

AMNESTY INTERNATIONAL USA

SUBMISSION TO NSM-20

UNLAWFUL USE OF US-MADE MUNITIONS AND VIOLATIONS OF INTERNATIONAL LAW BY ISRAEL SINCE JANUARY 2023

Ali Jadallah/Anadolu via Getty Images



RESEARCH
BRIEFING

AMNESTY
INTERNATIONAL 

CONTENTS

1. INTRODUCTION	3
2. CIVILIAN DEATHS & INJURIES WITH US-MADE WEAPONS	3
2.1 SUMMARY	3
2.2 MAY 2023: 11 CIVILIANS KILLED, BOEING JDAMS AND SDBS	4
2.3 OCTOBER 2023: 43 CIVILIANS KILLED, BOEING JDAM KITS	5
2.4 OCTOBER 2023: 9 CIVILIANS INJURED, 155MM WHITE PHOSPHORUS ARTILLERY	6
2.5 DEC 2023/JAN 2024: 95 CIVILIANS KILLED, BOEING GBU-39 SDB	6
3. CIVILIAN DEATHS & INJURIES BY ISRAELI FORCES	7
3.1 SUMMARY	7
3.2 OCTOBER 2023: 1 JOURNALIST KILLED, 6 INJURED	8
3.3 OCTOBER 2023: 46 CIVILIANS KILLED	8
4. PRACTICES INCONSISTENT WITH BEST PRACTICES FOR MITIGATING CIVILIAN HARM	9
4.1 SUMMARY	9
4.2 24-HOUR MASS EVACUATION NOTICE	9
4.3 INDISCRIMINATE ATTACKS THAT FAILED TO PROVIDE EFFECTIVE OR ANY WARNING AND CAUSED MASS CIVILIAN CASUALTIES	10
4.4 LEAFLETS DROPPED ORDERING EVACUATION	11
5. POTENTIAL MISUSE OF MILITARY AND SECURITY ARTICLES OR SERVICES	11
5.1 SUMMARY	11
5.2 ARBITRARY DETENTION, TORTURE AND OTHER ILL-TREATMENT IN WEST BANK	12
5.3 UNLAWFUL LETHAL FORCE RESULTING IN KILLING OF 20 PALESTINIANS	13
5.4 INHUMAN AND DEGRADING TREATMENT OF DETAINEES IN THE GAZA STRIP	13
5.5 ENFORCED DISAPPEARANCE	14
5.6 STATE-BACKED SETTLER VIOLENCE	14
6. DENIAL OF HUMANITARIAN ASSISTANCE	14
6.1 SUMMARY	14
6.2 FAILURE TO TAKE BASIC MEASURES CONSISTENT WITH ICJ RULING	15
CONCLUSION & RECOMMENDATION	16

1. INTRODUCTION

Amnesty International USA submits this research brief, in response to National Security Memorandum on Safeguards and Accountability With Respect to Transferred Defense Articles and Defense Services (hereinafter “NSM-20”) ¹, as a credible report and allegation that US-supplied munitions and other articles to the government of Israel have been used in serious violation of international humanitarian and human rights law and is inconsistent with US law and policy.

This research briefing details civilian deaths and injuries with confirmed use of US-made weapons. This briefing also details the scale and pattern of unlawful attacks by Israeli forces documented by Amnesty International that clearly indicate an extremely high risk that US-made weapons are being used in violation of international law. Further, the briefing details practices by Israeli forces inconsistent with best practices for preventing and mitigating civilian harm that are also violations of international law. It provides clear examples of the commission of torture and other ill-treatment and the use of unlawful lethal force. Finally, the paper details the denial of humanitarian assistance to the Palestinian people in the occupied Gaza Strip.

It concludes that the government of Israel is using US-made weapons in violation of international humanitarian and human rights law and in a manner that is inconsistent with US law and policy. The United States must immediately suspend the transfer of arms, including ammunitions and other articles to the Israeli government.

2. CIVILIAN DEATHS & INJURIES WITH US-MADE WEAPONS

2.1 SUMMARY

The NSM-20 requires that the administration’s report to the US Congress include an “assessment of any credible reports or allegations that such defense articles and, as appropriate, defense services, have been used in a manner not consistent with international law, including international humanitarian law.” During the current reporting period from January 2023 to present, Amnesty International has extensive documentation of several incidents of civilian death or injury by US-made weapons or other evidence of use of these weapons inconsistent with international law. These include cases of civilians killed and injured by Joint Direct Attack Munitions (JDAMs) and Small Diameter Bombs (SDBs), both produced by Boeing, and injured by 155mm white phosphorus² artillery rounds manufactured by ammunition depots in Arkansas and Louisiana.

Israeli forces have conducted a number of unlawful attacks where the use of US-made weapons has been identified by Amnesty International. The United States government must immediately suspend the transfer of all weapons and other articles to the Israeli government so long as compliance with international humanitarian and human rights law is not demonstrated.

Amnesty International’s documentation has been conducted at great risk, under ceaseless bombardment. Researchers from outside of the occupied Gaza Strip have been consistently denied access, even prior to the current conflict. International journalists have also been denied access. In December 2023, The Committee to Protect Journalists (CPJ) reported that more journalists were killed in the first three months of hostilities than have ever been killed in a single country over an entire year—making this conflict an

¹ White House, National Security Memorandum on Safeguards and Accountability With Respect to Transferred Defense Articles and Defense Services, February 8, 2024, <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/02/08/national-security-memorandum-on-safeguards-and-accountability-with-respect-to-transferred-defense-articles-and-defense-services/>.

² The Washington Post, Israel used U.S.-supplied white phosphorus in Lebanon attack. December 11, 2023, <https://www.washingtonpost.com/investigations/2023/12/11/israel-us-white-phosphorus-lebanon/>.

extraordinarily deadly one for journalists and massively under-covered by media outlets.³ As of April 18, 2024, CPJ reports that at least 97 journalists and media workers have been killed since October 7, 2023.⁴

Many other NGOs have also been able to provide credible allegations of civilian harm, humanitarian access challenges and violations of international humanitarian law. Again, in the context of this conflict, the verification of munitions and other articles at the site of an incident is done at great personal risk to NGO staff.

The US government has access to more complete information than many NGOs regarding whether and where US-origin munitions and other articles may have been used. The NSM-20 process should accept cases where there is a reasonable presumption that US-origin munitions and other articles were involved, and the burden to prove to the contrary should shift to the US government when considering the allegations and making a determination.

