Colonial States' Complicity in Gaza:

Arming and Shielding Genocide

BADIL Working Paper No. 32

بديل
المركز الفلسطيني
لمصادر حقوق المواطنة واللاجئين

BADIL
Resource Center
for Palestinian Residency and Refugee Rights

July 2025

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ISBN: 978-9950-339-67-5

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1. Executive Summary

The support of Western, colonial states has been central to the Israeli regime's ability to commit crimes and perpetuate the ongoing Nakba for over 77 years. Western, colonial states have poured billions into arming the Israeli regime and shielding it diplomatically, ensuring its continued impunity. Moreover, they have also protected and subsidized both the arms and technology companies providing the munitions used by the Israeli regime, and the media institutions manufacturing consent for Israeli crimes.

Rather than abiding by their legal obligations under international law—including obligations under the Convention on the Prevention and Punishment of the Crime of Genocide to stop, prevent, and refrain from being complicit in genocide—states have magnified their military and political support to the Israeli regime, specifically since October 2023.

The contours of complicity in international crimes are defined through two categories: complicity as a violation of state responsibility under public international law (PIL); and, complicity grounded in the negative obligations of states under international humanitarian law (IHL). Accordingly, complicity results from commission, not omission. In other words, state complicity is a form of secondary liability where a state, through positive acts (e.g., aiding, assisting, encouraging, etc.), contributes to another state's crimes and violations of international law.

States' complicity in the commission of Israeli crimes and violations in the Gaza Strip has two main forms: military and political.

Complicity is proven by establishing a causal link between the crimes committed by the Israeli regime and the actions of secondary states, which fall into three main categories:

1. the provision of military aid;

2. the incapacitation and replacement of the United Nations Relief and Work Agency (UNRWA) and the United Nations-led humanitarian system;
3. and, paralyzing of accountability mechanisms and obstructing the prevention of Israeli crimes.

Western, colonial states—particularly the US, UK, and Germany—have significantly contributed to ongoing crimes in the Gaza Strip since October 2023. These states have not only provided the Israeli regime with military arms and intelligence, but also granted it political legitimacy and diplomatic protection. They have repeatedly blocked ceasefire efforts, shielded the Israeli regime from accountability in international fora, and actively undermined the UN's humanitarian mechanisms, most notably through the defunding and incapacitation of UNRWA.

Their complicity extends across every dimension of the Israeli regime's commission of crimes:

1. Genocide of the Palestinians in Gaza, including the impositions of conditions of slow death;
2. Systematic and repeated forced displacement of millions;
3. Obstruction and weaponization of humanitarian aid and engineered starvation;
4. Deliberate targeting and destruction of civilian infrastructure, including hospitals, schools, and shelters;
5. And in the mass, willful killing of Palestinians.

In the Gaza Strip, it is evident that without the backing of these states, the Israeli regime would not have been able to carry out its crimes in Gaza to this scale, for this duration, or with this level of immunity. The aid and protection provided by these states have facilitated Israeli actions, and shaped the conditions under which these crimes have been carried out and

legitimized. It is arguable, if not self-evident, that actions of certain states, chief among them the US, surpass complicity to co-perpetration.

The crimes committed in Gaza today, including genocide, have been principally made possible by a global imperial order that has shielded and normalized a situation of Israeli colonization, forced displacement, and apartheid in Palestine for over 77 years.

International and UN accountability mechanisms cannot act independently of their member states. They are bound by the political will of (the most powerful) states; and in the Palestinian case, that will has been overwhelmingly employed toward shielding the Israeli regime and ensuring its continued impunity. These powerful states have effectively played a central role in blocking accountability against the Israeli regime and aiding, encouraging and maintaining its crimes in Gaza.

True accountability in the face of these crimes requires not only the enforcement of a ceasefire and the dismantling of the Israeli regime, but also the sanctioning and prosecution of complicit states that have enabled and sustained its actions. In the absence of political will from states, challenging the hegemony of the Israeli regime and its complicit allies has to come from below. Palestinian resistance, combined with the sustained and strategic efforts of the global solidarity movement, is the only way through which the genocidal war on the Gaza Strip will end, the Israeli colonial-apartheid regime will be sanctioned and dismantled, and western, colonial states will be held accountable for their complicity.

