities, and iii) the perpetrator intended the civilian population as such or individual civilians not taking direct part in hostilities to be the object of the attack*”.²²⁸

²²³ ICC, Press Release, [Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel's challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant](#), (21 November 2024).

²²⁴ *The chapeau elements apply to all war crimes:* the ICC has jurisdiction “*in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes*”. War crimes occur when the perpetrators commit one or more acts prohibited under International Humanitarian Law (IHL), as outlined in Article 8 of the Statute, within the context of an armed conflict, while being aware of the factual circumstances that confirm the existence of such a conflict. (Rome Statute, Elements of Crimes, Art. 8 (introduction). In addition, there must be a nexus between the crime committed and the conflict itself (*Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic*, Appeal Chamber, Judgement, (12 June 2002), [IT-96-23/A & 23/1-A](#), [58].

²²⁵ Rome Statute of the International Criminal Court (17 July 1998), Article 8(2)(b)(xxv).

²²⁶ Rome Statute, Elements of Crimes, Art. 8(2)(b)(xxv).

²²⁷ Rome Statute of the International Criminal Court, (17 July 1998), Article 8(2)(b)(i).

²²⁸ Rome Statute, Elements of Crimes, Art. 8(2)(b)(i).

- **The crime against humanity²²⁹ of murder:** According to Article 7(1)(a) of the Statute, to establish the crime against humanity of murder the perpetrator must have killed one or more persons in the context outlined above.²³⁰

- **The crime against humanity of persecution** is defined according to Article 7(1)(h) of the Statute as the “*persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court*”.²³¹ Pursuant to the ICC Elements of Crimes, this crime can be established if “*i) the perpetrator severely deprived, contrary to international law, one or more persons of fundamental rights, ii) the perpetrator targeted such person or persons by reason of the identity of a group or collectivity or targeted the group or collectivity as such, iii) such targeting was based on political, racial, national, ethnic, cultural, religious, gender, as defined in article 7, paragraph 3 of the Statute, or other grounds that are universally recognized as impermissible under international law and iv) the conduct was committed in connection with any act referred to in article 7, paragraph 1 of the Statute or any crime within the jurisdiction of the Court*”.²³²

- **The crime against humanity of other inhumane acts:** Article 7(1)(k) of the Statute criminalizes “*other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.*”²³³ According to the ICC Elements of Crimes, this crime can be established if “*i) the perpetrator inflicted great suffering or serious injury to body or to mental or physical health by means of an inhumane act, and ii) such act was of a character²³⁴ similar to any other act referred to in article 7, paragraph 1 of the Statute*”.²³⁵

107. **In addition** to the charges included in the ICC arrest warrants, Netanyahu and Gallant have allegedly committed other crimes within the jurisdiction of the ICC, calling for an expansion of the scope of the ICC investigation. Based on the evidence provided above, since at least 7 October 2023, the Israeli authorities have allegedly committed the war crime of intentionally directing attacks against civilian objects as per Article

²²⁹ Contextual elements of crimes against humanity — Crimes against humanity occur when perpetrators commit one or more acts prohibited under Article 7(1) of the Statute as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack; Article 7(1) Rome Statute of the International Criminal Court. It must also be carried out pursuant to or in furtherance of a State or organizational policy to commit such attack; Article 7(2) Rome Statute of the International Criminal Court.

²³⁰ Rome Statute, Elements of Crimes, Art. 7(1)(a) – interchangeable with caused death.

²³¹ Rome Statute of the International Criminal Court, (17 July 1998), Article 7(1)(h).

²³² Rome Statute, Elements of the Crimes, Article 7(1)(h).

²³³ Rome Statute of the International Criminal Court, (17 July 1998), Article 7(1)(k).

²³⁴ Rome Statute, Elements of Crimes, Art. 7(1)(k) – It is understood that “character” refers to the nature and gravity of the act.

²³⁵ Rome Statute, Elements of Crimes, Art. 7(1)(k) – interchangeable with caused death.

8(2)(b)(ii) of the Statute, as well as the underlying crimes of genocide against Palestinians as a group and with the intent to destroy said group.²³⁶

- **The war crime of intentionally directing attacks against civilian objects:** Article 8(2)(b)(ii) of the Statute criminalizes “*intentionally directing attacks against civilian objects, that is, objects which are not military objectives*”.²³⁷ Civilian objects are defined as not being “*military objectives,*” which Additional Protocol I to the Geneva Conventions limits to “*those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage*”.²³⁸ The Protocol adds that in case of doubt, objects “*normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school*” are presumed not to be used for military objectives.²³⁹ According to the ICC Elements of Crimes, the intentional directing of attacks against civilian objects can be established if “*i) the perpetrator directed an attack, ii) the object of the attack was civilian objects, that is, objects that are not military objectives, and iii) the perpetrator intended such civilian objects to be the object of the attack*”.²⁴⁰ As for the first criterion, the *dolus eventualis* threshold requires that the perpetrator be aware that these elements would be almost inevitable consequences of their actions or omissions. Regarding the intention for the perpetrator to attack “*such civilian objects*”, the case law relating to directing attacks against the civilian population is applicable to the war crime of directing attacks against civilian objects, since the wording used by the ICC Elements of Crimes is similar for those two underlying crimes.

- **The crime of genocide** – Article 6 of the Statute criminalizes certain acts “*committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group*”, amongst which “*killing*”, “*causing serious bodily or mental harm*” to members of the group and “*inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part*”. According to the ICC Elements of Crimes, it is necessary to establish that these underlying crimes were i) committed against the members of a “*particular national, ethnical, racial or religious group*”, ii) with the intention “*to destroy, in whole or in part, that national, ethnical, racial or religious group, as such*” and that iii) the “*conduct took place in the context of a manifest pattern of similar conduct directed against that group or was conduct that could itself effect such destruction*”. As for the first criterion of the contextual elements of the underlying crimes of genocide, ICTY and International Criminal Tribunal

²³⁶ Amnesty International, [You feel like you are subhuman. Israel's Genocide against Palestinians in Gaza](#), (5 December 2024) ; Human Rights Watch, [Extermination and Acts of Genocide, Israel Deliberately Deprived Palestinians in Gaza of Water](#), (December 2024).

²³⁷ Rome Statute of the International Criminal Court, (17 July 1998), Article 8(2)(b)(ii).

²³⁸ Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I), (8 June 1977), Article 52 para. [2].

²³⁹ *Ibid.*

²⁴⁰ Rome Statute, Elements of Crimes, Art. 8(2)(b)(ii).

for Rwanda (hereafter “ICTR”) case law have repeatedly held that the determination of a specific “*national, ethnical, racial or religious*”, group should be done on a case-by-case basis, taking into account objective and subjective criteria as well as the context (social, historical or cultural).²⁴¹ Without delving into the definition of each specific group protected under the Statute and the Genocide Convention, the ICJ found in its 26 January 2024 Order that Palestinians “*appear to constitute a distinct ‘national, ethnical, racial or religious group,’ and hence a protected group within the meaning of Article II of the Genocide Convention*”.²⁴² Regarding the second and third criteria of the contextual elements, jurisprudence has established that there is no need for the perpetrator to have the intention to “*complete[ly] annihilate[e] (...) a group from every corner of the globe*”, meaning that the intent to destroy said group “*in part*” is sufficient but that “*the part targeted must be significant enough to have an impact on the group as a whole*”.²⁴³ In addition, there is no need to establish that the perpetrator succeeded in the destruction of the targeted group as “*the term ‘in whole or in part’ refers to the intent, as opposed to the actual destruction*”.²⁴⁴

108. Israel’s military operations in Gaza (*cf. III.1*) may allegedly be legally characterized as international crimes and in particular the war crimes of using starvation as a method of warfare and intentionally directing attacks against civilians and objects; the crimes against humanity of murder, persecution and other inhumane acts; and the crime of genocide. These offenses will collectively be referred to as “the Israeli Crimes” throughout the present communication.

²⁴¹ See, for example, *Prosecutor v. Rutaganda*, ICTR TC I, Judgment and Sentence, (6 December 1999), [ICTR-96-3-T](#), [56]; *Prosecutor v. Bagilishema*, ICTR TC I, Judgment, (7 June 2001), [ICTR-95-1A-T](#), [65]; *Prosecutor v. Semanza*, ICTR TC III, Judgment, (15 May 2003), [ICTR-97-20-T](#), [317]; *Prosecutor v. Kajelijeli*, ICTR TC II, Judgment, (1 December 2001), [ICTR-98-44A-T](#), [811]; *Prosecutor v. Brđjanin*, ICTY TC II, Judgment, (1 September 2004), [IT-99-36-T](#), para. 684; *Prosecutor v. Blagojević and Jokić*, ICTY TC I, Judgment, (17 January 2005), [IT-02-60-T](#), [667]; *Prosecutor v. Stakić*, ICTY Appeals Chamber, Judgment, (22 March 2006), [IT-97-27-A](#), [25].

²⁴² Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (*South Africa v. Israel*), Provisional Measures, [Order of 26 January 2024](#), [45]; in support see also Amnesty International, [You feel like you are subhuman. Israel’s Genocide against Palestinians in Gaza](#), (5 December 2024) which considered that “*Palestinians constitute a distinct national, ethnical and racial group within the meaning of Article 6 of the Rome Statute*”, stressing that this is “*regardless of whether individual Palestinians are citizens of Israel living in Israel, are living under Israeli military rule in the OPT or are Palestinian refugees*” since they “*overwhelmingly identify as Palestinian and have deep and shared political, ethnic, social and cultural ties*”, p. 95.

²⁴³ *Prosecutor v. Kayishema and Ruzindana*, ICTR TC II, Judgment, (21 May 1999), [ICTR-95-1-T](#), [95]; *Prosecutor v. Krstić*, ICTY, Appeals Chamber, Judgment, (19 April 2004), [IT-98-33-A](#), [80]; *Prosecutor v. Seromba*, ICTR TC, Judgment, (13 December 2006), [ICTR-2001-66-I](#), [319]; *Prosecutor v. Muhimana*, ICTR TC III, Judgment and Sentence, (28 April 2005), [ICTR- 95-1B-T](#), [498]; ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina v. Serbia and Montenegro*), [Judgment](#), General List No. 91, (26 February 2007), [193].

²⁴⁴ *Prosecutor v. Krstić*, ICTY, Appeals Chamber, Judgment, (19 April 2004), [IT-98-33-A](#), [584].

2. Modes of liability: “Aiding and abetting” or “Contributing” to the commission of a group’s crime

109. The alleged criminal liability of the named U.S. officials falls **primarily** within “aiding and abetting”, as per article 25(3)(c) of the Rome Statute. **In the alternative**, it falls within the scope of article 25(3)(d) of the Rome Statute, for contributing to a group of persons acting with a common purpose.
110. Regarding the interplay between Article 25(3)(c) and (d), ICC judges have repeatedly held that Article 25(3)(d) “*is triggered **only** when subparagraphs (a)-(c) are not satisfied*”.²⁴⁵ It is “*a residual form of accessoryship, included in the Statute to vest the Court with jurisdiction over accessories whose conduct does not constitute aiding or abetting the commission of a crime within the meaning of article 25(3)(c)*”.²⁴⁶

2.1 The ICC legal framework for aiding and abetting under Article 25(3)(c) of the Rome Statute

111. The criminal liability of the named U.S. officials falls primarily within aiding and abetting, as per Article 25(3)(c) of the Rome Statute. This article provides that a person shall be individually criminally responsible for a crime within the jurisdiction of the Court if that person “*(...) for the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission*”.
112. Aiding and abetting is a secondary form of liability, as opposed to commission or perpetration, which are principal forms of liability.²⁴⁷ While “*aiding*” refers to the provision of practical or material assistance, “*abetting*” refers to the provision of moral or psychological assistance or support.²⁴⁸ The Court has held that these two forms of assistance should be viewed as one “*single mode of liability*”.²⁴⁹
113. To establish liability under aiding and abetting, Article 25(3)(c) of the Rome Statute requires specific *actus reus* (material elements) and *mens rea* (mental elements).

²⁴⁵ *Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, Decision on the Confirmation of Charges pursuant to Article 61 (7)(a) and (b) of the Rome Statute, Ruto et al., ICC PTC II, (4 February 2012), [ICC-01/09-01/11-373](#), [354]; ICC, *Prosecutor v. Thomas Lubanga Dyilo*, ICC PTC I, Decision on the Confirmation of charges (29 January 2007) [ICC-01/04-01/06](#), [337]; *Prosecutor v. Katanga*, ICC TC II, Judgement pursuant to article 74 of the Statute (7 March 2014) : [ICC-01/04-01/07](#), [1618].

²⁴⁶ *Prosecutor v. Katanga*, ICC TC II, Judgement pursuant to article 74 of the Statute (7 March 2014) : [ICC-01/04-01/07](#), [1618]

²⁴⁷ *Ibid.* [1384]; N.R. Hajdin, [Responsibility of Private Individuals for Complicity in a War of Aggression](#), *American Journal of International Law*, Volume 116, Issue 4, (2022).

²⁴⁸ *Prosecutor v. Akayesu*, ICTR TC I, Judgement, (2 September 1998), [ICTR-96-4-T](#), [484]; *Prosecutor v. Bemba et al.*, ICC TC VII, Judgement pursuant to Article 74 of the Statute, (19 October 2016), [ICC-01/05-01/13](#), [88–89] (‘*aiding*’ consists in providing practical or material assistance, whereas ‘*abetting*’ is defined as ‘the moral or psychological assistance...to the principal perpetrator’ which can take the form of even a tacit approval of the commission of the specific offence).

²⁴⁹ *Prosecutor v. Bemba et al.*, ICC AC, Judgement on the appeals of Bemba et al, (8 March 2018), [ICC-01/05-01/13 A A2 A3 A4](#), [1324–25].

2.1.1. The material element (*actus reus*) standard of aiding and abetting

114. As per Article 25(3)(c) of the Statute,²⁵⁰ to establish the *actus reus* of aiding and abetting, three elements are required: i) an act or an omission of the aider and abettor ... ii) ... which assists or encourages the commission (or attempted commission) of the principal crime ... iii) ... contributing as a result to the principal crime (nexus).
115. Regarding the first element, aiding and abetting may consist either in an act or in an omission. In other words, failing or refraining to act may fulfil the first requirement of the *actus reus*. *Bemba et al.* clearly articulates this principle, in which the Trial Chamber specifies that “*the encouragement or support shown need not be explicit. Under certain circumstances, even the act of being present at the crime scene (or in its vicinity) as a ‘silent spectator’ can be construed as tacit approval or encouragement of the crime*”.²⁵¹
116. With regards to the third element (“nexus”), the specific level of contribution by an aider or abettor needed to satisfy the *actus reus* is not expressly mentioned in Article 25(3)(c).²⁵² According to the Court’s case law, assistance by accomplices does not need to be essential or a *condition sine qua non* to the principal’s crime : the threshold of contribution is much lower.²⁵³ Instead, the Court has applied varying standards in its jurisprudence.
117. Earlier decisions tended to apply a “*substantial effect*” standard,²⁵⁴ requiring aider or abettor’s contribution to have made a significant difference to the commission of the crime, which would not have occurred in the same way without it.²⁵⁵ This standard arguably originated from Nuremberg Military Tribunal (NMT) judgments,²⁵⁶ and

²⁵⁰ *Prosecutor v. Bemba et al.*, ICC TC VII, Judgement pursuant to Article 74 of the Statute, (19 October 2016), [ICC-01/05-01/13](#), [83-90]. See also *Prosecutor v. Rutaganda*, ICTR TC I, Judgment and Sentence, (6 December 1999), [ICTR-96-3-T](#), [43]; *Prosecutor v. Akayesu*, ICTR TC I, Judgement, (2 September 1998), [ICTR-96-4-T](#), [484, 548] (“... may consist in failing to act or refraining from action”); *Prosecutor v. Kamuhanda*, ICTR TC II, Judgement, (22 January 2004), [ICTR-99-54A-T](#), [597] (“The act of assistance may consist of an act or an omission”).

²⁵¹ *Prosecutor v. Bemba et al.*, ICC TC VII, Judgement pursuant to Article 74 of the Statute, (19 October 2016), [ICC-01/05-01/13](#), [89]. See also : *Prosecutor v. Akayesu*, ICTR TC I, Judgement, (2 September 1998), [ICTR-96-4-T](#), [548] (“... may consist in failing to act or refraining from action”); *Prosecutor v. Kamuhanda*, ICTR TC II, Judgement, (22 January 2004), [ICTR-99-54A-T](#), [597] (“The act of assistance may consist of an act or an omission”) ; *Prosecutor v. Aleksovski*, ICTY TC I, Judgement, (25 June 1999), [IT-95-14/1-T](#) [87]; *Prosecutor v. Šainović et al.*, ICTY AC, Judgement, (23 January 2014), [IT-05-87-A](#), [1687].

²⁵² *Prosecutor v. Bemba et al.*, ICC TC VII, Judgement pursuant to Article 74 of the Statute, (19 October 2016), [ICC-01/05-01/13](#), [90, 93]; G. Sluiter and S. Yau, [Aiding and Abetting and Causation in the Commission of International Crimes — the Cases of Dutch Businessmen Van Anraat and Kouwenhoven](#), *Amsterdam Center for International Law*, No. 2019-14, (27 June 2019), p.10.

²⁵³ *Prosecutor v. Blé Goudé*, ICC PTC I, Decision on the confirmation of charges against Charles Blé Goudé, (13 December 2014), [ICC-02/11-02/11](#), [167]; *Prosecutor v. Bemba et al.*, ICC AC, Judgement on the appeals of Bemba et al, (8 March 2018), [ICC-01/05-01/13 A A2 A3 A4](#), [94, 116].

²⁵⁴ G. Sluiter and S. Yau, [Aiding and Abetting and Causation in the Commission of International Crimes — the Cases of Dutch Businessmen Van Anraat and Kouwenhoven](#), *Amsterdam Center for International Law*, No. 2019-14, (27 June 2019), p. 7; *Prosecutor v. Tadic*, ICTY TC II, Opinion and Judgment, (7 May 1997), [IT-94-1-T](#), [688]; *Prosecutor v. Furundzija*, ICTY TC II, Trial Judgement, (10 December 1998), [IT-95-17/1-T](#), [234].

²⁵⁵ *Prosecutor v. Tadic*, ICTY TC II, Opinion and Judgment, (7 May 1997), [IT-94-1-T](#), [688]; *Prosecutor v. Furundzija*, ICTY TC II, Trial Judgement, (10 December 1998), [IT-95-17/1-T](#), [233]; G. Sluiter and S. Yau, [Aiding and Abetting and Causation in the Commission of International Crimes — the Cases of Dutch Businessmen Van Anraat and Kouwenhoven](#), *Amsterdam Center for International Law*, No. 2019-14, (27 June 2019), p. 7.

²⁵⁶ *Ibid.*

aligns with customary international law, as recognized by the ICTY *inter alia*, in the *Tadić*,²⁵⁷ *Furundzija*²⁵⁸ and *Blagojevic & Jokic* cases.²⁵⁹

118. However, more recent case law applies a lower standard of “*mere facilitation*”, requiring only that the contribution facilitated the principal crime, with no need to demonstrate a significant impact any effect on the crime suffices.
119. In *Bemba et al.* (2018), the most recent ICC case on aiding and abetting, the Trial Chamber confirmed this established jurisprudence when interpreting Article 25(3)(c) *in abstracto*²⁶⁰ that “*merely facilitating*” the commission of the principal crime is sufficient to fulfil the *actus reus* under Article 25(3)(c):

“*The **actus reus** under article 25 (3) (c) of the Statute is **certainly fulfilled** when the person’s assistance in the commission of the crime **facilitates or furthers** the commission of the crime, as the showing of such an effect indicates that the person indeed assisted in its commission.*” (Emphasis added.)²⁶¹

120. The ICC Pre-Trial Chambers made similar findings at the Confirmation of Charges stage. In the Confirmation of Charges Decision in *Blé Goudé* (2014), the Pre-Trial Chamber firmly ruled that under Article 25(3)(c), what is required to establish the material elements of aiding and abetting “*is that the person provides assistance to the commission of a crime and that, in engaging in this conduct, he or she intends to facilitate the commission of the crime.*”²⁶² The Court did not require any particular effect on the principal crime. Two years later, in the Confirmation of Charges Decision in *Ongwen* (2016), the Court went further and specifically ruled out any “substantial” requirement: “*It is nowhere required, contrary to the Defence argument (...), that the assistance be “substantial” or anyhow qualified other than by the required specific intent to facilitate the commission of the crime.*” (Emphasis added.)²⁶³ While not establishing definitive precedents, these decisions reflect a significant shift in the Court’s interpretation of Article 25(3)(c), favoring its plain reading. Indeed, the Article does not reference a requirement for “*substantial*

²⁵⁷ *Prosecutor v. Tadic*, ICTY TC II, Opinion and Judgment, (7 May 1997), [IT-94-1-T](#), [688].

²⁵⁸ *Prosecutor v. Furundzija*, ICTY TC II, Trial Judgement, (10 December 1998), [IT-95-17/1-T](#), [234].

²⁵⁹ *Prosecutor v. Blagojevic & Jokic*, ICTY TC I, Judgement, (17 January 2005), [IT-02-60-T](#).

²⁶⁰ *Prosecutor v. Bemba et al.*, ICC TC VII, Judgement pursuant to Article 74 of the Statute, (19 October 2016), [ICC-01/05-01/13](#), [85]. According to the Trial Chamber in the latter case, a higher requirement of causality would serve no purpose in this context, as the current formulation is sufficient to filter out contributions outside of aiding and abetting. The Chamber additionally argued that if the drafters of the Rome Statute had intended to do so, they would have included a minimum threshold of contribution in article 25(3)(c) of the Rome Statute, as the drafters of the ILC Draft Code of Crimes Against the Peace and Security of Mankind (1996) did in article 2(3)(d): “*knowingly aids, abets or otherwise assists, directly and **substantially**, in the commission of such a crime, including providing the means for its commission*”. The Appeals Chamber in *Bemba et al* went further by arguing that, even without any specific effect on the commission of the crime as required by the ‘mere facilitation’ standard, the conduct of assistance could be deemed, “*in light of the facts of each case*”, to fulfil the *actus reus* under article 25(3)(c).

²⁶¹ *Prosecutor v. Bemba et al.*, ICC AC, Judgement on the appeals of Bemba et al, (8 March 2018), [ICC-01/05-01/13 A A2 A3 A4](#), [18].

²⁶² *Prosecutor v. Blé Goudé*, ICC PTC I, Decision on the confirmation of charges against Charles Blé Goudé, (13 December 2014), [ICC-02/11-02/11](#), [167].

²⁶³ *Prosecutor v. Ongwen*, ICC PTC II, Decision on the Confirmation of Charges, (23 March 2016), [ICC-02/04-01/15](#), [43]; see also the confirmation of this interpretation in *Prosecutor v. Al Mahdi*, ICC PTC I, Decision on the Confirmation of Charges, (24 March 2016), [ICC-01/12-01/15](#), [26].

contribution”, suggesting that applying such a standard imposes a stricter threshold than what the drafters intended.

121. **Aiding and abetting in the form of delivery of weapons** – Delivering weapons is considered a so-called “neutral act”, not unlawful *per se*, but can become so under certain circumstances.²⁶⁴ In the absence of ICC jurisprudence on arms exports under Article 25(3)(c), the nature and reach of the ‘aiding and abetting’ liability for this type of act is to be understood in light of Articles 21(1)(b) and (c) of the Statute, through the lens of the existing *ad hoc* tribunals and domestic jurisprudence.
122. The Special Court of Sierra Leone (hereafter, “SCSL”) found in *Taylor* that supplying arms, ammunition, operational support, and encouragement could amount to aiding and abetting.²⁶⁵ In this case, Charles Taylor, the former president of Liberia, was accused of aiding and abetting the crimes against humanity and war crimes committed by the Revolutionary United Front/Armed Forced Revolutionary Council (hereafter, “RUF/AFRC”) Alliance during the Sierra Leone Civil War, which lasted from 1991 to 2002.²⁶⁶ When determining whether Taylor aided and abetted the war crimes of the RUF/AFRC Alliance, the Trial Chamber found that providing arms and ammunition could constitute a substantial contribution to the principal’s crime, noting that:
- their delivery was the RUF/AFRC’s main source of material;²⁶⁷
 - the RUF/AFRC “*heavily and frequently relied on the material supplied and facilitated*”,²⁶⁸
 - the supplied weapons proved “*indispensable for the RUF/AFRC military offensives*” on several occasions;²⁶⁹
 - the weapons supplied were “*critical in enabling the operational strategy*”.²⁷⁰
123. In *Taylor*, no evidence showed that a particular weapon provided on a specific date was used to commit a certain crime. Yet, the Trial Chamber still found that the transfers constituted aiding and abetting:

“Accordingly, the Trial Chamber finds that the provision and facilitation of arms and ammunition to the RUF/AFRC had a substantial effect on the commission of crimes charged in the Indictment.” (Emphasis added.)²⁷¹

²⁶⁴ K. Ambos, [Rome Statute of the International Criminal Court: Article by Article Commentary](#), *Journal of International Criminal Justice*, Volume 20, Issue 3, (4 April 2022), p. 1224.

²⁶⁵ *Prosecutor v. Charles Ghankay Taylor*, SCSL TC II, Judgement, (18 May 2012) [SCSL-03-01-T](#), [6910-6915].

²⁶⁶ *Ibid.* [6901-6902]; This alliance consisted of two groups: the Revolutionary United Front (RUF), a rebel group which initiated the civil war, and the Armed Forces Revolutionary Council (AFRC), an armed faction that seized power in Sierra Leone, which united in 1997 after the AFRC’s coup.

²⁶⁷ *Prosecutor v. Charles Ghankay Taylor*, SCSL, TC II, Judgement, (18 May 2012) [SCSL-03-01-T](#), [6913].

²⁶⁸ *Ibid.*, [6914].

²⁶⁹ *Ibid.*, [6914].

²⁷⁰ *Ibid.*, [6914].

²⁷¹ *Ibid.*, [6915].

124. Reading *Taylor* in light of the more recent *Bemba et al.* case, it follows that the suspect does not need to know all the details of the primary offence,²⁷² and that the weapons provided need not be used for its commission,²⁷³ to amount to assistance for the purpose of aiding and abetting.
125. The ICTR’s Appeal Chamber further held in *Kamuhanda* that the mere distribution of weapons can be seen as an act of encouragement amounting to moral assistance:
- “Thus, even if the weapons that were distributed by the Appellant had not been used at all, **their mere distribution amounts to psychological assistance**, as it was an act of encouragement that contributed substantially to the massacre, thus amounting to abetting if not aiding.”* (Emphasis added.)²⁷⁴
126. In the absence of ICC jurisprudence on the matter, the Court can turn to national standards and practice to interpret the meaning of Article 25(3)(c) of the Statute. The practice of domestic courts, particularly Dutch courts, can clarify the legal framework surrounding aiding and abetting through delivering, exporting or supplying weapons²⁷⁵ that demonstrate that military assistance *a fortiori* fulfill the threshold level of contribution to international crimes, even in the case where the delivered weapons are not directly used by the principal authors in the commission of a particular crime.
127. **Aiding and abetting in the form of moral support and encouragement** – According to the ICC Trial Chamber in *Bemba et al.*, the notion of abetting may also take the form of “*encouragement of or even sympathy for the commission of the particular offense*”.²⁷⁶ The Court further stressed that “*moral support*” can amount to aiding and abetting.²⁷⁷

²⁷² *Prosecutor v. Bemba et al.*, ICC TC VII, Judgement pursuant to Article 74 of the Statute, (19 October 2016), [ICC-01/05-01/13](#), [90].

²⁷³ *Prosecutor v. Charles Ghankay Taylor*, SCSL TC II, Judgement, (18 May 2012), [SCSL-03-01-T](#), [6910-6915].

²⁷⁴ *Prosecutor v. Kamuhanda*, ICTR TC II, Judgement, (22 January 2004), [ICTR-99-54A-T](#), [84].

²⁷⁵ In the *Van Anraat case*, the Dutch courts convicted a businessman of aiding and abetting war crimes by supplying chemicals to Saddam Hussein’s regime in Iraq. These chemicals were then used to produce mustard gas, which Hussein deployed in attacks against Kurdish civilians and Iranian military forces. When assessing the contribution threshold for *actus reus* of aiding and abetting, the District Court found that the accused had “*made an essential contribution to the chemical warfare program of Iraq*” by supplying 38% of Iraq’s Thiodiglycol from 1980 to 1988 and being Iraq’s sole supplier from 1984 to 1988. *Public Prosecutor v. Frans Cornelis Adrianus van Anraat*, District Court of The Hague, Judgement, (23 December 2005), [09/751003-04](#); The Court of Appeals upheld this decision, emphasizing that the involvement of other suppliers, such as the UK, during the same period, did not diminish the significance of Van Anraat’s role in the matter. *Public Prosecutor v. Frans Cornelis Adrianus van Anraat*, Court of Appeal of The Hague, Judgement, (9 May 2007), [2200050906-2](#). See also G. Sluiter and S. Yau, [Aiding and Abetting and Causation in the Commission of International Crimes — the Cases of Dutch Businessmen Van Anraat and Kouwenhoven](#), *Amsterdam Center for International Law*, No. 2019-14, (27 June 2019), p. 304–28. Similarly, in the *Kouwenhoven case*, the Dutch courts convicted a businessman, Guss Kouwenhoven, for aiding and abetting war crimes committed by Taylor. *Public Prosecutor v. Guss Kouwenhoven*, District Court of The Hague, Judgement, (7 June 2006), [09/750001-05](#); *Public Prosecutor v. Guss Kouwenhoven*, Court of Appeal’s-Hertogenbosch, Judgment, (21 April 2017), [20/001906-10](#); *Public Prosecutor v. Guss Kouwenhoven*, Supreme Court of the Netherlands, Judgment, (18 December 2018), [17/02109](#). Concerning the *actus reus*, the Court of Appeal considered that Kouwenhoven made an essential contribution to the violations committed by RUF rebel forces through his active role in delivering weapons, by making his staff available for the armed conflict, and by allowing his business premises to be used as a hiding place by soldiers. *Public Prosecutor v. Guss Kouwenhoven*, Court of Appeal’s-Hertogenbosch, Judgment, (21 April 2017), [20/001906-10](#), [12.5].

²⁷⁶ *Prosecutor v. Bemba et al.*, ICC TC VII, Judgement pursuant to Article 74 of the Statute, (19 October 2016), [ICC-01/05-01/13](#), [89].

²⁷⁷ *Ibid.*, [867].

128. This decision aligns with the jurisprudence of the *ad hoc* tribunals. Indeed in *Akayesu*, the ICTR Trial Chamber found that the accused had aided and abetted crimes of sexual violence “*through his words of encouragement*”.²⁷⁸ In *Furundžija*, the ICTY Trial Chamber similarly affirmed that aiding and abetting “*may consist of moral support or encouragement of the principals in their commission of the crime*”.²⁷⁹ The SCSL in *Taylor* also recognized that operational, communication, and financial support was sufficient to establish aiding and abetting.²⁸⁰
129. It follows that, by extension, the act of providing political support, even in the form of encouragement, to the principal’s crime is sufficient to meet the *actus reus* of aiding and abetting under Article 25(3)(c) of the Rome Statute.

2.1.2. The mens rea standard of aiding and abetting

130. As per Article 25(3)(c) of the Rome Statute and *Bemba et al.*, to establish the mens rea of aiding and abetting, the accomplices must i) intend their own underlying act or omission of assistance...ii) ...for the purpose of facilitating the commission of such a crime.
131. Such *mens rea* differs significantly from the general standard set in Article 30 of the Rome Statute for all forms of participation (“*Unless otherwise provided, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court only if the material elements are committed with intent and knowledge.*”), and imposes a higher threshold of knowledge and intent as the accused must not only intend his own actions but also act with the specific **purpose** of facilitating the primary offence.
132. The imposition of the higher threshold in Article 25(3)(c) of the Rome Statute was confirmed by ICC case law,²⁸¹ which reiterated that the “*purpose*” requirement goes beyond the ordinary *mens rea* threshold under Article 30. The Trial Chamber in *Bemba et al.* confirmed that, although the accomplice’s assistance must be purposeful, that “*purpose*” only relates to the accessory’s facilitation: “Mindful of the twofold intent of the accessory (viz. firstly, the principal offence and, secondly, the accessory’s own conduct), the Chamber clarifies that this elevated subjective standard relates to the accessory’s facilitation, not the principal offence.” (Emphasis added.) Detailed knowledge of the primary offence or its specifics is not necessary.²⁸² “*This means that the aider or abettor must at least be aware that the principal perpetrator’s offence will occur in the ordinary course of events. [...]it is not necessary for the accessory to know the precise offence which was intended and which in the specific*

²⁷⁸ *Prosecutor v. Akayesu*, ICTR TC, Judgement, (2 September 1998), [ICTR-96-4-T](#), [692]

²⁷⁹ *Prosecutor v. Furundžija*, ICTY TC, Judgement, (10 December 1998), [IT-95-17/1-T](#), [231].

²⁸⁰ *Prosecutor v. Charles Ghankay Taylor*, SCSL, TC II, Judgement, (18 May 2012), [SCSL-03-01-T](#), [6925; 6931; 6932].

²⁸¹ *Prosecutor v. Mbarushimana*, ICC PTC I, Decision on the confirmation of charges, (16 December 2011), [ICC-01/04-01/10-465-Red](#), [274]; *Prosecutor v. Bemba et al.*, ICC TC VII, Judgement pursuant to Article 74 of the Statute, (19 October 2016), [ICC-01/05-01/13](#), [91].

²⁸² *Prosecutor v. Bemba et al.*, ICC TC VII, Judgement pursuant to Article 74 of the Statute, (19 October 2016), [ICC-01/05-01/13](#), [97].

circumstances was committed, but he or she must be aware of its essential elements. (Emphasis added.)²⁸³

133. The Appeals Chamber further clarified that Article 25(3)(c) requires that the aider and abettor acts “[f]or the purpose of facilitating the commission of[...] **even if he or she does not know all the factual circumstances in which it is committed**”.²⁸⁴
134. The lack of ICC jurisprudence on aiding and abetting international crimes through arms supply and other forms of support warrants an analysis of *ad hoc* and domestic jurisprudence as per Article 21(1)(b) and (c) of the Statute to interpret the *mens rea* of Article 25(3)(c) in this specific context.
135. While the *mens rea* threshold for aiding and abetting at the ICC exceeds that of other international tribunals, the analysis of *ad hoc* tribunals’ case law offers valuable guidance on the elements to consider when determining the knowledge required of a person who aided and abetted a crime by supplying weapons and military support to the principal perpetrator. In *Taylor*, the SCSL’s Appeals Chamber found that the *mens rea* was met because the accused knew of the RUF/AFRC’s Operational Strategy and its intent to commit crimes.²⁸⁵ It also considered that he was aware of the essential elements of the crimes, as he had access to specific and concrete information on this matter.²⁸⁶ The Court considered multiple factors to assess the accused’s knowledge of the RUF’s crimes. These included the specific information available to him, his own testimony and statements, and widely accessible public knowledge such as reports from the UN, media, and NGOs.²⁸⁷ Under the ICC framework, such elements could be considered when establishing the aider and abettor’s knowledge of the principal’s crime with the additional requirement that the accused intended his contribution “for the purpose” of facilitating the principal’s crime.
136. National courts, and specifically the Dutch cases previously cited, also provided an insight of the elements to consider when assessing the aider and abettor’s knowledge.²⁸⁸ According to the Dutch Courts, the accused’s requisite knowledge can be inferred from the gravity of the facts, the accused’s own statements and the extensive national and international media coverage of the crimes committed by the principal perpetrator.²⁸⁹

²⁸³ *Ibid.*, [98].

²⁸⁴ *Prosecutor v. Bemba et al.*, ICC AC, Judgement on the appeals of Bemba et al, (8 March 2018) [ICC-01/05-01/13 A A2 A3 A4](#), [21].

²⁸⁵ *Prosecutor v. Charles Ghankay Taylor*, SCSL TC II, Judgement, (18 May 2012), [SCSL-03-01-T](#), [445].

²⁸⁶ *Ibid.*

²⁸⁷ *Prosecutor v. Charles Ghankay Taylor*, SCSL AC, Judgement, (26 September 2013), [SCSL-03-01-A](#), [538].

²⁸⁸ *Public Prosecutor v. Frans Cornelis Adrianus van Anraat*, Court of Appeal of The Hague, Judgement, (9 May 2007), [2200050906-2](#);

Public Prosecutor v. Guss Kouwenhoven, Court of Appeal’s-Hertogenbosch, Judgment, (21 April 2017), [20/001906-10](#).

²⁸⁹ *Public Prosecutor v. Frans Cornelis Adrianus van Anraat*, Court of Appeal of The Hague, Judgement, (9 May 2007), [2200050906-2](#), [11.10, 11.11, 11.12] (the Dutch Court of Appeal concluded that the defendant knew that the Iraqi government was using the chemicals he exported to them to produce mustard gas and that, despite his denial of having such knowledge, the large quantities exported, along with his own and witness statements, provided compelling evidence to the contrary); *Public Prosecutor v. Guss Kouwenhoven*, Court of Appeal’s-Hertogenbosch, Judgment, (21 April 2017), [20/001906-10](#), [L.2.3, L.2.4] (the Dutch Court of Appeal found that the defendant had the requisite knowledge based on his own statements and national and international media coverage of the atrocities committed in Liberia at the time).

137. As the above jurisprudence demonstrates, *ad hoc* and domestic courts have relied on a wide range of evidence to establish the defendant's *mens rea* in aiding and abetting international crimes through exporting weapons and other forms of support. These sources include case-specific facts, witness statements, national and international media reports, and UN documentation, highlighting the comprehensive approach taken to assess the defendant's knowledge.

2.2 The ICC legal framework for the contribution to the commission of a crime perpetrated by a group under Article 25(3)(d) of the Rome Statute

138. As noted above, Article 25(3)(d) is an alternative mode of liability. This article provides that a person shall be criminally responsible for a crime within the jurisdiction of the Court if the person "*in any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:*

- (i) *Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the Court; or*
- (ii) *Be made in the knowledge of the intention of the group to commit the crime*"²⁹⁰

2.2.1 The material element (*actus reus*) standard for the contribution to the commission of a crime perpetrated by a group

139. As per Article 25(3)(d) and the ICC *Mbarushimana* case, three elements are required to establish the *actus reus* of contributing to the commission of a crime or an attempted crime perpetrated by a group: "*(i) a crime within the jurisdiction of the Court is attempted or committed; (ii) the commission or attempted commission of such a crime was carried out by a group of persons acting with a common purpose and (iii) the individual contributed to the crime in any way other than those set out in Article 25(3)(a) to (c) of the Statute;*"²⁹¹ Only the second and third requirements call for additional discussion.