Further, communications blackouts have created significant challenges for consistent contact with colleagues in Gaza. Many organizations have found it increasingly challenging to document violations due to the intensity of Israel's attacks and restrictions on communications. These communications challenges make it exceedingly difficult to obtain critical information and evidence about human rights violations and international crimes being committed against Palestinian civilians in Gaza and to hear directly from survivors and witnesses, or to uncover munitions and other materials.

2.2 MAY 2023: 11 CIVILIANS KILLED, BOEING JDAMS AND SDBS

In its early May 2023 offensive on the occupied Gaza Strip, Israel unlawfully destroyed Palestinian homes, often without military necessity, in what amounts to a form of collective punishment against the civilian population. Israel also conducted apparently disproportionate air strikes which killed and injured Palestinian civilians, including children. Civilians included a 21-year-old Palestinian medical student killed by a precision guided bomb while studying; a four-year-old Palestinian girl killed in her sleep during an Israeli air strike; and a young Palestinian woman living with a disability left without her electric wheelchair when bombs destroyed her home without adequate warning.

The assault began on May 9, 2023, with the targeted killing of three high-ranking commanders of Al-Quds Brigades, the armed wing of Palestinian Islamic Jihad, using precision guided bombs. On that first night of bombing, 10 Palestinian civilians were killed and over 20 were injured. 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. Intentionally launching disproportionate attacks is a war crime. Amnesty International's weapons expert examined photos of the ammunition fragments that hit the building and identified the bomb as a GBU-39 Small Diameter Bomb manufactured by Boeing Defense, Space & Security, and exported to Israel by the US.⁵

On May 12, 2023, at 8:30pm, 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. Several factors indicate that the Israeli attack did not meet the absolute military necessity requirement that would justify such destruction of civilian property under international humanitarian law. Amnesty International's research found that Yahia

³ The Committee to Protect Journalists, Israel-Gaza war propelled journalist killings to near-record high. February 15, 2024, <https://cpj.org/2024/02/israel-gaza-war-propelled-journalist-killings-to-near-record-high/#:~:text=In%20December%202023%2C%20CPJ%20reported,Chief%20Executive%20Officer%20Jodie%20Ginsberg>.

⁴ The Committee to Protect Journalists, Journalist casualties in the Israel-Gaza war. April 18, 2024, <https://cpj.org/2024/04/journalist-casualties-in-the-israel-gaza-conflict/>.

⁵ Amnesty International, Israel/OPT: Investigate Possible War Crimes During Israel's Military Offensive on Gaza in May 2023. June 13, 2023. <https://www.amnesty.org/en/documents/mde15/6848/2023/en/>.

Abu Obeid is a fighter in the Al-Quds Brigades – not a military leader or key military commander. The bomb was deployed on the pretext of destroying Obeid’s house, but there was no evidence that the house had been used for military purposes and therefore could not be considered a military objective; Amnesty International found that 10 civilians were living in that house.

At around 6.30pm on May 13, 2023, an 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. The residents were given only 15 minutes warning before the attack. This gave them insufficient time to carry out electric wheelchairs, which were then destroyed in the air strike. A fieldworker contracted by Amnesty International visited the destroyed building and found no evidence that the house, or any other premises in the neighbourhood, had been used to store weapons or other military equipment or to fire rockets. No secondary explosions or conflagrations were reported following the air strike. It is also extremely unlikely that the house had been used to command cyber or other operations that could have contributed to military operations.

During the five-day offensive, which ended on May 13, 2023, Amnesty International documented the killing by Israeli forces of 11 civilians, as well as substantial destruction and damage to Palestinian property. Amnesty International also documented the killing by inherently inaccurate rockets fired by Palestinian armed groups of three Palestinian civilians in the Gaza Strip and two civilians in Israel. These should also be investigated as war crimes.

2.3 OCTOBER 2023: 43 CIVILIANS KILLED, BOEING JDAM KITS

Amnesty International identified US-made JDAMs used by the Israeli military in October 2023 in the occupied Gaza Strip in two deadly, unlawful airstrikes on homes full of Palestinian civilians. These strikes killed 43 civilians--19 children, 14 women and 10 men. The airstrikes were either direct attacks on civilians or civilian objects, or indiscriminate attacks, and should be investigated as war crimes. Distinctive fragments of the munitions were found in the rubble of destroyed homes and later identified by Amnesty International. In both cases, survivors reported that there had been no warning of an imminent strike.⁶

Amnesty International’s weapons experts and remote sensing analysts examined satellite imagery, as well as photographs taken by the organization’s fieldworkers of the destruction of the targeted sites and of fragments of the ordnance recovered from the rubble. Based upon the significant damage to the target and surrounding buildings, the bomb that struck the al-Najjar family home likely weighed 2,000lb. The bomb that hit the Abu Mu’weileq family destroyed their home and likely weighed at least 1,000lb.

In both attacks, the bombs used US-manufactured JDAM kits. The photos of the metal fragments from the weapons clearly show the distinctive rivets and harness system that indicate they served as a part of the frame that surrounds the body of the bomb in a JDAM kit. In addition, the codes stamped on the plates from both sets of recovered scrap, 70P862352, are associated with JDAMs and Boeing, the manufacturer. Additional codes stamped on the plates indicate that the JDAM that killed members of the al-Najjar family was manufactured in 2017, while the JDAM that killed members of the Abu Mu’weileq family was manufactured in 2018.

⁶ Amnesty International, Israel/OPT: US-made munitions killed 43 civilians in two documented Israeli air strikes in Gaza – new investigation, December 5, 2023, <https://www.amnesty.org/en/latest/news/2023/12/israel-opt-us-made-munitions-killed-43-civilians-in-two-documented-israeli-air-strikes-in-gaza-new-investigation/>.

2.4 OCTOBER 2023: 9 CIVILIANS INJURED, 155MM WHITE PHOSPHORUS ARTILLERY

Amnesty International documented the use of white phosphorus in southern Lebanon by Israeli forces in four separate incidents, between October 10 and 16, 2023.⁷ One attack on the town of Dhayra on October 16 must be investigated as a war crime because it was an indiscriminate attack that injured at least nine civilians and damaged civilian objects.

The usage of white phosphorus is restricted under international humanitarian law. Although there can be lawful uses, it must never be fired at, or in close proximity to, a populated civilian area or civilian infrastructure, due to the high likelihood that the fires and smoke it causes spread. Such attacks, which fail to distinguish between civilians and civilian objects and fighters and military objectives, are indiscriminate and thus prohibited and therefore unlawful.

Amnesty International's Crisis Evidence Lab verified videos and photos showing the use of white phosphorous smoke artillery shells in Dhayra on October 16. Amnesty International researchers interviewed the Mayor of Dhayra, a resident of Dhayra, a first responder who facilitated the transfer of injured civilians to a nearby hospital, and an emergency doctor working in the hospital which received the injured civilians.