140. "**A group of persons acting with a common purpose**" — The existence of "*a group of persons acting with a common purpose*" is a condition *sine qua non* for the application of Article 25(3)(d) of the Statute.²⁹² In defining this concept, the ICC Pre-Trial Chamber has drawn on prior jurisprudence concerning co-perpetration and joint criminal enterprise and clarified that the phrase "*agreement or common plan between two or more persons*", as outlined in Article 25(3)(a) of the Rome Statute

²⁹⁰ Rome Statute of the International Criminal Court, (17 July 1998), Article 25(3)(d).

²⁹¹ *Prosecutor v. Callixte Mbarushimana*, ICC PTC I, Decision on the Prosecutor's Application for a Warrant of Arrest against Callixte Mbarushimana (28 September 2010), [ICC-01/04-01/10](#). See also *Prosecutor v. Callixte Mbarushimana*, ICC PTC I, Decision on the confirmation of charges, (16 December 2011), [ICC-01/04-01/10](#).

²⁹² *Prosecutor v. Katanga*, ICC TC II, Judgement pursuant to article 74 of the Statute, (7 March 2014), [ICC-01/04-01/07](#), [1624].

and elaborated in the *Lubanga* Confirmation of Charges Decision,²⁹³ also applies to Article 25(3)(d),²⁹⁴ meaning that a group is said to be formed when at least two people come together.

- Firstly, regarding the existence of a common purpose, the Pre-Trial Chamber in *Mbarushimana* noted (later confirmed by the Trial Chamber in *Katanga*²⁹⁵) that, based on the concept of “*common plan*” developed in *Lubanga*,²⁹⁶ the group “*must include an element of criminality but does not need to be specifically directed at the commission of a crime*”.²⁹⁷ It further clarified that “*the agreement need not be explicit, and its existence can be inferred from the subsequent concerted action of the group of persons*”.²⁹⁸ Hence, proof of a specific plan between those committing the crime is not required; all that is needed is proof of the group’s concerted actions, from which the common plan can be inferred. Such a purpose need not be the group’s sole or ultimate goal, so long as they share an intent to commit the crime. The Chamber held that the “*definition of the criminal purpose of the group presupposes specification of the criminal goal pursued; its scope, by pinpointing its temporal and geographic purview; the type, origins or characteristics of the victims pursued; and the identity of the members of group, although each person need not be identified by name.*”²⁹⁹
- Secondly, regarding the membership of the alleged perpetrator to the group, ICC case law has consistently affirmed that an individual can be held criminally responsible under Article 25(3)(d) even if he or she is not formally a member of the group.³⁰⁰

²⁹³ *Prosecutor v. Thomas Lubanga Dyilo*, ICC PTC I, Decision on the Confirmation of charges, (29 January 2007), [ICC-01/04-01/06](#), [343].

²⁹⁴ *Prosecutor v. Callixte Mbarushimana*, ICC PTC I, Decision on the confirmation of charges, (16 December 2011), [ICC-01/04-01/10](#) [271]; *Prosecutor v. Katanga*, ICC TC II, Judgement pursuant to article 74 of the Statute, (7 March 2014), [ICC-01/04-01/07](#), [1628].

²⁹⁵ *Prosecutor v. Katanga*, ICC TC II, Judgement pursuant to article 74 of the Statute, (7 March 2014) [ICC-01/04-01/07](#), [1626] (“**Proof that the common purpose was previously arranged or formulated is not required. It may materialize extemporaneously and be inferred from the subsequent concerted action of the group of persons.**”)

²⁹⁶ *Prosecutor v. Thomas Lubanga Dyilo*, ICC PTC I, Decision on the Confirmation of charges, (29 January 2007), [ICC-01/04-01/06](#), [344]. Although this element was developed for the purpose of establishing co-perpetration in application of Article 25(3)(a) and (b), the PTC in *Mbarushimana* considered that the concept of “common plan” was “*functionally identical to the statutory requirement of article 25(3)(d) of the Statute that there be a group of persons acting with a common purpose*” (*Prosecutor v. Callixte Mbarushimana*, ICC PTC I, Decision on the confirmation of charges, (16 December 2011), [ICC-01/04-01/10](#), [271])

²⁹⁷ *Prosecutor v. Callixte Mbarushimana*, ICC PTC I, Decision on the confirmation of charges, (16 December 2011), [ICC-01/04-01/10](#), [271]. See also *Prosecutor v. Thomas Lubanga Dyilo*, ICC PTC I, Decision on the Confirmation of charges, (29 January 2007), [ICC-01/04-01/06](#), [344].

²⁹⁸ *Prosecutor v. Callixte Mbarushimana*, ICC PTC I, Decision on the confirmation of charges, (16 December 2011) [ICC-01/04-01/10](#), [272].

²⁹⁹ *Prosecutor v. Katanga*, ICC TC II, Judgement pursuant to article 74 of the Statute, (7 March 2014), [ICC-01/04-01/07](#) [1626-1627]. See also *Prosecutor v. Callixte Mbarushimana*, ICC PTC I, Decision on the confirmation of charges, (16 December 2011), [ICC-01/04-01/10](#), [271]; *Brđanin* ICTY Appeal’s Chamber, Judgement, (3 April 2007), [IT-99-36-A](#), [430]; *Prosecutor v. Tadic*, ICTY Appeals Chamber, Judgment, (15 July 1999), [IT-94-I-A](#), [227].

³⁰⁰ *Prosecutor v. Callixte Mbarushimana*, ICC PTC I, Decision on the confirmation of charges, (16 December 2011), [ICC-01/04-01/10](#), [275] (“*the correct interpretation of 25(3)(d) liability is that it must apply irrespective of whether the person is or not a member of the group acting with a common purpose*”); *Prosecutor v. Katanga*, ICC TC II, Judgement pursuant to article 74 of the Statute, (7 March 2014), [ICC-01/04-01/07](#), [1631] (“*Lastly, the Chamber does not view an accused’s membership of the group of persons acting with a common purpose as a decisive ingredient for ascertaining and establishing that person’s individual responsibility for the purposes of article 25(3)(d). In its view, the language of the article criminalizes contribution to the commission of a crime within the jurisdiction of the Court, irrespective of an accused’s membership of the group.*”).

141. *An individual contribution to the crime “in any other way”*: Article 25(3)(d) establishes the lowest threshold of *actus reus* for participation under Article 25 since it criminalizes “*any other way*” that contributes to a crime.³⁰¹
142. The ICC jurisprudence has consistently held that the threshold should be one of a “*significant contribution*” — less than “*substantial*” but exceeding minimal involvement — provided it has “*a bearing on the occurrence of the crime and/or the manner of its commission*”.³⁰² Meaning, the contribution must relate specifically to the commission of the crime, rather than merely to the group’s broader activities.³⁰³ Thus, the “*significant contribution*” standard requires that the aider or abettor influences how or whether the principal’s crimes occur, without necessitating that the crime depend entirely on their contribution.
143. The Trial Chamber in *Katanga* highlighted that the level of contribution must be assessed on a case-by-case basis, depending on whether the acts of contribution influenced the commission of the crime and, if so, to what extent.³⁰⁴ Furthermore, it must be stressed that the significant contribution must be “*analysed in relation to each crime*”.³⁰⁵ Therefore, it is not sufficient to establish a contribution to crimes in general; it must be shown that said contribution had an impact on the targeted crimes.
144. Additionally, applying a higher threshold to Article 25(3)(d) than the “*significant contribution*” standard set in ICC jurisprudence would be inconsistent with the plain reading of the provision, and would go against its object and purpose, which dictates that all contributions to international crimes are punishable. Article 25(3)(d) does not impose a specific threshold of contribution but rather establishes that criminal responsibility arises from “*any*” intentional contribution as long as it satisfies the *mens rea* elements. The use of the expression “*any other*” makes it clear that the drafters intended Article 25(3)(d) to serve as a catch-all provision to include

³⁰¹ K. Ambos, in O. Triffterer (Ed.), [Commentary on the Rome Statute of the International Criminal Court — Observers’ Notes, Article by Article](#), C.H. Beck/Hart/Nomos, München/Oxford, Baden-Baden, 2nd edition, (2008), p. 761.

³⁰² *Prosecutor v. Katanga*, ICC TC II, Judgement pursuant to article 74 of the Statute, (7 March 2014), [ICC-01/04-01/07](#) [1633]. See also, *Prosecutor v. Ruto et al*, ICC PTC II, Decision on the Confirmation of Charges, (4 February 2012.), [ICC 01/09-01/11-373](#), [354] (“*The contribution under subparagraph (d) is satisfied by a less than “substantial” contribution, as far as such contribution results in the commission of the crimes charged. It follows that the Defence’s challenge on this point is without merit.*”); *Prosecutor v. Callixte Mbarushimana*, ICC PTC I, Decision on the confirmation of charges, (16 December 2011), [ICC-01/04-01/10](#), [283] (“*In view of the foregoing considerations, the Chamber finds that the contribution to the commission of a crime under article 25(3)(d) of the Statute cannot be just any contribution and that there is a threshold of significance below which responsibility under this provision does not arise. On the other hand, given the “residual” nature of article 25(3)(d) and its focus on group criminality, the Chamber finds that a contribution to the commission of a crime by a group acting with a common purpose be at least significant.*”).

³⁰³ *Prosecutor v. Katanga*, ICC TC II, Judgement pursuant to article 74 of the Statute (7 March 2014) [ICC-01/04-01/07](#) [1632].

³⁰⁴ *Ibid.* [1635]: “*Otherwise put, a direct nexus between the conduct of the accessory and that of the physical perpetrator need not be established. The Chamber takes the view that it is the effect of the conduct on the realization of the crime which counts – irrespective of whether the contribution is provided to a person who is or is not the perpetrator of the crime – and that the contribution may be connected to either the material elements of the crimes (it may then, for instance, take the form of provision of resources such as weapons) or to their subjective elements (it may involve encouragement).*”

³⁰⁵ *Ibid.* [1632].

contributions that do not fall under the preceding sub-articles.³⁰⁶ As the text is clear and unambiguous, it does not call for further Court interpretation.³⁰⁷

145. The drafting history of Article 25(3)(d) of the Statute further confirms that any contribution is sufficient to establish criminal responsibility. This provision was adopted as a compromise between those who advocated for the inclusion of a form of liability based on conspiracy, following the Draft Codes of 1991 and 1996,³⁰⁸ and those who were instead in favor of a broader notion of responsibility.³⁰⁹ The final version of the text aimed to adopt an intermediate solution, which eliminated the term “*conspiracy*” and required a minimum contribution to a collective crime or attempt.³¹⁰
146. Finally, the drafting of Article 25(3)(d) mirrors Article 2(3)(c) of the 1997 International Convention for the Suppression of Terrorist Bombings,³¹¹ which provides that any person commits an offence if they:

“In any other way contributes to the commission of one or more offences as set forth in paragraph 1 or 2 by a group of persons acting with a common purpose”

147. The deliberate adoption of this language by the drafters underscores their intent to impose the lower threshold of any contribution under Article 25(3)(d).

2.2.2 The mens rea standard for the contribution to the commission of a crime perpetrated by a group

148. As per Article 25(3)(d) and ICC case law, two elements are required to establish the *mens rea* of contributing to a group of persons acting with a common purpose: i) the contribution shall be *intentional*; ii) and shall either (a) be made with the *aim of furthering* the criminal activity or criminal purpose of the group, or (b) in the *knowledge of the intention* of the group to commit the crime.³¹²
149. According to *Katanga*, Article 25(3)(d) provides for specific subjective elements departing from the traditional rule laid down by Article 30 of the Statute. However, although Article 30 does not find application here, the Chamber noted that it may “*nonetheless refer to (...) the definitions of the provision in construing the terms*

³⁰⁶ See the arguments raised by the ICC Prosecutor in *Prosecutor v. Callixte Mbarushimana*, ICC Appeals Chamber, Decision on the Confirmation of Charges, (12 March 2012), [ICC-01/04-01/10-465-Red](#), [52-53].

³⁰⁷ As a reminder, Article 21(1) of the Rome Statute states that the Court should apply as a primary source “*in the first place, this Statute, Elements of Crimes and its Rules of Procedure and Evidence*”.

³⁰⁸ UN, [Draft Code of Crimes against the Peace and Security of mankind](#), (1996) : the draft code considered criminalizing direct participation “*in planning or conspiring to commit a crime which in fact occurs*” ; UN, Report of the Preparatory Committee on the Establishment of an International Criminal Court, Volume II: Compilation of Proposals, U.N. GAOR, 51st Sess., Supp. No. 22, 94, (1996), [A/51/22](#).

³⁰⁹ P. Saland, “[International Criminal Law Principles](#)”, in R. S. Lee (ed.), *The International Criminal Court the Making of the Rome Statute*, The Hague, (1999), p. 199.

³¹⁰ K. Ambos, “[Article 25 – Individual Criminal Responsibility](#)” in O. Triffterer (Ed.), *Commentary on the Rome Statute of the International Criminal Court*, 3rd edition, (2016) p.483-484, [20]; A. Eser, “[Individual Criminal Responsibility](#)”, in A. Cassese, P. Gaeta, J. R. W. D. Jones, *The Rome Statute of the International Criminal Court*, Vol. I, Oxford, Oxford University Press, (2002), p.802.

³¹¹ This Convention requires States to prevent, repress and punish terrorist bombings in all its forms and manifestations.

³¹² *Prosecutor v. Mbarushimana* ICC PTC, Decision on the Confirmation of Charges, (16 December 2011), [ICC-01/04-01/10](#).

“intention” and “knowledge” which appear in article 25(3)(d)”.³¹³ Unlike aiding and abetting for which a *purposive* intent is necessarily required, Article 25 (3) (d) establishes a lower threshold of *mens rea*, since “knowledge” is sufficient to incur liability.³¹⁴

150. **The contribution needs to be intentional** — Following the definition of Article 30(2)(a), ‘*intent*’ requires that the participant means to engage in the relevant conduct that allegedly contributes to the crime. In other words, the actions that constitute a contribution “*must have been deliberate and made with awareness*”.³¹⁵ As recalled in *Katanga*, the definition of intent under Article 30(2) applies **only with respect to the accused’s conduct that constitutes such contribution**, and not to the consequence of such a contribution on the commission of the crime.³¹⁶

151. In order to avoid imposing “*criminal liability on persons whose intentional actions have an unintended, significant effect on a group that is acting with a common purpose*”, the Pre-Trial Chamber in *Mbarushimana* included an **additional element** to the “intentionality” of the contribution to ensure a nexus between the contribution and the crimes themselves.³¹⁷ According to this element, the person must “*be at least aware that his or her conduct contributes to the activities of the group of persons for whose crimes he or she is alleged to bear responsibility*”.³¹⁸ The Trial Chamber in *Katanga* later confirmed this.³¹⁹

152. **The contribution shall be made either in knowledge or by purpose** — As underlined in *Katanga*,³²⁰ the second subjective element is alternatively satisfied with either:

- The aim of furthering the criminal activity or criminal purpose of the group, which requires a purposive intent to further the criminal activity or criminal purpose of the group, provided that the group activity or purpose “involves the commission of a crime within the jurisdiction of the Court”³²¹ or,
- The knowledge of the intention of the group to commit the crime.

153. Alternatively, the second provision establishes a lower threshold of *mens rea*, which merely requires the participant to know the intention of the group to commit the crime. In other words, it is not required to *share* said group’s intention: it is enough

³¹³ *Prosecutor v. Katanga*, ICC TC, Judgement pursuant to article 74 of the Statute, (7 March 2014), [ICC-01/04-01/07-3436](#), [1637].

³¹⁴ *Prosecutor v. Callixte Mbarushimana*, ICC PTC I, Decision on the confirmation of charges, (16 December 2011), [ICC-01/04-01/10](#), [289].

³¹⁵ *Prosecutor v. Katanga*, ICC TC, Judgement pursuant to article 74 of the Statute, (7 March 2014), [ICC-01/04-01/07-3436](#), [1638].

³¹⁶ *Ibid.*

³¹⁷ *Prosecutor v. Callixte Mbarushimana*, ICC PTC I, Decision on the confirmation of charges, (16 December 2011), [ICC-01/04-01/10](#), [288].

³¹⁸ *Ibid.*

³¹⁹ *Prosecutor v. Katanga*, ICC TC, Judgement pursuant to article 74 of the Statute, (7 March 2014), [ICC-01/04-01/07-3436](#), [1639].

³²⁰ *Ibid.* [1640].

³²¹ Rome Statute of the International Criminal Court, (17 July 1998), Article 25(3)(d)(i).

'that the individual knows of the group's intention and decides to contribute anyway' to fulfill the *mens rea* elements of Article 25(3)(d).³²² However, the knowledge requirement should be distinguished from mere awareness: a positive knowledge of the principal crimes being committed is needed and mere awareness or acceptance of the foreseeable criminal risk is insufficient. According to *Katanga*, the knowledge of the intention of the group *"must be defined with reference to article 30(3) of the Statute: the accused must be aware that the intention existed when engaging in the conduct which constituted his or her contribution"*.³²³ Yet, unlike in aiding and abetting, Article 25(3)(d)(ii) requires the participant to be aware of the *specific crime* intended by the group.³²⁴ To be established, that knowledge *"must be inferred from the relevant facts and circumstances."*³²⁵

154. Following the introduction of the legal requirements under Articles 25(3)(c) and (d) of the Rome Statute, it is necessary to introduce the specific, domestic, legal framework of the United States governing the Military Support provided to foreign countries.

³²² *Prosecutor v. Callixte Mbarushimana*, ICC PTC I, Decision on the confirmation of charges (16 December 2011), [ICC-01/04-01/10](#), [289].

³²³ *Prosecutor v. Katanga*, ICC TC, Judgement pursuant to article 74 of the Statute, (7 March 2014), [ICC-01/04-01/07-3436](#), [1641].

³²⁴ K. Ambos, in O. Triffterer (Ed.), [Commentary on the Rome Statute of the International Criminal Court — Observers' Notes, Article by Article](#), C.H. Beck/Hart/Nomos, München/Oxford, Baden-Baden, 2nd edition, (2008), p. 763 ; *Prosecutor v. Katanga*, ICC TC, Judgement pursuant to article 74 of the Statute, (7 March 2014), [ICC-01/04-01/07-3436](#), [1642]: *"Knowledge of such circumstance must be established for each specific crime and knowledge of a general criminal intention will not suffice to prove, as article 25(3)(d)(ii) mandates, that the accused knew of the group's intention to commit each of the crimes forming part of the common purpose"*.

³²⁵ *Prosecutor v. Katanga*, ICC TC, Judgement pursuant to article 74 of the Statute, (7 March 2014), [ICC-01/04-01/07-3436](#), [1643].

V. Evidence Against Named U.S. Officials

155. The United States provided unwavering direct military and political support to Israel, even after it became manifest that Israel continued to carry out severe violations of international humanitarian law and human rights, in many cases using U.S. military assets to do so.³²⁶
156. The strength and reach of U.S. military power³²⁷ and Israel's dependence on U.S. both military and political support³²⁸ places the United States in a unique position to influence Israel — at the very least, by conditioning its military assistance and political support to Israel's adherence to international law. Furthermore, the United States could curb Israel's ability to commit crimes by withholding its provision of weapons, which would reduce, if not eliminate, its capacity to engage in unlawful attacks. Instead, the Biden Administration chose to blindly continue to support Israel both politically and militarily.
157. Below will be analyzed the alleged criminal responsibility of President Biden, President of the United States of America, Antony Blinken, Secretary of State, and Loyd Austin, Secretary of Defense, for aiding and abetting the alleged crimes committed by Israel under Article 25(3)(c) and alternatively, their responsibility as contributing to the commission of a crime perpetrated by a group pursuant to Article 25(3)(d).

1. Individual responsibility for aiding and abetting under Article 25(3)(c) of the Rome Statute

158. President Biden (1.1), Secretary Blinken (1.2) and Secretary Austin (1.3) fulfill the material and mental elements of aiding and abetting the crimes committed by Israeli forces in the Gaza Strip since 7 October 2023.

1.1 President Biden

159. President Biden, by providing increased and unconditional military and political support to Israel, meets the required *actus reus* and *mens rea* for aiding and abetting the commission of the Israeli Crimes.

³²⁶ Congressional Research Service, [Israel and Hamas Conflict in Brief: Overview, U.S. Policy, and Options for Congress](#), (4 October 2024), [R47828](#), pp. 5-8.

³²⁷ NATO, [The Secretary General's Annual Report 2023](#), (14 March 2024): "In 2023 (...) The United States accounted for 53% of the Allies' combined GDP and 67% of combined defence expenditure. Total NATO military spending in 2023 is estimated to have been around USD 1.1 trillion"; GFP, [Global FirePower 2024](#) (In 2024, the U.S. ranked first of 145 GFP Index). For more information about the U.S. military power, see The Heritage Foundation, [U.S. Military Power](#), (January 2024); Strategic Studies Institute, [2023 Annual Estimate of the Strategic Security Environment, Strategic Research and Analysis Department](#), (July 2024).

³²⁸ Stockholm International Peace Research Institute, [How top arms exporters have responded to the war in Gaza](#), (3 October 2024).

1.1.1 By assisting and encouraging Israel since 7 October 2023 President Biden has contributed to the commission of the principal crimes

160. Since 7 October 2023, in his capacity as President of the U.S., Biden has repeatedly exercised his authority to provide military assistance, political support and encouragement to Israel.
161. **Military Support** – President Biden has made a “*significant contribution*” to the commission of the Israeli Crimes by providing Israel with massive military aid, in the form of funds, weapons, intelligence sharing and active involvement in Israel’s military operations outside of the Gaza Strip.
162. As detailed above (*cf. III 2.2*), Israel relied heavily on U.S. Military Support to conduct its military operations in the Gaza Strip. The United States is Israel’s largest arms supplier, having increased its military assistance by at least 381% in the period following 7 October 2023, compared to the levels provided prior to this date.³²⁹ Israeli officials along with the Biden Administration have repeatedly acknowledged Israel’s crucial reliance on U.S. military, financial, and political support to wage war in the Gaza Strip.³³⁰
163. President Biden personally made the transfer of U.S. weapons and funds to Israel possible within and outside the strict U.S. regulations, including by, in some cases, bypassing congressional review, thus preventing public scrutiny of allegations that U.S. arms systems supplied to Israel violate U.S. and international law.³³¹ These include Biden:
- Twice invoking his authority under the AECA in December 2023 to bypass congressional review of more than \$250 million in weapons sales to Israel,³³² allowing for the transfers of 120mm tank shells and 155mm artillery shells. The exact same weapons were subsequently used in January, February and May 2024, with Israeli forces firing 120mm tank shells in attacks respectively killing six-year-old Hind Rajab and two paramedics, killing two people and injured six others in a Medecins Sans Frontieres guesthouse, as well as the firing of three tank shells into a humanitarian zone (*cf. Annex 1 line n°13, 14, 20*).

³²⁹The White House, Office of the Press Secretary, ‘[Fact Sheet: Memorandum of Understanding reached with Israel](#)’, (14 September 2016): In 2007, the U.S. and Israel signed a memorandum of understanding under which United States committed to providing \$3.8 billion in annual military aid to Israel until 2028. See also Council on Foreign Relations, [U.S. Aid to Israel in Four Charts](#), (last updated on 13 November 2024); Brown University – Watson Institute for International and Public Affairs, [United States Spending on Israel’s Military Operations and Related U.S. Operations in the Region, October 7, 2023 – September 30, 2024](#), (7 October 2024).

³³⁰The Guardian (Mehdi Hasan), [Biden can end the bombing of Gaza right now. Here’s how](#), (21 February 2024) ; The Times of Israel, [Gallant: We can’t say ‘no’ to the US on humanitarian aid given how much they do for us](#), (20 October 2023) ; Just Security, [Report To Congress Under Section 2 of The National Security Memorandum On Safeguards and Accountability With Respect To Transferred Defense Articles and Defense Services \(NSM-20\)](#), (10 May 2024), p.22.

³³¹U.S. Congress, A joint resolution providing for congressional disapproval of the proposed foreign military sale to the Government of Israel of certain defense articles and services, (25 September 2024), [S.J.Res.111](#); Bernie Sanders, [FACT SHEET: Joint Resolutions of Disapproval under the Arms Export Control Act and Proposed Arms Sales to Israel](#), (18 September 2024).

³³²[Arms Export Control Act \(AECA\)](#), Sections 3(2)(A) and 36.

- Approving and overseeing 100 FMS to Israel since October 2023, the existence of which was only disclosed thanks to “*a recent classified briefing*” in March 2024 by U.S. officials before Congress.³³³
164. While the mere supply of weapons is sufficient to fulfill the *actus reus* elements of aiding and abetting, without requiring the subsequent use of those weapons (*cf. supra*),³³⁴ the solid evidence demonstrating that Military Support supplied by the United States, on the basis of actions taken by President Biden, has been used by Israel to commit the Israeli Crimes amounts to a “*substantial contribution*” to the commission of at least part of the *actus reus* of such crimes.³³⁵
165. Furthermore, in April 2024, President Biden signed the *Emergency Supplemental Appropriation Bill*,³³⁶ altering the existing legal framework on arms exports by waiving the usual restrictions on the quantity of defense articles the United States can allocate to Israel. More specifically, this Bill is responsible for:
- allowing the unrestricted transfer to Israel of any defense articles in the WRSA-I stockpile;³³⁷
 - making available to Israel an additional \$3.5 billion until 30 September 2025 through the FMF program;³³⁸
 - giving authority to the Department of State to waive congressional notification for arms sales to Israel in a specific waiver limited solely to Israel, which does not extend to any other allies, including Ukraine.³³⁹
166. As described above (*cf. III. 2.2.*), President Biden confirmed having ordered U.S. intelligence services to “*work side-by-side with their Israeli counterparts*”³⁴⁰ and announced the deployment of U.S. intelligence assets in the Gaza Strip (*cf. Annex 3, pp.19-20*).
167. Finally, as Head of State, Head of Government and Commander in Chief of the U.S. armed forces, President Biden is responsible for the actions taken by his own administration, specifically through the powers and authority delegated to Antony

³³³ White House, Press release, [Press briefing by Secretary Karine Jean-Pierre](#), (6 march 2024).

³³⁴ *Prosecutor v. Kamuhanda*, ICTR TC II, Judgement, (22 January 2004), [ICTR-99-54A-T](#), [84]; *Prosecutor v. Charles Ghankay Taylor*, SCSL TC II, Judgement, (18 May 2012), [SCSL-03-01-T](#), [6910-6915].

³³⁵ See the development on “substantial contribution” in para [121].

³³⁶ U.S. Congress, Making emergency supplemental appropriations for the fiscal year ending September 30, 2024, and for other purposes, (24 April 2024), [H.R.815](#).

³³⁷ *Ibid* ; Responsible Statecraft, [Who's minding the stockpile of US weapons going to Israel?](#), (5 January 2024).

³³⁸ U.S. Congress, Making emergency supplemental appropriations for the fiscal year ending September 30, 2024, and for other purposes, (24 April 2024), [H.R.815](#) : “*For an additional amount for “Foreign Military Financing Program”, \$3,500,000,000, to remain available until September 30, 2025, for assistance for Israel and for related expenses*”.

³³⁹ U.S. Congress, Making emergency supplemental appropriations for the fiscal year ending September 30, 2024, and for other purposes, (24 April 2024), [H.R.815](#) : “*Provided further, That any congressional notification requirement applicable to funds made available under this heading in this division for Israel may be waived if the Secretary of State determines that to do so is in the national security interest of the United States*”; In These Times, [Unprecedented Loophole Will Obscure Arms Sales to Israel](#), (2 November 2023, updated April 2024).

³⁴⁰ White House Press Release, [Statement from President Joe Biden on the death of Yahya Sinwar](#), (17 October 2024).

Blinken, Secretary of State and primary advisor on foreign policy (see *infra*), Lloyd Austin, Secretary of Defense (see *infra*), as well as the members of the Biden administration, such as:

- Jake Sullivan,³⁴¹ the National Security Advisor, who advises the President on strategic implications of arms transfers and ensures the coordination between defense, diplomatic, and intelligence agencies.
- Gina Raimondo,³⁴² Secretary of Commerce, who oversees dual-use technology exports through the Export Administration Regulations as well as the Bureau of Industry and Security, which regulates the export of dual-use items, including certain firearms and related components. In October 2023, the Commerce Department announced a 90-day pause on the issuance of new export licenses for specific firearms, ammunition, and related components to non-governmental end users, with exceptions for Israel and Ukraine.³⁴³ This exemption for Israel indicates that, during this period, the Commerce Department continued to process and approve export licenses for firearms and related components destined for Israeli end users.

168. These positive acts, by giving Israel access to large amounts of weapons and intelligence to implement its military actions in the Gaza Strip, constitute clear and concrete facilitation by President Biden of the Israeli Crimes, and reflect Israel's heavy and frequent reliance on the military assets supplied by the United States (*cf. III, 2.2*).

169. **Political support of Israel's actions** — The U.S. President's authority in foreign affairs is rooted in Article II of the U.S. Constitution, which establishes that the officeholder appoints ambassadors with the advice and consent of the Senate.³⁴⁴ The United States President is recognized as “*the sole spokesman of the nation in the field of foreign relations*”.³⁴⁵

170. Specifically, regarding the UNSC, the representative of the United States, currently Ambassador Linda Thomas-Greenfield, is appointed by the President himself, serves as the President's representative and, as such, receives her instructions from the President through the National Security Council (hereafter, “NSC”).³⁴⁶ As described above (*cf. III. 2.3*), the United States, through its ambassador before the UN in New York, used its position at the UNSC to veto all resolutions calling for “*an immediate,*

³⁴¹ The Hill, [Sullivan: Pause in military aid doesn't mean Biden will 'abandon Israel'](#), (5 December 2024).

³⁴² U.S. Department of Commerce, [Gina Raimondo](#).

³⁴³ Bureau of Industry and Security, [Firearms Pause & Review: Frequently Asked Questions](#), (27 October 2023).

³⁴⁴ Constitution Annotated, [Article II. S1. Cl.8 The President's Foreign Affairs Power, Curtiss-Wright, and Zivotofsky](#).

³⁴⁵ Justice, [The President's Power in the Field of Foreign Relations](#), (8 November 1937).

³⁴⁶ 22 U.S. Code § 287 — Representation in Organization (“*The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the United Nations who shall have the rank and status of Ambassador Extraordinary and Plenipotentiary and shall hold office at the pleasure of the President*”); United States Mission to the United Nations, [Ambassador Linda Thomas-Greenfield](#); The White House, [National Security Council](#).

unconditional and permanent ceasefire” or *“the facilitation of full, rapid, safe and unhindered entry of humanitarian assistance at scale to and throughout the Gaza Strip”*.³⁴⁷ The United States vetoed seven resolutions in total, including those calling for the provision of humanitarian aid and abstained from voting for all four successful resolutions that attempted to halt or limit Israeli attacks against civilians in the Gaza Strip since 7 October 2023.³⁴⁸ Vetoing the resolution calling for the civilian population in the Gaza Strip to access basic services and humanitarian assistance underlines President Biden’s role in depriving civilians in the Gaza Strip of OIS, a starvation-related violation, through the U.S. foreign affairs policy.

171. Moreover, President Biden has repeatedly made public statements demonstrating his personal and unwavering support for Israel, amidst the denunciation by international authorities and civil society organizations of the crimes being allegedly committed by Israel in the Gaza Strip (*cf. Annex 3*). For example:

- On 18 October 2023, despite already occurring atrocities in the Gaza Strip, *“the President reiterated his steadfast support for Israel and reaffirmed U.S. determination to provide the Israeli government with what it needs to protect its citizens”*.³⁴⁹
- On 29 October 2023, *“the President reiterated that Israel has every right and responsibility to defend its citizens from terrorism”*.³⁵⁰

³⁴⁷ UNSC, Brazil : draft resolution, (18 October 2023), ([S/2023/773](#)) ; UNSC, Afghanistan, Andorra, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Cambodia, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic Republic of the Congo, Djibouti, Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Finland, Gambia, Grenada, Guyana, Iceland, Indonesia, Iraq, Ireland, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Lesotho, Libya, Luxembourg, Malaysia, Maldives, Malta, Mauritania, Mexico, Morocco, , Namibia, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Türkiye, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe: draft resolution, (8 December 2023), ([S/2023/970](#)) ; UNSC, Algeria : draft resolution, (20 February 2024), ([S/2024/173](#)) ; UNSC, Algeria, Ecuador, Guyana, Japan, Malta, Mozambique, Republic of Korea, Sierra Leone, Slovenia and Switzerland : draft resolution, (20 November 2024), ([S/2024/835](#)).

³⁴⁸ For abstentions, see UNSC 9479th meeting, The situation in the Middle East, including the Palestinian question, (15 November 2023) [S/PV.9479](#); UNSC, Resolution 2712 (2023) Adopted by the Security Council at its 9479th meeting, on 15 November 2023, (15 November 2023), [S/RES/2712 \(2023\)](#): United States was one of the three countries to abstain when voting a resolution calling for urgent and extended humanitarian pauses to allow aid into the Gaza Strip, as well as the establishment of corridors to enable medical evacuations and the safeguarding of civilians. This was the first UNSC resolution to pass, more than a month after the beginning of the war; UNSC, 9552nd meeting, The situation in the Middle East, including the Palestinian question, (20 February 2024), [S/PV.9552](#); UNSC, Algeria: draft resolution, (20 February 2024), [S/2024/173](#) : United States vetoed another draft resolution introduced by Algeria, reiterating similar demands; UNSC, 9586th meeting, The situation in the Middle East, including the Palestinian question, (25 March 2024), [S/PV.9586](#); UNSC, Resolution 2728 (2024) Adopted by the Security Council at its 9586th meeting, on 25 March 2024, (25 March 2024), [S/RES/2728 \(2024\)](#) : United States was the only State which abstained from voting on a successful resolution introduced by 10 non-permanent members of the UNSC; UNSC, Algeria, Ecuador, Guyana, Japan, Malta, Mozambique, Republic of Korea, Sierra Leone, Slovenia and Switzerland: draft resolution, (25 March 2024), [S/2024/254](#); UNSC, 9586th meeting, The situation in the Middle East, including the Palestinian question, (25 March 2024), [S/PV.9586](#): United States abstained from voting another one demanding an immediate ceasefire in Gaza for the month of Ramadan.

³⁴⁹ White House, Press release, [Readout of President Joseph R. Biden, Jr. Meeting with Prime Minister Benjamin Netanyahu of Israel and the War Cabinet](#), (18 October 2023).

³⁵⁰ White House, Press release, [Readout of President Biden’s Call with Prime Minister Netanyahu of Israel](#), (29 October 2023).

- On 16 November and 12 December 2023, President Biden publicly acknowledged that the IDF was conducting “*indiscriminate bombing*”, by emphasizing that said fact “*was pointed out to [him]*”.³⁵¹
- On 9 March 2024, when posed with a question of whether he had a red line after which support for Prime Minister Netanyahu would cease, President Biden responded that the invasion of Rafah “*is a red line, but I'm never going to leave Israel. The defense of Israel is still critical. So, there's no red line [in which] I'm going to cut off all weapons, so they don't have the Iron Dome to protect them.*”³⁵² (Emphasis added.) However, since the IDF's invasion of Rafah in May 2024, President Biden has maintained unwavering military and political support, even authorizing significant arms sales in August 2024 and January 2025.³⁵³
- On 9 October 2024 “*the President affirmed his ironclad commitment to Israel's security*”.³⁵⁴

172. The military and political support provided by President Biden, including through his own administration, to the Israeli Crimes committed by Israeli authorities in the Gaza Strip satisfy the legal requirements for the *actus reus* of aiding and abetting these crimes.

1.1.2 President Biden presented a manifest intent to act for the purpose of facilitating the crimes committed by Israeli forces in their military operations in the Gaza Strip

173. By failing to exercise his considerable influence on Israel to halt and prevent the Israeli Crimes being committed in the Gaza Strip, and by furnishing unconditional military and political support to Israel, President Biden demonstrated a manifest intent to act for the purpose of facilitating the Israeli Crimes.³⁵⁵
174. As noted above (*cf. IV 2.1.2*), the accomplice does not need to share the specific intent to commit the principal crimes. The aider or abettor must only intend its own actions while being “*aware of [the] essential elements*” of these crimes.³⁵⁶
175. The evidence recalled above (*cf. III 2.3*) shows that President Biden had “general knowledge” of the perpetration of the Israeli Crimes in the Gaza Strip from the very first days of the Israeli forces’ military operations.

³⁵¹White House, Press release, [Remarks by President Biden in Press Conference](#), Woodside, CA, (16 November 2023) ; White House, Press release, [Remarks by President Biden at a Campaign reception](#), (12 December 2023).

³⁵²MSNBC, [Exclusive interview with President Biden following State of the Union address](#), (10 March 2024) ; Roll Call, [Interview : Jonathan Capehart of MSNBC Interviews Joe Biden in Atlanta](#), (9 March 2024).

³⁵³Al Jazeera, [Biden notifies US Congress of planned \\$8bn arms sales to Israel: Reports](#), (4 January 2025).

³⁵⁴White House, Press release, [Readout of President Joe Biden's call with Prime Minister Netanyahu of Israel](#), (9 October 2024).

³⁵⁵Rome Statute of the International Criminal Court, (17 July 1998), Article 25(3)(c).

³⁵⁶*Prosecutor v. Bemba et al.*, ICC TC VII, Judgement pursuant to Article 74 of the Statute, (19 October 2016), [ICC-01/05-01/13](#), [97-98].

176. Furthermore, at the U.S. national level, following the Israeli airstrike that killed seven World Central Kitchen aid workers, a letter signed on 5 April 2024 by 36 House Democrats, including Congresswoman and former Speaker of the House of Representatives Nancy Pelosi, called on President Biden to halt U.S. weapons transfers to Israel.³⁵⁷ They affirmed:

“We strongly urge you to reconsider your recent decision to authorize the transfer of a new arms package to Israel, and to withhold this and any future offensive arms transfers until a full investigation into the airstrike is completed. If this strike is found to have violated U.S. or international law, we urge you to continue withholding these transfers until those responsible are held accountable.

We also urge you to withhold these transfers if Israel fails to sufficiently mitigate harm to innocent civilians in Gaza, including aid workers, and if it fails to facilitate – or arbitrarily denies or restricts – the transport and delivery of humanitarian aid into Gaza

Given the horrifying facts on the ground, we are also greatly concerned by your recent decision to authorize an arms transfer to Israel, which reportedly includes 1,800 MK-84 2,000-pound bombs, 500 MK-82 500-pound bombs, and 25 F-35A fighter jets. The MK-84 2000-pound bombs have been linked to multiple mass casualty events in Gaza and are capable of killing or wounding people more than 1,000 feet away. We are also concerned by recent reports that the administration is considering authorizing another \$18 billion arms transfer to include dozens of F-15 aircraft.

In light of the recent strike against aid workers and the ever-worsening humanitarian crisis, we believe it is unjustifiable to approve these weapons transfers. (...) And we again urge you to ensure that any future military assistance to Israel, including already authorized transfers, is subject to conditions to ensure it is used in compliance with U.S. and international law.”³⁵⁸
(Emphasis added.)

177. Additionally, since the onset of the war in October 2023, President Biden personally demonstrated knowledge that Israel's unprecedented campaign against Gaza violated international humanitarian law — particularly through its failure to protect civilians, deliberate obstruction of food, medicine, and humanitarian aid, and attacks depriving the OPT of OIS. As detailed in *Annex 3*, this includes at least dozens of public statements by President Biden recalling conversations with Israeli leaders imploring them to adhere to international law, facilitate aid provision, and take better steps to mitigate civilian harm.

³⁵⁷ Reuters, [Pelosi joins call for Biden to stop transfer of US weapons to Israel](#), (6 April 2024).

³⁵⁸ Members of Congress, [Letter calling on Biden to halt U.S. weapons transfers to Israel](#), (5 April 2024).

178. Indeed, regarding the use of U.S.-made weapons against the Palestinian population, President Biden said on 16 November 2023 that he believed Israeli attacks in the Gaza Strip had constituted “*indiscriminate bombing*”.³⁵⁹ On 12 December 2023, President Biden again described Israeli attacks in the Gaza Strip as “*indiscriminate bombing*,” adding that Israeli Prime Minister Netanyahu justified the practice by pointing to the United States “*carpet bombing*” of Germany during the Second World War.³⁶⁰
179. He further stressed, on 9 May 2024, that he had decided to pause the shipment of 2,000lbs bombs to Israel because “*civilians have been killed in Gaza as a consequence of those bombs and other ways in which they go after the population centers*”, implicitly admitting his specific knowledge of the unlawful use of U.S.-made weapons in the Gaza Strip.³⁶¹ Despite continuing UN and NGO reports of international crimes in the Gaza Strip, he resumed the shipment of those same bombs only two months later, in July 2024³⁶² and after noting a month prior “*with great concern [the] unacceptable number of civilian casualties especially women and children*”.³⁶³
180. As for the humanitarian situation in the Gaza Strip, on 2 April 2024, President Biden said that “*Israel has also not done enough to protect civilians*”,³⁶⁴ while describing two days later the situation as “*unacceptable*”.³⁶⁵ With the situation not improving, three months later President Biden openly acknowledged that Israel was hindering the delivery of aid, saying directly to Prime Minister Netanyahu that Israel must “*remove any obstacles to the flow of aid (...) and the critical importance of protecting civilian lives during military operations*”, demonstrating clearly his knowledge of starvation-related crimes taking place.³⁶⁶
181. Additionally, on several occasions, President Biden emphasized the need of providing aid to the Gaza Strip and yet not acting towards its remedial (*cf Annex 3, pp.1-18*). By way of example, on 12 August 2024, in a joint statement from the United States, United Kingdom, France, Germany and Italy on the Middle East, President Biden stated that “*all parties must live up to their responsibilities (...) unfettered delivery and distribution of aid is needed*”³⁶⁷ and on 9 October 2024, President Biden

³⁵⁹ White House, Press release, [Remarks by President Biden in Press Conference](#), Woodside, CA, (16 November 2023).

³⁶⁰ White House, Press release, [Remarks by President Biden at a Campaign reception](#), (12 December 2023).

³⁶¹ CNN, [Biden says he will stop sending bombs and artillery shells to Israel if it launches major invasion of Rafah](#), (9 May 2024).

³⁶² Reuters, [US to resume shipping 500-pound bombs to Israel, US official says](#), (10 July 2024); The Guardian, [US to resume sending 500lb bombs to Israel while withholding 2,000lb bombs, official says](#), (10 July 2024).

³⁶³ White House, Press Release, [G7 Apulia Leader’s Communiqué](#), (14 June 2024).

³⁶⁴ White House, Press Release, [Statement from President Joe Biden on the Death of World Central Kitchen Workers in Gaza](#), (2 April 2024); see also Annex 3.

³⁶⁵ White House, Press Release, [Readout of President Joe Biden’s Call with Primer Minister Netanyahu of Israel](#), (4 April 2024); see also Annex 3.

³⁶⁶ White House, Press Release, [Readout of President Joe Biden’s Meeting with Prime Minister Netanyahu of Israel](#), (25 July 2024); see also Annex 3.

³⁶⁷ White House, Press Release, [Joint Statement from the United States, United Kingdom, France, Germany, and Italy on the Middle East](#), (12 August 2024).

discussed the humanitarian situation in the Gaza Strip and the imperative to restore it.³⁶⁸

182. Moreover, President Biden was explicitly alerted to Israel's grave human rights violations and alleged crimes through the public resignations of several high-ranking officials. These resignations letters and statements underscored the Biden Administration's direct awareness of these violations and criticized its persistent refusal to take action to halt them (*cf. Annex 3*).
183. Despite his “General knowledge” as well as his specific individual knowledge of the Israeli Crimes and the use of U.S. military support to further them, President Biden purposefully continued to provide unconditional military, financial and political support to Israel. He did so while knowing that it would have been possible to refuse or condition such aid in light of precedents from U.S. presidents suspending, or threatening to withhold, arms supplies based upon violations by Israel of international law. Such suspension is also required by Section 620i of the Foreign Assistance Act, compelling the U.S. president to halt security assistance to any foreign government that restricts U.S. humanitarian aid.³⁶⁹
184. **By continuously and unconditionally providing political, military and financial support to Israel while being fully aware of the specific crimes committed by Israeli forces, President Biden acted “for the purpose of facilitating” said crimes. He therefore aided and abetted the commission of the Israeli Crimes committed by Israel in the Gaza Strip.**

1.2 Secretary of State Antony Blinken

185. Secretary Blinken’s actions and decisions as the U.S. Secretary of State to continuously provide Israel with military and political support since 7 October 2023 satisfy the required *actus reus* and *mens rea* for aiding and abetting the commission of the Israeli Crimes.
186. The roles of the U.S. Secretary of State and Secretary of Defense are distinct yet closely interconnected when it comes to foreign arms transfers. While the former is primarily responsible for the diplomatic and policy aspects of these transfers, ensuring that they align with U.S. foreign policy, legal frameworks, and international commitments, the Secretary of Defense handles the operational execution of these transfers, including their delivery and strategic alignment with U.S. military objectives.

³⁶⁸ White House, Press release, [Readout of President Joe Biden’s call with Prime Minister Netanyahu of Israel](#), (9 October 2024).

³⁶⁹ [Foreign Assistance Act](#), Section 620 (i).

1.2.1 Secretary Blinken's role in providing military support to Israel contributed to the commission of international crimes in the Gaza Strip

187. **Military Support** — As head of the U.S. Department of State, Antony Blinken plays a pivotal role in shaping U.S. foreign policy. In particular, he serves as the President's primary adviser on international affairs,³⁷⁰ and ensures compliance with U.S. foreign policy objectives and international agreements, including the ones dealing with arms transfers to foreign powers.
188. As part of this oversight responsibility, Secretary Blinken is in charge of ensuring compliance with the protective mechanisms set out in the AECA and the FAA, which regulate foreign military assistance.
189. Additionally, the Secretary of State is required to assess the eligibility of arms transfers to foreign security units under the *Leahy Laws*. As such, he must ensure that no U.S. weapons are transferred to foreign security units if credible information indicates they have committed gross violations of human rights, unless the recipient government has held accountable the security force members responsible for the violations. Secretary of State Blinken has never designated a single unit of Israeli security forces ineligible for aid despite overwhelming evidence of unremediated, gross violations of human rights, in particular in Gaza since October 2023, while the Department of State had at its disposal credible information on instances of Israeli security forces' human rights violations, specifically through a "General knowledge" of the situation in the Gaza Strip.
190. Indeed, Secretary Blinken authorized in August 2024 a DCS of JDAMs³⁷¹ despite vocal warnings from the international community (*cf. III.2.2.*) and reports by its own administration³⁷² showing Israel's repeated use of U.S.-made JDAMs to direct bombs against civilians in the Gaza Strip. These reports include some of the deadliest attacks by Israeli forces in October 2023, as well as January, May and July 2024 (*cf. Annex I lines 1, 2, 4, 8, 10, 13, 14, 15, 16, 17*).
191. By contrast, since the enactment of the *Leahy Laws* in 1997, the Department of State has deemed tens of thousands of foreign security force units from various countries ineligible for assistance, including Bangladesh, Belize, Bosnia & Herzegovina, Burkina Faso, Burundi, Colombia, Guatemala, Jamaica, Mexico, Nigeria, Turkey, Indonesia, Lebanon, Saint Lucia, Honduras, Iraq, Kyrgyz Republic, Mexico, Pakistan, Nigeria, and Egypt. Nevertheless, to date, despite extensive evidence of systematic and severe human rights violations by Israel, the Department of State has yet to suspend or disqualify a single Israeli unit, whereas numerous countries have since 7

³⁷⁰ U.S. Department of the Secretary of State, [Duties of the Secretary of State](#).

³⁷¹ Defense Security Cooperation Agency, Israel – Joint direct attack munition tail kits and munitions, [Transmittal No. 15-36](#), (19 May 2015).

³⁷² Just Security, [Report of the Independent Task Force on the Application of National Security Memorandum-20 to Israel](#), (18 April 2024); Just Security, [Report to Congress under Section 2 of the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services \(NSM-20\)](#), (10 May 2024).

October 2023 ceased or limited their weapons exports to Israel due to concerns that these weapons would be used in violation of international humanitarian law and human rights (*cf. III 2.3*)

192. Furthermore, in 2019, the Department of State created the Israel Leahy Vetting Forum (hereafter, the “ILVF”), with Secretary Blinken overseeing its establishment. The ILVF is responsible for creating a unique procedure to vet Israeli security units, effectively making it impossible to designate any Israeli unit as ineligible for U.S. By applying a higher threshold of credible information to Israeli forces and a lower one when assessing the Israeli Government’s actions towards remediating gross violations, the ILVF, and by extension Secretary Blinken, have created favorable conditions to deem Israeli units eligible for arms assistance under the *Leahy Laws*. Consequently, the Department of State has never prohibited transfers to Israeli security forces on the basis of their commission of gross violations of human rights.
193. By way of example, on 29 April 2024, the Department of State determined for the first time that five Israeli security units committed gross violations of human rights: the 92nd Shimshon Battalion, the Israeli National Police Law Enforcement and Traffic Branch Ma’avarim unit, the Coordinator for Government Activities in the Territories in the West Bank, the Shahar Search and Rescue Battalion, and the Netzah Yehuda Battalion. However, it then concluded that for all units, the Israeli Government had effectively remediated these violations, justifying the continued eligibility of arms transfers towards these units.
194. **By approving this DCS contrary to his monitoring role and U.S. law, Secretary Blinken provided Israel with weapons that served and will continue to further the commission by Israeli authorities of the Israeli Crimes in Gaza.**
195. Additionally, Secretary Blinken is responsible for making sure that no arms transfer to foreign countries — made through the FMF program or as an FMS or DCS — goes against international human rights and conventions signed and ratified by the United States. However, since 7 October 2023, Secretary Blinken has approved a large number of foreign military sales to Israel, even though Israeli forces have violated international humanitarian law and human rights by using U.S. weapons in the past :
 - On 9 December 2023, Secretary Blinken approved an FMS to Israel of 120mm M830A1 tank cartridges.³⁷³ Israeli forces used this type of US-made tank ammunition in an attack killing a six-year-old child and two paramedics (*cf. Annex 1 line 13*).³⁷⁴

³⁷³ Defense Security Cooperation Agency, Israel – M830A1 120mm Tank Cartridges, [Transmittal No. 24-15](#), (9 December 2023).

³⁷⁴ See also The Washington Post, [Palestinian paramedics said Israel gave them safe passage to save a 6-year-old girl in Gaza. They were killed.](#), (16 April 2024); Bernie Sanders, [FACT SHEET: Joint Resolutions of Disapproval under the Arms Export Control Act and Proposed Arms Sales to Israel.](#) (18 September 2024).

- On 13 August 2024, he approved the sale of 120mm tank cartridges and related equipment to Israel, for a total estimated cost of \$774.1 million,³⁷⁵ even though Israeli forces previously used such weapons in numerous attacks against humanitarian zones and civilians, particularly on 20 February 2024 and 28 May 2024 (*cf. Annex I lines 14, 20*).
- In January 2025, the U.S. Department of State informally notified Congress of a planned large \$8bn weapons sale to Israel, including 2,800 unguided MK-82 bombs, medium-range air-to-air missiles, 155mm projectile artillery shells and 500-pound bombs, when similar unguided bombs and pound bombs were previously used in attacks against the Palestinian population (*cf. Annex I*).³⁷⁶

196. It should also be noted that Secretary Blinken’s subordinates failed to raise the alarm on the use of arms transfers to Israel in disregard of U.S. foreign policy, domestic legal standards, and international obligations, with for instance:

- **Bonnie Jenkins**,³⁷⁷ the Under Secretary of Arms Control and International Security, in charge of ensuring compliance with international arms control agreements by offering policy guidance on FMS and DCS that align with these obligations.
- **Stanley L. Brown**,³⁷⁸ acting as Assistant Secretary Political-Military Affairs, which coordinates between the State and Defense Departments on arms transfers and oversees the Directorate of Defense Trade Controls (DDTC), which regulates DCS to ensure adherence to U.S. foreign policy objectives.

197. By knowingly approving sales of U.S. weapons that Israeli security forces had previously used to commit the Israeli Crimes, despite specific responsibility under U.S. law to prevent such transfers, Secretary Blinken aided and abetted the commission of said crimes.

198. Finally, the Secretary of State, through the Office of Security Assistance, administers the FMF program, while overseeing congressional notifications for any arms sales exceeding statutory thresholds under the AECA.³⁷⁹

199. Since October 2023, Secretary Blinken allocated an abnormally high amount of at least \$17.9 billion to Israel through the FMF program, including the standard \$3.8 billion annual appropriation³⁸⁰ as well as an additional \$8.7 billion in emergency

³⁷⁵ Defense Security Cooperation Agency, Israel – M830A1 120mm Tank Cartridges, [Transmittal No. 24-15](#), (9 December 2023).

³⁷⁶ The New York Times, [State Dept. Tells Congress It Plans to Send \\$8 Billion in Arms to Israel](#), (3 January 2025); BBC, [Biden plans to send \\$8bn arms shipment to Israel](#), (4 January 2025).

³⁷⁷ U.S. Department of State, [Ambassador Bonnie Denise Jenkins](#).

³⁷⁸ U.S. Department of State, [Stanley L. Brown](#).

³⁷⁹ U.S. Department of State, [What We Do](#).

³⁸⁰ The White House, Office of the Press Secretary, [Fact Sheet: Memorandum of Understanding reached with Israel](#), (14 September 2016).

aid.³⁸¹ He also bypassed congressional notification — required by the AECA — by structuring more than 100 FMS below the necessary monetary threshold in a short period of time.³⁸² This contributed to the lack of transparency surrounding FMS, with only three sales being made public (\$106 million worth of tank ammunition, \$147.5 million of components needed to make 155mm shells and \$8bn of different types of bombs and artillery shells)³⁸³ and ensured the secret delivery of a large number of weapons to Israel in record time.

200. The Department of State also delivered the entirety of Israel's FMF within the first 30 days of the fiscal year. Additionally, a significant portion of this aid — approximately 20% in 2024 — is provided as untraceable cash through the Overseas Procurement mechanism.³⁸⁴ Israel independently allocates U.S. military assistance among its security forces without disclosing the specific units receiving the aid.³⁸⁵ Consequently, every Israeli security force unit benefits, either directly or indirectly, from this support.
201. **These FMF highlight Secretary Blinken's strategic use of administrative mechanisms to support Israel's military operations. All of these actions granted Israel the weapons and military power necessary to commit grave crimes and, as such, they constitute assistance by Secretary Blinken to the Israeli Crimes.**
202. **Public encouragement for Israel's actions** — As a senior member of the President's Cabinet, the U.S. Secretary of State is responsible for conducting U.S. foreign policy and advising the President on international matters. This, combined with his powers in overseeing and approving arms transfers, confers the officeholder a high level of public power, capable of influencing foreign acts.
203. First and foremost, Secretary Blinken is the President's principal foreign policy advisor, advising notably on the appointment of ambassadors, Secretary Blinken is responsible for the formulation and execution of foreign policy.³⁸⁶ As such, like President Biden, he is responsible for the United States UN ambassador's systematic use of its position on the UNSC to block UN resolutions concerning ceasefires and the improvement of humanitarian aid in the Gaza Strip.³⁸⁷
204. Secretary Blinken, through his official visits to Israel and public statements, has shown significant and continuous support for Israeli forces since 7 October 2023

³⁸¹ Brown University — Watson Institute for International & Public Affairs, [United States spending on Israel's military operations and related U.S. operations in the region, October 7, 2023 – September 30, 2024](#), (7 October 2024); AP, [US spends a record \\$17.9 billion on military aid to Israel since last Oct. 7](#), (7 October 2024).

³⁸² The Washington Post, [U.S. floods arms into Israel despite mounting alarm over war's conduct](#), (6 March 2024), The Times of Israel, [Report: US quietly approved more than 100 arms sales to Israel since October 7](#), (7 March 2024).

³⁸³ The Washington Post, [Unguided 'dumb bombs' used in almost half Israeli strikes in Gaza](#), (14 December 2023); The Washington Post, [U.S. approves \\$147.5 million sale of artillery ammunition and gear to Israel](#), (30 December 2023).

³⁸⁴ <https://2009-2017.state.gov/documents/organization/265160.pdf>

³⁸⁵ Carnegie Endowment, [Bringing assistance to Israel in line with rights and U.S. laws](#), (12 May 2021).

³⁸⁶ 22 U.S. Code § 2656 — Representation in Organization.

³⁸⁷ *Supra.* 348.

despite their involvement in international crimes. Since 7 October 2023, he has visited Israel 11 times — by far the highest number of visits to any country during his tenure.³⁸⁸ Additionally, although he has expressed “concern over humanitarian access”,³⁸⁹ Secretary Blinken has continuously shown his unconditional Military Support to Israel, attempting to justify Israel’s actions and promising to fulfil all of Israel’s military needs (*cf. Annex 3*):

- On 31 October 2023, Secretary Blinken stated that the United States must “ensure that Israel can continue to defend its people”, expressing that it is “under brutal assault by actors determined to wipe their nation off the map”.³⁹⁰
- On 29 April 2024, he stated that “[a]s Israel continues to respond to Hamas’ devastating attack, the United States will ensure that it has what it needs to defend its people”, before justifying Israel’s actions as “what Israel is doing is not retaliation (...) any country faced with what Israel has suffered would likely do the same thing”.³⁹¹
- On 23 October 2024, he reaffirmed U.S. military support for Israel, by saying: “We are resolute in our defense of Israel when it comes to attacks it’s receiving Iran, from Iran’s proxies, and we stand with Israel, and we’ll always stand with Israel in its defense”.³⁹²
- On 4 November 2024, he reaffirmed to Yoav Gallant, then Israeli Defense Minister, “the United States’ ironclad commitment to Israel’s security”.³⁹³

205. Despite evidence of Israel’s ongoing crimes and in the face of statements from Israel’s highest officials which clearly revealed their intent to commit international crimes (*cf. section III 1.3*), Secretary Blinken issued these public statements in support of Israeli forces.

206. The constant Political Support displayed by Secretary Blinken to Israel, in his role as Secretary of State, constitutes the encouragement of the commission of the Israeli Crimes committed by Israeli authorities.

207. As noted earlier, ICC case law has alternated between applying the “substantive effect” threshold and the “mere facilitation” standard when assessing whether an

³⁸⁸ U.S. Department of State, [Secretary Blinken’s Countries visited and mileage](#), (last updated on 13 January 2025) ; The Times of Israel, [Blinken arrives in Israel as US looks to renew ceasefire talks, temper strike on Iran](#), (22 October 2024).

³⁸⁹ White House, Press release, [Readout of President Biden’s Call with President Mahmoud Abbas of the Palestinian Authority](#), (14 October 2023) ; U.S. Department of State, [Secretary Antony J. Blinken at the UN Security Council ministerial meeting on the Situation in the middle East](#), (24 October 2023).

³⁹⁰ U.S. Department of State, [Opening remarks by Secretary Antony J. Blinken before the Senate Appropriations Committee on “A review of the National Security Supplement Request”](#), (31 October 2023).

³⁹¹ U.S. Department of State, [Secretary Antony J. Blinken at a meeting with foreign ministers of the Gulf Cooperation Council Member States](#), (29 April 2024).

³⁹² U.S. Department of State, [Secretary Antony J. Blinken Remarks to the Press](#), (23 October 2024).

³⁹³ U.S. Department of State, [Secretary Blinken’s Call with Israeli Defense Minister Gallant](#), (4 November 2024).

act qualifies as a contribution to the principal crime, with more recent rulings favoring the latter approach. Considering the systemic provision of weapons and political backing by Secretary Blinken to the violations carried out by Israeli authorities, it is manifest that either threshold is satisfied, thereby characterizing the *actus reus* of aiding and abetting the Israeli Crimes.

1.2.2. Antony Blinken intended to act for the purpose of facilitating the principal's crimes

208. Similarly to President Biden, Secretary of State Antony Blinken undoubtedly knew of the potential perpetration of the Israeli Crimes in the Gaza Strip since the beginning of the Israeli military operations. His “General knowledge” made it impossible for Secretary of State Blinken to ignore the dire situation in the Gaza Strip caused by the Israeli authorities and publicly available reports have highlighted at least 25 incidents since 7 October 2023 where Israeli forces committed crimes against the civilian population in the Gaza Strip using U.S.-made weapons (*cf. Annex 1*).
209. As highlighted as “General knowledge”, U.S. agencies produced reports evidencing the specific knowledge of U.S. authorities regarding crimes Israeli authorities were committing, including Secretary Blinken’s own Department (i.e. the State Department’s 2023 HR report³⁹⁴ and the NSM-20 report submitted to Congress by the State Department³⁹⁵), highlighting his specific knowledge of the Israeli Crimes committed by Israeli authorities.
209. Regarding the ILVF, the U.S. Government Accountability Office, an independent, nonpartisan agency that audits and evaluates federal options, published a report on 25 July 2024 identifying critical gaps in the vetting process of military aid transferred to Israel and highlighted the Department of State’s failure to apply a uniformized system of human rights vetting.³⁹⁶
210. Additionally, Secretary Blinken has heard from his own staff and agencies about Israel's obstruction of humanitarian aid, violations of international humanitarian law, and the non-enforcement of U.S. laws regulating arms exports. By November 2023, Reuters reported that at least three separate “*dissent cables*” had been filed within the State Department objecting to U.S. unconditional support for Israel's campaign.³⁹⁷ Several high-ranking officials communicated their resignation letter to Secretary Blinken, before making it public, putting him on specific notice of the human rights violations and international crimes committed by Israel, as well as the use of U.S. weapons to commit them (*cf. Annex 3*) :

³⁹⁴ U.S. Department of State – Bureau of Democracy, Human Rights and Labor, [2023 Country Reports on Human Rights Practices: Israel, West Bank and Gaza](#), (22 April 2024), p.3.

³⁹⁵ Just Security, [Report to Congress under Section 2 of the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services \(NSM-20\)](#), (10 May 2024), pp.20-22.

³⁹⁶ U.S. Government Accountability Office, [Assessment of USAID’s Oversight Policies to Prevent the Diversion of Assistance to Hamas and Other Terrorist Organizations](#), (25 July 2024).

³⁹⁷ Reuters, [Facing State Department dissent over Gaza, Blinken tells staff: We’re listening](#), (14 November 2023).

- On 20 October 2023, Josh Paul, former Director of the State Department's Bureau of Political-Military Affairs resigned with the following words: *"I can say with confidence that the United States has actual knowledge that its arms will be used to commit such violations, as I have been part of U.S. internal government debated about such violations (...) the US is in violation of its own policies and laws, including the conventional arms transfers policy"*.³⁹⁸
- On 28 March 2024, Annaelle Sheline, who served in the State Department's human rights bureau, resigned publicly by stating that she was one of many people across the U.S. federal government who *"are appalled by the administration's flagrant disregard for American laws"* and affirming that *"Joe Biden himself indirectly admits that Israel is not protecting Palestinian civilians from harm"*.³⁹⁹
- On 1 April 2024, Hala Rharrit, former spokesperson for the Department of State, declared that the Department *"had ample evidence from within the United States government, not just the State Department, but a multitude of U.S. agencies, with proof that Israel is violating so many of our laws, is systematically withholding humanitarian assistance from going in"*.⁴⁰⁰
- On 28 May 2024, Stacy Gilbert, who served in the State Department's Bureau of Population, Refugees and Migration as senior military adviser asserted that the State Department and Secretary Blinken with it were fully aware of Israeli-imposed obstacles to aid delivery in Gaza: *"We have the data. It is known. The organizations working on the ground in Gaza have sent numerous reports detailing those obstacles. So to look at that information and assess that Israel is not blocking aid is ludicrous."*⁴⁰¹

211. Blinken wrote in a response to growing internal dissent the following: *"We're listening: what you share is informing our policy and our messages"*.⁴⁰²

212. Furthermore, non-state actors specifically informed Secretary Blinken:

- On 18 October 2023, the Center for Constitutional Rights sent an emergency briefing to President Biden, copying Secretary of State Antony Blinken and Secretary of Defense Lloyd Austin, with the aim of putting them on notice regarding compelling evidence that Israel was attempting, if not actively

³⁹⁸ [Resignation letter](#) from Josh Paul, former Director of the State Department's Bureau of Political-Military Affairs, (20 October 2023).

³⁹⁹ CNN, [Opinion: Why I'm resigning from the State department](#), (28 March 2024).

⁴⁰⁰ Democracy Now, ["We have lost all credibility": Hala Rharrit on quitting State Dept. & Ending U.S. Complicity in Gaza](#), (23 October 2024).

⁴⁰¹ PBS, [Ex-State department official explains resigning over U.S. policy in Gaza](#), (30 May 2024): *"We have the data. It is known. The organizations working on the ground in Gaza have sent numerous reports detailing those obstacles. So to look at that information and assess that Israel is not blocking aid is ludicrous"*.

⁴⁰² Reuters, [Facing State Department dissent over Gaza, Blinken tells staff: We're listening](#), (14 November 2023).

committing, genocide against the Palestinian people in the Gaza Strip.⁴⁰³ This paper also warned that the United States could be complicit under international law, given its actions supporting Israel's military operation, closure, and campaign against the Palestinian population in the Gaza Strip.⁴⁰⁴

- After this communication, Secretary Blinken became a named defendant in a case brought against him by the Center for Constitutional Rights and other Plaintiffs. On 31 January 2024, the District Court of Northern California found that *“as the ICJ has found, it is plausible that Israel’s conduct amounts to genocide”* and demanded that the Defendants *“examine the results of their unflinching support of the military siege against Palestinians in Gaza”*.⁴⁰⁵ Thus, Blinken was put on notice by the Courts of his very own country that his actions potentially facilitated the Israeli Crimes, erasing all doubts about his knowledge of the crimes committed in the Gaza Strip.

213. Finally, since 7 October 2023, Secretary Blinken, in public reports and statements, repeatedly stressed the imperative need to remediate the dire humanitarian situation in Gaza, showcasing his specific knowledge of the Israeli Crimes and emphasizing his intent to facilitate their commission (*cf. Annex 3*).

- Already in the first weeks of the war, according to Secretary Antony Blinken, one of the purposes of President Biden's visit to Israel was to *“hear from Israel how it will conduct its operations in a way that minimizes civilian casualties and enables humanitarian assistance to flow to civilians.”*⁴⁰⁶
- On 2 November 2023, Secretary Blinken publicly stated that he would be discussing with Israeli officials *“concrete steps that can and should be taken to minimize harm to men, women, and children in Gaza”*.⁴⁰⁷ The death toll, still below 10,000 at that time,⁴⁰⁸ rose rapidly in the weeks and months that followed. A few weeks later, on 30 November 2023, Secretary Blinken recalled telling Netanyahu that despite his stated intent, *“results, of course, are fundamentally what matters”*.⁴⁰⁹ The result did not change and neither did Secretary Blinken's unconditional military and political support to Israel.
- On 2 April 2024, Secretary Blinken stated bluntly, about Israeli officials, that *“They've taken steps. But it is, simply put, insufficient”*.⁴¹⁰ On 5 April 2024, he

⁴⁰³ Center for Constitutional Rights, [Emergency Legal Briefing Paper: Israel’s Unfolding Crime of Genocide of the Palestinian People & U.S. Failure to Prevent and Complicity in Genocide](#), (18 October 2023).

⁴⁰⁴ *Ibid.*

⁴⁰⁵ United States District Court Northern District of California, Defense for Children International Palestine et al. v. Joseph R. Biden et al., (31 January 2024), [23-cv-05829-JSW](#).

⁴⁰⁶ U.S. Department of State, [Secretary Antony J. Blinken Remarks to the Press on President Biden’s Upcoming Trip to Israel And Agreement with Israel to Develop a Humanitarian Aid Plan for Gaza](#), (16 October 2023); see also Annex 3.

⁴⁰⁷ U.S. Department of State, [Secretary Antony J. Blinken Remarks to the Press](#), (2 November 2023); see also Annex 3.

⁴⁰⁸ Reuters, [Gaza death toll: how many Palestinians has Israel’s offensive killed?](#), (15 January 2025).

⁴⁰⁹ U.S. Department of State, [Secretary Antony J. Blinken at a Press Availability](#), (30 November 2023); see also Annex 3.

⁴¹⁰ U.S. Department of State, [Secretary Antony J. Blinken and French Foreign Minister Stéphane Séjourné at a Joint Press Availability](#), (2 April 2024); see also Annex 3.

asserted that “as Israel pursues any military operations against Hamas, it has to prioritize the protection of civilians. It has to make that job number one. Too many people have been caught in this crossfire of Hamas’ making — children, women, men losing their lives.”⁴¹¹ On April 9, 2024, Blinken lamented how even when Israel did take positive steps, they were not sustained⁴¹² and that the delivery of food had manifestly not been enough, stressing that the results simply “have not been there. And even if the intent was, it’s the results that count.”⁴¹³

- On 13 October 2024, he sent and signed a letter to Israel, together with Secretary Austin, expressing “the U.S. government’s deep concern over the deteriorating humanitarian situation in Gaza” and demanding that Israel make concrete progress within 30 days on measures to reverse the spiraling humanitarian situation.⁴¹⁴ This letter further listed a number of demands relating to specific actions taken by Israel to block humanitarian aid in the Gaza Strip. An independent assessment by Oxfam and other credible NGOs showed that Israel “not only failed to meet the U.S. criteria that would indicate support to the humanitarian response, but concurrently took actions that dramatically worsened the situation on the ground, particularly in Northern Gaza”.⁴¹⁵ Nevertheless, despite passage of the deadline and no material compliance with the conditions it proposed, Secretary Blinken did not withhold any assistance to Israel. The Principal Deputy Spokesperson of the Department of State, when questioned on 12 November 2024 about Israel’s lack of compliance, stated that there is no “change in US policy to announce”.⁴¹⁶
- On 23 October he further highlighted that: “we saw the improvements in April, and then we saw it go on a downward trajectory again.”⁴¹⁷

214. It follows that Secretary Blinken had precise and substantial evidence and information about the Israeli Crimes committed by Israeli forces in Gaza. Hence, by continuously and unconditionally providing political and military support to Israel even after it became apparent that this support facilitated the commission of the Israeli Crimes, Secretary Blinken acted with intent and knowledge of the specific crimes being committed and for the purpose of facilitating said crimes. He therefore aided and abetted in the commission of the Israeli Crimes.

⁴¹¹ U.S. Department of State, [Secretary Antony J. Blinken Remarks to the Press](#), (5 April 2024).

⁴¹² U.S. Department of State, [Secretary Antony J. Blinken and United Kingdom Foreign Secretary David Cameron at a Joint Press Availability](#), (9 April 2024); see also Annex 3.

⁴¹³ *Ibid.*

⁴¹⁴ Oxfam and others, [The Gaza Scorecard: Israel fails to Comply with U.S. Humanitarian Access Demands in Gaza](#), (12 November 2024).

⁴¹⁵ *Ibid.* p. 2.

⁴¹⁶ U.S. Department of State, [Department Press Briefing](#), (12 November 2024).

⁴¹⁷ U.S. Department of State, [Secretary Antony J. Blinken Remarks to the Press](#), (23 October 2024); see also Annex 3.

1.3 Secretary Lloyd Austin

215. As U.S. Secretary of Defense, Lloyd Austin's actions and decisions to continuously and purposefully provide Israel with military and political support satisfy the *actus reus* and *mens rea* requirements for aiding and abetting the Israeli Crimes committed by Israeli military forces in the Gaza Strip.

1.3.1. Secretary Austin's role and actions in providing Military Support to Israeli forces contributed to the commission of international crimes in the Gaza Strip

216. In his capacity as U.S. Secretary of Defense, Lloyd Austin has been a primary decision-maker and facilitator of Military Support to Israeli forces while they were perpetrating international crimes in Gaza. As Secretary of Defense, Lloyd Austin enjoys ultimate authority and control over the Department of Defense and the U.S. armed forces worldwide.
217. **Actions granting Military Support to Israel** — As U.S. Secretary of Defense, Secretary Austin can grant or refuse transfer, or access, of weapons to Israeli forces. The Secretary of Defense handles the operational dimension of arms transfers, including their delivery and strategic alignment with U.S. military objectives.
218. Secretary Austin oversees the FMS program through which the Department of Defense sells U.S. defense articles to foreign governments via the DSCA. Under the Golden Sentry program requiring the U.S. government to conduct EUM,⁴¹⁸ Secretary Austin also assumes full responsibility to verify the end-use and accountability of U.S.-origin defense articles supplied to Israel, via periodic checks and investigations into potential end-use violations.
219. The Department of Defense's 2022 Civilian Harm Mitigation and Response Action Plan (hereafter, "CHMR-AP"), signed by Secretary Austin, starts with the following affirmation: "*The protection of civilians is a strategic priority as well as moral imperative. Our efforts to mitigate and respond to civilian harm directly reflects our values and also directly contributes to achieving our mission success*".⁴¹⁹ Yet, before and after 7 October 2023, Secretary Austin has regularly approved sales of military equipment to Israel⁴²⁰ and has sent the State more than \$20 billion of FMS since October 2023, all this despite overwhelming evidence that U.S.-made weapons, or *a minima* the same type of weapons as those supplied by the United States, have been involved in various incidents constitutive of the Israeli Crimes (*cf. Annex I*).
- On 19 October 2023, the Defense Department confirmed that the United States had been providing "*precision-guided munitions, such as joint direct attack*

⁴¹⁸U.S. Department of State, [End-use monitoring of U.S.-origin defense articles](#), (20 January 2021).

⁴¹⁹ U.S. Department of Defense, [Civilian Harm Mitigation and Response Action Plan \(CHMR-AP\)](#), (25 August 2022).

⁴²⁰Defense Security Cooperation Agency, [Israel](#).

*munitions, small-diameter bombs, 155-millimeter artillery ammunition and other categories of critical equipment*⁴²¹ to Israel. However, JDAM guidance systems have reportedly been used in attacks targeting civilians in the Gaza Strip. Notably, such weapons were involved, *inter alia*, in airstrikes on 10 October 2023, which were conducted in an area to which the Israeli military had ordered residents of Northern Gaza to relocate,⁴²² and on 9 January 2024, which was directed against a five-story residential building located in Tal Al-Sultan, a neighborhood in Rafah to which the Israeli military had repeatedly ordered displaced residents to flee.⁴²³

- In December 2023, Secretary Austin sent U.S.-origin 155mm artillery shells to Israel,⁴²⁴ despite a letter from dozens of organizations urging the Department of Defense to refrain from transferring such weapons due to civilian harm and international humanitarian law risks.⁴²⁵

- On 13 August 2024, Secretary Austin, jointly with Secretary Blinken, approved five FMS to Israel for over \$20 billion, including F-15 jets,⁴²⁶ JDAMs,⁴²⁷ tank rounds,⁴²⁸ and 120 mm high explosive mortar rounds.⁴²⁹ They did so while substantial evidence showed that 120mm high explosive mortar rounds were specifically used by Israeli forces in deadly attacks against civilians (*cf. Annex I*). For instance, on 29 January 2024, Israeli forces used U.S. 120mm tank ammunition in Gaza City in an attack that killed six-year-old Hind Rajab and two paramedics.⁴³⁰ On 20 February 2024, Israeli tanks – using U.S. 120mm tank ammunition – fired upon a Medecins Sans Frontieres guesthouse in Khan Younis, killing two people and injuring six others.⁴³¹ On 28 May 2024, the Israeli military fired at least three tank shells, loaded with U.S. 120mm tank ammunition, at a location in the al-Mawasi area of Rafah, which had been designated by the Israeli military as a “*humanitarian zone*”.⁴³²

220. Additionally, Secretary Austin maintains responsibility for U.S. military stockpile management and ensures that the operational readiness is preserved throughout the transfer process, particularly regarding the WRSA-I program. As detailed above (*cf. III. 2.1*), the Emergency Supplemental Appropriation Bill signed in April 2024 allowed the transfer to Israel of any defense articles present in the stockpile provision

⁴²¹ U.S. Department of Defense, [DOD Responds to Attacks, Continues Efforts to Deter Spread of Israel-Hamas War](#), (19 October 2023).

⁴²² Annex 1, line 3 ; Amnesty International, [Israel/OPT: US-made munitions killed 43 civilians in two documented Israeli air strikes in Gaza – new investigation](#), (5 December 2023).

⁴²³ Annex 1, line 10 ; Amnesty International-USA, [Submission to NSM-20](#).

⁴²⁴ Reuters, [US skips congressional review to approve sale of artillery projectiles to Israel](#), (30 December 2023).

⁴²⁵ [Open letter](#) from non-governmental organizations (not dated).

⁴²⁶ Reuters, [US approves sale to Israel of \\$20 billion weapons package](#), (14 August 2024).

⁴²⁷ For the definition of JDAMs, see for instance America’s Navy, [Joint Direct Attack Munition \(JDAM\)](#), (4 October 2021) (“*The Joint Direct Attack Munition (JDAM) is a guidance kit that converts existing unguided bombs into precision-guided “smart” munitions*”).

⁴²⁸ Reuters, [US approves sale to Israel of \\$20 billion weapons package](#), (14 August 2024).