The team also gathered compelling evidence indicating the use of white phosphorus in three other incidents between October 10 and 16 in Dhayra and the border towns of al-Mari and Aita al-Chaab, by verifying videos and photos of these attacks.

Amnesty International's Crisis Evidence Lab verified photos taken by AFP photographers on October 18, near the Lebanese border. These photos show 155mm white phosphorus ammunition shells lined up for use next to Israeli army M109 howitzers. These shells have a distinctive pale green color and red and yellow color bands, as well as visible markings reading M825A1 and D528, respectively the shell's nomenclature and the US Department of Defense Identification Code (DODIC) for white phosphorus-based ammunition, as already documented by Amnesty International near the Gaza fence.⁸

While Amnesty's report did not name the manufacturer of the munitions, a December 11, 2023, *Washington Post* article followed up on the attacks and reported finding remnants of three 155mm artillery rounds.⁹ According to the article, the "[n]ot production codes found on the shells match the nomenclature used by the U.S. military to categorize domestically produced munitions, which show they were made by ammunition depots in Louisiana and Arkansas in 1989 and 1992. The light-green color and other markings — like "WP" printed on one of the remnants — are consistent with white phosphorus rounds, according to arms experts."

2.5 DEC 2023/JAN 2024: 95 CIVILIANS KILLED, BOEING GBU-39 SDB

Amnesty International investigated four Israeli strikes, three in December 2023, after the humanitarian pause ended, and one in January 2024, that killed at least 95 civilians, including 42 children, in Rafah, Gaza's southernmost governorate.¹⁰ These attacks occurred at a time and location that supposedly were

⁷ Amnesty International, Lebanon: Evidence of Israel's unlawful use of white phosphorus in southern Lebanon as cross-border hostilities escalate, October 31, 2023, <https://www.amnesty.org/en/latest/news/2023/10/lebanon-evidence-of-israels-unlawful-use-of-white-phosphorus-in-southern-lebanon-as-cross-border-hostilities-escalate/>. Hezbollah and other armed groups have also fired rockets at northern Israel during this timeframe, killing six Israeli soldiers and one Israeli civilian, according to the Israeli army. Amnesty International is investigating attacks by Hezbollah and other armed groups on northern Israel to determine whether they violated international humanitarian law.

⁸ Amnesty International, Israel/OPT: Identifying the Israeli army's use of white phosphorus in Gaza. October 13, 2023, <https://citizenevidence.org/2023/10/13/israel-opt-identifying-the-israeli-armys-use-of-white-phosphorus-in-gaza/>.

⁹ The Washington Post, Israel used U.S.-supplied white phosphorus in Lebanon attack. December 11, 2023, <https://www.washingtonpost.com/investigations/2023/12/11/israel-us-white-phosphorus-lebanon/>.

¹⁰ Amnesty International, Israel/OPT: New evidence of unlawful Israeli attacks in Gaza causing mass civilian casualties amid real risk of genocide. February 12, 2024, <https://www.amnesty.org/en/latest/news/2024/02/israel-opt-new-evidence-of-unlawful-israeli-attacks-in-gaza-causing-mass-civilian-casualties-amid-real-risk-of-genocide/>.

the “safest” in the Gaza Strip. The investigations in the January incident revealed evidence of a GBU-39 SDB, made in the US by Boeing.

In all four attacks, there was no indication that the residential buildings hit could be considered legitimate military objectives or that people in the buildings were military targets, raising concerns that these strikes were direct attacks on civilians and civilian objects and must therefore be investigated as war crimes. Even if Israeli forces had intended to target legitimate military objectives in the vicinity, these attacks evidently failed to distinguish between military objectives and civilian objects and would therefore be indiscriminate. Indiscriminate attacks that kill and injure civilians are war crimes.

The Israeli military also failed to provide effective, or indeed any, warning – at minimum to anyone living in the locations that were hit – before launching the attacks. The investigation included site visits of all four attacks, captured photographs and videos of the destruction and interviews with 18 people, including 14 survivors and four relatives who took part in rescue operations. Amnesty’s Crisis Evidence Lab analyzed satellite imagery, photos and videos to geolocate and verify the attacks and resulting destruction. Amnesty International also reviewed the war diary published by the Israeli military’s official page and found no reference to any of the four strikes.

On January 9, 2024, just before 11pm, an 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. The attack killed 18 civilians, including 10 children, four men, and four women. At least eight others were wounded. Sixteen of those who were killed were on the fourth and fifth floors of the Nofal family homes. The other two – a man and a child – were from the neighbouring Awadallah family, whose zinc-built home collapsed under the debris of the Nofal house. Amnesty International’s weapons experts examined photos of fragments of ordnance recovered from the rubble and identified it as a GBU-39 Small Diameter Bomb, a precision guided weapon with a smaller warhead, explaining the targeted damage to the top floors specifically. It is made in the US by Boeing.

As with the other attacks, Israeli authorities have not given a reason for this January 9 strike. Amnesty International’s research, including a review of a list of the names of all those staying on the targeted floors, and those killed and wounded in the attack, did not find any indication that any of those staying in the building were legitimate military targets, rendering it a likely direct attack on civilians and civilian objects, or possibly an indiscriminate attack resulting from failing to take all feasible precautions to avoid killing or injuring civilians, including by ensuring that anyone who was targeted was a fighter, not a civilian.

3. CIVILIAN DEATHS & INJURIES BY ISRAELI FORCES

3.1 SUMMARY

This section will detail Amnesty International’s investigations into unlawful strikes by Israeli forces in the occupied Gaza Strip that killed and injured Palestinian civilians during the reporting period. In these cases, Amnesty International was either unable to identify the make and origin of the weapons used or identified weapons that were not US-made. These documented incidents, however, underscore the overall pattern of unlawful attacks by Israeli forces and the extremely high risk that US-made weapons and other materials and services provided to the Israeli government are being used in violation of international law. Amnesty International has documented a longstanding pattern of attacks by Israeli forces that have struck civilians and civilian objects throughout the ongoing offensive and this is

consistent with the pattern of attacks that Amnesty International also documented during the 2008-9,¹¹ 2014,¹² and 2021¹³ conflicts in the occupied Gaza Strip.

The documented attacks by Israeli forces in Gaza from January 2023 to present likely amount to indiscriminate or direct attacks against civilians and civilian objects and should be investigated as war crimes. In other documented attacks, Israeli forces failed to discriminate between civilians and civilian objects on the one hand and military objectives on the other, and have killed and injured civilians, such attacks should likewise be investigated as war crimes.