⁴²⁹ Congressional Research Service, [Israel and Hamas Conflict in Brief: Overview, U.S. Policy, and Options for Congress](#), (4 October 2024), [R47828](#) ; Defense Security Cooperation Agency, [Israel](#).

⁴³⁰ Annex 1, line 13; The Washington Post, [Palestinian paramedics said Israel gave them safe passage to save a 6-year old girl in Gaza](#). They were all killed, (16 April 2024).

⁴³¹ Annex 1, line 14 ; Human Rights Watch, [Gaza : Israelis attacking known aid worker locations](#), (14 May 2024).

⁴³² Annex 1, line 20; Amnesty International, [Israel/OPT: Israeli attacks targeting Hamas and other armed group fighters that killed scores of displaced civilians in Rafah should be investigated as war](#), (27 August 2024).

(WRSA-I), permitting the Department of Defense to augment Israel's stockpiles, without being subject to the usual restrictions.⁴³³

221. Finally, additional responsibilities for implementing the arms transfer process are distributed among key officials within the Department of Defense. Secretary Austin holds overarching oversight and is specifically accountable for the actions of the following officials:

- Amanda Dory, acting as Under Secretary of Defense for Policy, who provides strategic direction for international arms sales, ensuring alignment with defense priorities.
- Mike Miller, acting as Director of the DSCA, who manages the operational implementation of FMS agreements, overseeing contract execution and delivery schedules.⁴³⁴ He reports to Secretary Austin.

222. Secretary Austin’s approval of arms sales and Military Support for Israel, substantially contributed to the commission of the Israeli Crimes, as Israeli forces rely heavily on U.S. military support to conduct its unlawful operations in Gaza.

223. **Political support to Israel’s actions** — Secretary Austin has consistently emphasized his and the U.S. government’s unconditional as well as unwavering support for Israel’s actions in the Gaza Strip, even in the face of evidence documenting their crimes, stating for instance:

- On 18 December 2023, during a visit to Israel, that: *“I’m here to underscore what President Biden has said again and again: **our commitment to Israel is unshakeable (...). America’s commitment to Israel is unwavering and no individual, group or state should test our resolve (...)** Now, **we’ll continue to provide Israel with the equipment that you need to defend your country, Mr. Prime Minister, including critical munitions, tactical vehicles and air defense systems.**”⁴³⁵*
- On 26 November 2024, that *“our [the United States] support for Israel’s security remains ironclad”*.⁴³⁶

217. Building on these statements, on 16 October 2023, Deputy Pentagon Press Secretary Sabrina Singh publicly said that *“since leaving Israel, [Secretary Austin] has held*

⁴³³ Responsible Statecraft, [Who’s Minding The Stockpile of US Weapons Going to Israel](#), (5 June 2024).

⁴³⁴ Congressional Research Service, [Transfer of Defense Articles: U.S. Sale and Export of U.S.-Made Arms to Foreign Entities](#), (23 March 2023) [R46337](#).

⁴³⁵ Prime Minister’s Office, [Statements by PM Netanyahu and US Secretary of Defense Lloyd Austin](#), (18 December 2023).

⁴³⁶ U.S. Department of Defense, [Statement from Secretary of Defense Lloyd J. Austin III on the ceasefire agreed to by Israel and Lebanon](#), (26 November 2024).

*calls with MOD Gallant ... on a near daily basis” and that they “are working to meet Israel's needs, which include air defense, precision guided munitions, artillery”.*⁴³⁷

218. By pledging full U.S. military support for Israeli operations in the Gaza Strip, despite compelling evidence that these operations involved the commission of international crimes (see III 1.3), Lloyd Austin played a substantial role in enabling these violations. In light of Secretary Austin’s military and political support of the Israeli forces’ operations in the Gaza Strip, it is evident that either threshold of ‘mere facilitation’ or ‘substantive effect’ applied by ICC case law is met for the *actus reus* of aiding and abetting the principal crimes committed by Israeli authorities since 7 October 2023.

2.3.2 Lloyd Austin acted with intent for the purpose of facilitating the commission of the principal’s crimes

219. As mentioned in relation with President Biden and Secretary Blinken, it is evident that Secretary Austin had “General knowledge” of the Israeli Crimes committed in the Gaza Strip and caused by Israeli military operations.

220. Similarly to Secretary Blinken, Secretary Austin’s own department produced the NSM-20 report evidencing the specific knowledge of U.S. authorities regarding crimes being committed by Israeli authorities,⁴³⁸ there has been at least 25 recorded incidents since 7 October 2023 where US.-made weapons were used in relation to the Israeli Crimes (*cf. Annex 1*) and Secretary Austin was a direct recipient of the emergency briefing by the Center for Constitutional Rights⁴³⁹ and the letter from dozens of organizations⁴⁴⁰ previously mentioned.

221. Furthermore, on several occasions since 7 October 2023, Secretary Austin affirmed his intent to provide unconditional assistance to Israeli forces. For example, on 12 October 2023, he affirmed that “*in terms of conditions that we would place on the security assistance that we’re providing to Israel, we have not placed any conditions on the provision of this equipment*”, adding that Washington expected Israel’s military to “*do the right things*” in prosecuting its war against the Palestinian militant group Hamas.⁴⁴¹ A year later, on 13 October 2024, Secretary Austin acknowledged his awareness of the humanitarian situation in the previously mentioned letter sent to Israeli officials with Secretary Blinken but failed, like his counterpart from the Department of State, to draw any conclusions from Israel’s lack of compliance with the measures requested in the letter.⁴⁴²

⁴³⁷ U.S. Department of Defense, Press Release, [DOD Remains Resolute in Support of Israel](#), (16 October 2023).

⁴³⁸ Just Security, [Report to Congress under Section 2 of the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services \(NSM-20\)](#), (10 May 2024), p.20. (Emphasis added.)

⁴³⁹ Center for Constitutional Rights, [Emergency Legal Briefing Paper, Israel’s Unfolding Crime of Genocide of the Palestinian People & U.S. Failure to Prevent and Complicity in Genocide](#), (18 October 2023).

⁴⁴⁰ [Open letter](#) from non-governmental organizations (not dated).

⁴⁴¹ Reuters, [No U.S. conditions on security assistance to Israel, Austin says](#), (12 October 2023).

⁴⁴² Oxfam and others, [The Gaza Scorecard: Israel fails to Comply with U.S. Humanitarian Access Demands in Gaza](#), (12 November 2024).

222. Finally, the public resignation of several high-level officials from the Department of State over the Biden Administration's policy surrounding the unconditional Military Support of Israel showcases the Department of Defense's knowledge of the Israeli Crimes and its intention to facilitate them by executing facilitative policies. For instance, Harrison Mann, a U.S. Army major and Defense Intelligence Agency official stated that *"the policy that has never been far from [his] mind for the past six months is the nearly unqualified support for the government of Israel, which has enabled and empowered the killing and starvation of tens of thousands of innocent Palestinians"*.⁴⁴³

223. Secretary Blinken's continued and unconditional military assistance to Israel, combined with his public endorsement of Israeli authorities' actions despite clear awareness of the Israeli Crimes being committed in the Gaza Strip, provides compelling evidence of his intent to purposefully assist and facilitate the perpetration of said crimes. Hence, in his capacity as Secretary of Defense, Secretary Austin aided and abetted the commission of the Israeli Crimes carried out by Israeli authorities in the Gaza Strip.

2. Individual responsibility for contributing to the commission of a crime perpetrated by a group under Article 25(3)(d) of the Rome Statute

2.1. Biden, Blinken and Austin materially contributed to the commission of crimes carried out by a group

224. **A group of persons with a common purpose** — In the present case, Netanyahu and Gallant, along with their subordinates, constitute a group of more than two individuals pursuing a common defense strategy that includes the commission of international crimes. As Head of government, Netanyahu bears ultimate responsibility for national security and defense, including overseeing the IDF.⁴⁴⁴ Gallant, when serving as Minister of Defense, was tasked with implementing defense policies and coordinating military operations with the IDF's Chief-of-Staff.⁴⁴⁵ Consequently, Ministers Netanyahu and Gallant can be held accountable for military actions undertaken by the IDF.

225. Since 7 October 2023, the group has engaged in coordinated actions reflecting a shared criminal intent to carry out unlawful acts against the Palestinian people. It carried out coordinated, systematic, and widespread military attacks against Palestinian civilians in the Gaza Strip and systematically against OIS, including food, water, electricity, fuel, medicine, as well as humanitarian aid (*cf. III. 1.2*). These

⁴⁴³ Harrison Mann LinkedIn [post](#).

⁴⁴⁴ Prime Minister's Office, [About](#).

⁴⁴⁵ [Minsitry of Defense site](#).

actions, combined with its members' calls for Gaza's destruction and the extermination of the people of the Gaza Strip (*cf. III. 1.3*), leave no doubt as to the criminal purpose pursued.

226. As detailed above (*cf. III. 1.1*), Israeli forces have conducted indiscriminate and widespread attacks against civilians while imposing a complete siege of the Gaza Strip, which was found by the ICJ to pose “*a real and imminent risk*” of genocide. The international community repeated its warnings that Israel's actions amounted to international crimes, with the ICC issuing arrest warrants against Netanyahu and Gallant. Therefore, the group's military purpose has *de facto* become criminal.
227. The group's common agreement to commit the Israeli Crimes in the Gaza Strip can be inferred from its members' repeated meetings in the War Cabinet, and their statements advocating for the blockage and destruction of OIS, as well as the annihilation of the Gaza Strip. Since the War Cabinet's creation on 11 October 2023, Netanyahu and Gallant have regularly met within this crisis unit with the other most high-level Israeli officials, to devise military strategy and make critical decisions regarding the IDF's operations in the Gaza Strip, which were subsequently implemented.⁴⁴⁶ Amnesty International has collected 120 statements from Israeli high-level officials that call for actions amounting to international crimes, including the physical destruction of the Gaza Strip, the denial of humanitarian access, and the deprivation of OIS.⁴⁴⁷ The shared criminal strategy pursued by Netanyahu and Gallant is demonstrated by such statements.
228. **Therefore, Prime Minister Netanyahu, former Minister of Defense Gallant and their subordinates committed international crimes against Palestinians in the Gaza Strip as a group following a common purpose.**
229. **Contribution to the Israeli Crimes in “any other way”** – As detailed *infra*, the named U.S. officials made a “*significant contribution*” to each of the aforementioned crimes committed by Netanyahu, Gallant and their subordinates: their continuous and unconditional military and political support had “*a bearing on the occurrence*” of the crimes and on the manner of their commission.
230. President Biden facilitated Military Support to Israel by shaping the United States legal framework for foreign arms transfer to fit the needs of Israeli leaders: he bypassed congressional review through emergency procedures and signed a regulation waiving ordinary restrictions to the transfer of weapons to Israel, particularly allowing an unrestricted access to the WRSA-I stockpile to Israeli forces (*cf. V.1.1.1. ; 1.3.1*). As a result, the United States transferred a large amount of tank ammunitions and JDAMs to Israel (*cf. V.1.1*). Furthermore, President Biden publicly encouraged

⁴⁴⁶ For instance the meetings of the war cabinets held on [16 November 2023](#), [30 November 2023](#) with Antony Blinken, on [4 December 2023](#), on [12 December 2023](#), on [14 December 2023](#) with Jake Sullivan, on [18 January 2024](#), on [2 February 2023](#), on [4 June 2024](#) (non-exhaustive list).

⁴⁴⁷ Amnesty International, [You feel like you are subhuman. Israel's Genocide against Palestinians in Gaza](#), (5 December 2024), pp.241-258.

Netanyahu and Gallant's actions by continuously affirming his unconditional political support to Israel and vetoing UN Resolutions aiming at allowing humanitarian aid into the Gaza Strip (*cf. V.I.1*).

231. Secretary Blinken played a central role in supporting Netanyahu and Gallant's military operations by approving several FMS of 120mm M830A and 120 tank cartridges, related equipment, and a large DCS of JDAM, and failing to monitor the use of these weapons by Israeli forces (*cf. V.I.2*). During his recurring visits to Israel, he constantly promised Netanyahu and Gallant to fulfill Israel's military needs (*cf. V.I.2*).
232. Similarly, Austin used his position within the U.S. Government to approve the transfer of a substantial number of arms to Israel and to enable direct access of Israeli forces to U.S. military stockpiles (*cf. V.I.3*).
233. The Military Support provided to Netanyahu, Gallant and the IDF with the necessary means to conduct indiscriminate and unlawful attacks against the civilian population and objects, to murder Palestinians in the Gaza Strip, and persecute them. Given the certain use of U.S.-made weapons by Israeli forces to conduct unlawful strikes and raids in the Gaza Strip, resulting in the death of at least 272 Palestinian people and the destruction of refugee camps, residential buildings, schools and medical facilities (*cf. Annex I*), it is evident that the transfer of U.S. weapons and the allocation of increased military funds to Israel amounted to a significant contribution to Netanyahu, Gallant and their subordinates' war crimes, crimes against humanity and genocide (the Israeli Crimes). These actions also significantly contributed to the group's crime against humanity of persecution perpetrated against Palestinian people; all attacks using U.S. weapons happened on Palestinian soil against Palestinians (*Annex I*), demonstrating the group's intention to target a certain category of victims.
234. The contribution is all the more significant due to Netanyahu and Gallant's heavy reliance on U.S. weapons to conduct their attacks in the Gaza Strip, illustrated by Israeli officials' statements and the shortage of weapons they experienced once the United States reduced its flow of weapons exports to Israel (*cf. III.2.2*). Without U.S. weapons transferred by Biden, Blinken, and Austin to Israel, Netanyahu, Gallant and their subordinates would not have been able to conduct the crimes committed in the same manner and with such violence.
235. Additionally, the named U.S. officials' constant political support and their lack of support of UN resolutions, significantly contributed to the dire humanitarian situation in the Gaza Strip, and by extension to the commission of the war crime of starvation as a method of warfare and the crime against humanity of other inhumane acts. As a result, and due to the United States intentional political influence, Netanyahu, Gallant and their subordinates had no incentive to lift the blockade and the siege of the Gaza Strip.

236. Hence, Biden, Blinken and Austin’s acts significantly contributed to the specific crimes targeted in the present communication committed by Netanyahu, Gallant and their subordinates, a defined group following a common criminal purpose, thus fulfilling the *actus reus* of Article 25(3)(d) of the Rome Statute.

2.2. Biden, Blinken and Austin intentionally contributed to the group’s crimes

237. As stressed above (*cf. IV.2.2*), the contribution shall be *intentional*, and either be made with the *aim of furthering* the criminal activity of the group or in the *knowledge of the intention* of the group to commit the crime.⁴⁴⁸

238. **An intentional contribution** — The contribution of the U.S. named officials “*must have been deliberate and made with awareness*”.⁴⁴⁹ Since 7 October 2023, President Biden, Secretary Blinken and Secretary Austin provided Israel with Military Support and Political Support while aware that their conduct contributed to the criminal operations of the group.

239. President Biden’s deliberately triggered emergency procedures to provide the group with U.S. arms and signed bills into law that eased U.S. arms transfers to the group, such as the Emergency Supplemental Appropriation Bill⁴⁵⁰. Moreover, President Biden deliberately and proactively vetoed, through the United States representative, any resolution from the UNSC demanding a ceasefire or improving humanitarian assistance.⁴⁵¹

240. Secretary Blinken deliberately and knowingly authorized multiple arms foreign military sales ultimately directed to armed forces of the group and strategically used his position and administration to support the group’s military operations. Similarly, Secretary Austin deliberately approved the transfer of multiple arms and knowingly managed to grant direct access to armed forces of the group to U.S. military stockpiles. Furthermore, both Secretary Blinken and Secretary Austin publicly pledged military and political support to the leaders of the group, while being aware of compelling evidence that the latter were committing war crimes and crimes against humanity.

241. As the United States have been the largest supplier of weapons to Israel, with a clear increase since 7 October 2023, President Biden, Secretary Blinken and Secretary

⁴⁴⁸Article 25(3)(d) of the Rome Statute; *Prosecutor v. Callixte Mbarushimana*, ICC PTC I, Decision on the confirmation of charges, (16 December 2011), [ICC-01/04-01/10](#).

⁴⁴⁹*Prosecutor v. Katanga*, ICC TC II, Judgement pursuant to article 74 of the Statute, (7 March 2014) [ICC-01/04-01/07](#), [1638].

⁴⁵⁰ The Bill provides that the only condition is that the weapons are still owned by the DoD and are already in the stockpile at the time of transfer ; Congress Bill, Making emergency supplemental appropriations for the fiscal year ending September 30, 2024, and for other purposes, (24 April 2024), [H.R.815](#) ; Responsible Statecraft, [Who's minding the stockpile of US weapons going to Israel?](#), (5 January 2024).

⁴⁵¹ *Supra* 348.

Austin could not have ignored that their Military Support and Political Support contributed to the military activities, including the commission of crimes, from the armed forces under the authority of the group.

242. President Biden, Secretary Blinken and Secretary Austin maintained knowledge that Netanyahu and Gallant led the group, and that the latter were the primary beneficiaries and decision-makers over any Military Support and Political Support received by Israel. By providing this support to Israel and Israeli forces, the three U.S. officials were perfectly aware that such conduct contributed to the crimes waged by the armed forces of the group.
243. **By providing unconditional Military Support and Political Support to Netanyahu, Gallant and their subordinates, President Biden, Secretary Blinken, and Secretary Austin demonstrated a manifest intent to contribute to the crimes committed by armed forces of the group, thus fulfilling the *intentional* element of Article 25(3)(d).**
244. **The aim of furthering the criminal purpose** — The purposive intent of President Biden, Secretary Blinken, and Secretary Austin has been demonstrated above (*cf. V.1.1, 1.2, 1.3*), which fulfills the first element of “*the aim of furthering the criminal activity or criminal purpose of the group*”. Indeed, the United States has continuously provided Military Support to Israel, even after it became manifest that Israel relied on U.S. support to pursue its violations of international humanitarian law and human rights.
245. **Knowledge of the group’s intention to commit crimes** — In the alternative and *a fortiori*, the three named officials also fulfill “*the knowledge of the intention of the group to commit the crime*”.
246. As stressed above regarding the knowledge element, it is enough “*that the individual knows of the group’s intention and decides to contribute anyway*” to fulfill the *mens rea* elements of Article 25(3)(d),⁴⁵² without sharing the group’s intention. Such knowledge “*must be inferred from the relevant facts and circumstances.*”⁴⁵³
247. As demonstrated above (*cf. V.1.1, 1.2, 1.3*), President Biden, Secretary Blinken and Secretary Austin received multiple warnings on the specific crimes, including from their own administration.⁴⁵⁴
248. Despite these repeated notices pointing out the intention of the group to commit crimes in the Gaza Strip, they decided to continuously contribute to the group by

⁴⁵² *Prosecutor v. Callixte Mbarushimana*, ICC PTC I, Decision on the confirmation of charges, (16 December 2011), [ICC-01/04-01/10](#). [289].

⁴⁵³ *Prosecutor v. Katanga*, ICC TC II, Judgement pursuant to article 74 of the Statute, (7 March 2014), [ICC-01/04-01/07](#). [1643].

⁴⁵⁴ Just Security, [Report to Congress under Section 2 of the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services \(NSM-20\)](#), (10 May 2024). p. 22.

providing Military Support and Political Support. As stressed above (*cf. V.I.1, 1.2, 1.3*), said officials issued numerous statements, letters, and reports making explicit their knowledge of the principal's crimes.

249. As a result, they knew perfectly that their Political Support and Military Support contributed to the commission of crimes perpetrated by the armed forces of the group.
250. **Hence, President Biden, Secretary Blinken and Secretary Austin all purposively intended to further the military activities — including criminal operations — committed by Netanyahu, Gallant and their subordinates, and knew the intention of the group to commit the Israeli Crimes, fulfilling the two alternative elements of Article 25(3)(d).**
251. **By continuously and unconditionally providing Political Support and Military Support to Israel while being fully aware of the specific crimes committed by Netanyahu, Gallant and their subordinates, President Biden, Secretary Blinken and Secretary Austin contributed intentionally to the commission of those crimes while at least knowing the intention of the group to commit the Israeli Crimes, if not aiming of furthering such criminal activity.**

VI. JURISDICTION

1. Jurisdiction of the International Criminal Court

252. For the ICC to be seized of the matter, the facts outlined above must be within the Court's material, temporal, and territorial jurisdiction.

1.1 Subject Matter Jurisdiction

253. Under Article 5 of the Statute, the Court has jurisdiction only in relation to "*the most serious crimes of concern to the international community as a whole*", including over genocide, war crimes and crimes against humanity to be exercised "*in accordance with the Statute*".⁴⁵⁵

254. The present submission alleges that President Biden, Secretary Blinken, and Secretary Austin aided and abetted or contributed to the commission by Prime Minister Netanyahu and Yoav Gallant of the war crime of starvation as a method of warfare committed as co-perpetrators for committing the acts jointly with others, the war crime of intentionally directing attacks against the civilian population committed as civilian superiors and the crimes against humanity of murder, other inhumane acts and persecution as co-perpetrators for committing the acts jointly with others,⁴⁵⁶ in the context of the Situation in the State of Palestine. The aiding and abetting of, or contribution to, these crimes fall under the material jurisdiction of the ICC.

1.2 Temporal Jurisdiction

255. As per Article 11, the Court may exercise its jurisdiction over "*crimes committed after the entry into force of [its] Statute*" or where "*a State becomes a Party to this Statute after its entry into force, (...) [over] crimes committed after the entry into force of this Statute for that State, unless that State has made a declaration under article 12, paragraph 3.*"

256. In the present case, the State of Palestine made a declaration under Article 12(3) of the Rome Statute on 31 December 2014, referring all "*crimes within the jurisdiction of the Court committed in the occupied Palestinian territory, including East Jerusalem, since June 13, 2014.*"⁴⁵⁷

⁴⁵⁵ Rome Statute of the International Criminal Court, (17 July 1998), Article 5.

⁴⁵⁶ ICC, [Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel's challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant](#), (21 November 2024).

⁴⁵⁷ ICC, [Declaration Accepting the Jurisdiction of the International Criminal Court](#), (31 December 2014).

257. As Pre-Trial Chamber I noted, the State of Palestine acceded to the Rome Statute and “became a State Party to the ICC on 1 April 2015, following the entry into force of the Statute in its territory.”⁴⁵⁸
258. **The alleged crimes have been committed after 13 June 2014. Consequently, the Court may assert temporal jurisdiction over the crimes alleged in the present Communication.**

1.3 Territorial Jurisdiction

259. Article 12(2)(a) of the Statute, provides that the Court may exercise jurisdiction when the “conduct” in question “occurred” on the territory of a State Party. Concerning the Situation in Palestine, Pre-Trial Chamber I held, in its 5 February 2021 decision, that “the Court’s territorial jurisdiction (...) extends to the territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem”.⁴⁵⁹ Pre-Trial Chamber I recently reaffirmed this in its 21 November 2024 decision, which stressed that its earlier ruling on the Court’s territorial jurisdiction “has become *res judicata*”.⁴⁶⁰
260. As a result, the Court has jurisdiction over the alleged crimes within the material and temporal jurisdiction of the ICC when committed in the Gaza Strip notwithstanding the nationality of the alleged perpetrators. In the present case, Pre-Trial Chamber I considered that the conduct of Israeli officials, both nationals of a non-State Party, “falls within the jurisdiction of the Court”.⁴⁶¹
261. Similarly, the present communication argues that the alleged criminal conduct attributed to U.S. officials President Biden, Secretary Blinken, and Secretary Austin, all nationals of a non-State Party, falls within the jurisdiction of the Court. Indeed, it flows primarily from the Court’s jurisdiction over the principal crimes described in this communication, and overabundantly since part of the material act of the crime or conduct (*actus reus*) of assisting, aiding, abetting or else contributing has occurred on the territory of Palestine.
262. **Preliminarily**, a commonly agreed general characteristic of the *actus reus* component of aiding and abetting is that the location of where the *actus reus* takes place can be remote from the time and location of where the crime in question is committed; the accused need not have been personally present during the commission of the crime.

⁴⁵⁸ *Situation in the State of Palestine*, ICC PTC I, Decision on the ‘Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine’, (5 February 2021), [ICC-01/18-143](#), [100]. See also United Nations Secretary General, Depository Notification, (6 January 2015), [C.N.13.2015.TREATIES-XVIII.10](#).

⁴⁵⁹ *Situation in the State of Palestine*, PTC I, Decision on the ‘Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine’ (5 February 2021), [ICC-01/18-143](#), p. 60.

⁴⁶⁰ *Situation in the State of Palestine*, PTC I, Decision on Israel’s challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute, (21 November 2024), [ICC-01/18](#), [15].

⁴⁶¹ ICC, [Situation in the State of Palestine: ICC Pre-Trial Chamber I issues warrant of arrest for Mohammed Diab Ibrahim Al-Masri \(Deif\)](#), (21 November 2024).

263. As indicated by the Prosecutor in her Request for authorization of an investigation in the Situation of Afghanistan, the suspect of an alleged crime does not need to be “*physically present in the territory of a State Party when a crime is committed for the Court to be able to exercise jurisdiction over his or her conduct*”; the sole requirement is that the crime occurred on the territory of a State Party.⁴⁶²
264. The Prosecutor further emphasized that “*where the suspect is not alleged to have committed the crime as a physical perpetrator*”, their role or conduct may be “*geographically and temporarily removed from the territory where the crime occurs, as long as the underlying conduct which is imputed to the suspect occurs within the Court’s jurisdiction. As such, forms of attribution are not dependent on proximity: a suspect may be wholly outside of a State’s territory when, for example, committing a crime through or with another person or persons, or ordering its commission, or otherwise facilitating its commission by aiding and abetting – he or she can still be held criminally responsible under the Statute if all of the material elements of the underlying criminal conduct which is imputed to the suspect occurs within the Court’s jurisdiction*”. (Emphasis added.)⁴⁶³
265. This interpretation has never been challenged even when *Mbarushimana* requested Pre-Trial Chamber I to rule on the issue of *locus delicti* in cases of remote participation.⁴⁶⁴
266. **Firstly**, before the ICC, it is the *locus delicti* of the principal crime (or underlying criminal conduct) that is critical to establishing the Court’s jurisdiction. As aiding and abetting or otherwise assisting, per Article 25(3)(c), is a “secondary form of participation”, the localization of the aider, abettor or contributor is accessory and foreign to the issue of jurisdiction. Once jurisdiction is established for the principal crimes, the related accessorial modes of responsibility are considered to have been constructively committed there.
267. This approach of territorial jurisdiction is reflected in both the *travaux préparatoires* of the Rome Statute,⁴⁶⁵ treaty law,⁴⁶⁶ and state practice.⁴⁶⁷ Indeed, this approach to territoriality is found in a large number of domestic legislation related to aiding,

⁴⁶² *Situation in the Islamic Republic of Afghanistan*, OTP, Request for authorization of an investigation (20 November 2017) [ICC-02/17-7-Red](#), [47].

⁴⁶³ *Ibid.*

⁴⁶⁴ *Prosecutor v. Callixte Mbarushimana*, Decision on the 'Defence Challenge to the Jurisdiction of the Court', (26 October 2011), [ICC-01/04-01/10-451](#), [59-60].

⁴⁶⁵ Mahnoush H. Arsanjani, [Developments in International Criminal Law: The Rome Statute of the International Criminal Court](#), American Journal of international Law, Volume 93, No. 1, (1999).

⁴⁶⁶ See for instance, Art. 4(1)(b) iii) of the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, providing territorial jurisdiction over ‘participation in, association or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences’ even if committed ‘outside its territory with a view to the commission, within its territory’.

⁴⁶⁷ Rome Statute of the International Criminal Court, (17 July 1998), Article 21(1)(c).

abetting, conspiracy and participation, such as in England,⁴⁶⁸ Germany,⁴⁶⁹ France,⁴⁷⁰ and Switzerland.⁴⁷¹

268. In particular, in U.S. domestic law, Restatement 3rd of the Foreign Relations Law of the United States (1987), at §402 provides that “*a state has jurisdiction to prescribe law with respect to conduct outside its territory that has or is intended to have substantial effect within its territory*”.⁴⁷²
269. The ICC legal framework does not distinguish nor create jurisdictional thresholds based on the mode of responsibility of the alleged perpetrator. It only requires that the principal’s conduct takes place, at least in part, on the territory of a State Party [or by the national of a state party].
270. As previously recalled, ICC has jurisdiction over the principal crimes committed in Gaza. As a result, ICC jurisdiction is *de facto* established over alleged crimes of assistance, aiding and abetting or alternatively contributing to the principal crimes committed in Palestine.
271. **Overabundantly**, the Court’s jurisdiction over the present case is all the more indisputable since part of the *actus reus* for aiding, abetting or otherwise contributing is committed on the territory of a State Party, thus satisfying the requirements outlined in ICC jurisprudence.

⁴⁶⁸ [Hirst, 2003](#) at 342–343: “any person who participates abroad in an offence committed within England and Wales may be prosecuted and convicted under English law”.

⁴⁶⁹ Deutsch Strafgesetzbuch, Section 9 — ‘Ort der Tat’.

⁴⁷⁰ [Cass. Crim., 29 nov. 2016, n° 15-86.712](#), in original version : ‘la juridiction compétente pour juger le fait principal l’est aussi pour juger le complice, quels que soient sa nationalité et le lieu où les actes de complicité ont été accomplis’.

⁴⁷¹ [ATF 81 IV 285](#) = JdT 1956 IV 16; [ATF 108 Ib 301](#) = JdT 1983 IV 119

⁴⁷² Restatement 3rd of the Foreign Relations Law of the United States (1987) [402]

272. In the situation in Bangladesh/Republic of the Union of Myanmar, Pre-Trial Chamber I, relying on domestic jurisprudence on the effects doctrine,⁴⁷³ found in September 2018 that “ *the preconditions for the exercise of the Court’s jurisdiction pursuant to article 12(2)(a) of the Statute are, as a minimum, fulfilled if at least one legal element of a crime within the jurisdiction of the Court or part of such a crime is committed on the territory of a State Party* ”.⁴⁷⁴
273. In its 14 November 2019 decision, Pre-Trial Chamber III in the same situation went on to analyze whether Article 12(2)(a) of the Statute requires that all the conduct takes place in the territory of one or more State Parties. To do so, it first clarified that the notions of “conduct” and “crime” in Article 12(2)(a) of the Statute have the same functional meaning and found that it could exercise territorial jurisdiction over crimes partially committed outside the territory of a State Party, as long as part of the *actus reus* has taken place on the territory of a State Party.
274. However, this case related to the *actus reus* of the principal’s crime. As stated above, the Court’s jurisdiction over the acts of facilitation is derived from its jurisdiction over the principal crimes. Therefore, the fact that the entire *actus reus* of the crimes committed by Israeli officials occurred on Palestinian territory is sufficient to establish the Court’s jurisdiction over acts of aiding, abetting, or otherwise contributing to these crimes. Such reasoning aligns with Articles 25(3)(c) and (d) of the Rome Statute, which establish secondary liability, meaning that the accessory’s

⁴⁷³ See for example Argentina: article 1(1) of the *Código Penal de la Nación*, as published on 29 October 1921, last amended on 1 February 2018 (“Por delitos cometidos o cuyos efectos deban producirse en el territorio de la Nación Argentina, o en los lugares sometidos a su jurisdicción”); Australia: section 14.1, paragraph 2(b) of the *Criminal Code Act*, as published on 15 March 1995, last amended on 13 December 2017 (“If this section applies to a particular offence, a person does not commit the offence unless: [...] (b) the conduct constituting the alleged offence occurs wholly outside Australia and a result of the conduct occurs: (i) wholly or partly in Australia”); China: article 6(3) of the *Criminal Law of the People’s Republic of China* (“PRC”), as published on 1 July 1979, last amended on 14 March 1997 (“When either the act or consequence of a crime takes place within the PRC territory, a crime is deemed to have been committed within the PRC territory”); Colombia: article 14 of the *Código Penal*, as published on 24 July 2000 (“[...] La conducta punible se considera realizada: [...] (3) En el lugar donde se produjo o debió producirse el resultado”); Czech Republic: section 4(2)(b) of the *Criminal Code*, as published on 8 January 2009 (“A criminal offence shall be considered as committed in the territory of the Czech Republic [...] (b) if an offender violated or endangered an interest protected by criminal law or if such a consequence was supposed to occur, even partially, within the territory, even though the act was committed abroad”); Egypt: Court of Cassation, Appeal No. 109 Judicial Year 57, 1/4/1987 Year No. 38, p. 530; also Appeal No. 23201 Judicial Year 63 3/10/1995 Year No. 46, p. 1055; Estonia: section 11 of the *Criminal Code*, as passed on 6 June 2001 (“An act is deemed to be committed at the place where: [...] (3) the consequence which constitutes a necessary element of the offence occurred”); Georgia: article 4(2), first sentence, of the *Criminal Code* (“A crime shall be considered to have been committed in the territory of Georgia if it began, continued and terminated or ended in the territory of Georgia”); Germany: section 9(1) of the *Criminal Code*, as published on 13 November 1998, last amended on 31 October 2017 (“An offence is deemed to have been committed in every place where the offender acted or, in the case of an omission, should have acted, or in which the result if it is an element of the offence occurs or should have occurred according to the intention of the offender”); New Zealand: section 7 of the *Crimes Act 1961*, as published on 1 November 1961, last amended on 28 September 2017 (“For the purpose of jurisdiction, where any act or omission forming part of any offence, or any event necessary to the completion of any offence, occurs in New Zealand, the offence shall be deemed to be committed in New Zealand, whether the person charged with the offence was in New Zealand or not at the time of the act, omission, or event”); Romania: article 8(4) of the *Criminal Code*, as published on 12 November 2012 (“The offence is also considered as having been committed on the territory of Romania when on that territory [...] an action was committed with a view to perform, instigate or aid in the offence, or the results of the offence have been manifest, even if only in part”); Switzerland: article 8(1) of the *Criminal Code of the Swiss Confederation*, as published on 21 December 1937, last amended on 1 January 2017 (“*A felony or misdemeanour is considered to be committed at the place where the person concerned commits it or unlawfully omits to act, and at the place where the offence has taken effect*”). See also article 2 of the 1931 *Projet de l’Institut de Droit International* (“*Une infraction peut être considérée comme ayant été commise sur le territoire d’un Etat aussi bien lorsqu’un acte (de commission ou d’omission) qui la constitue y a été (ou tenté), que lorsque le résultat s’y est produit (ou devait s’y produire)*”).

⁴⁷⁴ *Situation in The People’s Republic of Bangladesh/Republic of the Union of Myanmar*, PTC I, Decision on the “Prosecution’s Request for a Ruling on Jurisdiction under Article 19(3) of the Statute” (6 September 2018), [ICC-RoC46\(3\)-01/18-37](#), [71-72].

conduct must merely be connected to the commission of the principal crime while remaining distinct from the principal act itself.⁴⁷⁵

275. Even if the Court were to interpret the Bangladesh/Republic of the Union of Myanmar precedent as requiring that part of the act of aiding, abetting, or otherwise contributing to the principal crime occur on the territory of a State Party, jurisdiction could still be established in the present case.
276. Indeed, if the *actus reus* of aiding, abetting or otherwise contributing is *a minima* satisfied with the mere supply of arms, then the subsequent use of these weapons and the active assistance with intelligence and military support is *a fortiori* an integral part of that *actus reus*.
277. As detailed in the present communication, by supplying Israel with Military Support, Political Support and Public Support since 7 October 2023, President Biden, Secretary Blinken and Lloyd Austin bear the responsibility for aiding, abetting and otherwise contributing to the crimes committed by Netanyahu and Gallant in the Gaza Strip. As expressly detailed in Annex 1, the U.S.-made weapons, supplied through the approval of Biden, Blinken and Austin, were used in at least 25 strikes in Palestine in violation of international law. Since the supplied weapons were used on Palestinian soil, at least part of the *actus reus* of the facilitating acts has taken place on a State Party.
278. Since the support, encouragement, and contribution of the U.S. highest authorities are directly and continuously linked to principal crimes committed by the Israeli military forces in the Gaza Strip, the Court has jurisdiction over their actions as at least part of the *actus reus* has occurred on a territory over which the Court has jurisdiction.

2. Admissibility

2.1 Complementarity

279. As per Article 17(1)(a)-(c) of the Rome Statute, a case before the Court may be determined inadmissible where it was or is the subject of genuine proceedings by other competent authorities. This article gives effect to the principle of complementarity (tenth preambular paragraph and article 1 of the Statute), according to which the Court “*shall be complementary to national criminal jurisdictions*”.

⁴⁷⁵ On the secondary nature of Article 25(3)(c) of the Rome Statute, see *Prosecutor v. Katanga*, Case No. ICC-01/04-01/07, Trial Chamber Judgment, at 1384 (7 March 2014); and N.R. Hajdin, ‘Responsibility of Private Individuals for Complicity in a War of Aggression’, 116 *American Journal of International Law* (2022). On the residual nature of Article 25(3)(d) of the Rome Statute, see ICC, Decision on the Confirmation of Charges, Ruto et al (ICC 01/09-01/11-373), Pre-Trial Chamber, 4 February 2012. [354]; *The prosecutor v. Thomas Lubanga Dyilo*, ICC PTC I, Decision on the Confirmation of charges (29 January 2007) [ICC-01/04-01/06](#), [337]; *The Prosecutor v. Katanga*, ICC TC II, Judgement pursuant to article 74 of the Statute (7 March 2014) : [ICC-01/04-01/07](#), [1618].

280. However, the Rome Statute provides for exceptions where “*the State is unwilling or unable genuinely to carry out the investigation or prosecution*”.⁴⁷⁶ The assessment of past or existing investigations or prosecutions conducted domestically concerning the alleged criminal conduct needs to be specific to the case, relating to the same individuals for the same crimes.⁴⁷⁷ The Court has further held that “*in case of inaction, the question of unwillingness or inability does not arise*”, emphasizing that a case cannot be deemed inadmissible simply on the basis of potential or hypothetical national proceedings.⁴⁷⁸

281. The court thus needs to:

- determine whether there are or have been relevant proceedings at the domestic level with respect to the same case or potential cases (action/inaction analysis),⁴⁷⁹ and, *only if the first step is answered in the positive*,
- whether those domestic proceedings have been or are vitiated by unwillingness or inability on the part of the State to carry them out genuinely (genuineness analysis).⁴⁸⁰

282. To assess whether there are relevant domestic proceedings within the meaning of the Rome Statute, there must be a conflict of jurisdictions between the Court and a national jurisdiction concerning the same case⁴⁸¹ in the sense of: (i) ongoing investigation or prosecution at the national level; (ii) relevant cases investigated at the national level, but which resulted in a decision not to prosecute; or (iii) relevant cases that have been previously tried at the national level and a final decision has been issued.

283. In the present situation, U.S. Courts have consistently ruled that the “political question” doctrine applies.⁴⁸² As such, U.S. Courts “*cannot intrude into [their] government’s decision to grant military assistance to Israel*” since such a “*foreign policy decision is committed under the Constitution to the legislative and executive branches*” and that such “*claims are nonjusticiable*”.⁴⁸³

284. In civil proceedings before U.S. courts on the complicity of President Biden, Secretary of State Blinken, and Secretary of Defense Austin in crimes committed by

⁴⁷⁶ Rome Statute of the International Criminal Court, (17 July 1998), Article 17(1)(a).

⁴⁷⁷ *Prosecutor v. Katanga*, ICC AC, Judgment on the Appeal of Mr Germain Katanga against the Oral Decision of Trial Chamber II of 12 June 2009 on the Admissibility of the Case, (25 September 2009), [ICC-01/04-01/07 OA 8](#), [78].

⁴⁷⁸ *Ibid.*

⁴⁷⁹ Rome Statute of the International Criminal Court, (17 July 1998), Article 17(1)(a).

⁴⁸⁰ Rome Statute of the International Criminal Court, (17 July 1998), Article 17(1)(b).

⁴⁸¹ *Prosecutor v. Ruto*, ICC Appeal Chamber, Judgment on the appeal of the Republic of Kenya against the decision of Pre-Trial Chamber II of 30 May 2011 entitled “Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19(2)(b) of the Statute”, (30 August 2011), [ICC-01/09-01/11 OA](#) [37]; *Prosecutor v. Muthaura*, ICC Appeal Chamber, Appeal of the Government of Kenya against the “Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19(2)(b) of the Statute”, (6 June 2011), [ICC-01/09-02/11](#) [36].

⁴⁸² See for instance, United States Supreme Court, *Baker v. Carr*, 369 U.S. 186 (1962).

⁴⁸³ United States Court of Appeals for the Ninth Circuit, [Corrie v. Caterpillar, Inc.](#), 503 F.3d 974, (17 September 2007), [10].

Israeli authorities in the wake of October 2023, the first instance judge of the Northern District of California stressed that “*as the ICJ has found, it is plausible that Israel’s conduct amounts to genocide*” and therefore “*implore[d] Defendants to examine the results of their unflagging support of the military siege against the Palestinians in Gaza,*”⁴⁸⁴ Nevertheless, he dismissed the claim on the basis of the political question doctrine. The Ninth Circuit Court of Appeals upheld that dismissal as it “*lacked subject matter jurisdiction under the political question doctrine*”⁴⁸⁵

285. Regarding criminal liability, the United States does not have federal legislation on crimes against humanity,⁴⁸⁶ following the failure of the Crimes Against Humanity Act of 2010 to pass in the Senate.

286. Also acting as a barrier to national accountability, the U.S. Supreme Court recently ruled that a President benefits from absolute immunity from criminal liability for official acts, stressing that:⁴⁸⁷

“Congress may not criminalize the President’s conduct in carrying out the responsibilities of the Executive Branch under the Constitution. And the system of separated powers designed by the Framers has always demanded an energetic, independent Executive. The President therefore may not be prosecuted for exercising his core constitutional powers, and he is entitled, at a minimum, to a presumptive immunity from prosecution for all his official acts”. (Emphasis added.)

287. The U.S. President’s core constitutional powers set out in Article II of the U.S. Constitution include the powers to serve as Commander-in-Chief of the U.S. military and militia and the duty to see that the laws are faithfully executed. Following the U.S. Supreme Court’s judgement,⁴⁸⁸ it is reasonable to expect that President Biden would benefit from an absolute immunity when exercising these powers, even when they lead to the commission of international crimes.

288. An October 2024 letter from U.S. Justice Department attorneys to Attorney General Merrick Garland⁴⁸⁹ denounced the unwillingness of the Justice Department “*to investigate potential violations of U.S. Law by Israel’s government, military, and citizenry, and hold the perpetrators to account*”. It decried the “*glaring gap*” in the department’s enforcement of “*potential violations of U.S. law by Israeli government forces, citizens, and others acting in concert with them*”, citing notably the assistance provided by U.S. citizens and organizations to “*Israel’s illegal activity in the West Bank*”, adding that⁴⁹⁰:

⁴⁸⁴ United States District Court for the Northern District of California, [Defense for Children International – Palestine et al. v. Biden et al.](#), (31 January 2024), p. 8.

⁴⁸⁵ United States Court of Appeals for the Ninth Circuit, [Defense for Children International – Palestine et al. v. Biden et al.](#), (15 July 2024), p. 13

⁴⁸⁶ Just Security, [How to Get Away With Crimes Against Humanity: The Statutory Gap in US Law](#), (8 September 2023).

⁴⁸⁷ United States Supreme Court, *Trump v. United States*, (1 July 2024), [No.23-939](#), p. 42.

⁴⁸⁸ *Ibid.*

⁴⁸⁹ U.S. Department of Justice, [Letter from Justice Department attorneys to Attorney General Merrick Garland](#), (21 October 2024).

⁴⁹⁰ *Ibid.*, p.2.

*“Despite credible evidence of violations of U.S. law, and in contrast to the Department’s public position regarding crimes committed by Russia in its invasion of Ukraine, the Department has taken **no public steps to hold the perpetrators to account, even when the victims are U.S. citizens**”.*

289. Consequently, not only are U.S. Courts unable to prosecute the alleged crimes committed by U.S. officials in the Situation in Palestine, but they are unwilling to do so. As such, the issue of complementarity does not present any impediment to the admissibility of the case set forth in the present Communication.

2.2 Gravity

290. Per Article 17(1)(d) of the Statute, a case may be inadmissible if it is deemed “*not of sufficient gravity to justify further action by the Court*”, and the assessment of this criteria is to be based on “*various factors including their scale, nature, manner of commission and impact.*”⁴⁹¹

291. As set out in the Policy Paper on Preliminary Examinations of the Office of the Prosecutor:⁴⁹²

- the scale of the alleged crimes may be assessed “*in light of, inter alia, the number of direct and indirect victims, the extent of the damage caused by the crimes, (...) the victims and their families, or their geographical or temporal spread*”;
- the nature of the alleged crimes “*refers to the specific elements of each offence*” and include “*killings (...), persecution, or the imposition of conditions of life on a group calculated to bring about its destruction*”;
- the manner of commission of the alleged crimes is to be assessed based on “*the means employed to execute the crime, the degree of participation and intent of the perpetrator*” as well as “*the extent to which the crimes were systematic or result from a plan or organised policy or otherwise resulted from the abuse of power or official capacity*”;
- the impact of the alleged crimes should be evaluated on the basis of “*the sufferings endured by the victims and their increased vulnerability*” or “*the terror instilled, (...) the social, economic and environmental damage inflicted on the affected communities.*”

⁴⁹¹ ICC, Regulations of the Office of the Prosecutor, (2011), [ICC-BD/05-01-09](#), Regulation 29(2).

⁴⁹² ICC OTP, [Policy Paper on Preliminary Examinations](#), (November 2013), [62-65].

292. Concerning the Situation in Palestine, the Office of the Prosecutor has confirmed that “*all the statutory criteria under article 53(1) of the Rome Statute for the opening of an investigation had been met*” and “*potential cases arising from the situation would be admissible*”, while highlighting that its investigation covers crimes committed since 13 June 2014 and encompasses the crimes committed from at least 8 October 2023.⁴⁹³

293. The crimes alleged in the present Communication as set forth above reach the threshold of gravity necessary for an admissibility before the Court. Indeed, the direct and indirect victims — targeted due to their vulnerability — number in the thousands, while the alleged crimes were carried out in a systematic and organized manner notably through established policy.

3. Interests of Justice

294. Concerning the Situation in Palestine, the Office of the Prosecutor has confirmed that “*there were no substantial reasons to believe that an investigation would not serve the interests of justice*”, while the investigation opened encompasses crimes committed from at least 8 October 2023.⁴⁹⁴

295. Hence, there is no reason to believe that opening an investigation and prosecuting U.S. officials as set out in the present Communication would not serve the interests of justice.

⁴⁹³ ICC, [Statement of the ICC Prosecutor, Fatou Bensouda, respecting an investigation of the Situation in Palestine](#), (3 March 2021); ICC, [Statement of the Prosecutor of the International Criminal Court, Karim A.A. Khan KC, on the Situation in the State of Palestine: receipt of a referral from five States Parties](#), (17 November 2023) ; ICC, [Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine](#), (20 May 2024).

⁴⁹⁴ ICC, [Statement of the ICC Prosecutor, Fatou Bensouda, respecting an investigation of the Situation in Palestine](#), (3 March 2021); ICC, [Statement of the Prosecutor of the International Criminal Court, Karim A.A. Khan KC, on the Situation in the State of Palestine: receipt of a referral from five States Parties](#), (17 November 2023) ; ICC, [Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine](#), (20 May 2024).

REQUEST

- The EXTENSION of the investigation in the situation of Palestine to the facts described in the present communication and identification of the alleged responsibilities

ANNEXES

- **Annex 1:** Non-exhaustive compilation of selected attacks allegedly using U.S. weapons (October 2023 — August 2024)
- **Annex 2:** Selected UN / IO and NGO sources relevant to the alleged crimes being committed in the Gaza Strip since October 2023
- **Annex 3:** Selected quotes and statements demonstrating knowledge and/or intent of U.S. officials of the crimes allegedly being committed by Israeli authorities in the Gaza Strip since October 8, 2023

Annex 1

NON-EXHAUSTIVE COMPILATION OF SELECTED ATTACKS ALLEGEDLY USING U.S. WEAPONS (OCTOBER 2023 - AUGUST 2024)

LINE	DATE OF ATTACK	DESCRIPTION (FROM SOURCE)	VICTIMS (FROM SOURCE)	LOCATION	TYPE OF WEAPON (FROM SOURCE)	WEAPON DETAILS (FROM SOURCE)	SOURCES
1	09-Oct-23	Israeli airstrikes hit a busy market in Jabalia refugee camp, killing at least 70 people. The market was busier than usual as people were in the process of fleeing their homes at the instruction of the Israeli military.	70 killed	Jabalia Refugee Camp	GBU-31 / JDAM	GBU-31 is made from a U.S. made 2,000 pound MK 84 or BLU-109 bomb and JDAM guidance kit.	OHCHR
2	10-Oct-23	Airstrike on the al-Najjar family home. Area Israeli military had ordered residents of Northern Gaza to relocate to.	24 killed	Deir al-Balah	JDAM	Code stamp 70P862352 was found on the munition fragment which indicates that it was a U.S. supplied JDAM, likely fitted to a 2,000 pound bomb.	Amnesty
3	17-Oct-23	The al-Lamdani family house in Khan Younis was bombed.	15-40 killed	Khan Younis	MK-84 2,000 pound bomb		Responsible Statecraft
4	22-Oct-23	Air strike on the Abu Mu'eileq family home. Area Israeli military had ordered residents of Northern Gaza to relocate to.	19 killed	Deir al-Balah	JDAM	Code stamp 70P862352 was found on the munition fragment which indicates that it was a U.S. supplied JDAM, likely fitted to a 1,000 pound bomb.	Amnesty
5	25-Oct-23	Israeli airstrikes flattened at least 5,700 square meters in the Al Yarmouk neighborhood of Gaza City, killing at least 91 people, including 39 children.	91 killed	Gaza City	GBU-31	A U.N. assessment determined that "several" 2,000-pound GBU-31s air-dropped munitions were likely dropped by Israeli forces in the attack.	UN
6	31-Oct-23	Strike on the densely populated Jabalia refugee camp.	126 killed.	Jabalia Refugee Camp	GBU-31	Analysis of the site shows five craters, the largest one likely from a GBU-31. GBU-31 is made from a U.S. made 2,000 pound MK 84 or BLU-109 bomb and JDAM guidance kit.	Airwars
7	14-Nov-23	David light armoured vehicle used in the arrest of a person being transported in an ambulance.			David light armoured vehicle		Responsible Statecraft

8	09-Jan-24	Israeli strike hit the two top floors of the Nofal family five-story building located in Tal Al-Sultan, a neighbourhood in Rafah to which the Israeli military had repeatedly ordered displaced residents to flee.	18 killed	Rafah	GBU-39 / JDAM	Amnesty
9	13-Jan-24	Israeli forces dropped a U.S.-made MK-84 2,000-pound bomb from a U.S.-made F-16 aircraft on a house in Deir al-Balah but it didn't explode. A second airstrike did destroy the home, leaving an approximately 40-foot size crater, characteristic of a 2,000-pound bomb with a delayed fuse.		Deir al-Balah	MK-84 2,000 pound bomb F16 aircraft	Responsible Statecraft
10	18-Jan-24	Airstrike on a residential compound housing Rescue's Emergency Medical Team (EMT) and members of Medical Aid for Palestinian's local team and their family members. The strike injured several team members and caused significant damage to the building. The compound was attacked after its coordinates had been shared with the Israeli military through the UN deconfliction process, which is supposed to provide additional protection for humanitarian personnel in Gaza. British Government personnel had also confirmed on 22 December that the compound was registered as a 'sensitive site' by the Israeli military.		al-Mawasi	JDAM F16 aircraft	International Rescue Committee
11	29-Jan-24	Israeli forces used U.S. 120mm tank ammunition in Gaza City in an attack that killed six-year-old Hind Rajab and two paramedics	Hind Rijab and two paramedics	Gaza City	M830A1 120mm tank round	Washington Post
12	20-Feb-24	Israeli tanks fired upon a Medecins Sans Frontieres guesthouse in Khan Younis, killing two people and injuring six others	2 killed	Khan Younis	120 mm tank rounds	Human Rights Watch
13	09-May-24	Attacks were launched into densely populated urban areas at 2am when families were sleeping at home, which suggests that those who planned and authorized the attacks anticipated - and likely disregarded - the disproportionate harm to civilians.	10 killed	Gaza City	GBU-39 / JDAM	Amnesty
14	12-May-24	An Israeli fighter jet attacked al-Matayna neighborhood in Deir al-Balah, central Gaza, with what appears to have been a GBU-32/31 bomb, destroying or damaging 23 residential buildings, including the targeted two-story building, which was home to two families and other residential buildings in its vicinity, in addition to a medical facility in the area.		Deir al-Balah	GBU-32/31 / JDAM	Amnesty

15	13-May-24	Israeli forces bombed a school housing displaced civilians in Nuseirat, killing up to 30 people. A tail fin of a U.S.-made GBU-39 was recovered at the location of the strike	30 killed	Nuseirat	GBU-39 / JDAM		Responsible Statecraft
16	13-May-24	Israeli fighter jet dropped what appears to have been a JDAM on a four-story building of eight apartments belonging to the Nabhan family in Jabalia refugee camp in the northern Gaza Strip. The building was home to 42 people, five of them living with disabilities, including three wheelchair users.		Jabalia Refugee Camp	GBU-39 / JDAM		Amnesty
17	26-May-24	two Israeli air strikes on the Kuwaiti Peace Camp, a makeshift camp for internally displaced people (IDP) in Tal al-Sultan in west Rafah, killed at least 36 people - including six children - and injured more than 100.	36 killed	Kuwaiti Peace Camp	GBU-39 / JDAM	Identifier code 81873 found on a remnant of the GBU-29 is assigned by the U.S. government to Woodward, a Colorado based manufacturer that supplied bomb parts.	Amnesty
18	28-May-24	Israeli military fired at least three tank shells at a location in the al-Mawasi area of Rafah which was designated by the Israeli military as a "humanitarian zone".	23 killed	al-Mawasi	120 mm tank rounds		Amnesty
19	06-Jun-24	Israeli airstrike on the UN-run al-Sardi school in Nusreit, central Gaza. At least 40 people were killed in the strike, including nine women and 14 children. About 6,000 displaced Palestinians were sheltering at the school when it was bombed. The Israeli military denied that there were any civilian casualties.	40 killed	Nusreit	GBU-39	At least two GBU-39's were dropped. A U.S.-made navigation device manufactured by Honeywell was also documented at the site.	Responsible Statecraft
20	08-Jun-24	Israel's operation to rescue four hostages in the Nuseirat refugee camp in central Gaza killed nearly 300 Palestinians. A witness reported Israeli attack helicopters launching many strikes in Nuseirat and surrounding areas. Another witness said 150 rockets fell in less than 10 minutes.	300 killed	Nuseirat	Hellfire missiles Apache Helicopters	Remnants of at least two U.S.-made Hellfire missiles were found in a damaged residential building. Video shows U.S.-made Apache helicopters firing several Hellfire missiles into the Nuseirat refugee camp.	Responsible Statecraft
21	23-Jun-24	An Israeli airstrike on a health clinic in Gaza City killed five people, including Hani al-Jaafarawi, Gaza's director of ambulances and emergency. He was reportedly the 500th medical worker killed during Israel's military campaign in Gaza.	5 killed	Gaza City	Hellfire missile		Responsible Statecraft

22	10-Jul-24	Israeli forces used US-made munitions in a deadly strike on a school complex that was housing displaced people near Khan Younis in southern Gaza	27 killed	Khan Younis	GBU-39/ JDAM		CNN
23	13-Jul-24	Attack on a displacement camp - an Israeli military-designated "safe zone"	90 killed	al-Mawasi	JDAM	JDAM was either fitted to a 1,000 or 2,000 pound bomb	CNN
24	14-Jul-24	Hundreds of Palestinians were taking refuge at the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) Abu Oraiban school when it was hit by an Israeli airstrike, killing at least 22 people. The Israeli military issued no warning to the displaced people sheltering there before the attack.	22 killed		Hellfire missile GBU-39		Responsible Statecraft
25	10-Aug-24	More than 100 Palestinians were killed in an Israeli airstrike on al-Tabin school in Gaza City, which was being used to shelter displaced people. The Israeli military said it used "precise munitions." Paramedics who arrived at the scene said they found bodies "ripped to pieces" and that many bodies were unidentifiable. Parents reported difficulty identifying their deceased children.	100 killed	Gaza City	GBU-39	remnants of at least two GBU-39 were recovered at the scene	Responsible Statecraft

Annex 2

Selected UN / IO and NGO SOURCES relevant to the alleged crimes being committed in the Gaza Strip since October 2023

ENTITY	DATE	REF / LINK	TITLE	ABSTRACT OR COMMENT
GENERAL		General website	History of the question of Palestine.	
UNITED NATIONS SECURITY COUNCIL				
	16 October 2023	S/PV.943/9	9439 th meeting: The situation in the Middle East, including the Palestinian question	<i>"[...] unimpeded provision and distribution of humanitarian assistance"</i>
	16 October 2023	S/2023/772	Draft resolution: Bahrain, Bangladesh, Belarus, Djibouti, Egypt, Eritrea, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Maldives, Mali, Mauritania, Nicaragua, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Sudan, Türkiye, United Arab Emirates, Bolivarian Republic of Venezuela, Yemen and Zimbabwe.	<i>"[...] unimpeded provision and distribution of humanitarian assistance"</i>
	18 October 2023	S/PV.944/2	9442 nd meeting: The situation in the Middle East, including the Palestinian question	<i>"[...] rescission of the order for civilians and UN staff to evacuate all areas in Gaza north of the Wadi Gaza and relocate in southern Gaza"</i>
	18 October 2023	S/2023/773	Brazil: draft resolution	<i>"[...] immediate access by the civilian population in the Gaza Strip to basic services and humanitarian assistance indispensable to its survival" as well as "an immediate, unconditional and permanent ceasefire"</i>
	25 October 2023	S/PV.945/3	9453 rd meeting: The situation in the Middle East, including the Palestinian question	United States introduced its own draft resolution, which was rejected by China, the Russian Federation and the United Arab Emirates.

	25 October 2023	S/2023/792	United States of America: draft resolution	United States introduced its own draft resolution, which was rejected by China, the Russian Federation and the United Arab Emirates.
	25 October 2023	S/2023/795	UNSC, Russian Federation, Sudan and Bolivarian Republic of Venezuela: draft resolution.	<i>"[...] all violence and hostilities against civilians", "the immediate rescission of the order"</i>
	15 November 2023	S/PV.9479	9479 th meeting: The situation in the Middle East, including the Palestinian question	The U.S. abstained from voting for all four successful resolutions that attempted to halt or limit Israeli attacks against civilians in the Gaza Strip since 7 October 2023. For abstentions, see UNSC 9479 th meeting, The situation in the Middle East, including the Palestinian question.
	15 November 2023	S/RES/2712 (2023)	Resolution 2712	The U.S. was one of the three countries to abstain when voting a resolution calling for urgent and extended humanitarian pauses to allow aid into the Gaza Strip, as well as the establishment of corridors to enable medical evacuations and the safeguarding of civilians. This was the first UNSC resolution to pass, more than a month after the beginning of the war.
	8 December 2023	S/PV.9499	9499 th meeting, The situation in the Middle East, including the Palestinian question	<i>"[...] an immediate humanitarian ceasefire", "the immediate and unconditional release of all hostages"</i>
	8 December 2023	S/2023/970	Draft resolutions on the situation in the Middle East, including the Palestinian question	<i>"[...] an immediate humanitarian ceasefire", "the immediate and unconditional release of all hostages"</i>
	20 February 2024	S/PV.9552	9552 nd meeting: The situation in the Middle East, including the Palestinian question,	United States vetoed another draft resolution introduced by Algeria, reiterating similar demands.
	20 February 2024	S/2024/173	Algeria: draft resolution on the situation in the Middle East, including the Palestinian question	The U.S. vetoed draft resolution introduced by Algeria, reiterating similar demands.
	22 March 2024	S/2024/239	United States of America: draft resolution	On 22 March 2024, another draft resolution was introduced by United States but was again rejected China, Russia and Algeria.
	22 March 2024	S/PV.9584	The situation in the Middle East, including the Palestinian question	The situation in the Middle East, including the Palestinian question.

	25 March 2024	S/PV.9586	9586 th meeting: The situation in the Middle East, including the Palestinian question,	The U.S. abstained from voting draft resolution demanding an immediate ceasefire in Gaza for the month of Ramadan.
	25 March 2024	S/2024/254	Algeria, Ecuador, Guyana, Japan, Malta, Mozambique, Republic of Korea, Sierra Leone, Slovenia and Switzerland: draft resolution	The U.S. abstained from voting draft resolution demanding an immediate ceasefire in Gaza for the month of Ramadan.
	25 March 2024	S/RES/2728 (2024)	Resolution 2728	The U.S. was the only State which abstained from voting on a successful resolution introduced by 10 non-permanent members of the UNSC.
	10 June 2024	S/PV.9650	9650 th meeting: The situation in the Middle East, including the Palestinian question	United States introduced a successful resolution.
	10 June 2024	S/RES/2735 (2024)	Resolution 2735	United States introduced a successful resolution.
	16 September 2024	General website	Briefing by the UN Senior Humanitarian and Reconstruction Coordinator for Gaza, Sigrid Kaag, to the Security Council.	The alleged crimes described below are part of a broader context and are deeply rooted in the many years of illegal Israeli occupation of Palestinian territory, as well as in the political and violent confrontations that have characterized the history of the region. From 1922-1948, the League of Nations placed Mandatory Palestine under the mandatory control of the United Kingdom. Israel declared independence in 1948, leading to the 1948, and subsequently 1967 Arab-Israel war.
	20 November 2024	S/2024/835	Algeria, Ecuador, Guyana, Japan, Malta, Mozambique, Republic of Korea, Sierra Leone, Slovenia and Switzerland: draft resolution	<i>"[...] an immediate, unconditional and permanent ceasefire" or "the facilitation of full, rapid, safe and unhindered entry of humanitarian assistance at scale to and throughout the Gaza Strip"</i>
	20 November 2024	S/PV.9790	9790 th meeting, The situation in the Middle East, including the Palestinian question	<i>"[...] immediate access by the civilian population in the Gaza Strip to basic services and humanitarian assistance"</i>
	20 November 2024	S/2024/835	Draft resolutions on the situation in the Middle East, including the Palestinian question	President Biden deliberately and proactively vetoed, through United States representative, any resolution from the U.N. Security Council demanding a ceasefire or improving humanitarian assistance.

UNITED NATIONS GENERAL ASSEMBLY				
General Assembly	13 September 2024	A/ES-10/L.31/Rev.1	Advisory opinion of the International Court of Justice on the legal consequences arising from Israel's policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of Israel's continued presence in the Occupied Palestinian Territory	[...] called on UN member States to “take steps towards ceasing (...) the provision or transfer of arms, munitions and related equipment to Israel, the occupying Power, in all cases where there are reasonable grounds to suspect that they may be used in the Occupied Palestinian Territory”
General Assembly	20 September 2024	A/79/363	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories	“[...]the policies and practices of Israel [during the reporting period] are consistent with the characteristics of genocide. The targeting of Palestinians as a group; the life-threatening conditions imposed on Palestinians in Gaza through warfare and restrictions on humanitarian aid - resulting in physical destruction, increased miscarriages and stillbirths - and the killing of and serious bodily or mental harm caused to Palestinians in Gaza and the occupied West Bank, including East Jerusalem, are violations under international law”
General Assembly	1 November 2024	A/79/572 = S/2024/802	Letter from the Permanent Representative of Türkiye to the United Nations addressed to the Secretary-General, calling for a halt to arms transfers to Israel signed by 52 Member States and two international organizations	“We therefore make this collective call for immediate steps to be taken to halt the provision or transfer of arms, munitions and related equipment to Israel, the occupying Power, in all cases where there are reasonable grounds to suspect that they may be used in the Occupied Palestinian Territory, including East Jerusalem, as stipulated in General Assembly resolution ES-10/24 of 18 September 2024.”

United Nations Fact-Finding Mission on the Gaza Conflict (Goldstone Report)	25 September 2009	A/HRC/12/48	Report	The alleged crimes described below are part of a broader context and are deeply rooted in the many years of illegal Israeli occupation of Palestinian territory, as well as in the political and violent confrontations that have characterized the history of the region.
Human Rights Council	4 March 2024	A/HRC/55/28	Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice	A subsequent IDF airstrike on the Al Yarmouk neighborhood in Gaza City on October 25, 2023, allegedly killed 91 people, including 39 children.
United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice	16 March 2024	A/HRC/55/L.30	Annual report	[13] <i>“Calls upon all States to cease the sale, transfer and diversion of arms, munitions and other military equipment to Israel, the occupying Power, in order to prevent further violations of international humanitarian law and violations and abuses of human rights, and to refrain, in accordance with international norms and standards, from the export, sale or transfer of surveillance goods and technologies and less-lethal weapons.”</i>
United Nations High Commissioner for Human Rights	5 April 2024	Press release	Five Resolutions, including a Text Calling for an Immediate Ceasefire in Gaza, Urging States to Prevent the Continued Forcible Transfer of Palestinians Within or From Gaza, and Calling on States to Cease the Sale or Transfer of Arms to Israel	<i>“[...] in order to prevent further violations of international humanitarian law and violations and abuses of human rights”</i>

Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel	27 May 2024	A/HRC/56/26	Report - Advance unedited version	On 7 October 2023, members of Hamas' armed wing - the Izz ad-Din al-Qassam Brigades - and other Palestinian armed groups carried out a coordinated and complex attack on Israeli civilian communities and civilian locations as well as on military bases in southern Israel, near the border with Gaza Strip. Attackers entered Israel by land, sea and air under cover of an unprecedented rocket and mortar attack targeting southern and central Israel.
Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel	10 June 2024	A/HRC/56/CRP.4	'Detailed findings on the military operations and attacks carried out in the Occupied Palestinian Territory from 7 October to 31 December 2023'	<i>"[...] in response to the Hamas-led attack on Israel, Israeli security forces started carrying out air strikes in Gaza in the morning of 7 October. On 8 October, Israel formally announced the commencement of a major military operation, "Swords of Iron". Israeli security forces first launched an intensive six-week air campaign, followed by ground operations under the cover of heavy artillery. The primary military goals of the offensive, as publicly stated, were to destroy Hamas completely, including its governmental functions, and to secure the release of Israeli hostages"</i>
Spokesperson for the UN High Commissioner for Human Rights Jeremy Laurence	11 June 2024	Press release	Shock at impact on civilians of Israeli raid in Gaza to free hostages	IDF airstrikes on refugee camps such as Nuseirat.
Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel	14 June 2024	A/HRC/56/26	Report - Advance unedited version	On 7 October 2023, members of Hamas' armed wing - the Izz ad-Din al-Qassam Brigades - and other Palestinian armed groups carried out a coordinated and complex attack on Israeli civilian communities and civilian locations as well as on military bases in southern Israel, near the border with Gaza Strip. Attackers entered Israel by land, sea and air under cover of an unprecedented rocket and mortar attack targeting southern and central Israel.
Office of the High Commissioner for Human Rights	19 June 2024	Report	Thematic Report: Indiscriminate and disproportionate attacks during the conflict in Gaza (October - December 2023)	An IDF airstrike on a busy market in Jabalia on 9 October 2023, allegedly killed at least 69 people.
Office of the High Commissioner for Human Rights	8 November 2024	Report	Six-month update report on the human rights situation in Gaza: 1 November 2023 to 30 April 2024	<i>"[...] a strong likelihood that famine is imminent in areas within the northern Gaza Strip"</i>

Office of the High Commissioner for Human Rights	31 December 2024	Report	Attacks on hospitals during the escalation of hostilities in Gaza: 7 October 2023 to 30 June 2024	Between the 7 October 2023 and the 30 June 2024 there were at least 136 strikes on at least 27 hospitals and 12 other medical facilities, claiming significant casualties among doctors, nurses, medics and other civilians and causing significant damage, if not complete destruction of civilian infrastructure.
SPECIAL RAPPORTEURS				
<ul style="list-style-type: none"> - Pedro Arrojo Agudo, Special Rapporteur on the human rights to safe drinking water and sanitation; - Francesca Albanese, Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967; - Reem Alsalem, Special Rapporteur on Violence against women and girls; - Ms. Paula Gaviria Betancur, Special Rapporteur on the human rights of internally displaced persons; . - Michael Fakhri, Special Rapporteur on the right to food; - Tlaleng Mofokeng, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; - Balakrishnan Rajagopal, Special Rapporteur on the right to adequate housing 	19 October 2023	Press release	Gaza: UN experts decry bombing of hospitals and schools as crimes against humanity, call for prevention of genocide	“[...]sounding the alarm” on the crimes against humanity in the Gaza Strip, particularly considering “ <i>statements made by Israeli political leaders and their allies, accompanied by military action in Gaza and escalation of arrests and killing in the West Bank</i> ”.

<ul style="list-style-type: none"> - Francesca Albanese, Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967; - Margaret Satterthwaite, Special Rapporteur on the Independence of Judges and Lawyers; - Dorothy Estrada Tanck (Chair), Claudia Flores, Ivana Krstić, Haina Lu, and Laura Nyirinkindi, Working group on discrimination against women and girls; - Surya Deva, Special Rapporteur on the right to development; - Ravindran Daniel (Chair-Rapporteur), Sorcha MacLeod, Chris Kwaja, Jovana Jezdimirovic Ranito, Carlos Salazar Couto, Working Group on the use of mercenaries; - Barbara G. Reynolds (Chair), Bina D'Costa, Dominique Day, Catherine Namakula, Working Group of Experts on People of African Descent; - Pedro Arrojo-Agudo, Special Rapporteur on the human rights to safe drinking water and sanitation; - Olivier De Schutter, Special Rapporteur on extreme poverty and human rights; - Farida Shaheed, Special Rapporteur on the right to education; - Damilola Olawuyi (Chairperson), Robert McCorquodale (Vice-Chairperson), Elżbieta Karska, Fernanda Hopenhaym, and Pichamon Yeophantong, Working Group on the issue of human rights 	<p>16 November 2023</p>	<p>Press release</p>	<p>Gaza: UN experts call on international community to prevent genocide against the Palestinian people</p>	<p>Concerns regarding the risk of an unfolding genocide in the Gaza Strip were also raised by UN experts.</p>
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<p><u>and transnational corporations and other business enterprises;</u></p> <ul style="list-style-type: none"> - <u>Siobhán Mullally, Special Rapporteur on trafficking in persons, especially women and children;</u> - <u>Livingstone Sewanyana, Independent Expert on the promotion of a democratic and equitable international order;</u> - <u>Balakrishnan Rajagopal, Special Rapporteur on the right to adequate housing;</u> - <u>Ashwini K.P. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;</u> - <u>Paula Gaviria Betancur, Special Rapporteur on the human rights of internally displaced persons;</u> - <u>Mary Lawlor, Special Rapporteur on the situation of human rights defenders;</u> - <u>Claudia Mahler, Independent Expert on the enjoyment of all human rights by older persons;</u> - <u>Ben Saul, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;</u> - <u>Irene Khan Special Rapporteur for Freedom of Opinion and Expression;</u> - <u>Ms Reem Alsalem, Special Rapporteur on violence against women and girls, its causes and consequences;</u> - <u>Tomoya Obokata, Special Rapporteur on contemporary forms of slavery, including its causes and consequences;</u> 				
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<p>- Damilola Olawuyi (Chairperson), Robert McCorquodale (Vice-Chairperson), Elżbieta Karska, Fernanda Hopenhaym, and Pichamon Yeophantong, <u>Working Group on the issue of human rights and transnational corporations and other business enterprises.</u></p>				
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<ul style="list-style-type: none"> - Mr. Michael Fakhri, Special Rapporteur on the right to food; - Ms. Farida Shaheed, Special Rapporteur on the right to education; - Ms. Tlaleng Mofokeng, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; - Mr. Balakrishnan Rajagopal, Special Rapporteur on the right to adequate housing, - Ms. Paula Gaviria Betancur, Special Rapporteur on the human rights of internally displaced persons; - Ms. Francesca Albanese, Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967; - Ms. Reem Alsalem, Special Rapporteur on violence against women and girls, its causes and consequences; - Mr. Pedro Arrojo Agudo, Special Rapporteur on the human rights to safe drinking water and sanitation. 	<p>16 January 2024</p>	<p>Press release</p>	<p>Over one hundred days into the war, Israel destroying Gaza's food system and weaponizing food, say UN human rights experts</p>	<p>On 20 June 2024, UN experts called on States and private companies to stop arms transfers to Israel.</p>
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<ul style="list-style-type: none"> - Ben Saul, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism - Margaret Satterthwaite, Special Rapporteur on the Independence of Judges and Lawyers - Cecilia M. Bailliet, Independent Expert on human rights and international solidarity - Claudia Mahler, Independent Expert on the enjoyment of all human rights by older persons - Farida Shaheed, Special Rapporteur on the right to education; - Livingstone Sewanyana, Independent Expert on the promotion of a democratic and equitable international order; - Surya Deva, Special Rapporteur on the right to development; - Attiya Waris, Independent Expert on foreign debt, other international financial obligations and human rights; - Ashwini K.P., Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; - Olivier De Schutter, Special Rapporteur on extreme poverty and human rights; - Paula Gaviria Betancur, Special Rapporteur on the human rights of internally displaced persons; - Siobhán Mullally, Special Rapporteur on trafficking in 	<p>23 February 2024</p>	<p>Press release</p>	<p>Arms exports to Israel must stop immediately: UN experts</p>	<p><i>“States must accordingly refrain from transferring any weapon or ammunition - or parts for them - if it is expected, given the facts or past patterns of behaviour, that they would be used to violate international law.”</i></p>
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<p><u>persons, especially women and children;</u></p> <ul style="list-style-type: none"> - Tomoya Obokata, <u>Special Rapporteur on contemporary forms of slavery, including its causes and consequences;</u> - Carlos Salazar Couto (Chair-Rapporteur), Sorcha MacLeod, Jovana Jezdimirovic Ranito, Chris M. A. Kwaja, Ravindran Daniel, <u>Working Group on the use of mercenaries;</u> - Robert McCorquodale (Chair-Rapporteur), Fernanda Hopenhaym (Vice-Chair), Pichamon Yeophantong, Damilola Olawuyi, Elzbieta Karska, <u>Working Group on business and human rights;</u> - Barbara G. Reynolds (Chair), Dominique Day, Bina D’Costa, <u>Working Group of Experts on People of African Descent;</u> - Balakrishnan Rajagopal, <u>Special Rapporteur on the right to adequate housing;</u> - Dorothy Estrada Tanck (Chair), Claudia Flores, Ivana Krstić, Haina Lu, and Laura Nyirinkindi, <u>Working group on discrimination against women and girls;</u> - Francesca Albanese, <u>Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967;</u> - Reem Alsalem, <u>Special Rapporteur on violence against women and girls, its causes and consequences;</u> - Fabián Salvioli, <u>Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence.</u> 				
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Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967	25 March 2024	A/HRC/55/73	Report Advance unedited version.	- “[...]there are reasonable grounds to believe that the threshold indicating Israel’s commission of genocide is met”
<ul style="list-style-type: none"> - <i>Balakrishnan Rajagopal, Special Rapporteur on the right to adequate housing;</i> - <i>Francesca Albanese, Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967;</i> - <i>Reem Alsalem, Special Rapporteur on violence against women and girls, its causes and consequences;</i> - <i>Michael Fakhri, Special Rapporteur on the right to food;</i> - Paula Gaviria Betancur, Special Rapporteur on the human rights of internally displaced persons. 	15 April 2024	Press Release	Gaza : UN experts deplore use of UN experts deplore use of purported AI to commit ‘domicide’ in Gaza, call for reparative approach to rebuilding	UN experts have called the destruction and bombing of more than half of the homes in Gaza by Israel, under the pretext of identifying and destroying Hamas, as " <u>domicide</u> ".
<ul style="list-style-type: none"> - Robert McCorquodale (Chair), Fernanda Hopenhaym (Vice-Chair), Pichamon Yeophantong, Damilola Olawuyi, Elzbieta Karska, Working Group on business and human rights; - George Katrougalos, Independent Expert on the promotion of a democratic and equitable international order; - Pedro Arrojo-Agudo, Special Rapporteur on the human rights to safe drinking water and sanitation; - Reem Alsalem, Special Rapporteur on violence against women and girls, its causes and consequences; 	20 June 2024	Press release	States and companies must end arms transfers to Israel immediately or risk responsibility for human rights violations: UN experts	On 20 June 2024, UN experts called on States and private companies to stop arms transfers to Israel.