Given the scale and pattern of violations committed by Israeli forces throughout the ongoing offensive as well as the longstanding documented pattern of unlawful attacks in the occupied Gaza Strip in prior conflicts, there is an extremely high risk that US-made munitions or other materials and services provided to the Israeli government are being used in violation of international humanitarian law and human rights law and inconsistent with US laws and policies. The United States government must immediately suspend the transfer of all weapons to the Israeli government so long as compliance with international humanitarian and human rights law are not demonstrated.

3.2 OCTOBER 2023: 1 JOURNALIST KILLED, 6 INJURED

On October 13, 2023, the Israeli military attacked a group of seven journalists in south Lebanon on, killing one journalist and injuring six others, including a US citizen photojournalist. These attacks were likely a direct attack on civilians that must be investigated as war crimes. Over 100 verified videos and photographs, weapons fragments from the site, and nine witnesses indicate that the group was visibly identifiable as journalists and that the Israeli military knew or should have known that they were civilians yet attacked them anyway in two separate strikes 37 seconds apart. An Israeli Apache helicopter, and likely an Israeli drone, hovered above the group of journalists for more than 40 minutes before the first strike, as can be seen or heard in the journalists' footage. Israeli forces had observation towers, ground elements, and air assets deployed to closely monitor the border. All of this should have provided sufficient information to Israeli forces that these were journalists and civilians and not a military target. This resulted in the killing of Issam Abdallah and the injury of Thayer Al-Sudani, Maher Nazeh, Christina Assi, Dylan Collins (a U.S. citizen), Carmen Joukhadar, and Elie Brakhya.

On October 13 at 6:02pm, an Israeli tank stationed to the east of the journalists fired the first strike, killing Issam Abdallah, who was sitting on a stone ledge, and severely injuring Christina Assi. Amnesty International identified a 120mm tank round, most likely an M339 projectile, manufactured by the Israeli IMI Systems was used. A second strike 37 seconds later, using a different weapon, hit the ground near the Al Jazeera car causing it to catch fire. Based on photos of weapons fragments, the munition from the second strike was most likely a small, guided missile, but Amnesty International was not able to identify the exact model, direction of fire, or launch platform. Amnesty also found no indication that there were any fighters or military objectives at the site of the strikes.¹⁴

3.3 OCTOBER 2023: 46 CIVILIANS KILLED

Two Israeli attacks, which occurred on October 19 and 20, hit a church building where hundreds of displaced civilians were sheltering in Gaza City and a home in al-Nuseirat refugee camp in central Gaza.

¹¹ Amnesty International, Israel/Gaza: Operation 'Cast Lead': 22 Days of Death and Destruction. July 2, 2009, <https://www.amnesty.org/en/wp-content/uploads/2021/06/mde150152009en.pdf>.

¹² Amnesty International, 'Black Friday': Carnage in Rafah during 2014 Israel/Gaza Conflict. July 29, 2015, <https://blackfriday.amnesty.org/>.

¹³ Amnesty International, Israel/OPT: Pattern of Israeli attacks on residential homes in Gaza Must Be Investigated as War Crimes. May 17, 2021, <https://www.amnesty.org/en/latest/press-release/2021/05/israelopt-pattern-of-israeli-attacks-on-residential-homes-in-gaza-must-be-investigated-as-war-crimes/>.

¹⁴ Amnesty International, Lebanon: Deadly Attack by Israeli Authorities on Journalists Must be Investigated as a War Crime, December 7, 2023, <https://www.amnestyusa.org/press-releases/lebanon-deadly-attack-by-israeli-authorities-on-journalists-must-be-investigated-as-a-war-crime/>.

46 civilians, including 20 children were killed. The oldest victim was an 80-year-old woman and the youngest was a three-month-old baby.

On October 19, an Israeli air strike destroyed a building in the compound of the Saint Porphyrius Greek Orthodox Church in the heart of Gaza's old city, where an estimated 450 internally displaced members of Gaza's small Christian community were sheltering. The strike killed 18 civilians and injured at least 12 others. Amnesty International's Crisis Evidence Lab examined, verified and geolocated videos and images posted on social media of the immediate aftermath of the strike, and analyzed satellite images of the location before and after the strike – all confirming the destruction of one building and partial destruction of another in the church compound.

On October 20 at around 2pm local time, 28 civilians – including 12 children – were killed by an Israeli strike, which destroyed the al-Aydi family home and severely damaged two neighboring houses in the al-Nuseirat refugee camp, in the central Gaza Strip, within the area where the Israeli military had ordered residents of northern Gaza to move to. Amnesty International's investigation found that all of those present in the al-Aydi house that was hit directly and in the two nearby homes were civilians. Two members of the al-Aydi family had permits to work in Israel, which requires rigorous security checks by Israeli authorities, for those obtaining the permit and their extended family.

Amnesty International did not find any indication that there were any military objectives at the site of the two strikes or that the people in the buildings were military targets, raising concerns that these strikes were direct attacks on civilians or on civilian objects. Amnesty International's weapons expert also examined the military's video and other images and concluded that a large air-delivered munition directly struck the building where those killed and injured were sheltering. These strikes were indiscriminate attacks or direct attacks on civilians or civilian objects and must be investigated as war crimes.¹⁵

4. PRACTICES INCONSISTENT WITH BEST PRACTICES FOR MITIGATING CIVILIAN HARM

4.1 SUMMARY

The NSM-20 requires that the administration's report to the US Congress include an "an assessment and analysis of (1) any credible reports indicating that the use of such defense articles and, as appropriate, defense services, has been found to be inconsistent with established best practices for mitigating civilian harm...".

Amnesty International has extensive documentation of practices by Israeli forces that are inconsistent with best practices for preventing and mitigating civilian harm. These include 24-hour mass evacuation notices, defective or no effective advanced warning with mass casualties, and leaflets ordering evacuation.