<ul style="list-style-type: none"> - Paula Gaviria Betancur, Special Rapporteur on the human rights of internally displaced persons; - Tlaleng Mofokeng, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; - Michael Fakhri, Special Rapporteur on the right to food; - Morris Tidball-Binz, Special Rapporteur on extrajudicial, summary or arbitrary executions; - Mary Lawlor, Special Rapporteur on the situation of human rights defenders; - Cecilia M Bailliet, Independent Expert on human rights and international solidarity; - Ms. Margaret Satterthwaite, Special Rapporteur on the independence of judges and lawyers; - Farida Shaheed, Special Rapporteur on the right to education; - Carlos Salazar Couto (Chair-Rapporteur), Michelle Small, Ravindran Daniel, Jovana Jezdimirovic Ranito, Sorcha MacLeod, Working Group on the use of mercenaries; - Francesca Albanese, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967; - Ben Saul, Special Rapporteur on the promotion and protection of human rights while countering terrorism; - Dorothy Estrada Tanck (Chair), Laura Nyirinkindi (Vice-Chair), Claudia Flores, Ivana Krstić, and Haina Lu, Working group on 				
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<p>discrimination against women and girls;</p> <ul style="list-style-type: none"> - Astrid Puentes, Special Rapporteur on the human right to a clean, healthy and sustainable environment; - Attiya Waris, Independent Expert on the effects of foreign debt; - Marcos A. Orellana, Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; - Balakrishnan Rajagopal, Special Rapporteur on the right to adequate housing 				
<p>Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967</p>	<p>1 October 2024</p>	<p>A/79/384</p>	<p>Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967</p>	<p>[...] urged UN member states to “<i>use all their political leverage - commencing with a full arms embargo and sanctions - so that Israel stops the assault against the Palestinians, accepts a ceasefire and fully withdraws from the occupied Palestinian territory in line with the ICJ Advisory Opinion of 19 July 2024</i>”</p>
UN AGENCIES				
<p>World Health Organization</p>	<p>30 April 2024</p>	<p>Report</p>	<p>Occupied Palestinian Territories: Emergency Situation Update - Issue 29</p>	<p>“[...] <i>only 12 of the 32 hospitals across Gaza (...) partially functional</i>”</p>
<p>Office for the Coordination of Humanitarian Affairs (OCHA)</p>	<p>5 November 2024</p>	<p>General website</p>	<p>Humanitarian Situation Update #235, Gaza Strip</p>	<p>“[...] <i>denials of movements to northern Gaza via Al Rashid checkpoint (...) increased by 115 per cent</i>”</p>
<p>UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)</p>	<p>November 2024</p>	<p>General website</p>	<p>Gaza supplies and dispatch tracking</p>	<p>Israel permitted an average of only 42 trucks per day to cross into the Gaza Strip.</p>
INTERNATIONAL COURT OF JUSTICE				

	9 July 2004	Advisory Opinion	Advisory Opinion Concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory	By 2000, a second, more violent intifada erupted, to which Israel responded with major military operations in civilian areas of the OPT and by building its illegal West Bank separation wall.
	26 January 2024	Order	Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (<i>South Africa v. Israel</i>), Provisional Measures	<i>"[...] a large number of deaths and injuries, as well as the massive destruction of homes, the forcible displacement of the vast majority of the population, and extensive damage to civilian infrastructure"</i>
	28 March 2024	Order	Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (<i>South Africa v. Israel</i>), Request for the modification of the Order of 26 January 2024 indicating provisional measures	<i>"[...]the catastrophic living conditions of the Palestinians in the Gaza Strip (...) in particular in view of the prolonged and widespread deprivation of food and other basic necessities"</i>
	24 May 2024	Order	Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (<i>South Africa v. Israel</i>), Request for the modification of the Order of 28 March	<i>"[...]the catastrophic living conditions of the Palestinians in the Gaza Strip (...) in particular in view of the prolonged and widespread deprivation of food and other basic necessities"</i>
NGOS				
Amnesty International (Belgique)	6 February 2024	Press release	Exportation de poudre wallonne vers Israël : des efforts sont encore nécessaires	Concerning Belgium: at the national level, an increasing number of countries have, since 7 October 2023, stopped or limited their weapons exports to Israel due to concerns that they would be used in violation of international humanitarian law and human rights.
Refugees International	March 2024	Report	Siege and starvation: How Israel Obstructs Aid to Gaza	p.4 : [...] despite claims that Israel facilitated humanitarian assistance in the Gaza Strip.
Amnesty International	1 May 2024	Press release	'U.S.-made weapons used by government of Israel in violation of international law and U.S. law'	<i>"U.S.-supplied weapons provided to the government of Israel have been used in serious violations of international humanitarian and human rights law, and in a manner that is inconsistent with U.S. law and policy."</i>

Amnesty International		General website	Israel and Occupied Palestinian Territories 2023	Izz ad-Din al Qassam Brigades and other Palestinian armed groups also took 252 people hostage.
Human Rights Watch	17 July 2024	Report	'I can't erase all the blood from my mind. Palestinian Armed Groups' October 7 Assault on Israel'	Izz ad-Din al Qassam Brigades and other Palestinian armed groups also took 252 people hostage.
Amnesty International	27 August 2024	Press release	Israel/OPT: Israeli attacks targeting Hamas and other armed group fighters that killed scores of displaced civilians in Rafah should be investigated as war crimes	IDF airstrikes on refugee camps such as the Kuwaiti Peace Camp.
Oxfam	1 October 2024	Press release	More women and children killed in Gaza by Israeli military than any other recent conflict in a single year	<i>"Israeli explosive weapons hit civilian infrastructure in Gaza - including schools, hospitals and aid distribution points - once every three hours."</i>
Stockholm International Peace Research Institute	3 October 2024	Commentary	'How top arms exporters have responded to the war in Gaza'	The United States has become the largest supplier of weapons to Israel; <i>"aircraft, armored vehicles, missiles and ships."</i> ; <i>"1000 GBU-39 guided aircraft bombs, small diameter bombs, joint direct attack munition (JDAM) guidance kits, missiles"</i>
Oxfam International	15 October 2024	Press release	Urgent joint statement: Northern Gaza is being erased - global leaders must act now to end Israel's atrocities	<i>"[...] the transfer of all weapons, parts and ammunition that could be used to commit further violations of international humanitarian law"</i>
Forensic Architecture	15 October 2024	Report	'A Spatial Analysis of the Israeli Military's Conduct in Gaza since October 2023',	
Oxfam and others	November 2024	Report	The Gaza Scorecard - Israel Fails to Comply with U.S. Humanitarian Access Demands in Gaza	<i>"[...] not only failed to meet the U.S. criteria that would indicate support to the humanitarian response, but concurrently took actions that dramatically worsened the situation on the ground, particularly in Northern Gaza" (p.2); Israel permitted an average of only 42 trucks per day to cross into the Gaza Strip (p. 8); "final phase of a UN-supported polio vaccine campaign" (p.10) ; OCHA reported that in the month of October 2024 "denials of movements to northern Gaza via Al Rashid checkpoint (...) increased by 115 per cent." (p.17)</i>

Integrated Security Classification	Food Phase	8 November 2024	Report	IPC Famine Review Committee Alert : Gaza Strip	<i>"[...] a strong likelihood that famine is imminent in areas within the northern Gaza Strip." (p.1)</i>
FIDH		9 November 2024	Press release	Alarming increase of human rights violations against Palestinians in the occupied territory and against Palestinian citizens of Israel	<i>"[...] third states that their unconditional support for the State of Israel makes them complicit in Israel's human rights abuses being documented, not only in the Gaza Strip but also in the West Bank, East Jerusalem, and against Palestinian citizens of Israel."</i>
Amnesty International		4 December 2024	Report	Israel/Occupied Palestinian Territory: 'You Feel Like You Are Subhuman': Israel's Genocide Against Palestinians in Gaza	You feel like you are subhuman (p. 119-121)

Annex 3

Selected quotes and statements demonstrating knowledge and/or intent of U.S. officials of the crimes allegedly being committed by Israeli authorities in the Gaza Strip since October 8, 2023

UNITED STATES GOVERNMENT					
INDIVIDUAL / ENTITY	DATE	REF / LINK	COMMENT	TITLE	DIRECT QUOTE(S) AND STATEMENTS
PRESIDENT JOSEPH BIDEN					
	11-Oct-2023	https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/10/11/remarks-by-president-biden-and-second-gentleman-douglas-emhoff-at-roundtable-with-jewish-community-leaders/	Recalls imploring Netanyahu to follow international law in Gaza	Remarks by President Biden and Second Gentleman Douglas Emhoff at Roundtable with Jewish Community Leaders	“I’ve known Bibi for over 40 years in a very frank relationship. I know him well. And the one thing that I did say that it is really important that Israel, with all the anger and frustration and just – I don’t know how to explain it – that exists is that they operate by the rules of war – the rules of war. And there are rules of war.”
	14-Oct-2023	https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/14/readout-of-president-bidens-call-with-prime-minister-netanyahu-of-israel-3/	Concern over humanitarian access	Readout of President Biden’s Call with Prime Minister Netanyahu of Israel	President Biden discussed with Prime Minister Netanyahu U.S. coordination with the United Nations, Egypt, Jordan, Israel, and others in the region to ensure innocent civilians have access to water, food, and medical care.
	14-Oct-2023	https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/14/readout-of-president-bidens-call-with-president-mahmoud-abbas-of-the-palestinian-authority/	Concern over humanitarian access	Readout of President Biden’s Call with President Mahmoud Abbas of the Palestinian Authority	President Abbas briefed President Biden on his engagement in the region and his efforts to bring urgently needed humanitarian assistance to Palestinian people, particularly in Gaza. President Biden offered President Abbas and the Palestinian Authority his full support for these important and ongoing efforts. President Biden discussed with President Abbas U.S. efforts to work with the United Nations, Egypt, Jordan, Israel and others to ensure humanitarian supplies reach civilians in Gaza.
	17-Oct-2023	https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/17/statement-from-president-joe-biden-on-the-hospital-explosion-in-gaza/	Non-condemnation of al-Ahli Hospital incident	Statement from President Joe Biden on the Hospital Explosion in Gaza	Al Ahli hospital bombing: “[...] the United States stands unequivocally for the protection of civilian life during conflict”

	18-Oct-2023	https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/10/18/remarks-by-president-biden-on-the-october-7th-terrorist-attacks-and-the-resilience-of-the-state-of-israel-and-its-people-tel-aviv-israel/	Recalls asking the Israeli war cabinet to agree to the delivery of humanitarian assistance to civilians in Gaza.	Remarks by President Biden on the October 7th Terrorist Attacks and the Resilience of the State of Israel and its People Tel Aviv, Israel	“The people of Gaza need food, water, medicine, shelter.” “Today, I asked the Israeli cabinet – who I met with for some time this morning – to agree to the delivery of lifesaving humanitarian assistance to civilians in Gaza.”
	18-Oct-2023	https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/18/readout-of-president-joseph-r-biden-jr-meeting-with-prime-minister-benjamin-netanyahu-of-israel-and-the-war-cabinet/	Reaffirms US will provide Israel what it needs	Readout of President Joseph R. Biden, Jr. Meeting with Prime Minister Benjamin Netanyahu of Israel and the War Cabinet	The President reiterated his steadfast support for Israel and reaffirmed U.S. determination to provide the Israeli government with what it needs to protect its citizens. The leaders also discussed ongoing efforts to secure the release of hostages taken by Hamas – including Americans, as well as U.S. efforts to facilitate the provision of necessary humanitarian aid to civilians in Gaza.
	18-Oct-2023	https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/10/18/press-gaggle-by-president-biden-and-nsc-coordinator-for-strategic-communications-john-kirby-ramstein-air-base-germany/	Describes negotiations with Israel to allow aid into Gaza	Press Gaggle by President Biden and NSC Coordinator for Strategic Communications John Kirby Ramstein Air Base, Germany	“But here’s the deal: up to 20 trucks. This has been a very blunt negotiation I’ve had. ... if Hamas confiscates it or doesn’t let it get through or just confiscates it, then it’s going to end, because we’re not going to be sending any humanitarian aid to Hamas if they’re going to be confiscating it. That’s the commitment that I’ve made.”
	20-Oct-2023	https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/10/20/remarks-by-president-biden-on-the-united-states-response-to-hamas-terrorist-attacks-against-israel-and-russias-ongoing-brutal-war-against-ukraine/	Recalls telling Netanyahu of "critical need" for Israel to operate by the laws of war, of how he "secured an agreement" over humanitarian aid getting into Gaza	Remarks by President Biden on the United States’ Response to Hamas’s Terrorist Attacks Against Israel and Russia’s Ongoing Brutal War Against Ukraine	“Netanyahu and I discussed again yesterday the critical need for Israel to operate by the laws of war. That means protecting civilians in combat as best as they can. The people of Gaza urgently need food, water, and medicine. Yesterday, in discussions with the leaders of Israel and Egypt, I secured an agreement for the first shipment of humanitarian assistance from the United Nations to Palestinian civilians in Gaza.”

	5-Mar-2024	https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/03/05/remarks-by-president-biden-before-boarding-air-force-one-hagerstown-md/	Notes difficulty getting Israel to let more aid into Gaza	Remarks by President Biden Before Boarding Air Force One Hagerstown, MD	<p>Q: Can you get the Israelis to allow more aid into Gaza?"</p> <p>THE PRESIDENT: "Pardon me?"</p> <p>Q: "The Israelis, can you – are you pressuring them to get more aid into Gaza?"</p> <p>THE PRESIDENT: "I'm working with them very hard. We're going to get more – we must get more aid into Gaza. There's no excuses. None."</p>
	7-Mar-2024	https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/03/07/remarks-of-president-joe-biden-state-of-the-union-address-as-prepared-for-delivery-2/	Suggests Israel not doing enough to let aid into Gaza, is using humanitarian assistance as a bargaining chip instead of a priority	Remarks of President Joe Biden – State of the Union Address As Prepared for Delivery	<p>"Tonight, I'm directing the U.S. military to lead an emergency mission to establish a temporary pier in the Mediterranean on the Gaza coast that can receive large ships carrying food, water, medicine and temporary shelters.</p> <p>No U.S. boots will be on the ground.</p> <p>This temporary pier would enable a massive increase in the amount of humanitarian assistance getting into Gaza every day.</p> <p>But Israel must also do its part.</p> <p>Israel must allow more aid into Gaza and ensure that humanitarian workers aren't caught in the cross fire.</p> <p>To the leadership of Israel I say this.</p> <p>Humanitarian assistance cannot be a secondary consideration or a bargaining chip.</p> <p>Protecting and saving innocent lives has to be a priority."</p>
	2-Apr-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/04/02/statement-from-president-joe-biden-on-the-death-of-world-central-kitchen-workers-in-gaza/	States Israel not doing enough to protect aid workers is a major reason aid isn't being delivered	Statement from President Joe Biden on the Death of World Central Kitchen Workers in Gaza	<p>"This is not a stand-alone incident. This conflict has been one of the worst in recent memory in terms of how many aid workers have been killed. This is a major reason why distributing humanitarian aid in Gaza has been so difficult – because Israel has not done enough to protect aid workers trying to deliver desperately needed help to civilians. Incidents like yesterday's simply should not happen. Israel has also not done enough to protect civilians."</p>

	20-Oct-2023	https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/10/20/remarks-by-president-biden-european-council-president-charles-michel-and-european-commission-president-ursula-von-der-leyen-before-trilateral-meeting/	Biden is asked about aid flow, says he's working on it	Remarks by President Biden, European Council President Charles Michel, and European Commission President Ursula von der Leyen Before Trilateral Meeting	Q:“Mr. President, the aid for Gaza – are you confident –” PRESIDENT BIDEN: “I’ll answer that one question and then say goodbye to all of you. I believe you’ll see that I got a commitment from the Israelis and the President of Egypt that the crossing would be open. The highway had to be repaved because it was very bad – in very bad shape. And I believe that within the next 24 to 48 hours, the first 20 trucks will come across with aid”.
	21-Oct-2023	https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/21/statement-from-president-joe-biden-on-the-delivery-of-humanitarian-aid-to-gaza/	Says aid getting in for first time was "the result of diplomatic engagement at the highest levels"	Statement from President Joe Biden on the Delivery of Humanitarian Aid to Gaza	“Today, the first convoy of humanitarian assistance since Hamas’s October 7 terrorist attack on Israel crossed the border into Gaza and reached Palestinians in need. The opening of this essential supply route was the result of days of diplomatic engagement at the highest levels. I made it clear from the outset of this crisis—in both my public statements and private conversations—that humanitarian assistance was a critical and urgent need that had to get moving, and I express my deep personal appreciation for the leadership of President Al-Sisi of Egypt, Prime Minister Netanyahu of Israel, and the United Nations to allow the resumption of this assistance. The United States remains committed to ensuring that civilians in Gaza will continue to have access to food, water, medical care, and other assistance, without diversion by Hamas. We will continue to work with all parties to keep the Rafah crossing in operation to enable the continued movement of aid that is imperative to the welfare of the people of Gaza, and to continue working to protect civilians, consistent with obligations under international humanitarian law.”
	22-Oct-2023	https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/22/joint-statement-on-israel-2/	Multilateral statement calling for adherence to IHL, protecting civilians	Joint Statement on Israel	[The leaders] called for adherence to international humanitarian law, including the protection of civilians. ... The leaders welcomed the announcement of the first humanitarian convoys to reach Palestinians in need in Gaza and committed to continue coordinating with partners in the region to ensure sustained and safe access to food, water, medical care, and other assistance required to meet humanitarian needs.

	22-Oct-2023	https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/22/readout-of-president-bidens-call-with-his-holiness-pope-francis/	Acknowledges humanitarian crisis	Readout of President Biden's Call with His Holiness Pope Francis	He discussed his recent visit to Israel and his efforts to ensure delivery of food, medicine, and other humanitarian assistance to help alleviate the humanitarian crisis in Gaza.
	24-Oct-2023	https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/24/readout-of-president-joe-bidens-call-with-crown-prince-and-prime-minister-mohammed-bin-salman-of-the-kingdom-of-saudi-arabia/	Says more humanitarian aid is needed	Readout of President Joe Biden's Call with Crown Prince and Prime Minister Mohammed bin Salman of the Kingdom of Saudi Arabia	They welcomed the delivery of humanitarian assistance from Egypt into Gaza and recognized that much more is needed for civilians to have sustained access to food, water, and medical assistance.
	25-Oct-2023	https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/10/25/remarks-by-president-biden-and-prime-minister-anthony-albanese-of-australia-in-joint-press-conference/	States Israel has to do everything in its power to protect innocent civilians, implying that it is not doing so	Remarks by President Biden and Prime Minister Anthony Albanese of Australia in Joint Press Conference	<p>" Hamas is hiding behind Palestinian civilians, and it's despicable and, not surprisingly, cowardly as well.</p> <p>This also puts an added burden on Israel while they go after Hamas.</p> <p>But that does not lessen the need for – to operate and align with the laws of war for Israeli – it has to do everything in its power – Israel has to do everything in its power, as difficult as it is, to protect innocent civilians. And it's difficult.</p> <p>I want to thank the Israeli – the Israelis and the Palestinian – excuse me, and President Sisi of Egypt for working with the United States to make sure that food, water, and medical supplies are getting through to innocent people in Gaza.</p> <p>The flow needs to increase, and we're working very hard with our partners to make that happen."</p>
	29-Oct-2023	https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/29/readout-of-president-bidens-call-with-prime-minister-netanyahu-of-israel-7/	States Israel must follow IHL, immediately increase humanitarian aid	Readout of President Biden's Call with Prime Minister Netanyahu of Israel	<p>The President reiterated that Israel has every right and responsibility to defend its citizens from terrorism and underscored the need to do so in a manner consistent with international humanitarian law that prioritizes the protection of civilians.</p> <p>...</p> <p>The President underscored the need to immediately and significantly increase the flow of humanitarian assistance to meet the needs of civilians in Gaza.</p>

	6-Nov-2023	https://www.whitehouse.gov/briefing-room/statements-releases/2023/11/06/readout-of-president-bidens-call-with-prime-minister-netanyahu-of-israel-8/	Recalls telling Netanyahu of "imperative to protect Palestinian civilians"	Readout of President Biden's Call with Prime Minister Netanyahu of Israel	The two leaders welcomed the increase in humanitarian assistance over the past week and discussed the necessity to significantly ramp up deliveries over the coming week, including by increasing the capacity to screen and stage trucks going into Gaza. The President reiterated his steadfast support for Israel and the protection of Israeli citizens from Hamas and all other threats while also emphasizing the imperative to protect Palestinian civilians and reduce civilian harm in the course of military operations. The two leaders discussed the possibility of tactical pauses to provide civilians with opportunities to safely depart from areas of ongoing fighting, to ensure assistance is reaching civilians in need, and to enable potential hostage releases.
	16-Nov-2023	https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/11/16/remarks-by-president-biden-in-a-press-conference-woodside-ca/	References an incident in which he thought Israel was "carpet bombing"	Remarks by President Biden in a Press Conference Woodside, CA	<p>"This is not the carpet bombing. This is a different thing. They're going through these tunnels; they're going in the hospital.</p> <p>And if you notice, I – I was mildly preoccupied today. I apologize, I didn't see everything. But what I did see, whether – I haven't had it confirmed yet – I have asked my team to answer the question. But what happened is they're also bringing in incubators. They're bringing in other – other means to help the people in the hospital, and they've given the doctors and – I'm told – the doctors and nurses and personnel an opportunity to get out of harm's way.</p> <p>So, this is a different story than I believe was occurring before, an indiscriminate bombing."</p>
	17-Nov-2023	https://www.whitehouse.gov/briefing-room/statements-releases/2023/11/17/readout-of-president-bidens-call-with-amir-sheikh-tamim-bin-hamad-al-thani-of-qatar-3/	Mentions israeli decision to cut off fuel, in context of allowing deliveries to resume	Readout of President Biden's Call with Amir Sheikh Tamim Bin Hamad Al-Thani of Qatar	The leaders also discussed ongoing efforts to increase the flow of urgently needed humanitarian assistance into Gaza and Israel's decision to resume fuel deliveries for life-saving aid.

24-Nov-2023	https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/11/24/remarks-by-president-biden-on-the-release-of-hostages-from-gaza/	Says conditioning military aid over concerns over how Israel uses them: "a worthwhile thought"	Remarks by President Biden on the Release of Hostages from Gaza	Q: "Mr. President, there are members of your party who would like to see conditions placed on aid to Israel. What is your view on that? They would like to see, you know, a reduction in the bombing and that sort of thing." THE PRESIDENT: "Well, I think that's a – a worthwhile thought, but I don't think if I started off with that we'd ever gotten to where we are today."
29-Nov-2023	https://www.whitehouse.gov/briefing-room/statements-releases/2023/11/29/statement-from-president-joe-biden-on-the-release-of-american-hostage-from-gaza/	Acknowledges total blocking of humanitarian aid to northern Gaza for previous two months	Statement from President Joe Biden on the Release of American Hostage from Gaza	For the first time since this conflict began, aid reached northern Gaza.
12-Dec-2023	https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/12/12/remarks-by-president-biden-at-a-campaign-reception-5/	Describes Israeli bombing as indiscriminate, says "this group" in the Israeli government wants revenge on the entire Palestinian people	Remarks by President Biden at a Campaign Reception	"[...] they're starting to lose that support by the indiscriminate bombing that takes place. It was pointed out to me – I'm being very blunt with you all – it was pointed out to me that – by Bibi – that "Well, you carpet-bombed Germany. You dropped the atom bomb. A lot of civilians died." ... And this is a different group. Ben-Gvir and company and the new folks, they – they don't want anything remotely approaching a two-state solution. They not only want to have re- – retribution, which they should for what the Palestinian – Hamas did, but against all Palestinians. They don't want a two-state solution. They don't want any- – anything having to do with the – the Palestinians."
19-Jan-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/01/19/readout-of-president-joe-bidens-call-with-prime-minister-netanyahu-of-israel-2/	Praises Israel for allowing flour into Gaza	Readout of President Joe Biden's Call with Prime Minister Netanyahu of Israel	The President and the Prime Minister reviewed the situation in Gaza and the shift to targeted operations that will enable the flow of increasing amounts of humanitarian assistance while keeping the military pressure on Hamas and its leaders. The President welcomed the decision from the Government of Israel to permit the shipment of flour for the Palestinian people directly through Ashdod port while our teams separately work on options for more direct maritime delivery of assistance into Gaza.

9-Feb-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/09/readout-of-president-joe-bidens-meeting-with-chancellor-olaf-scholz-of-germany-2/	Imperative to protect civs and deliver aid	Readout of President Joe Biden's Meeting with Chancellor Olaf Scholz of Germany	They also underscored the imperative to protect civilians in Gaza and increase deliveries of life-saving humanitarian assistance.
11-Feb-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/11/readout-of-president-bidens-call-with-prime-minister-netanyahu-of-israel-11/	Speaks on the urgency of delivering more aid to Palestinian civilians	Readout of President Biden's Call with Prime Minister Netanyahu of Israel	He also called for urgent and specific steps to increase the throughput and consistency of humanitarian assistance to innocent Palestinian civilians.
12-Feb-2024	https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/02/12/remarks-by-president-biden-and-his-majesty-king-abdullah-ii-of-jordan-after-a-meeting/	Discusses high civilian death toll, deprivation of food and water	Remarks by President Biden and His Majesty King Abdullah II of Jordan After a Meeting	"Too many – too many of the over 27,000 Palestinians killed in this conflict have been innocent civilians and children, including thousands of children. And hundreds of thousands have no access to food, water, or other basic services."
12-Feb-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/12/readout-of-president-bidens-meeting-with-his-majesty-king-abdullah-ii-of-jordan-2/	need for increasing aid	Readout of President Biden's Meeting with His Majesty King Abdullah II of Jordan	Both President Biden and King Abdullah II reiterated their shared commitment to facilitating the increased, sustained delivery of life-saving humanitarian assistance to Palestinian civilians in Gaza.
13-Feb-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/13/statement-from-president-joe-biden-on-senate-passage-of-the-national-security-supplemental/	Announces "agreement" to provide life-saving aid for Palestinian civilians	Statement from President Joe Biden on Senate Passage of the National Security Supplemental	Significantly, this agreement will provide life-saving humanitarian assistance for the Palestinian people, the vast majority of whom have nothing to do with Hamas.
15-Feb-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/15/readout-of-president-bidens-call-with-prime-minister-netanyahu-of-israel-12/	Notes "urgency" of aid delivery	Readout of President Biden's Call with Prime Minister Netanyahu of Israel	The President and the Prime Minister also discussed the situation in Gaza, and the urgency of ensuring that humanitarian assistance is able to get to Palestinian civilians in desperate need.

9-Mar-2024	https://www.msnbc.com/jonathan-capehart/watch/exclusive-interview-with-president-biden-following-state-of-the-union-address-206036549772	Talks about red lines. Doesn't say what steps he will take, does say what he won't do (full embargo).	Exclusive interview with President Biden following State of the Union address	<p>Q: "What is your red line with Prime Minister Netanyahu? Do you have a -- of a red line? For instance, would invasion of Rafah, which you have urged him not to do, would that be a red line?"</p> <p>A: "It is a red line, but I'm never going to leave Israel. The defense of Israel is still critical. So, there's no red line. I'm going to cut off all weapons so they don't have the Iron Dome to protect them. They don't have -- but there's red lines that if he crosses and they continue -- you cannot have 30,000 more Palestinians dead as a consequence of going after -- there's other ways to deal..."</p>
4-Apr-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/04/04/readout-of-president-joe-bidens-call-with-prime-minister-netanyahu-of-israel-3/	Calls humanitarian situation and lack of protection of civilians "unacceptable"	Readout of President Joe Biden's Call with Prime Minister Netanyahu of Israel	President Biden emphasized that the strikes on humanitarian workers and the overall humanitarian situation are unacceptable. He made clear the need for Israel to announce and implement a series of specific, concrete, and measurable steps to address civilian harm, humanitarian suffering, and the safety of aid workers. He made clear that U.S. policy with respect to Gaza will be determined by our assessment of Israel's immediate action on these steps.
5-Apr-2024	https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/04/05/remarks-by-president-biden-before-marine-one-departure-47/	Biden sidesteps question on whether threatened to condition mil aid	Remarks by President Biden Before Marine One Departure	<p>Q: "Did you threaten to stop military aid to Israel, Mr. President?"</p> <p>THE PRESIDENT: "Pardon me?"</p> <p>Q: "Did you threaten to stop military aid to Israel?"</p> <p>THE PRESIDENT: "I asked them to do what they're doing."</p>
10-Apr-2024	https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/04/10/remarks-by-president-biden-and-prime-minister-kishida-fumio-of-japan-in-joint-press-conference/	Recalls telling Netanyahu and Israeli cabinet that Israel must do better facilitating aid delivery and protecting civilians	Remarks by President Biden and Prime Minister Kishida Fumio of Japan in Joint Press Conference	<p>"I have been very blunt and straightforward with the Prime Minister, as well as his War Cabinet, as well as the Cabinet.</p> <p>And the fact of the matter is that Bibi and I had a long discussion. He agreed to do several things that related to, number one, getting more aid – both food and medicine – into Gaza and reducing significantly the attempts – the civilian casualties in any action taken in the region."</p>

24-Apr-2024	https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/04/24/remarks-by-president-biden-on-the-passage-of-h-r-815-the-national-security-supplemental/	Implicit acknowledgement that Israel is restricting aid delivery	Remarks by President Biden on the Passage of H.R. 815, the National Security Supplemental	“This bill includes \$1 billion for additional humanitarian aid in Gaza. We’re going to immediately secure that aid and surge it – surge it, including food, medical supplies, clean water. And Israel must make sure all this aid reaches the Palestinians in Gaza without delay.”
28-Apr-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/04/28/readout-of-president-joe-bidens-call-with-prime-minister-netanyahu-of-israel-4/	Implicit acknowledgement that Israel is restricting aid delivery	Readout of President Joe Biden’s Call with Prime Minister Netanyahu of Israel	The President and the Prime Minister also discussed increases in the delivery of humanitarian assistance into Gaza including through preparations to open new northern crossings starting this week. The President stressed the need for this progress to be sustained and enhanced in full coordination with humanitarian organizations.
6-May-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/05/06/readout-of-president-joe-bidens-call-with-prime-minister-netanyahu-of-israel-5/	Implicit acknowledgement that Israel is restricting aid delivery	Readout of President Joe Biden’s Call with Prime Minister Netanyahu of Israel	The Prime Minister agreed to ensure the Kerem Shalom crossing is open for humanitarian assistance for those in need.
20-May-2024	https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/05/20/remarks-by-president-biden-and-second-gentleman-douglas-emhoff-at-a-celebration-for-jewish-american-heritage-month/	Biden suggests US participation in non-hostage related combat support	Remarks by President Biden and Second Gentleman Douglas Emhoff at a Celebration for Jewish American Heritage Month	“We stand with Israel to take out Sinwar and the rest of the butchers of Hamas. (Applause.) We want Hamas defeated. We’ll work with Israel to make that happen.”
14-Jun-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/06/14/g7-leaders-statement-8/	Implicit acknowledgement that Israel is restricting aid delivery, calls civilian losses unacceptable	G7 Apulia Leaders’ Communiqué	Note with great concern the unacceptable number of civilian casualties especially women and children. ... We urge all parties to facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, in particular women and children. Securing full, rapid, safe, and unhindered humanitarian access in all its forms, consistent with international humanitarian law, and through all relevant land crossing points, including the Rafah crossing, through maritime delivery routes, including through Ashdod Port, and throughout all of Gaza remains an absolute priority. We agree it is critical that UNRWA and other UN organizations and agencies’ distribution networks be fully able to deliver aid to those who need it most, fulfilling their mandate effectively.

	25-Jul-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/07/25/readout-of-president-joe-bidens-meeting-with-prime-minister-netanyahu-of-israel/	Explicit acknowledgement that Israel is restricting aid	Readout of President Joe Biden's Meeting with Prime Minister Netanyahu of Israel	The President also raised the humanitarian crisis in Gaza, the need to remove any obstacles to the flow of aid and restoring basic services for those in need, and the critical importance of protecting civilian lives during military operations.
	12-Aug-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/08/12/joint-statement-from-the-united-states-united-kingdom-france-germany-and-italy-on-the-middle-east/	Multilateral statement implicitly acknowledging Israel blocking aid	Joint Statement from the United States, United Kingdom, France, Germany, and Italy on the Middle East	All parties must live up to their responsibilities. In addition, unfettered delivery and distribution of aid is needed.
	3-Oct-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/10/03/g7-leaders-statement-on-recent-developments-in-the-middle-east/	Implicit acknowledgement that Israel is restricting aid delivery, calls civilian losses unacceptable	G7 Leaders' Statement on Recent Developments in the Middle East	The situation in Gaza is catastrophic, and tens of thousands of innocent lives have been lost. We reiterate the absolute need for the civilian population to be protected and that there must be full, rapid, safe, and unhindered humanitarian access, as a matter of absolute priority.
	9-Oct-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/10/09/readout-of-president-joe-bidens-call-with-prime-minister-netanyahu-of-israel-9/	Expresses dismay at humanitarian situation	Readout of President Joe Biden's Call with Prime Minister Netanyahu of Israel	The President also discussed the humanitarian situation in Gaza and the imperative to restore access to the north, including by reinvigorating the corridor from Jordan immediately.

SECRETARY OF STATE ANTONY BLINKEN					
	12-Oct-2023	https://www.state.gov/secretary-antony-j-blinken-at-a-press-availability-39/	Need to follow IHL	Secretary Antony J. Blinken At a Press Availability	<p>“We did discuss ways to address the humanitarian needs of people living in Gaza, to protect them from harm while Israel conducts its legitimate security operations to defend itself from terrorism and to try to ensure that this never happens again.</p> <p>...</p> <p>for democracies like the United States, like Israel, it’s vitally important that we respect and follow international law, humanitarian law, the law of war, as applicable. And it’s a standard that we hold ourselves to and it’s a standard that we look to, including if and when we fall short of it.”</p>
	13-Oct-2023	https://www.state.gov/secretary-antony-j-blinken-with-qatari-prime-minister-and-minister-of-foreign-affairs-abdulrahman-al-thani-at-a-joint-press-availability/	Recalls urging Israel to avoid civilian harm	Secretary Antony J. Blinken With Qatari Prime Minister and Minister of Foreign Affairs Mohammed Bin Abdulrahman Al Thani At a Joint Press Availability	<p>“As Israel continues to respond to Hamas’s devastating attack, the United States will ensure that it has what it needs to defend its people.</p> <p>...</p> <p>We continue to discuss with Israel the importance of taking every possible precaution to avoid harming civilians</p> <p>...</p> <p>At the same time, the way Israel does this matters. The way any democracy must deal with such a situation matters. And to that end, we’ve discussed with the Israelis - urged the Israelis - to use every possible precaution to avoid harm to civilians.</p> <p>...</p> <p>What Israel is doing is not retaliation. What Israel is doing is defending the lives of its people and, as I said, trying to make sure that this cannot happen again. And I think any country faced with what Israel has suffered would likely do the same thing. Imagine if this had happened in the United States. So that’s what is happening.”</p>
	15-Oct-2023	https://www.state.gov/secretary-antony-j-blinken-remarks-to-the-press-12/	Values of human life. How you defend yourself matters.	Secretary Antony J. Blinken Remarks to the Press	<p>“As I said in Tel Aviv, as President Biden has said, the way that Israel does this matters. It needs to do it in a way that affirms the shared values that we have for human life and human dignity, taking every possible precaution to avoid harming civilians.</p> <p>...</p> <p>We are now very actively engaged with countries in the region, with the United Nations, with Israel, to make sure, to the best of our ability, that people can get out of harm’s way and that the assistance they need - the food, water, medicine - can get in.”</p>

	16-Oct-2023	https://www.state.gov/secretary-antony-j-blinken-remarks-to-the-press-on-president-bidens-upcoming-trip-to-israel-and-agreement-with-israel-to-develop-a-humanitarian-aid-plan-for-gaza/	Says Biden coming to Israel to hear how Israel is going to minimize civilian strategies	Secretary Antony J. Blinken Remarks to the Press on President Biden's Upcoming Trip to Israel And Agreement with Israel to Develop a Humanitarian Aid Plan for Gaza	<p>“The President will hear from Israel how it will conduct its operations in a way that minimizes civilian casualties and enables humanitarian assistance to flow to civilians in Gaza in a way that does not benefit Hamas.</p> <p>To that end, today, and at our request, the United States and Israel have agreed to develop a plan that will enable humanitarian aid from donor nations and multilateral organizations to reach civilians in Gaza - and them alone - including the possibility of creating areas to help keep civilians out of harm's way. It is critical that aid begin flowing into Gaza as soon as possible.”</p>
	20-Oct-2023	https://www.state.gov/secretary-antony-j-blinken-remarks-to-the-press-13/	Asked if Israel is operating in compliance with IHL, says assessments will come later	Secretary Antony J. Blinken Remarks to the Press	“There will be plenty of time to make assessments about how these operations were conducted, but I can just say for the part of the United States that this continues to be important to us.”
	24-Oct-2023	https://www.state.gov/secretary-antony-j-blinken-at-the-un-security-council-ministerial-meeting-on-the-situation-in-the-middle-east/	Israel must take all possible precautions. Humanitarian aid must be able to flow. No heirarchy of civilian lives.	Secretary Antony J. Blinken At the UN Security Council Ministerial Meeting on the Situation in the Middle East	<p>“We know Hamas does not represent the Palestinian people, and Palestinian civilians are not to blame for the carnage committed by Hamas. Palestinian civilians must be protected.</p> <p>...</p> <p>It means Israel must take all possible precautions to avoid harm to civilians. It means food, water, medicine, and other essential humanitarian assistance must be able to flow into Gaza and to the people who need them. It means civilians must be able to get out of harm's way. It means humanitarian pauses must be considered for these purposes.</p> <p>...</p> <p>At the heart of our efforts to save innocent lives in this conflict and in every conflict, for that matter, is our core belief that every civilian life is equally valuable. There is no hierarchy when it comes to protecting civilian lives. A civilian is a civilian is a civilian, no matter his or her nationality, ethnicity, age, gender, faith.”</p>

	31-Oct-2023	https://www.state.gov/opening-remarks-by-secretary-antony-j-blinken-before-the-senate-appropriations-committee-on-a-review-of-the-national-security-supplemental-request/	Describe defense support since 7 Oct	Opening Remarks by Secretary Antony J. Blinken Before the Senate Appropriations Committee On “A Review of the National Security Supplemental Request”	<p>“[on new money for Israel] ensure that Israel can continue to defend its people by building up the diplomatic, security, and intelligence support that the United States has surged since Hamas’s appalling slaughter. ...</p> <p>I was saying the President and I have both stressed in our conversations with the Israeli government the need for Israeli to operate by the law of war and in accordance with international humanitarian law, and to take all possible measures to avoid civilian casualties.”</p>
	2-Nov-2023	https://www.state.gov/secretary-antony-j-blinken-remarks-to-the-press-14/	Describes importance protecting civilians and expectations of Israel	Secretary Antony J. Blinken Remarks to the Press	<p>“We will focus as well on steps that need to be taken to protect civilians who are in a crossfire of Hamas’s making, and we want to look at concrete steps that can be taken to better protect them.</p> <p>We’ve seen in recent days Palestinian civilians continuing to bear the brunt of this action, and it’s important and the United States is committed to making sure everything possible is done to protect civilians. ...</p> <p>we will be talking about concrete steps that can and should be taken to minimize harm to men, women, and children in Gaza. And this is something that the United States is committed to. I’m not going to get into the details here, but it’s very much on the agenda.”</p>

	3-Nov-2023	https://www.state.gov/secretary-antony-j-blinken-at-a-press-availability-40/	<p>Recalls giving Israel advice on minimizing civilian harm, stressing need to operate according to IHL, the need to increase aid into Gaza</p>	<p>Secretary Antony J. Blinken At a Press Availability</p>	<p>“We’ve been clear that as Israel conducts its campaign to defeat Hamas, how it does so matters. It matters because it’s the right and lawful thing to do. It matters because failure to do so plays into the hands of Hamas and other terror groups.</p> <p>...</p> <p>We’ve provided Israel advice that only the best of friends can offer on how to minimize civilian deaths while still achieving its objectives of finding and finishing Hamas terrorists and their infrastructure of violence. Today, I spoke with Prime Minister Netanyahu and other senior officials about concrete steps to do that.</p> <p>President Biden has consistently stressed the need for Israel to operate according to international humanitarian law. I also emphasized that the protection of civilians must take place not just in Gaza, but also in the West Bank, where incitement and extremist violence against Palestinians must be stopped - and perpetrators held accountable.</p> <p>Third, we need to substantially and immediately increase the sustained flow of humanitarian assistance into Gaza, and getting American citizens and other foreign nationals out of Gaza.</p> <p>Since we reached agreement with Israel, Egypt, and the United Nations two weeks ago on mechanisms to enable humanitarian aid to begin reaching civilians in need, we have scaled up deliveries. We’ve gone from zero to now over 100 trucks going into Gaza through the Rafah Crossing every day. But this is still not enough.</p> <p>I spoke to Israeli leaders about tangible steps that can be taken to increase the sustained delivery of food, water, medicine, fuel, and other essential needs while putting in place measures to prevent diversion by Hamas and other terrorist groups. We’ve identified mechanisms to enable fuel to reach hospitals and other needs in the south.</p> <p>...</p> <p>We’ve agreed to have our teams continue to discuss practical solutions. I’ve instructed our Special Envoy</p>
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	3-Nov-2023	https://www.state.gov/secretary-antony-j-blinken-and-israeli-president-isaac-herzog-before-their-meeting-6/	Responding to Israeli president saying that Palestinian civilians need to leave so that Israel can follow IHL, Blinken repeats "how Israel does this matters"	Secretary Antony J. Blinken and Israeli President Isaac Herzog Before Their Meeting	"As you've just made clear, how Israel does this matters. And it is very important that when it comes to the protection of civilians who are caught in a crossfire of Hamas's making that everything be done to protect them and to bring assistance to those who so desperately need it and who are not in any way responsible for what happened on October 7th"
	4-Nov-2023	https://www.state.gov/secretary-antony-j-blinken-egyptian-foreign-minister-sameh-shoukry-and-jordanian-deputy-prime-minister-and-foreign-minister-ayman-safadi-at-a-joint-press-availability/	Recalls conveying specific steps Israel should take to prevent civilian casualties, "intense" focus on getting aid in	Secretary Antony J. Blinken, Egyptian Foreign Minister Sameh Shoukry, and Jordanian Deputy Prime Minister and Foreign Minister Ayman Safadi At a Joint Press Availability	"Israel must take every possible measure to prevent civilian casualties. In my meetings with Israeli officials yesterday, I conveyed additional steps that they can and should take to do just that. ... We are intensely focused on the delivery of humanitarian assistance."
	5-Nov-2023	https://www.state.gov/secretary-antony-j-blinken-remarks-to-the-press-16/	Says aid getting in "grossly insufficient".	Secretary Antony J. Blinken Remarks to the Press	"It's grossly insufficient. So now we're working on raising that significantly so that more aid in a sustained way gets in to Palestinians who need it."