4.2 24-HOUR MASS EVACUATION NOTICE

The Israeli military's order for people in northern Gaza and Gaza City to "evacuate" to the south of the Gaza Strip could not be considered an effective warning under international law. Instead, it may have amounted to forced displacement of the civilian population and a violation of international humanitarian law. Furthermore, the evacuation order did not meet the government of Israel's obligation under

¹⁵ Amnesty International, 'Nowhere Safe in Gaza': Unlawful Israeli strikes illustrate callous disregard for Palestinian lives, November 20, 2023, <https://www.amnestyusa.org/press-releases/nowhere-safe-in-gaza-unlawful-israeli-strikes-illustrate-callous-disregard-for-palestinian-lives/>.

international law to take all feasible precautions to minimize harm to civilians wherever they are in the occupied Gaza Strip.¹⁶

The initial announcement gave people only 24 hours to leave northern Gaza “for their safety and protection” – an impossible demand that even the Israeli army spokesperson admitted could not be implemented in one day. Moreover – and independent of concerns about the temporal inadequacy of the warning--Israel could not lawfully treat northern Gaza as an open-fire zone based on having issued this order. Their forces had and continue to have an obligation to take all feasible precautions to minimize harm to civilians wherever they are in the Gaza Strip. The order set in motion the mass forced displacement of more than 1.1 million people from Gaza City and the entire northern part of the Gaza Strip. It sowed panic among the population and left thousands of Palestinians internally displaced.

As of April 16, 2024, the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) reported that 1.7 million Palestinians in Gaza have now been internally displaced amounting to more than 75 percent of Gaza’s population.¹⁷ Since 2007, Israel has been imposing an illegal blockade on the occupied Gaza Strip which also prevents the movement of people from and into the Strip and amounts to a form of collective punishment.

4.3 INDISCRIMINATE ATTACKS THAT FAILED TO PROVIDE EFFECTIVE OR ANY WARNING AND CAUSED MASS CIVILIAN CASUALTIES

Amnesty International has documented a clear pattern of indiscriminate attacks by Israeli forces that failed to provide effective, or any, warning and resulted in mass civilian casualties, and in some cases wiped out entire families. Amnesty International has called for these attacks to be investigated as war crimes. Refer to sections 2 and 3 for additional cases relevant to this pattern, including cases in which the use of US-made munitions was identified.

Amnesty spoke to survivors and eyewitnesses, analyzed satellite imagery, and verified photos and videos to investigate air bombardments carried out by Israeli forces between October 7 and 12, 2023. These air bombardments caused horrific destruction, and in some cases wiped out entire families and provide further examples of Israeli forces’ pattern of indiscriminate attacks that have led to mass civilian casualties in the occupied Gaza Strip and failure to provide effective, or any, prior warning.¹⁸

In-depth analysis in five of these unlawful attacks—where at least 125 civilians in total were killed, including whole families and 69 people in just one incident—exposed the ways in which the government of Israel’s attacks violated international humanitarian law. This included failure to take feasible precautions to spare civilians, carrying out indiscriminate attacks that failed to distinguish between civilians and military objectives, or by carrying out attacks that may have been directed against civilian objects. In several specific incidents that led to civilian deaths, warnings were not effective due to: a long lapse of time, as much as five hours, between warning and attack; a lack of clarity about the location of the potential attack, leading in one instance to people evacuating to a market that believed was safe based on the warning, but which was then was hit; warnings provided to only one person in a building or block; or, no warning was provided at all.

In one case, Amnesty International’s research found that a Hamas member had been residing on one of the floors of the building, but he was not there at the time of the airstrike on October 10 on a six-story

¹⁶ Amnesty International, Israel/OPT: Appalling Gaza “Evacuation Order” Must Be Rescinded by Israel Immediately, October 13, 2023, <https://www.amnestyusa.org/press-releases/israel-opt-appalling-gaza-evacuation-order-must-be-rescinded-israel/>.

¹⁷ UN Relief and Work Agency for Palestinian Refugees in the Near East, UNRWA SITUATION REPORT #101 ON THE SITUATION IN THE GAZA STRIP AND THE WEST BANK, INCLUDING EAST JERUSALEM, April 16, 2024, <https://www.unrwa.org/resources/reports/unrwa-situation-report-101-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

¹⁸ Amnesty International, Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza, October 20, 2023, <https://www.amnestyusa.org/press-releases/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/>.

building in Sheikh Radwan, a district of Gaza City. The strike completely destroyed the building and killed at least 40 civilians.

Membership in a political group does not itself make an individual a military target. Even if that individual was a fighter, the presence of a fighter in a civilian building does not transform that building or any of the civilians therein into a military objective. International humanitarian law requires Israeli forces to take all feasible precautions to minimise harm to civilians and civilian property, including by cancelling or postponing the attack if it becomes apparent that it would be indiscriminate or otherwise unlawful.

These precautions were not taken ahead of the air strike in this case. The building was known to be full of civilian residents, including many children, and the danger to them could have been anticipated. This is an indiscriminate attack which killed and injured civilians and must be investigated as a war crime.

4.4 LEAFLETS DROPPED ORDERING EVACUATION

Leaflets the Israeli army dropped on northern Gaza on October 21, 2023, ordering residents' immediate "evacuation", do not constitute effective advanced warning, as they declare an entire region a military target, and this occurred in a context in which civilians had and continue to have nowhere safe to go amid a relentless campaign of Israeli bombardment across the entire occupied Gaza Strip.¹⁹

The leaflets further need to be understood in the wider context of the Israeli military's initial broader "evacuation" order. The repeated forced "evacuation" orders against some 23 hospitals located north of Wadi Gaza, and the conditions imposed by Israeli authorities on the entry of humanitarian aid and where it may be distributed.²⁰ These conditions include limiting the distribution of aid to areas south of Wadi Gaza, effectively turning humanitarian aid into a form of blackmailing residents into leaving. Amnesty expressed deep concern that this indicates an intention to violate the principle of distinction by targeting civilians or civilian objects or by carrying out indiscriminate attacks and may also provide evidence of efforts to forcibly displace civilians from northern Gaza.

5. POTENTIAL MISUSE OF MILITARY AND SECURITY ARTICLES OR SERVICES

5.1 SUMMARY

The NSM-20 requires that the administration's report to the US Congress include "a description of any known occurrences of such defense articles and, as appropriate, defense services, not being received by the recipient foreign government that is the intended recipient or being misused for purposes inconsistent with the intended purposes, and a description of any remedies undertaken."

Amnesty International has for decades documented the myriad of widespread and systematic human rights violations against Palestinians as part of Israel's unlawful occupation of the Occupied Palestinian Territories and its overarching system of apartheid. In light of the widespread and systematic nature of past and ongoing human rights violations committed by Israeli authorities, the risk remains extremely high that US provided military and security articles or services are being used in violation of international law and inconsistent with US laws and policies.

Within this reporting period, Amnesty International has documented specific violations pertaining to arbitrary detention, the use of torture and other ill-treatment, the unlawful use of force by Israeli

¹⁹ Amnesty International, Israel/OPT: Israeli Army Threats Ordering Residents of Northern Gaza to Leave May Amount to War Crimes, October 25, 2023, <https://www.amnestyusa.org/press-releases/israeli-army-threats-ordering-residents-northern-gaza-leave-may-amount-war-crime/>.