	10-Nov-2023	https://www.state.gov/secretary-antony-j-blinken-remarks-to-the-press-17/	Says much more needs to be done. Discussing concrete steps with GOI.	Secretary Antony J. Blinken Remarks to the Press	<p>“Much more needs to be done to protect civilians and to make sure that humanitarian assistance reaches them. Far too many Palestinians have been killed; far too many have suffered these past weeks. And we want to do everything possible to prevent harm to them and to maximize the assistance that gets to them.</p> <p>To that end, we’ll be continuing to discuss with Israel concrete steps that can be taken to advance these objectives.”</p>
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	30-Nov-2023	https://www.state.gov/secretary-antony-j-blinken-at-a-press-availability-43/	<p>Says current flow of humanitarian aid not enough, repeats "imperative" for Israel to follow IHL, says GOI must put in place civilian protection plans, taking more effective steps to protect civilians, avoiding damage to life-critical infrastructure like hospitals, power stations, water facilities. IL has most sophisticated militaries...is capable of minimizing harm to civilians, has an obligation. "Intent matters but so does the result."</p>	<p>Secretary Antony J. Blinken at a Press Availability</p>	<p>"We continue to surge humanitarian assistance to Palestinian civilians in Gaza. Together with the UN, our partners in the region, we have significantly increased the flow of food, water, medicine, fuel to power desalination plants, hospitals, and other critical infrastructure.</p> <p>Just over the past week, the mechanisms that we helped to negotiate and implement have more than doubled the number of trucks getting Gaza. But this is still not enough to meet the needs of its people, which is why we continue to work urgently to get more aid in and to get it in faster.</p> <p>Sustaining and increasing the flow of humanitarian aid, in particular fuel, restocking stores with commercial goods - these are vital to the lives and livelihoods and well-being of men, women, and children.</p> <p>That's especially true for the most vulnerable parts of the population: children, the elderly, pregnant women, people with disabilities. And it's even more pressing as winter sets in, bringing with it a heightened risk of infectious disease outbreaks. The Government of Israel agrees with the imperative of humanitarian assistance and the need to sustain it.</p> <p>...</p> <p>the way Israel defends itself matters. It's imperative that Israel act in accordance with international humanitarian law and the laws of war, even when confronting a terrorist group that respects neither.</p> <p>In my meetings today with the Prime minister and senior Israeli officials, I made clear that before Israel resumes major military operations, it must put in place humanitarian civilian protection plans that minimize further casualties of innocent Palestinians.</p> <p>That means taking more effective steps to protect the lives of civilians, including by clearly and precisely designating areas and places in southern and central Gaza where they can be safe and out of the line of fire.</p> <p>It means avoiding further significant displacement of</p>
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					<p>civilians inside of Gaza. It means avoiding damage to life-critical infrastructure, like hospitals, like power stations, like water facilities.</p> <p>...</p> <p>Israel has the most sophisticated - one of the most sophisticated militaries in the world. It is capable of neutralizing the threat posed by Hamas while minimizing harm to innocent men, women, and children. And it has an obligation to do so. Ultimately, that's not just the right thing to do, it's also in Israel's security interest. The prime minister and members of the war cabinet agreed with the need for this approach.</p> <p>...</p> <p>As I told the prime minister, intent matters, but so does the result.</p> <p>...</p> <p>Israel understands the imperative of protecting civilians, the imperative of the humanitarian assistance, and we'll continue to work to ensure that that carries forward in practice.</p> <p>And again, as I said to the prime minister, to the war cabinet, intent is obviously where you start and it's vitally important. And I'm very confident in the intent, but results, of course, are fundamentally what matters.</p> <p>...</p> <p>It's an imperative because it's the right thing to do; it's an imperative because it's the necessary thing to do. And again, I come away convinced from my discussions with the Israeli Government that they fully not only understand that, but believe that and will act on it."</p> <p>...</p>
	1-Dec-2023	https://www.state.gov/secretary-antony-j-blinken-remarks-to-the-press-18/	Says it's "imperative" for Israel to protect civilians	Secretary Antony J. Blinken Remarks to the Press	"[...] imperative that Israel put in place clear protections for civilians and for sustaining humanitarian assistance going forward. And as we've seen just today, Israel has already moved out on parts of that, including sending out information, making it clear where people can be in safe areas in Gaza. And we'll be looking at that going forward. It's very, very important."

	7-Dec-2023	https://www.state.gov/secretary-antony-j-blinken-and-united-kingdom-foreign-secretary-david-cameron-at-a-joint-press-availability/	Says Israel not meeting US demands on civilian protection	Secretary Antony J. Blinken and United Kingdom Foreign Secretary David Cameron at a Joint Press Availability	<p>“The United States has made clear that Israel has to make maximum efforts to avoid civilian casualties, even as Hamas continues to use civilians as human shields - and, as well, to sustain and indeed increase the humanitarian assistance that’s going to people who need it - men, women, and children; food, medicine, water, fuel.</p> <p>...</p> <p>it is imperative - it remains imperative - that Israel put a premium on civilian protection, and there does remain a gap between exactly what I said when I was there, the intent to protect civilians, and the actual results that we’re seeing on the ground.”</p>
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	20-Dec-2023	https://www.state.gov/secretary-antony-j-blinken-at-a-press-availability-44/	Discusses Israeli obligation to protect civilians	Secretary Antony J. Blinken at a Press Availability	<p>“We continue to believe that Israel does not have to choose between removing the threat of Hamas and minimizing the toll on civilians in Gaza. It has an obligation to do both and it has a strategic interest to do both.</p> <p>...</p> <p>We believe that, as we’ve said from the outset, Israel has not only a right but an obligation to defend itself and to try to make sure that October 7th never happens again. Any other country in the world faced with what Israel suffered on October 7th would do the same thing. We’ve also said - and we’ve been very clear - that how Israel does it matters and matters tremendously. And there, too, we’ve been very deeply engaged with them to maximize protections for civilians, to maximize humanitarian assistance, to minimize harm to people in Gaza.</p> <p>...</p> <p>We’ve said all along - and we have these conversations almost every day - that it is vitally important how Israel conducts its operations, again, with a focus on protecting civilians, minimizing harm to them, maximizing assistance getting to them.</p> <p>And the last couple of months have been gut-wrenching when you see the suffering of men, women, and especially children in Gaza. That affects each of us - well, let me speak for myself. It affects me very, very deeply, which is why we’re so intent on seeing this through to completion quickly, effectively, and doing everything possible to minimize the harm to those who are caught in a crossfire of Hamas’s making.”</p>
	6-Jan-2024	https://www.state.gov/secretary-antony-j-blinken-remarks-to-the-press-19/	Speaks of imperative to increase aid, protection of civilians	Secretary Antony J. Blinken Remarks to the Press	<p>“So it’s imperative that we see a substantial and sustained increase in the assistance that’s getting to them as well as the protection of civilians in general.”</p>

	7-Jan-2024	https://www.state.gov/secretary-antony-j-blinken-and-qatari-prime-minister-and-minister-of-foreign-affairs-mohammed-bin-abdulrahman-al-thani-at-a-joint-press-availability/	States knowledge of lack of food, says Israel needs to do more to minimize civilian harm. Says "will want to make sure" that Israel uses U.S. weapons in compliance with IHL.	Secretary Antony J. Blinken and Qatari Prime Minister and Minister of Foreign Affairs Mohammed bin Abdulrahman Al Thani at a Joint Press Availability	<p>“Too many Palestinian civilians are suffering from insufficient access to food, to water, to medicine, to other essential supplies - children most of all. We continue to raise with Israel the need to do everything possible to facilitate the provision of humanitarian aid to Gaza, and I will do so again when I’m there later this week. I will also raise the imperative of doing more to prevent civilian casualties. Far too many Palestinians, innocent Palestinians, have already been killed.</p> <p>...</p> <p>The experts that I met with this morning spoke to conditions in Gaza where over 90 percent of the population is facing acute food insecurity, going days and nights without anything to eat. That can cause lifelong, irreversible harm for children. An immediate increase in aid is essential, as is improving deconfliction procedures to ensure its safe and secure delivery, including to northern Gaza.</p> <p>...</p> <p>it is absolutely imperative that more be done, that Israel do more to protect civilians and, with others, enable more humanitarian assistance to get where it’s needed and to whom it’s needed, and that will be one focus of my conversations when I get to Israel.</p> <p>...</p> <p>it’s imperative that in dealing with this very, very difficult challenge, that it do so in a way that puts a premium on protecting civilians and on making sure that people get the assistance they need.</p> <p>...</p> <p>But I think it’s also very, very important that, to the extent operations continue, they be designed around protecting civilians and around getting humanitarian assistance to people need it, not the other way around. And that will also be part of our conversations this week.</p> <p>...</p> <p>any military assistance we provide to any country, including Israel, comes with requirements, including that weapons be used in accordance with international</p>
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					humanitarian law, the laws of war. And that's something that we look at very carefully on an ongoing basis. And we will want to make sure, in this case as in any other case, that any weapons that we provide are used accordingly. That's something that we take very, very seriously, and we'll continue to do so."
	8-Jan-2024	https://www.state.gov/secretary-antony-j-blinken-remarks-to-the-press-20/	Repeats "absolute imperative" to do more to ensure humanitarian aid is distributed	Secretary Antony J. Blinken Remarks to the Press	"I will press on the absolute imperative to do more to protect civilians and to do more to make sure that humanitarian assistance is getting into the hands of those who need it."
	9-Jan-2024	https://www.state.gov/secretary-antony-j-blinken-at-a-press-availability-45/	Acknowledges "acute food insecurity", hungry children, long-term consequences. Israel needs to remove obstacles.	Secretary Antony J. Blinken at a Press Availability	<p>"Time feels different for families in Gaza as well, hundreds of thousands of whom are experiencing acute food insecurity. For the mother or father trying to find something to feed a hungry child, the passage of another day without food is excruciating.</p> <p>...</p> <p>90 percent of Gaza's population continues to face acute food insecurity, according to the United Nations. For children, the effects of long periods without sufficient food can have lifelong consequences.</p> <p>As I underscored in our meetings today, more food, more water, more medicine, other essential goods need to get into Gaza. And then once they're in Gaza, they need to get more effectively to the people who need them.</p> <p>And Israel needs to do everything it can to remove any obstacles from crossings to other parts of Gaza. Improving deconfliction procedures to ensure that the aid can move safely and securely is a critical part of that.</p> <p>...</p> <p>[Asked about Smotrich comment that "there are 2 million Nazis in Gaza] ... doesn't address it."</p>
	17-Jan-2024	https://www.state.gov/secretary-antony-j-blinken-at-a-conversation-with-thomas-friedman/	Says he impressed responsibility to minimize civilian casualties, get in more aid	Secretary Antony J. Blinken At a Conversation with Thomas Friedman	"What we're seeing every single day in Gaza is gut-wrenching. And the suffering we're seeing among innocent men, women, and children breaks my heart. The question is: What is to be done? We've made judgments about how we thought we could be most effective in trying to shape this in ways to get more humanitarian assistance to people, to get better protections, and minimize civilian casualties.

					And at every step along the way, not only have we impressed upon Israel its responsibilities to do that, we've seen some progress in areas where absent our engagement I don't believe it would have happened.”
	7-Feb-2024	https://www.state.gov/secretary-antony-j-blinken-at-a-press-availability-46/	Repeats imperative, obligation for Israel to not block aid, protect civilians	Secretary Antony J. Blinken At a Press Availability	<p>“The imperative of maximizing civilian protection and humanitarian aid to address the ongoing suffering of Palestinian civilians in Gaza.</p> <p>...</p> <p>we have pressed Israel in concrete ways to strengthen civilian protection, to get more assistance to those who need it.</p> <p>...</p> <p>As the largest donor of humanitarian aid to the Palestinians...</p> <p>...</p> <p>as I said to the Prime minister and to other Israeli officials today, the daily toll that its military operations continue to take on innocent civilians remains too high.</p> <p>...</p> <p>Israel must ensure that the delivery of life-saving assistance to Gaza is not blocked for any reason, by anyone.</p> <p>...</p> <p>Israel has the responsibility, has the obligation to do everything possible to ensure that civilians are protected and that they get the assistance they need in the course of this conflict. Any military campaign, military operation that Israel undertakes needs to put civilians first and foremost in mind.”</p>

	13-Mar-2024	https://www.state.gov/secretary-blinkens-remarks-to-the-press-4/	<p>Suggests humanitarian aid has been a secondary concern for Israel, says that with efforts to reduce civilian harm that the results have not been adequate</p>	<p>Secretary Antony J. Blinken and Egyptian Foreign Minister Sameh Shoukry at a Joint Press Availability</p>	<p>“Last week in his State of the Union address, the President directed the United States military to build a temporary pier in Gaza to enable us to help surge humanitarian assistance to those who so desperately need it. ... It is a complement to - not a substitute for - other ways of getting humanitarian assistance into Gaza. And, in particular, overland routes remain the most critical way to get assistance in and then to people who need it. ... As you know, the United States has been leading efforts from the very beginning to try to ensure that assistance gets to those who need it. We’ve had significant ups and downs, periods of interruption, disruption. ... So, there’s movement, and we’ve - and it’s positive, but it remains insufficient. Israel still needs to... ... The President has made clear that ensuring the supply of humanitarian assistance, doing everything possible to protect civilians, has to be a priority. It can’t be a secondary consideration. ... So, to that end, I would simply say where there’s a will, there’s a way. We look to the Government of Israel to make sure that this is a priority: protecting civilians, getting people the assistance they need. That has to be job number one even as they do what is necessary to defend the country and to deal with the threat posed by Hamas. ... The President’s been very clear: This has to be a priority, and it has to be a priority for Israel. It’s the right thing to do; it’s also, I think, profoundly in Israel’s interests to do it. And that’s what we’re working on. ... And as I’ve said for some time, we see a gap between the</p>
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					<p>intent and the result that we're determined - every single day - to close. ...</p> <p>[GOI has an obligation] It means making sure that if there's a supply mission, a convoy, trucks going to a particular place at a particular time, that the Israeli military does everything in - possible to ensure its secure passage." ...</p>
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	21-Mar-2024	https://www.state.gov/secretary-antony-j-blinken-and-egyptian-foreign-minister-sameh-shoukry-at-a-joint-press-availability-2/	<p>Demonstrates knowledge of food insecurity, says Israel needs to do more</p>	<p>Secretary Antony J. Blinken and Egyptian Foreign Minister Sameh Shoukry at a Joint Press Availability</p>	<p>“A hundred percent - a hundred percent of the population of Gaza is experiencing severe levels of acute food insecurity. We cannot, we must not allow that to continue. ... this pier, is a complement to, not a substitute for, other means of getting assistance to people who need it. And in particular the land crossings are the most critical means of getting aid to those in need. ... Israel needs to do more.” ... QUESTION: “But no military assistance will be stopped?” ... SECRETARY BLINKEN: “I’m not going to get into hypotheticals about the future. We’re focused on the present, which is meetings that we planned next week, again, to make clear why we think it would be a mistake to engage in major military operations in Rafah, but also why there’s a false choice involved. It is possible and, indeed, necessary to deal with the ongoing threat posed by Hamas, but without a major military operation. That’s what we want to discuss with our Israeli counterparts next week. ... Finally, the paradox that you - look, we’re committed to Israel’s right to defend itself and to making sure that it has what it needs to defend itself and to make sure that October 7th never happens again. We’re also committed to doing everything we possibly can to help people who are in harm’s way, to protect them from harm if we can, and to give them the assistance they need wherever they are, including in Gaza. These are distinct things, and you’ve heard our determination - our shared determination - among all the partners about the urgency of getting more assistance to more people more effectively.”</p>
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	2-Apr-2024	https://www.state.gov/secretary-antony-j-blinken-and-french-foreign-minister-stephane-sejourne-at-a-joint-press-availability/	<p>Acknowledges record number of journalists killed, repeats "absolute imperative" to protect civilians, says Israeli efforts to comply with IHL have been insufficient</p>	<p>Secretary Antony J. Blinken and French Foreign Minister Stéphane Séjourné at a Joint Press Availability</p>	<p>"The victims of yesterday's strike join a record number of humanitarian workers who have been killed in this particular conflict. ...</p> <p>And as we have throughout this conflict, we've impressed upon the Israelis the absolute imperative of doing more to protect innocent civilian lives, be they Palestinian children, women, and men or be they aid workers, as well as to get more humanitarian assistance to more people, more effectively. ...</p> <p>These arms transfers, every single one, happen consistent with statutory and policy requirements. That includes both informal and formal notifications to Congress, and it's what we do with every country with whom we have a defense relationship that involves the sale or transfer of arms.</p> <p>Now, the other important piece of context is this: With Israel - and this is also true of other countries - there are a number of open cases, open requests of previously notified cases which has not been fully fulfilled or completed. In the case of Israel, for example, there are many requests that were made and were notified to Congress and agreed to that go back a decade or more. And it takes time, often, to produce the materiel or the weapons in question, the parts, et cetera. These complex systems, simply put, can take years to actually allow us to fulfill the request and the agreement.</p> <p>So many of the cases that you occasionally report on now underwent congressional review years ago and were notified years ago, well before the conflict in Gaza started. ...</p> <p>We, of course, also go out of our way to make sure that we're actually going above and beyond the law and what's required in briefing Congress. We go to the relevant oversight committees. We make sure that they're aware of ongoing transfers above the statutory threshold, even ones that they've approved a long time ago and even when there's no requirement that there be additional notice or additional approval of any kind.</p>
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					<p>Now, we've been focused on trying to make sure that October 7th can never happen again. But having said that, the security relationship we have with Israel is not just about Gaza, Hamas, October 7th. It's also about the threats posed to Israel by Hizballah, by Iran, by various other actors in the region, each one of which has vowed one way or another to try to destroy Israel.</p> <p>So the weapons, the systems that Israel has sought to acquire - and as I said, have been contracted in many cases over many, many years - go to self-defense. They go to deterrence, trying to avoid more conflicts. They go to replenishment of their supplies and their stocks.</p> <p>So that's the system that's in place, has been in place for a long time, and one that continues.</p> <p>Now, as to the conflict in Gaza, from day one, we have worked to impress upon Israel the imperative of protecting civilians, of adhering fully to international humanitarian law, to the law of armed conflict. That is something that we are looking at and review on a regular basis, and that we're engaged with Israel on on a regular basis, including as recently as yesterday when we met with - by video with the Israeli delegation.</p> <p>...</p> <p>they've taken steps. But it is, simply put, insufficient. It is not enough to meet the needs of the children, the women, the men in Gaza who remain caught in a horrific crossfire of Hamas's making.</p> <p>So in our conversations with the Israeli Government, including just last week when the defense minister was in Washington and just yesterday when we were on a video conference with Israeli counterparts, we impressed again upon them the imperative of now surging and sustaining assistance, and not only getting it into Gaza but, within Gaza, getting it to everyone who needs it, including in the north, where, as you know, the conditions are the most challenged and where World Central Kitchen was laboring to get assistance to people."</p>
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	4-Apr-2024	https://www.state.gov/secretary-antony-j-blinken-at-a-solo-press-availability/	<p>Says that aid getting into Gaza "woefully insufficient," says U.S. communicated specific steps Israel should take to reduce civilian harm</p>	<p>Secretary Antony J. Blinken at a Solo Press Availability</p>	<p>"I also underscored Israel's moral, strategic, and legal requirements to protect civilians and provide humanitarian assistance to those who needed it. ...</p> <p>Despite important steps that Israel has taken to allow assistance into Gaza, the results on the ground are woefully insufficient and unacceptable. A hundred percent of the population in Gaza knows acute levels of food insecurity. A hundred percent of the population is in need of humanitarian assistance. ...</p> <p>The president...made clear the need for Israel to announce a series of specific, concrete, and measurable steps to address civilian harm, humanitarian suffering, and the safety of aid workers. He made clear that U.S. policy with respect to Gaza will be determined by our assessment of Israel's immediate action on these steps. ...</p> <p>there is no higher priority in Gaza than protecting civilians, surging humanitarian assistance, and ensuring the security of those who provide it. Israel must meet this moment. ...</p> <p>And with regards to our policy in Gaza, look, I'll just say this: If we don't see the changes that we need to see, there'll be changes in our own policy."</p>
	5-Apr-2024	https://www.state.gov/secretary-antony-j-blinken-remarks-to-the-press-23/	<p>Says Israeli military operations need to be designed around protection of civilians, "not the other way around"</p>	<p>Secretary Antony J. Blinken Remarks to the Press</p>	<p>"As Israel pursues any military operations against Hamas, it has to prioritize the protection of civilians. It has to make that job number one. Too many people have been caught in this crossfire of Hamas' making - children, women, men losing their lives. Their safety has to be a priority, and military operations need to be designed around their protection, not the other way around.</p> <p>So we'll be looking at all of this in the days to come. And we'll be, as I said, assessing fully the report on the World Central Kitchen incident, and we're looking to see not just what steps are being taken but the results that follow from them"</p>

	9-Apr-2024	https://www.state.gov/secretary-antony-j-blinken-and-united-kingdom-foreign-secretary-david-cameron-at-a-joint-press-availability-2/	Describes aid getting into Gaza "manifestly insufficient"	Secretary Antony J. Blinken and United Kingdom Foreign Secretary David Cameron at a Joint Press Availability	<p>"What matters is results, and sustained results ...</p> <p>How Israel conducts any further operations in Gaza matters a great deal. ...</p> <p>we've been, again, very clear, starting with the President. We need to see the - not just the commitments, not just the implementation of the commitments, but actual results, and results that are sustained, and sustained throughout Gaza, not only in the south or in central Gaza. ...</p> <p>This needs to not only happen, not only need to be sustained, but it just needs to continue as long as it's necessary to provide for people in Gaza. It's as simple and as straightforward as that. ...</p> <p>it has manifestly not been enough - far from it. The results simply have not been there. And even if the intent was, it's the results that count. And it was clear from everything that we continue to see that we have to - have to have change - have to have change that results in people getting the assistance they need throughout Gaza. "</p>
	19-Apr-2024	https://www.state.gov/secretary-antony-j-blinken-at-a-solo-press-availability-2/	Need to see sustained results	Secretary Antony J. Blinken At a Solo Press Availability	<p>"We have seen important steps over the last couple of weeks, with more crossings opening, more aid getting in, more aid getting around, but we need to see sustained results. And we need, in particular, to make sure that there is distribution throughout Gaza. ...</p> <p>[Iran context] Israel makes its own decisions, but we have a commitment to defending it."</p>
	22-Apr-2024	https://www.state.gov/secretary-antony-j-blinken-on-the-2023-country-reports-on-human-rights-practices/	Monitoring and accountability re use of US weapons and alleged war crimes	Secretary Antony J. Blinken On the 2023 Country Reports on Human Rights Practices	<p>"I think that's the most important thing, that any of our democracies have to make sure that we're policing ourselves, holding ourselves to the standards that we're asking of others. I believe Israel is in the process of doing that based, on knowledge of open investigations that they have. And as I said, when incidents are brought to our attention, we look at them, and particularly if there's a possibility that U.S. arms were used in those incidents."</p>

	29-Apr-2024	https://www.state.gov/secretary-antony-j-blinken-at-a-meeting-with-foreign-ministers-of-the-gulf-cooperation-council-member-states-2/	Any country would do the same. This is not retaliation.	Secretary Antony J. Blinken At a Meeting with Foreign Ministers of the Gulf Cooperation Council Member States	<p>“As Israel continues to respond to Hamas’s devastating attack, the United States will ensure that it has what it needs to defend its people. ... We continue to discuss with Israel the importance of taking every possible precaution to avoid harming civilians ... At the same time, the way Israel does this matters. The way any democracy must deal with such a situation matters. And to that end, we’ve discussed with the Israelis - urged the Israelis - to use every possible precaution to avoid harm to civilians. ... What Israel is doing is not retaliation. What Israel is doing is defending the lives of its people and, as I said, trying to make sure that this cannot happen again. And I think any country faced with what Israel has suffered would likely do the same thing. Imagine if this had happened in the United States. So that’s what is happening.”</p>
	29-Apr-2024	https://www.state.gov/secretary-antony-j-blinken-at-a-conversation-with-world-economic-forum-president-borge-brende/	Focus on maximizing protection of civs, provision of aid	Secretary Antony J. Blinken at a Conversation with World Economic Forum President Borge Brende	<p>“We are determined to do everything we can to bring an end to the terrible human suffering that we’re seeing every single day in Gaza among children, women, men, who have been caught in a terrible crossfire of Hamas’s making. And so maximizing protection of civilians, maximizing the support that gets to them - this is very much our focus.”</p>

	30-Apr-2024	https://www.state.gov/secretary-antony-j-blinken-remarks-to-press/	Says increasing humanitarian aid into Gaza has been the focus of every visit to Israel since the war started, says that there are steps Israel must take that it hasn't	Secretary Antony J. Blinken Remarks to Press	<p>“Since October 7th and the conflict between Israel and Hamas, we’ve put a focus on trying to make sure that those so desperately in need in Gaza get the humanitarian assistance they require. And this has been part of our work every single day. It’s also been the focus of every single one of my trips to the region.</p> <p>The United States remains the largest provider of humanitarian assistance and assistance in general to the Palestinian people, but we’re determined that people get the assistance that they need.</p> <p>...</p> <p>In their recent conversations, including on April 4th, President Biden has made clear to Prime Minister Netanyahu and the Israeli Government the imperative of taking concrete, measurable steps to improve the delivery of humanitarian assistance to those who need it as well as to protect civilians and those who are delivering the assistance to people in need.</p> <p>...</p> <p>And it’s clear that there are some things that need to happen that haven’t happened that - to really maximize these efforts and maximize the impact, not just the inputs.”</p>
	1-May-2024	https://www.state.gov/secretary-antony-j-blinken-at-a-press-availability-49/	Admits that it took months for GOI to release flour shipment from Ashdod port. Progress is real but needs to be accelerated and sustained. Notes importance of healthcare and facilities, sanitation and water, etc.	Secretary Antony J. Blinken at a Press Availability	<p>“And this has been, as I said, a priority for the President from day one. It’s been a focus of every trip that I’ve taken to the region, and this is now, I think, my seventh since October 7th.</p> <p>We have seen in recent weeks real, meaningful progress that is starting to make a difference for people in Gaza.</p> <p>...</p> <p>and it’s a pretty good example of all the efforts that the President has been making on this. Back in February, he requested of Israel that they allow flour to come through Ashdod, and as a result we had U.S. flour going to Gaza, enough to feed a hundred - 1.5 million Gazans for five months. Now we’re getting all other items coming here through Ashdod, and they’ll be going to Gaza.</p> <p>So we’re seeing, as I said, real, demonstrable</p>

				<p>progress. I discussed that today as well with the minister of defense as well as the army chief of staff and all those working on the Israeli side to make sure that assistance is moving and flowing to Gaza. And we got a detailed briefing on that. We had the senior UN coordinator, Sigrid Kaag, with us, who's playing an instrumental role, along with many UN agencies.</p> <p>So the progress is real, but given the need, given the immense need in Gaza, it needs to be accelerated, it needs to be sustained. And as we focus on all of the necessary inputs, the number of trucks that are moving, what matters the most is the impact, and we're focused on measuring that, making sure that people are actually getting what they need, that it's being delivered to them.</p> <p>...</p> <p>Besides the food, it's hugely important that everything people need for their basic well-being is provided and provided effectively. Safe water to drink, medicine when you're sick, access to hospitals and health care facilities if you need urgent care - all of these things are absolutely vital, and again, we're seeing progress. The water pipelines that had been cut off or had been destroyed or had other challenges are being restored. That's good, but then once within Gaza, we have to make sure that the distribution works, and that requires some work inside of Gaza itself, including with the Palestinian Water Authority."</p>
	31-May-2024	https://www.state.gov/secretary-antony-j-blinken-at-a-solo-press-availability-3/	Describes humanitarian situation as dire., notes positive changes but net effect not there. Impact is what matters.	Secretary Antony J. Blinken At a Solo Press Availability <p>"With regard to Gaza and the humanitarian situation, the humanitarian situation remains dire for people in Gaza. We've seen changes, some positive changes, but the net effect is not there.</p> <p>...</p> <p>If you look at the number of trucks that are actually getting to Gaza and going in, it's up significantly, but distribution within Gaza is not working effectively.</p> <p>...</p> <p>So the focus that we have, continue to have, and are working on intensely every day is, again, making sure that we're not just measuring inputs - we're measuring impact. And yes, the impact remains insufficient in</p>

					terms of addressing the acute needs of children, women, and men in Gaza. But it's a moving story every day as we're working intensely to make sure that the different access points are working and then distribution within Gaza is working more effectively. And that's what we're focused on."
	10-Jun-2024	https://www.state.gov/secretary-antony-j-blinken-at-a-press-availability-50/	Says more aid is "absolutely essential"	Secretary Antony J. Blinken's Remarks to the Press	<p>"In terms of civilian suffering, civilian casualties, civilian injuries, the humanitarian assistance, again, the most immediate answer to that question, the best way to ensure that there's not another civilian casualty, is for this ceasefire deal to go forward, for Hamas to accept it. It's as basic and as simple as that. That's what's on the table now; that's what we need to see an answer to. That's what would end the conflict in Gaza; that's what would prevent more civilian casualties.</p> <p>...</p> <p>deal or no deal, it remains absolutely essential that we get more aid to Palestinians who need it, that that aid gets around and distributed to those who are so desperately in need of it, and that we continue to work on protecting civilians and get them out of harm's way."</p>
	11-Jun-2024	https://www.state.gov/secretary-antony-j-blinken-at-the-call-for-action-urgent-humanitarian-response-for-gaza-conference/	Expresses understanding of what's going on – hunger, assaults on hostpitals, humanitariann workers killed. Says GOI can do more, must speed up inspection of trucks, reduce civ casualties.	Secretary Antony J. Blinken At the "Call for Action: Urgent Humanitarian Response for Gaza" Conference	<p>"Ninety-five percent of people there cannot access clean drinking water. Hunger is everywhere. Virtually everyone in Gaza depends on aid to survive.</p> <p>Most of Gaza's sanitation system has been destroyed. Fewer than a dozen of Gaza's 40 hospitals are open.</p> <p>And - as we know and have heard - more than 270 humanitarian workers have been killed.</p> <p>...</p> <p>The United States has for decades been the largest single country provider of assistance for Palestinians.</p> <p>...</p> <p>Second, let's work together to ensure that more aid gets into Gaza, and once it's in Gaza, reaches the people who need it the most - by land, by air, by sea.</p> <p>...</p> <p>Particularly in recent months, Israel has taken some important steps to open more crossings, to address obstacles to the delivery of assistance. But it can and must do more.</p>

					<p>As we've conveyed directly to the Israeli Government, it is crucial to speed up the inspection of trucks and reduce backlogs; to provide greater clarity on - and shorten the list of - prohibited goods; to increase visas for aid workers and to process them more quickly; to create clearer, more effective channels for humanitarian groups to de-conflict with IDF operations; to surge lifesaving medicine and equipment; to provide everything necessary to repair water and sanitation systems.</p> <p>And Israel must take further steps to reduce civilian casualties - even as it confronts an enemy that started this war with the barbaric slaughter of civilians on October 7th, an enemy that conducts operations from schools, from hospitals, from camps of displaced families, an enemy that cynically hides behind or underneath the people it purports to represent."</p>
	12-Jun-2024	https://www.state.gov/secretary-antony-j-blinken-and-qatari-prime-minister-and-minister-of-foreign-affairs-mohammed-bin-abdulrahman-al-thani-at-a-joint-press-availability-3/	Says the administration is determined and insists that Israel adhere to IHL.	Secretary Antony J. Blinken And Qatari Prime Minister and Minister of Foreign Affairs Mohammed bin Abdulrahman Al Thani At a Joint Press Availability	<p>"And I've said this before, but I'll say it again: the biggest poison in our common well that we all have to drink from is dehumanization, the inability to see the humanity in someone else. And when that happens, when hearts get hardened, it's very hard to do anything; it's very easy to justify anything. So we have to push beyond that, and the most important way to do that is to always have in mind what little girls, little boys, women, men are going through as we speak.</p> <p>...</p> <p>we look and continue to look very carefully at international humanitarian law, at laws of armed conflict, human rights, and we have a number of our own processes within the U.S. administration, including within my own department, to assess whether Israel or any other combatant in any other conflict is adhering to those. And as you know, we put out a report a few weeks ago that went through in some detail a number of incidents that had been raised both in terms of the loss of life and killing of people as well as the provision of humanitarian assistance. It's a very well documented report, and we continue to do the work to make our own assessments. I haven't seen the most recent - the most recent - I think you said UN report that you referred to, but of course we'll look at that.</p> <p>Again, the - as I just said, we are determined and insist that Israel or any other country adhere to</p>

					international humanitarian law, the laws of armed conflict, uphold human rights, not - does not commit gross violations of those rights, and that remains and will always remain a policy and the focus that we bring to it every day, including doing our own investigations of incidents that come up in the course of this war.”
	19-Aug-2024	https://www.state.gov/secretary-antony-j-blinken-remarks-to-the-press-27/	Says increase in humanitarian conditions "absolutely imperative."	Secretary Antony J. Blinken Remarks to the Press	“I had a detailed discussion with the defense minister, with the head of the military on steps that need to be taken - must be taken - to continue to try to improve the situation for Palestinians in Gaza. ... even in the absence of a ceasefire, this is an absolute imperative.”
	20-Aug-2024	https://www.state.gov/secretary-antony-j-blinken-remarks-to-the-press-28/	Says time is of the essence of for Palestinian civilians	Secretary Antony J. Blinken Remarks to the Press	“Time is of the essence because every single day women, children, men in Gaza are suffering without access to adequate food, medicine, and at risk of being wounded or dying in fighting that they didn’t start and they cannot stop.”
	11-Oct-2024	https://www.state.gov/secretary-antony-j-blinken-at-a-press-availability-53/	Repeats "imperative" of getting more aid into Gaza, notes obligation to ensure compliance with IHL	Secretary Antony J. Blinken at a Press Availability	“There’s also obviously deep concern that we share about the plight of children, women, and men in Gaza who for now a year have been caught in the terrible crossfire of Hamas’s instigation. And for us this has been a constant area of emphasis, trying to make sure that they’re getting the assistance that they desperately need, and we’re intensely focused on that question now. And I have real concern about the inadequacy of the assistance that’s getting to them. This is particularly true in the north but not exclusively in the north. So we’ve been very directly engaged with Israel on the imperative of addressing the humanitarian needs of people in Gaza. And when it comes to the law, I’ll simply repeat what I’ve said all along: We will apply the law. I have a continuous obligation to ensure that assistance we’re providing is done in accordance with the law - whether it’s the Leahy law, whether it’s international humanitarian law, whether it’s other things that we’re responsible for. And I’ve also made clear and we’ve made clear that that’s an ongoing responsibility and one that I take very seriously.”