²⁰ Amnesty International, Israel & OPT: Rescind evacuation order against Gaza hospitals. October 24, 2023, <https://www.amnesty.org/en/documents/mde15/7347/2023/en/>.

authorities that may constitute gross violations of international law. In the below cases, the use of US military articles or services were not identified by Amnesty International, but the overall pattern and scale of violations underscore the risk of misuse of US provided military and security articles and services by Israeli forces in the commission of such violations.

5.2 ARBITRARY DETENTION, TORTURE AND OTHER ILL-TREATMENT IN WEST BANK

Israeli authorities have dramatically increased their use of administrative detention, a form of arbitrary detention without charge or trial that can be renewed indefinitely, of Palestinians across the occupied West Bank, including East Jerusalem. The use of administrative detention was already at a 20-year high before the latest escalation in hostilities on October 7, 2023. This has also included extended emergency measures that facilitate inhuman and degrading treatment of prisoners; and failed to investigate incidents of torture and death in custody since October 7, 2023.

Amnesty International researchers interviewed 12 people, including six released detainees, three relatives of detainees, and three lawyers working on recent arrests. Researchers also reviewed testimonies shared by other released detainees and analysed video footage and images. Testimony from released detainees and human rights lawyers, as well as video footage and images illustrate some of the forms of torture and other ill-treatment. These include severe beatings and humiliation of detainees, including by forcing them to keep their heads down, to kneel on the floor during inmate count, and to sing Israeli songs.²¹

A recently released Palestinian detainee from occupied East Jerusalem, who spoke to Amnesty International on condition of anonymity, said how Israeli interrogators subjected him and other detainees at the Russian Compound (al-Maskoubiyeh), a detention center in Jerusalem, to severe beatings which left him with bruises and three broken ribs. He also highlighted how Israeli police interrogators beat them continuously on their heads yelling at them to always keep their heads down, while ordering them to “praise Israel and curse Hamas.” He added: “even when one of the 12 detainees with us in the cell did that, the beating and humiliation did not stop.”

Palestinian lawyer Hassan Abadi, who has been visiting at least four detainees every week since October 7, told Amnesty International that Palestinian detainees have been denied their right to outdoor exercise and that one of the forms of humiliation to which they are subjected during inmate count is being forced to kneel on the floor. He added that Palestinians in detention have had all their personal belongings confiscated and at times burned, including books, diaries, letters, clothes, food and other items. Palestinian women prisoners in al-Damon prison have had their sanitary pads confiscated by prison authorities. According to Abadi, a client he is representing told him that when she was detained and blindfolded at Kiryat Arba police station near Hebron an officer threatened her with rape.

As reported in the US State Department 2023 Report on Human Rights Practices, the Israeli government itself “acknowledged it used so-called exceptional measures during interrogations in some cases, but the Ministry of Justice refused to provide information regarding the number of such interrogations, or which specific “exceptional measures” were used”.²² It is worth noting that at least 40 Palestinian prisoners and detainees have died in Israeli custody since October 2023, either in military detention centres or in prisons run by the Israeli Prison Service.²³

²¹ Amnesty International, Israel/OPT: Horrifying cases of torture and degrading treatment of Palestinian detainees amid spike in arbitrary arrests, November 8, 2023, <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-horrifying-cases-of-torture-and-degrading-treatment-of-palestinian-detainees-amid-spike-in-arbitrary-arrests/>.

²² U.S. State Department, 2023 Country Reports on Human Rights Practices: Israel, West Bank and Gaza, April 23, 2024, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/israel-west-bank-and-gaza/>.

²³ Amnesty MENA, April 17, 2024. <https://twitter.com/AmnestyMENA/status/1780596131203842107>.

5.3 UNLAWFUL LETHAL FORCE RESULTING IN KILLING OF 20 PALESTINIANS

Amnesty International investigated four emblematic cases in the occupied West Bank, including East Jerusalem, where Israeli forces used unlawful lethal force— three incidents in October and one in November, which resulted in the unlawful killing of 20 Palestinians, including seven children. Researchers remotely interviewed 12 people, 10 of them eyewitnesses, including first responders, and local residents. Amnesty International’s research found that Israeli forces obstructed medical assistance to people with life-threatening wounds and attacked those attempting to assist injured Palestinians, including paramedics.²⁴ In one recent incident, Israeli forces carried out a raid masquerading as medical staff.

Amnesty’s Crisis Evidence Lab verified 19 videos and four photos in its in-depth examination of four incidents and sent requests for information on the four cases investigated to the Israeli military’s spokesperson unit and to the Jerusalem District Commander on November 26, 2023. At the time of publication in February 2024, no response had been received. Amnesty International is investigating other cases of excessive force during law enforcement operations, such as the repeated raids and attacks in Jenin and Tulkarem in the northern occupied West Bank.

At least 507 Palestinians were killed in the occupied West Bank, including East Jerusalem, in 2023, including at least 81 children, making it the deadliest year for Palestinians since the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) began recording casualties in 2005.²⁵

Israeli forces have killed and injured thousands of Palestinian civilians in the Occupied Palestinian Territories (OPT) since 1967, often in circumstances suggesting that the killings were systematic, unlawful, and arbitrary, and with near total impunity. The Israeli military justice system has consistently failed to deliver justice for Palestinian victims of unlawful killings or serious injuries and their families. Despite ample evidence of unlawful killings, Amnesty International is not aware of any case in which a member of any Israeli security forces has been convicted of wilfully causing the death of a Palestinian in the OPT since 1987. In general, prosecutions have been extremely rare, and convictions have been even rarer. When convictions have occurred, soldiers have been convicted of manslaughter or lesser offenses.²⁶

5.4 INHUMAN AND DEGRADING TREATMENT OF DETAINEES IN THE GAZA STRIP

Photos and video footage verified by Amnesty International’s Crisis Evidence Lab show Israeli forces’ inhuman and degrading treatment of detainees in Beit Lahia, a city in northern Gaza. The fate and whereabouts of many of these detainees remains unknown. Other Palestinians from the occupied Gaza Strip, including workers or others with permits to enter Israel, also remain forcibly disappeared. Israeli authorities have confirmed the deaths in custody of at least six Palestinians, including two workers from Gaza in October and November 2023. The sickening images and videos showing Palestinian men stripped of their clothes and forced to kneel on the floor in their underwear with their hands tied, with Israeli soldiers standing over them. Photos show detainees stripped to their underwear, some with likely identification documents laid in front of them. One of these photos shows detainees being transported with their hands bound to another location without being provided clothing.²⁷

²⁴ Amnesty International, Shocking spike in use of unlawful lethal force by Israeli forces against Palestinians in the occupied West Bank. February 5, 2024, <https://www.amnesty.org/en/latest/news/2024/02/shocking-spike-in-use-of-unlawful-lethal-force-by-israeli-forces-against-palestinians-in-the-occupied-west-bank/#:~:text=The%20organization%20investigated%20four%20emblematic,%20Palestinians%2C%20including>.

²⁵ UNOCHA, Hostilities in the Gaza Strip and Israel | Flash Update #94. January 16, 2024, <https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-94>.

²⁶ Amnesty International, Israel’s Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity. February 1, 2022, <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>.

²⁷ Amnesty International, Urgently Investigate Inhumane Treatment and Enforced Disappearance of Palestinian Detainees from Gaza, December 20, 2023, <https://www.amnestyusa.org/press-releases/urgently-investigate-inhumane-treatment-and-enforced-disappearance-of-palestinian-detainees-from-gaza/>.

5.5 ENFORCED DISAPPEARANCE

On October 7, 2023, Nidal al-Waheidi and Haitham Abdelwahed, Palestinian journalists from the occupied Gaza Strip, were detained by Israeli forces while reporting on the Hamas-led attack in southern Israel. Both journalists are held in conditions constituting enforced disappearance. Israeli authorities have refused to disclose their whereabouts or the legal grounds and reasons for their arrest. Since their disappearance, no information has been shared about their whereabouts, their condition or if they are still alive.²⁸

5.6 STATE-BACKED SETTLER VIOLENCE

Amnesty International has documented an alarming spike in violence by Israeli settlers against Palestinians across the occupied West Bank, including East Jerusalem, over the past six months. Between April 12 and 16, 2024, hundreds of Israeli settlers went on a deadly rampage launching violent raids on Palestinian villages in the West Bank including in al-Mughayyir, Duma, Deir Dibwan, Beitin and Aqraba.²⁹ In these attacks, in which settlers set fire to homes, trees and vehicles, at least four Palestinians were killed by either settlers or Israeli forces, including 17-year-old boy Omar Hamed near Ramallah, and two men shot dead near Nablus—Abdulrahman Bani Fadel and Mohammed Bani Jami'. In the latest violence, a Palestinian paramedic was shot dead in the village of al-Sawiya south of Nablus on 20 April.

Videos verified by Amnesty International's Crisis Evidence Lab show Israeli forces were present and failed to intervene during attacks by settlers in Deir Dibwan, east of Ramallah. Witness testimonies gathered by the organization also indicate members of the Israeli military either joined in the attacks or stood by, failing to prevent the violence in Aqraba, southeast of Nablus and Kufr Malik, northeast of Ramallah.

6. DENIAL OF HUMANITARIAN ASSISTANCE

6.1 SUMMARY

The NSM-20 requires that the administration's report to the US Congress include an "assessment and analysis of whether each foreign government recipient has abided by the assurances received pursuant to section 1(a)(ii) of this memorandum, whether such recipient is in compliance with section 620I of the Foreign Assistance Act of 1961 (22 U.S.C. 2378-1), and whether such recipient has fully cooperated with United States Government efforts and United States Government-supported international efforts to provide humanitarian assistance in an area of armed conflict where the recipient country is using such defense articles and, as appropriate, defense services."

Since 2007, the occupied Gaza Strip has been in a perpetual state of humanitarian crisis as a direct result of Israel's unlawful air, land, and sea blockade, collectively punishing its entire population as well as repeated military offensives, which have had a heavy toll on Gaza's essential infrastructure and further debilitated its health system and economy. Israel's collective punishment of Gaza's civilian population, the majority of whom are children, has created conditions inimical to human life due to shortages of housing, potable water and electricity, and lack of access to essential medicines and medical care, food, educational equipment and building materials.³⁰

²⁸ Amnesty International, *Israel/Occupied Palestinian Territories: Palestinian Journalists Forcibly Disappeared: Nidal al-Waheidi and Haitham Abdelwahed*. December 20, 2023, <https://www.amnesty.org/en/documents/mde15/7551/2023/en/>; Amnesty International USA, *Urgently Investigate Inhumane Treatment and Enforced Disappearance of Palestinian Detainees from Gaza*, December 20, 2023, <https://www.amnestyusa.org/press-releases/urgently-investigate-inhumane-treatment-and-enforced-disappearance-of-palestinian-detainees-from-gaza/>.

²⁹ Amnesty International, *State-backed deadly rampage by Israeli settlers underscores urgent need to dismantle apartheid*. April 22, 2024, <https://www.amnesty.org/en/latest/news/2024/04/state-backed-deadly-rampage-by-israeli-settlers-underscores-urgent-need-to-dismantle-apartheid/>.

³⁰ Amnesty International, *Israel's Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity*. February 1, 2022, <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>.

On October 9, 2023, Israel's Minister of Defense Yoav Gallant announced a “complete siege on Gaza... No electricity, no food, no water, no gas – it's all closed,” as part of the Israeli retaliatory attack following the attack by Hamas and other armed groups in southern Israel.³¹ The imposed electricity blackout plunged the Gaza Strip into darkness exacerbating the deepening humanitarian catastrophe. It has had severe impacts on essential services, access to clean water, and is causing a public health disaster leaving Gaza's already depleted hospitals without vital medical equipment when medics continue to struggle to treat tens of thousands of gravely wounded in Israeli attacks, therefore endangering the lives of hospital patients. As a result of the relentless bombardment by Israeli forces, the unlawful blockade and siege, and the restrictions on entry of humanitarian aid, Palestinians in Gaza remain at risk of genocide and an imminent Israeli government-engineered famine with more than 34,000 people killed as of April 23, 2024. Children are being starved to death. Vast swathes of the Gaza Strip have also been rendered uninhabitable.³²

Amnesty International USA joined dozens of humanitarian and human rights organizations on a joint March 23, 2024, submission to the NSM-20 process, expressing support for that statement by humanitarian organizations operating in Gaza that, in their experience, “the humanitarian response in Gaza, including U.S. funded humanitarian assistance, has been consistently and arbitrarily denied, restricted, and impeded by the Israeli authorities. Bureaucratic constraints are preventing a humanitarian scale up, on top of the conduct of the conflict. These constraints include the continued closure of vital border crossings, including crossings into northern Gaza; rejections of aid items for entry based on arbitrary, opaque, and shifting justifications, including definitions of dual use; lengthy delays and unpredictable processes for the inspection of trucks; and denial of movement requests within Gaza. In addition, there have been repeated attacks on aid workers, convoys, distributions, and humanitarian sites, including those submitted to the Israeli authorities as part of the humanitarian notification (“deconfliction”) process.”³³