	23-Oct-2024	https://www.state.gov/secretary-antony-j-blinken-remarks-to-the-press-30/	<p>Notes backsliding after previous demands for humanitarian measures, expectation that IL not wait until last minute to start making changes. Asked if embargo is an empty threat, says committed to follow the law.</p>	<p>Secretary Antony J. Blinken Remarks to the Press</p>	<p>“It’s absolutely essential that humanitarian assistance get to the people who need it in Gaza. And as you know, a couple of weeks ago Secretary Austin and I wrote to the defense minister, the strategic affairs minister with a list of things that need to happen in order for assistance to get more effectively to people who need that assistance. So we went over that in some detail yesterday, and I can report that there’s progress made, which is good, but more progress needs to be made. And most critically, it needs to be sustained. We’ve had periods before where the Israelis have increased what they’re doing only to see it fall back. So we’re tracking this very, very, very carefully, and we went over it in some detail.</p> <p>...</p> <p>And we’ve told them very clearly in the letter that we expect these steps to be taken within 30 days but starting immediately.</p> <p>...</p> <p>we saw the improvements in April, and then we saw it go on a downward trajectory again. That’s what caused Secretary Austin and I to write again. That’s what’s causing us right now to have this intense focus, even as we’re trying to get to an end of conflict in Gaza, bring the hostages home, even as we’re dealing with Lebanon, even as we’re dealing with Iran”.</p> <p>...</p> <p>Q: “Is it an empty threat to withhold the weapons, as is congressionally mandated by law?”</p> <p>B: “am determined to follow the law. I will follow the law.”</p>
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	31-Oct-2024	https://www.state.gov/secretary-antony-j-blinken-secretary-of-defense-loyd-j-austin-iii-republic-of-korea-minister-of-foreign-affairs-cho-tae-yul-and-republic-of-korea-minister-of-defense-kim-yong-hyun-at-a-joint-pre/	<p>Says the U.S. is tracking Israeli compliance with the law; notes insufficient progress. Says in the past he has seen progress that was only temporary.</p>	<p>Secretary Antony J. Blinken Secretary of Defense Lloyd J. Austin III, Republic of Korea Minister of Foreign Affairs Cho Tae-yul, and Republic of Korea Minister of Defense Kim Yong-hyun at a Joint Press Availability</p>	<p>“And with regard to Gaza, I can tell you a couple of things. First, both of us and our teams are tracking very carefully Israel’s responsibilities to meet the letter of the law as we sent it jointly to our Israeli counterparts with regard to the provision of humanitarian assistance. And there’s been real progress, but insufficient, and we’re working on a daily basis to make sure that Israel does what it must do to ensure that this assistance gets to people who need it inside of Gaza. It’s not enough to get trucks to Gaza; it’s vital that what they bring with them can get distributed effectively inside of Gaza. ... So we’re very focused on making sure that the steps that we outlined in the letter are actually taken and implemented and sustained. Because what we’ve seen in the past is this: We’ve seen Israel take important steps - for example, this spring, also in response to what the United States said was necessary to improve the humanitarian situation for people in Gaza - and we saw real progress, and then we saw it diminish and then tail off, which is one of the reasons we felt it was so imperative to write to our counterparts and to see action taken on this.”</p>
	1-Nov-2024	https://www.state.gov/secretary-blinkens-call-with-israeli-minister-of-strategic-affairs-dermer/	<p>Says he communicated steps Israel can take to improve aid situation.</p>	<p>Secretary Blinken’s Call with Israeli Minister of Strategic Affairs Dermer</p>	<p>The Secretary and Minister discussed necessary steps for regional de-escalation. The Secretary emphasized the importance of ending the war in Gaza and bringing all of the hostages home, as well as charting a path forward in the post-conflict period that provides governance, security, and reconstruction. He discussed the dire status of humanitarian conditions in Gaza, reviewed steps that have been taken to improve the situation, and urged further actions to surge aid to civilians.</p>
	4-Nov-2024	https://www.state.gov/secretary-blinkens-call-with-israeli-defense-minister-gallant-4/	<p>Says he communicated steps Israel can take to improve aid situation.</p>	<p>Secretary Blinken’s Call with Israeli Defense Minister Gallant</p>	<p>The Secretary and Defense Minister discussed the dire humanitarian conditions in Gaza. The Secretary reviewed actions Israel has taken to date and urged further actions to substantially increase and sustain humanitarian aid - including food, medicine, and other essential supplies - to civilians across all of Gaza. The Secretary emphasized the importance of ending the war in Gaza and bringing all of the hostages home, as well as charting a path forward in the post-conflict period that allows the Palestinian population in Gaza to rebuild their lives and advances governance, security, and reconstruction.</p>

	12-Nov-2024	https://www.state.gov/secretary-blinkens-meeting-with-israeli-minister-of-strategic-affairs-dermer-2/	Emphasized importance of more aid.	Secretary Blinken's Meeting with Israeli Minister of Strategic Affairs Dermer	The Secretary emphasized the importance of ensuring those changes lead to an actual improvement in the dire humanitarian situation in Gaza, including through the delivery of additional assistance to civilians throughout Gaza. The Secretary further reiterated the importance that Israel take every possible step to minimize civilian harm.
	13-Nov-2024	https://www.state.gov/secretary-antony-j-blinken-remarks-to-the-press-31/	Says Israel would not have taken humanitarian steps if US hadn't demanded it in the 30-day letter	Secretary Antony J. Blinken Remarks to the Press	<p>"On the Middle East and on Gaza, let me be very clear about both the intent and the effect of the letter that Secretary Austin and I sent a month ago to our Israeli counterparts. The intent was to inject a sense of urgency with Israel to take necessary steps to address the dire humanitarian situation of children, women, and men in Gaza. The effect has been that of the 15 steps that we urged action on, Israel has taken action either in implementing or being in the process of implementing 12 of the 15 steps.</p> <p>...</p> <p>I believe that the steps that it's taken over the last weeks to address what we had in our letter, those steps would not have been taken absent the letter. But it's also critical, as the letter made clear, that not only are these steps taken but they need to be fully implemented and they need to be sustained if they're going to have effect.</p> <p>...</p> <p>Israel has to meet these responsibilities, and we will be tracking this every single day."</p>
	15-Nov-2024	https://www.state.gov/secretary-blinkens-call-with-israeli-foreign-minister-saar/	Urged more steps to deliver aid.	Secretary Blinken's Call with Israeli Foreign Minister Sa'ar	He discussed recent actions Israel has taken to increase the flow of humanitarian aid to Gaza, including food, medicine, and other essential supplies, and urged Israel to take additional steps to accelerate and sustain the delivery of lifesaving assistance. The Secretary emphasized the importance of ending the war in Gaza, bringing all of the hostages home, and establishing lasting peace and security for Israelis and Palestinians alike.

White House, State Department					
INDIVIDUAL / ENTITY	DATE	REF / LINK	ABSTRACT OR COMMENT	TITLE	DIRECT QUOTE(S)
Vice President Kamala Harris	7-Nov-2023	https://www.whitehouse.gov/briefing-room/statements-releases/2023/11/07/readout-of-vice-president-harris-call-with-president-isaac-herzog-of-israel-2/	Harris "imperative" for humanitarian assistance	Readout of Vice President Harris's Call with President Isaac Herzog of Israel	The Vice President emphasized the importance of protecting civilian lives and respecting international humanitarian law. She emphasized the imperative to further increase the delivery of life-saving humanitarian assistance to civilians in Gaza.
Vice President Kamala Harris	2-Dec-2023	https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/12/02/remarks-by-vice-president-harris-on-the-conflict-between-israel-and-hamas/	Harris hammers IHL compliance, civilian harm reduction. Israel must do more to protect civs.	Remarks by Vice President Harris on the Conflict Between Israel and Hamas	<p>"As Israel defends itself, it matters how.</p> <p>The United States is unequivocal: International humanitarian law must be respected. Too many innocent Palestinians have been killed. Frankly, the scale of civilian suffering and the images and videos coming from Gaza are devastating.</p> <p>I have spoken with members of the Palestinian, Arab, and Muslim communities of America, including those who have lost loved ones in Gaza and American citizens who were injured and evacuated from Gaza. It is truly heartbreaking.</p> <p>As Israel pursues its military objectives in Gaza, we believe Israel must do more to protect innocent civilians."</p>
White House	6-Dec-2023	https://www.whitehouse.gov/wp-content/uploads/2023/12/Senate-Amendment-to-H.R.-815-%E2%80%93-National-Security-and-Border-Act-2024-SAP.pdf	"Statement of policy" letter	Senate Amendment to H.R. 815 - National Security and Border Act, 2024	The funding provided in this bill would ensure Israel has what it needs to protect itself and to reestablish territorial security and deterrence.
National Security Council (NSC) Spokesperson Adrienne Watson	24-Jan-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/01/24/statement-from-nsc-spokesperson-adrienne-watson-on-reported-strikes-at-unrwa-facility-in-southern-gaza/	Following Reported Strikes at UNRWA Facility in Southern Gaza	Statement from NSC Spokesperson Adrienne Watson on Reported Strikes at UNRWA Facility in Southern Gaza	"The United States is unwavering in our support for Israel's right to defend itself, consistent with international humanitarian law, against Hamas terrorists who hide among the civilian population and want to annihilate the State of Israel. But Israel retains a responsibility to protect civilians, including, humanitarian personnel and sites."

Vice President Kamala Harris	16-Feb-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/16/readout-of-vice-president-harris-meeting-with-president-herzog-of-israel/	Protecting civilians, increasing aid	Readout of Vice President Harris's Meeting with President Herzog of Israel	The Vice President also emphasized the importance of protecting civilians, increasing humanitarian assistance, and ensuring proper deconfliction mechanisms to ensure that aid can reach those in need inside Gaza.
Vice President Kamala Harris	16-Feb-2024	https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/02/16/remarks-by-vice-president-harris-at-the-munich-security-conference-munich-germany/	Israel must do better to protect civs, need for aid	Remarks by Vice President Harris at the Munich Security Conference Munich, Germany	"We have also been clear that far too many innocent Palestinians have been killed, that Israel must do better to protect innocent civilians. We have seen what has been happening in terms of the images that we see on a daily basis of the human suffering and the need for humanitarian aid. And the President and our administration and I have been very adamant about getting that humanitarian aid in."
National Security Communications Advisor John Kirby	23-Feb-2024	https://www.whitehouse.gov/briefing-room/press-briefings/2024/02/23/on-the-record-press-gaggle-by-white-house-national-security-communications-advisor-john-kirby-3/	US opposition to ground invasion of Rafah on basis of civilian safety	On-the-Record Press Gaggle by White House National Security Communications Advisor John Kirby	"I think it's important to reiterate what I've said so many times and including yesterday: We still would not support operations in Rafah no matter what the timescale is. We wouldn't support those kinds of operations unless or until the Israelis had properly accounted for the safety and security of the more than 1 million people that are seeking refuge down there."
Department Spokesperson Matthew Miller	29-Feb-2024	https://www.state.gov/briefings/department-press-briefing-february-29-2024/#post-540563-ISPAL	Need for more humanitarian aid	Department Press Briefing - February 29, 2024	"If there's anything that the aerial footage of today's incident makes clear, it is just how desperate the situation on the ground is. People need more food; they need more water; they need medicine and other humanitarian goods, and they need it now. We continue to make clear in all of our discussions with the Government of Israel that all possible measures must be taken to allow the entry of more assistance into Gaza through as many points of access as possible and to enable safe and secure distribution of that aid throughout Gaza."
Vice President Kamala Harris	3-Mar-2024	https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/03/03/remarks-by-vice-president-harris-commemorating-the-59th-anniversary-of-bloody-sunday-of-selma-al/	Must do more to increase aid, must open new border crossings, must not impose restrictions on aid	Remarks by Vice President Harris Commemorating the 59th Anniversary of Bloody Sunday Selma, AL	"And the Israeli government must do more to significantly increase the flow of aid. (Applause.) No excuses. They must open new border crossings. They must not impose any unnecessary restrictions on the delivery of aid. They must ensure humanitarian personnel, sites, and convoys are not targeted. And they must work to restore basic services and promote order in Gaza so more food, water, and fuel can reach those in need."
National Security Communications Advisor John Kirby	4-Mar-2024	https://www.whitehouse.gov/briefing-room/press-briefings/2024/03/04/on-the-record-press-gaggle-by-	Affirming need for humanitarian aid	On-the-Record Press Gaggle by White House National Security	"[...] the truth is – and you heard the President talk about this – that the aid flowing into Gaza is nowhere near enough, and it's not getting there fast enough."

		white-house-national-security-communications-advisor-john-kirby-4/		Communications Advisor John Kirby	"We continue to work to increase the amount of aid that's flowing through existing border crossings as well, at Rafah and Kerem Shalom, and to press the government of Israel to open additional crossings and routes into Gaza."
Vice President Kamala Harris	4-Mar-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/03/04/readout-of-vice-president-harris-meeting-with-member-of-israeli-war-cabinet-gantz/	Urged Israel to increase aid	Readout of Vice President Harris's Meeting with Member of Israeli War Cabinet Gantz	She urged Israel to take additional measures in cooperation with the United States and international partners to increase the flow of humanitarian assistance into Gaza and ensure its safe distribution to those in need.
Unnamed senior administration official	7-Mar-2024	https://www.whitehouse.gov/briefing-room/press-briefings/2024/03/07/background-press-call-on-humanitarian-aid-for-gaza-ahead-of-the-state-of-the-union/	References need for humanitarian relief, including distribution network	Background Press Call on Humanitarian Aid for Gaza Ahead of the State of the Union	<p>LEADING UP TO BIDEN SPEECH ON THE TOPIC: "You heard us talk last week about flooding the zone into Gaza, about making sure the crossings in the south are actually operational. David Satterfield talked about this last week, about the distribution network and security challenges in the south. We've been working with the Israelis to open a new crossing directly into north Gaza. The U.N. confirmed today they're working, hopefully over the coming days, for a pilot transport through that new crossing. We began the airdrops; we had another one today, which we can talk about a little bit on this call. And importantly, tonight in the speech, the President will announce that he's directing the U.S. military to lead an emergency mission to establish a port in the Mediterranean, on the Gaza coast, that can receive large ships carrying food, water, medicine, and temporary shelters. And this is an initiative that will get underway here when the President makes the announcement and issues the orders."</p> <p>"Responding to the humanitarian crisis and the needs of the Palestinian people has been a priority since day one, and it remains one today. But the truth is, we know that the aid flowing into Gaza is nowhere near enough and nowhere near fast enough. The President will make clear again this evening that we all need to do more and that the United States is doing more, and we are seeking to use every channel possible to get additional assistance into Gaza. We continue to work to increase the amount of aid flowing through existing border crossings at Rafah and Kerem Shalom. And over recent days, at our request, the government of Israel has prepared a new land crossing directly into northern Gaza. This third crossing will allow for aid to flow</p>

					<p>directly to the population in northern Gaza that is in dire need of assistance."</p> <p>"The assistance will need to land and then be distributed further within Gaza to reach those in need. And, you know, there, we're going to be, again, working with the U.N., working with other humanitarian partners to devise a mechanism for distributing the assistance."</p>
USAID Administrator Samantha Power	18-Mar-2024	https://www.usaid.gov/news-information/press-releases/mar-18-2024-famine-imminent-northern-gaza	Concern for imminent famine in Gaza	Statement by Administrator Samantha Power	"There must be a continued and sustained international effort to ensure the right type of assistance is getting to the most vulnerable. Israel must do more to protect civilians and allow humanitarians to safely and consistently deliver assistance. We will continue to do everything we can to fight Famine in Gaza. We call on Israel to take immediate action to put an end to this mass - and preventable - suffering ... We continue to call on Israel to open more land routes into Gaza and reduce bottlenecks and inspection delays to get land crossings operating at full capacity, even as we pursue air and maritime options to supplement these land routes."
National Security Communications Advisor John Kirby	3-Apr-2024	https://www.whitehouse.gov/briefing-room/press-briefings/2024/04/03/on-the-record-press-gaggle-by-white-house-national-security-communications-advisor-john-kirby-8/	US promoting humanitarian assistance, protections for civilians	On-the-Record Press Gaggle by White House National Security Communications Advisor John Kirby	<p>"We have been very clear with the Israelis privately - and, my goodness, we've been clear publicly - that the way they are prosecuting their operations is not always, in every case, the best way to do that. We have said there have been too many civilians killed. We have talked about the civilian infrastructure that's been destroyed. We have been very clear about our concerns and objections over some obstacles that have been put in the way of getting additional humanitarian assistance in."</p> <p>"I can tell you that we share the concerns of so many groups out there about the humanitarian situation in Gaza, which is why almost - well, not almost; actually, from the beginning of this conflict - and then urging and pushing the Israelis to do more to get humanitarian assistance in to allow the flow into Gaza. It's why we're doing airdrops. It's why we got a temporary pier that's on the way over there to be able to assist with maritime loading of humanitarian assistance and getting that into Gaza. So we share the concerns over what's going on inside Gaza with the Palestinian people, and we're doing everything we can to try to alleviate that."</p>

					"[...] we're going to continue to support them. No country should have to live like that. No country should have to be attacked, like they were on the 7th of October, with 1,200 people slaughtered. At the same time, as a modern military and a democracy, they have obligations to the innocent people of Gaza. And they have not always met those obligations. And the United States, more than any other nation – and you can't name me another nation, Nadia – that hasn't also put it directly to the Israelis about concerns about how they have not allowed more humanitarian assistance again, about how they have to be more careful about civilian casualties."
NSC Spokesperson Adrienne Watson	4-Apr-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/04/04/statement-from-national-security-council-spokesperson-adrienne-watson-on-steps-announced-by-israel-to-increase-aid-flow-to-gaza/	Call for ensuring increase in humanitarian aid	Statement from National Security Council Spokesperson Adrienne Watson on Steps Announced by Israel to Increase Aid Flow to Gaza	"As the President said today on the call, U.S. policy with respect to Gaza will be determined by our assessment of Israel's immediate action on these and other steps, including steps to protect innocent civilians and the safety of aid workers. We are prepared to work in full coordination with the Government of Israel, the Governments of Jordan and Egypt, the United Nations, and humanitarian organizations, to ensure that these important steps are implemented and result in a significant increase in humanitarian assistance reaching civilians in dire need throughout Gaza over the coming days and weeks."
Unnamed senior administration official	9-Apr-2024	https://www.whitehouse.gov/briefing-room/press-briefings/2024/09/04/background-press-call-on-efforts-to-secure-the-release-of-hostages-in-gaza/	On negotiating a deal that includes humanitarian relief	Background Press Call on Efforts to Secure the Release of Hostages in Gaza	"But just the provisions in this deal, interwoven throughout – which have been agreed and are ready to go if, again, hostages will be released – and the relief for Gazans, who are undergoing this hell on Earth, as we've called it, which is very true, is extraordinary, it would be immediate, and it's ready to go."
Ambassador David Satterfield	23-Apr-2024	https://www.state.gov/briefings/department-press-briefing-april-23-2024/#post-555091-ISPAL1	Need for more civilian protections, humanitarian aid, and unhindered distribution	Department Press Briefing – April 23, 2024	"President Biden, starting on his visit to Israel October 18, was clear – he was clear privately and publicly with the prime minister, with the war cabinet, and then in his comments – that Israel must do more to protect civilians, to facilitate the flow of humanitarian assistance into Gaza, and to enable its safe and unhindered distribution inside of Gaza. This is both the morally right thing to do, and it is strategically absolutely necessary. Now, the risk of famine throughout Gaza is very high, especially in the north. We've been very clear: Israel must do everything possible to facilitate efforts to avert famine in Gaza. Now, the President has made this point clear to Prime Minister Netanyahu during his

					<p>April 4th call, and he also made clear that U.S. policy with respect to Gaza will be determined by our assessment of Israel's actions - immediate actions - to protect innocent civilians and ensure the safety of humanitarian workers, as well as to increase the amount of assistance reaching those in need in Gaza.</p> <p>Far too many Palestinian civilians have been killed and injured. As Secretary Blinken has said, even one innocent casualty is one too many. This conflict has been one of the worst in recent memory in terms of how many humanitarian workers - nearly 250 - have been killed since October. Humanitarians should never be a target."</p>
Vice President Kamala Harris	23-Apr-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/04/23/readout-of-vice-president-harris-call-with-president-herzog-of-israel-4/	"deep concern" re humanitarian aid	Readout of Vice President Harris's Call with President Herzog of Israel	The Vice President reiterated her deep concerns about the humanitarian situation in Gaza and discussed steps to increase the flow of life-saving humanitarian aid to Palestinian civilians and ensure its safe distribution.
Press Secretary Karine Jean-Pierre	7-May-2024	https://www.whitehouse.gov/briefing-room/press-briefings/2024/05/07/press-briefing-by-press-secretary-karine-jean-pierre-61/	Need for humanitarian aid/opening Rafah border crossing; need to reduce civilian casualties	Press Briefing by Press Secretary Karine Jean-Pierre	<p>"We believe Rafah border crossing should also be quickly reopened for the movement of humanitarian assistance. We are insisting that there should be no disruptions of humanitarian assistant flows. It is important. We know - you all, obviously, have been reporting on this - how dire the situation is currently in Gaza, and we want to see these two crossings open."</p> <p>"the President is going to - has spoken about what's happening in Gaza, has spoken about what we're seeing there, the dire humanitarian - the dire humanitarian situation, and calling to - for Israel to reduce, obviously, what we see - the civilians' lives lost - the loss of civilians' lives is unacceptable."</p>

<p>National Security Communications Advisor John Kirby</p>	<p>9-May-2024</p>	<p>https://www.whitehouse.gov/briefing-room/press-briefings/2024/05/09/on-the-record-press-gaggle-by-white-house-national-security-communications-advisor-john-kirby-11/</p>	<p>Kirby highlighting need for humanitarian aid, incl. fuel, water, food, medicine, and stating US opposition to ground invasion of Rafah on humanitarian basis</p>	<p>On-the-Record Press Gaggle by White House National Security Communications Advisor John Kirby</p>	<p>"The President and his team have been clear for several weeks that we do not support a major ground operation in Rafah where more than a million people are (inaudible) safe to go"</p> <p>"The President (inaudible) we have held a shipment of high-payload bombs, as we discussed with Israel our concerns about the use of those kinds of bombs in dense environs."</p> <p>"...And then also working with the Israelis to create safe spaces with shelter, sanitation, food, water, medical facilities, and medical supplies, and medical personnel for people that are currently in Rafah – someplace safe where they can go."</p> <p>"The President made it clear last night that these high-payload bombs, delivering them when we were seeing things, preps for major operation in Rafah, and certainly rhetoric around that – that gave him concern and gave him pause to actually pause that shipment."</p> <p>"On fuel. Fuel has been something we have consistently pressed the Israelis to continue to get into Gaza almost from the very get-go when they – when they shut off fuel. And fuel – like food, water, medicine – that has flowed in – has flowed in at different rates and different quantities. We need to – we want to see it continued. We want to see it sustained. We want to see it get into Gaza at a level that supports the sustenance needs for the Gazan people."</p> <p>"We want to see – we want to see all humanitarian assistance continue (inaudible) over the Rafah Crossing, as soon as possible, and that includes fuel. So, food, water, medicine, and fuel getting across Rafah as soon as possible. It's – as we've said before, it's unacceptable that the crossing is still closed. It needs to get open. It needs to open right away. And, of course, the delivery of fuel, in addition to everything else."</p> <p>ON BIDEN DRAWING THE LINE AT AN INVASION OF RAFAH: "I think, first, we were obviously making sure, over the last seven months, that Israel had what it needed to deal with a very immediate, viable threat. And we did</p>
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White House	14-May-2024	https://www.whitehouse.gov/wp-content/uploads/2024/05/SAP-HR8369.pdf	Statement of policy opposing bill that would have stopped the president from conditioning mil aid to Israel	STATEMENT OF ADMINISTRATION POLICY: H.R. 8369 - Israel Security Assistance Support Act: H.R. 8369	[Statement of policy opposing bill that would have stopped the president from conditioning mil aid to Israel]
National Security Advisor Jake Sullivan	19-May-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/05/19/readout-of-national-security-advisor-jake-sullivans-meetings-in-saudi-arabia-and-israel/	NSC head admits to participation in non-hostage combat support	Readout of National Security Advisor Jake Sullivan's Meetings in Saudi Arabia and Israel	Mr. Sullivan briefed on U.S. support for Israeli efforts to find and bring to justice Hamas's leaders in Gaza.
National Security Advisor Jake Sullivan	20-May-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/05/20/readout-of-national-security-advisor-jake-sullivans-meetings-in-israel/	Call for ensuring increase in humanitarian aid	Readout of National Security Advisor Jake Sullivan's Meetings in Israel	Mr. Sullivan also discussed the importance of Israel and Egypt concluding talks to reopen the Rafah crossing as soon as possible, and the need for Egypt to ensure the continued flow of humanitarian assistance through Kerem Shalom. Mr. Sullivan emphasized the imperative to further surge assistance throughout Gaza, using all available crossings including Rafah, Erez East, Erez West, and the multinational humanitarian maritime corridor. Mr. Sullivan underscored the critical need for effective deconfliction mechanisms to ensure humanitarian workers can safely deliver aid to those in need throughout Gaza.

National Security Communications Advisor John Kirby	20-May-2024	https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/05/20/on-the-record-press-gaggle-by-white-house-national-security-communications-advisor-john-kirby-12/	On Sullivan's recent trip to Israel, promoting humanitarian aid	On-the-Record Press Gaggle by White House National Security Communications Advisor John Kirby	"The purpose there was to talk, obviously, about the situation in Gaza and U.S. support – continued support for Israel in the face of the various threats that they're under. And, again, there was a broad range of discussions here to include humanitarian assistance and making sure we can increase that flow, get it more sustained, as well as doing everything that they can to reassure and make comfortable humanitarian aid workers as that aid starts to get in."
National Security Communications Advisor John Kirby	29-May-2024	https://www.whitehouse.gov/briefing-room/press-briefings/2024/05/29/on-the-record-press-gaggle-by-white-house-national-security-communications-advisor-john-kirby-13/	Affirming need for humanitarian aid following Sam Power warning of dire situation in Gaza	On-the-Record Press Gaggle by White House National Security Communications Advisor John Kirby	"We all share the concerns that Administrator Power shares and has conveyed about the suffering inside Gaza. I just talked quite a little bit about all the things that we're doing on the humanitarian assistance front to try to alleviate that. We know there are people in desperate, desperate straits. And that is why we're working so hard to get this fresh proposal through, to get a hostage deal so we can get a ceasefire so that we can increase the humanitarian assistance and there's a period of calm where there's no fighting across all of Gaza."
National Security Advisor to the Vice President Dr. Phil Gordon	6-Jun-2024	https://www.whitehouse.gov/briefing-room/statements-releases/2024/06/26/readout-of-national-security-advisor-to-the-vice-president-phil-gordons-trip-to-israel-and-the-west-bank/	Gordon meetings with President Isaac Herzog, National Security Advisor Tzachi Hanegbi, Minister for Strategic Affairs Ron Dermer, and Chairman of the National Unity Party Benny Gantz, calling for increase in humanitarian aid	Readout of National Security Advisor to the Vice President Phil Gordon's Trip to Israel and the West Bank	Dr. Gordon emphasized the importance of improving the humanitarian situation in Gaza.
National Security Communications Advisor John Kirby	26-Jun-2024	https://www.whitehouse.gov/briefing-room/press-briefings/2024/06/26/on-the-record-press-gaggle-by-white-house-national-security-communications-advisor-john-kirby-16/	Describing Sullivan's upcoming call with Gallant - humanitarian aid and distribution	On-the-Record Press Gaggle by White House National Security Communications Advisor John Kirby	"I would have every expectation that the humanitarian situation will be front and center for Jake, for sure. He'll want to talk to the Israelis about what more we can do to get more trucks in and not only get them in, but get them to the people that most need that aid and assistance."

Unnamed administration official	16-Aug-2024	https://www.whitehouse.gov/briefing-room/press-briefings/2024/08/16/background-press-call-on-ceasefire-negotiations-and-joint-statement-from-the-leaders-of-the-united-states-egypt-and-qatar/	On negotiating a deal that includes humanitarian relief	Background Press Call on Ceasefire Negotiations and Joint Statement from the Leaders of the United States, Egypt, and Qatar	"So we have to get the hostages out and do it in a way – and I want to be clear about this – that it fully ensures Israel’s security interests – which are also paramount in this; this deal does that – and also stops the war in the first phase of a ceasefire, and brings significant, substantial, badly needed humanitarian relief to Gaza, civilians in Gaza. That’s what’s in this deal."
Department Spokesperson Matthew Miller	15-Oct-2024	https://www.state.gov/briefings/department-press-briefing-october-15-2024/#post-591850-GEORGIA	Serious concerns following Israeli strike that led to Gazans burned alive in tents	Department Press Briefing - October 15, 2024	"What happened in that strike was horrifying. We understand the very difficult environment in which Israel operates, but the results of that strike were deeply disturbing. We all saw that video and all know that it’s horrifying to see people burn to death. We have made clear our serious concerns about the matter directly to the Government of Israel."
National Security Communications Advisor John Kirby	15-Oct-2024	https://www.whitehouse.gov/briefing-room/press-briefings/2024/10/15/on-the-record-press-gaggle-by-white-house-national-security-communications-advisor-john-kirby-31/	Following Austin/Blinken letter calling for increased aid into Gaza	On-the-Record Press Gaggle by White House National Security Communications Advisor John Kirby	<p>"This particular letter that we’re talking about now follows a relatively recent decrease in humanitarian assistance reaching the people of Gaza, which is obviously something we’ve been very, very concerned about since the beginning of the conflict and through which we aim to try to get more concrete measures in place to increase that humanitarian assistance."</p> <p>"the President has been very consistent in expressing our concerns to the Israelis about humanitarian assistance getting into Gaza, and certainly he’s mindful of our efforts to communicate those concerns to the Israelis, whether that communication is, as I said, done orally or in writing."</p>

Ambassador Linda Thomas-Greenfield	16-Oct-2024	https://usun.usmission.gov/remarks-by-ambassador-linda-thomas-greenfield-at-a-un-security-council-briefing-on-the-situation-in-the-middle-east-30/	Concern re: civilian safety and food access	Remarks by Ambassador Linda Thomas-Greenfield at a UN Security Council Briefing on the Situation in the Middle East	<p>"Israel has a responsibility to do everything possible to avoid civilian casualties, even if Hamas was operating near the hospital in an attempt to use civilians as human shields. We have made this clear to Israel. Just as we have made clear to the Israeli government at the highest levels, that it must do more to address the intolerable and catastrophic humanitarian crisis in Gaza."</p> <p>"for our part, the United States will continue to make the following clear: food and supplies must be surged into Gaza, immediately. And there must be humanitarian pauses across Gaza to allow for vaccinations and the delivery and distribution of humanitarian aid. A quote-unquote "policy of starvation" in northern Gaza would be horrific and unacceptable and would have implications under international law and U.S. law. The Government of Israel has said that this is not their policy, that food and other essential supplies will not be cut off, and we will be watching to see that Israel's actions on the ground match this statement."</p>
Vice President Kamala Harris	17-Oct-2024	https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/10/17/remarks-by-vice-president-harris-on-the-death-of-yahya-sinwar/	Explicit acknowledgement of US support and participation in non-hostage related mil goals and operations	Remarks by Vice President Harris on the Death of Yahya Sinwar	<p>"In the past year, American special operations and intelligence personnel have worked closely with their Israeli counterparts to locate and track Sinwar and other Hamas leaders, and I commend their work."</p>
Principal Deputy Spokesperson Dev Patel	21-Oct-2024	https://www.state.gov/briefings/department-press-briefing-october-21-2024/#post-593177-ISPAL3	Need for more food, water, humanitarian aid	Department Press Briefing - October 21, 2024	<p>"Look, certainly nobody in the U.S. Government is going to stand in front of you and say that we are satisfied or find the humanitarian situation in any part of Gaza satisfactory. And these are one of the things that we expect the Secretary to raise directly and discuss, not just with partners in Israel but other counterpart countries on what more can be done to get humanitarian aid into Gaza.</p> <p>A number of border crossings, to answer your question specifically, Simon, are open. We are seeing truckloads enter the Gaza strip, and we'll continue to press for more. Absolutely more is needed - more food, more water, more humanitarian aid overall."</p>

<p>National Security Communications Advisor John Kirby</p>	<p>25-Oct-2024</p>	<p>https://www.whitehouse.gov/briefing-room/press-briefings/2024/10/25/on-the-record-press-gaggle-by-white-house-national-security-communications-advisor-john-kirby-34/</p>	<p>Changing tune post-invasion of Rafah, but acknowledging concern of civilian casualties</p>	<p>On-the-Record Press Gaggle by White House National Security Communications Advisor John Kirby</p>	<p>"I would just tell you that the Prime Minister knows very well how strongly Joe Biden supports Israel and how stridently he's been working to make sure that they have what they need to defend themselves, including the support that went to the Israeli Defense Forces while they were operating in Rafah. And just to put a fine point on it, we did not tell the Israelis that they could not operate in Rafah. So, if that's the public narrative out there, or that's the impression that people have, I can assure you that that's not the case. We did express concerns, of course, about densely populated areas and the damage that that could have and the impact on civilians, but there was no mandate by the United States that they couldn't operate in Rafah. And even as they did operate in Rafah, they continued to get support from the United States."</p>
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U.S. OFFICIALS WHO RESIGNED OVER BIDEN ADMINISTRATION'S ISRAEL POLICIES SINCE 7 OCT 2023					
INDIVIDUAL / ENTITY	DATE	REF / LINK	ABSTRACT OR COMMENT	TITLE	DIRECT QUOTE(S)
Josh Paul, director of the State Department's bureau of political military affairs	20-Oct-2023	https://thearmstradetreaty.org/hyper-images/file/Josh%20Paul%20-%20WGETI%20CSP10%20WG%20Meets/Josh%20Paul%20-%20WGETI%20CSP10%20WG%20Meets.pdf	Asserts that the U.S government has knowledge of Israel using American arms to commit grave violations of human rights	Josh Paul resignation letter	"I can say with confidence that the United States has actual knowledge that its arms will be used to commit such violations, as I have been a part of U.S. internal government debates about such violations for many years, and myself raised these specific concerns after the start of Israel's attack on Gaza prior to my resignation last October. As such, the US is in violation of its own policies and laws, including the conventional arms transfer policy that I helped to draft and which was intentionally informed by the Arms Trade Treaty that expressly prohibits the transfer of arms when it is more likely than not that they will be used to commit certain human rights violations."
Harrison Mann, a U.S. Army major and Defense Intelligence Agency official	1-Nov-2023	https://www.linkedin.com/feed/update/urn:li:activity:7195798223750418432/	Speaks of direct complicity in starving of children and involvement in the extent of violence in Gaza	Jewish US Army Major Explains Why He Resigned Over Gaza	"But this office does not only inform policy. It facilitates, and, at times, directly executes policy. And the policy that has never been far from my mind for the past six months is the nearly unqualified support for the government of Israel, which has enabled and empowered the killing and starvation of tens of thousands of innocent Palestinians. As we were recently reminded, this unconditional support also encourages reckless escalation that risks wider war. My work here—however administrative or marginal it appeared—has unquestionably contributed to that support. The past months have presented us with the most horrific and heartbreaking images imaginable—sometimes playing on the news in our own spaces— and I have been unable to ignore the connection between those images and my duties here. This caused me incredible shame and guilt. Most of you know I already intended to leave the Army at some point, but this moral injury is what led me to finally submit my resignation on November 1." *** "You felt your work was directly connected to starving children?" The 13-year Army veteran simply said, "Yes."

Annelle Sheline, served in the State Department's human rights bureau	28-Mar-2024	https://www.cnn.com/2024/03/27/opinions/gaza-israel-resigning-state-department-sheline/index.html	Speaks of internal opposition to sending arms to Israel while it blocks aid, commits human rights violations	Opinion: Why I'm resigning from the State Department	"Across the federal government, employees like me have tried for months to influence policy, both internally and, when that failed, publicly. My colleagues and I watched in horror as this administration delivered thousands of precision-guided munitions, bombs, small arms and other lethal aid to Israel and authorized thousands more, even bypassing Congress to do so. We are appalled by the administration's flagrant disregard for American laws that prohibit the US from providing assistance to foreign militaries that engage in gross human rights violations or that restrict the delivery of humanitarian aid."
Hala Rharrit, an Arabic language spokesperson for the State Department	1-Apr-2024	https://www.democracynow.org/2024/10/23/hala_rharrit_gaza_us_policy	Speaks of divisions within State Department about whether to believe Israeli assurances, multitude of evidence that Israel is committing grave violations of human rights	US diplomat who quit over Biden administration's Gaza policy speaks out	"There are divisions within the State Department about whether to certify as "credible and reliable" Israel's assurances that it is using US weapons in compliance with international law. ... We have had ample evidence from within the United States government, not just the State Department, but a multitude of U.S. agencies, with proof that Israel is violating so many of our laws, is systematically withholding humanitarian assistance from going in. As was mentioned in the report, as well, Leahy vetting is being violated, with army units determined to have committed gross human rights violations. We need to take action, and we should have taken action months ago."
Stacy Gilbert, served in the State Department's Bureau of Population, Refugees and Migration as senior civil military adviser	28-May-2024	https://www.pbs.org/newshour/show/ex-state-department-official-explains-resigning-over-us-policy-in-gaza	Asserts that State Department is fully aware of Israeli-imposed obstacles to aid delivery in Gaza	Stacy Gilbert interview	"We have the data. It is known. The organizations working on the ground in Gaza have sent numerous reports detailing those obstacles. So to look at that information and assess that Israel is not blocking aid is ludicrous."

<p>Michael Casey, deputy political counselor at the United States Office for Palestinian Affairs in Jerusalem</p>	<p>26-Dec-2024</p>	<p>https://www.democracynow.org/2024/12/26/michael_casey_resigns_over_gaza</p>	<p>Explains that reliable information on Israeli violations is available and known within the State Department but is disregarded</p>	<p>Meet State Dept. Official Michael Casey, Who Resigned over Gaza After U.S. Ignored Israeli Abuses</p>	<p>"Our policy is just completely backwards. We start from the point of we need to sell weapons to Israel, and then we backtrack and make the facts the way we need it to be in order to make that happen, which is the exact opposite of what we should be doing.</p> <p>there is no one out there who is saying the situation is not – that Israel is allowing aid in. No one is saying that except for the Israeli government. So, when we reach these conclusions, we're either using information provided by the Israelis or we're simply making it up, because no credible organization is saying that they are not blocking humanitarian aid."</p>
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