We further joined in the findings of a joint letter sent to President Biden on March 12, 2024, that restrictions on humanitarian assistance are “not isolated instances but the policy of the government of Israel. Instead, it is consistent with what Prime Minister Netanyahu stated clearly on October 18, “We will not allow humanitarian assistance in the form of food and medicines from our territory to the Gaza Strip.” While Israel has subsequently allowed some aid into Gaza, it remains far from sufficient – a fact that Netanyahu confirmed when he stated in January that Israel was only allowing a “minimum” amount of relief into Gaza and which the President acknowledged that Israel was using humanitarian aid as a bargaining chip.³⁴

6.2 FAILURE TO TAKE BASIC MEASURES CONSISTENT WITH ICJ RULING

Amnesty International evaluated humanitarian access one month after the International Court of Justice (ICJ) ordered “immediate and effective measures” to protect Palestinians in the occupied Gaza Strip from the risk of genocide by ensuring sufficient humanitarian assistance and enabling basic services. It found that Israel has failed to take even the bare minimum steps to comply.³⁵

³¹ Amnesty International, Israel/OPT: Israel must lift illegal and inhuman blockade on Gaza as power plant runs out of fuel. October 12, 2023, <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-israel-must-lift-illegal-and-inhumane-blockade-on-gaza-as-power-plant-runs-out-of-fuel/>.

³² Amnesty International, UN Resolution Must Pave Way for Enduring Ceasefire to Alleviate Mass Suffering in Gaza. March 24, 2024, <https://www.amnesty.org/en/latest/news/2024/03/un-resolution-must-pave-way-for-enduring-ceasefire-to-alleviate-mass-suffering-in-gaza/>.

³³ International Rescue Committee, Joint NGO Submission under National Memorandum 20: The State of the Humanitarian Response in Gaza, March 23, 2024, https://www.rescue.org/press-release/joint-ngo-submission-under-national-security-memorandum-20-state-humanitarian?check_logged_in=1.

³⁴ Center for Civilians in Conflict, NGOs to President Biden: Comply with US Law, End Support for Aid Restrictions in Gaza. March 12, 2024, <https://civiliansinconflict.org/press-releases/ngos-to-president-biden-comply-with-us-law-end-support-for-aid-restrictions-in-gaza/>.

³⁵ Amnesty International, Israel Defying ICJ Ruling to Prevent Genocide by Failing to Allow Adequate Humanitarian Aid to Reach Gaza. February 26, 2024, <https://www.amnestyusa.org/press-releases/israel-defying-icj-ruling-to-prevent-genocide-by-failing-to-allow-adequate-humanitarian-aid-to-reach-gaza/>.

The order to provide aid was one of six provisional measures ordered by the Court on January 26 and Israel was given one month to report back on its compliance with the measures. Over that period Israeli authorities failed to ensure sufficient life-saving goods and services were reaching a population at risk of genocide and on the brink of famine. They have also failed to lift restrictions on the entry of life-saving goods, or open additional aid access points and crossings or put in place an effective system to protect humanitarians from attack.

Supplies entering the occupied Gaza Strip before the ICJ order had been a drop in the ocean compared to the needs for the last 16 years. Yet, in the three weeks following the ICJ order, the number of trucks entering Gaza decreased by about a third, from an average of 146 a day in the three weeks prior, to an average of 105 a day over the subsequent three weeks. Before October 7, on average, about 500 trucks entered Gaza every day, carrying aid and commercial goods, including things like food, water, animal fodder, medical supplies, and fuel. Even that quantity fell far short of meeting people's needs. In the three weeks after the ICJ ruling, smaller quantities of fuel, which Israel tightly controls, made it into Gaza. The only crossings that Israel has allowed to open were also opened on fewer days, further demonstrating Israel's disregard for the provisional measures. Aid workers reported multiple challenges but said that Israel was refusing to take obvious steps to improve the situation.

Amnesty International spoke to ten employees from five humanitarian agencies or organizations in mid and late-February who described horrifying conditions in Gaza, as well as ongoing, severe access restrictions. All said their ability to get aid into and around Gaza had either remained the same or gotten worse since the ICJ ruling.

At the time of publication, humanitarians highlighted Israel's failure to take obvious steps, such as opening all available access points and crossings to enable them to transfer aid more rapidly and on a larger scale to areas in need or to ensure that humanitarian operations did not come under military attack.

Israel continues to tightly restrict the import of essential supplies to Gaza. All imports to Gaza must be pre-approved by Israeli authorities. In February, humanitarians continued to describe frequent, unpredictable, and "arbitrary" rejections and limitations.

Israeli officials repeatedly blame humanitarian organizations for any gaps in aid delivery, alleging they are incapable of dispatching and distributing more aid, or due to looting in Gaza. But humanitarians described an array of ways in which Israeli authorities impede their work. They offered a list of basic steps Israel has failed to take to facilitate aid delivery: from allowing in sufficient and essential supplies, which they regularly reject; to opening checkpoints earlier, which authorities have repeatedly refused; to respecting basic security guarantees for aid convoys, aid workers and aid offices, which have instead come under recurrent attack.

In its order for additional provisional measures of March 28, 2024, the ICJ found that since its 26 January orders the situation in Gaza further deteriorated, with famine being no longer a risk but a reality. The Court unanimously ordered Israel to "take all necessary and effective measures to ensure, without delay, in full co-operation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout Gaza, including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary"

CONCLUSION & RECOMMENDATION

Amnesty International, based on the information detailed above, finds that the government of Israel is using US-made weapons in violation of international humanitarian and human rights law, and inconsistent

with US law and policy and has denied humanitarian assistance. The United States must immediately suspend the transfer of arms to the Israeli government.

Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

Contact



gr@aiusa.org



[facebook.com/
AmnestyUSA](https://facebook.com/AmnestyUSA)



[@AmnestyUSA](https://twitter.com/AmnestyUSA)



amnestyusa.org



Amnesty International
USA
1150 18th St. NW
Washington, DC 20036

Except where otherwise noted, content in this document is licensed under a Creative Commons (attribution, non-commercial, no derivatives, international 4.0) licence (see creativecommons.org/licenses/by-nc-nd/4.0/legalcode).

Where material is attributed to a copyright owner other than Amnesty International, this material is not covered by the Creative Commons licence.

For more information, visit the [permissions page](#) on Amnesty International's website.