2. Introduction

The support of Western, colonial states has been central to the Israeli regime's ability to commit crimes and perpetuate the ongoing Nakba[1] for over 77 years. States have long played a critical role in the advancement of the Zionist colonial project: from the 1917 Balfour Declaration and the British Mandate (1922-1948);[2] to the 1947 United Nations Partition Plan[3] and the subsequent international recognition of the Israeli regime; to the Oslo Accords,[4] the promotion of "peace plans,"[5] and the two-state solution. In tandem, they have ensured the Israeli regime's impunity by providing it with immense political backing and obstructing accountability at international institutions, including vetoing United Nations Security Council resolutions,[6] in violation of their responsibilities under international law. At the domestic level, governments have cracked down harshly on Palestine solidarity movements, including by: employing police

1 BADIL Resource Center for Palestinian Residency and Refugee Rights (BADIL) defines the ongoing Nakba as "the perpetual colonization enterprise and its pillars, which are maintained and upheld through a plethora of Zionist-Israeli policies, practices, and laws that perpetrate population transfers to alter the demographic and geographic composition of Mandatory Palestine." BADIL, *Survey of Palestinian Refugees and Internally Displaced Persons, 2019-2021*, (Bethlehem: BADIL, 2022), xii, https://badil.org/cached_uploads/view/2022/10/31/survey2021-eng-1667209836.pdf.

2 See BADIL, *Forced Population Transfer: The Case of Palestine – Introduction*, Working Paper No. 1 (Bethlehem: BADIL, February 2020), 15-18, https://badil.org/cached_uploads/view/2022/10/31/survey2021-eng-1667209836.pdf.

3 BADIL, "Take Your Symbolic International Solidarity Day and Give Us back Our Land and Our Rights: True Solidarity with Palestine Demands Concrete Actions," press release, November 28, 2025, https://badil.org/press-releases/15588.html.

4 See BADIL, *Palestinian Youth Perspectives on the Oslo Peace Process: Successes, Failures and Alternatives*, Working Paper No. 27 (Bethlehem: BADIL, February 2020), xii, https://badil.org/cached_uploads/view/2022/10/31/survey2021-eng-1667209836.pdf.

5 For example on Trump's 'Deal of the Century' see: BADIL, *Trump's so-called Vision/Deal of the Century: A move to end the Palestinian refugee issue through serious breaches of International Law*, Position Paper (Bethlehem: BADIL, May 2020), https://badil.org/cached_uploads/view/2021/04/20/deal-of-the-century-refugee-issue-positionpaper-may2020-1618905452.pdf.

6 The US has vetoed 50 UN Security Council (UNSC) resolutions critical against the Israeli regime. See: Jewish Virtual Library, "U.N. Security Council: U.S. Vetoes of Resolutions Critical to Israel," Jewish Virtual Library, accessed June 30, 2025, https://www.jewishvirtuallibrary.org/u-s-vetoes-of-un-security-council-resolutions-critical-to-israel.

violence against protesters, banning Palestinian symbols, criminalizing activists and groups as "terrorists" or "terror supporters," and arresting and deporting protesters and activists.[7]

States' support and endorsement has effectively enabled the sustainment of the Israeli regime, its pillars of colonization, apartheid, and forced displacement and transfer, and the systematic denial of the rights of the Palestinian people, including their inalienable rights to self-determination and return.

Palestinians in Gaza have been at the sharpest edge of Israeli colonization and violence for decades. Since 2007, the Israeli regime imposed a brutal land, sea and air blockade on the Gaza Strip, restricting the movement of people and goods in and out of the area. States' complicity has been central in maintaining this system of domination and control, including across each of the major wars on Gaza. Western, colonial states have poured billions into arming the Israeli regime and shielding it diplomatically, ensuring its continued impunity. Moreover, they have also protected and subsidized both the arms and technology companies providing the munitions used by the Israeli regime, and the media institutions manufacturing consent for Israeli crimes.[8]

This coordinated nexus between states, arms industries, corporations, and the media has fueled the crimes of the Israeli regime for decades and cultivated a culture of impunity that has allowed and enabled the current escalation, especially genocide, in the Gaza Strip.

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7 BADIL, *Colonial States' Complicity in Furthering Shrinking Spaces for Solidarity with Palestine*, Position Paper (Bethlehem: BADIL, June 2024), https://badil.org/cached_uploads/view/2024/06/10/position-paper-shrinking-spaces-2024-1718008089.pdf.

8 Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, *From economy of occupation to economy of genocide* (UN Doc. A/HRC/59/23, presented June 30, 2025), https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session59/advance-version/a-hrc-59-23-aev.pdf.

For over 20 months, rather than abiding by their legal obligations under international law—including obligations under the Convention on the Prevention and Punishment of the Crime of Genocide [Hereinafter: Genocide Convention] to stop, prevent, and refrain from being complicit in genocide—states have magnified their military and political support to the Israeli regime. This paper breaks down this support, proving complicity in the commission of ongoing crimes and violations committed by the Israeli regime specifically in the Gaza Strip since 7 October 2023.

Complicity is not directly or fully delineated under international law and remains a limited framework. Therefore, the paper draws a working definition by studying states responsibility and liability under public international law, international humanitarian law, and relevant rulings of the International Court of Justice. It defines the contours of complicity in international crimes through two categories: complicity as a violation of state responsibility under public international law (PIL); and, complicity grounded in the negative obligations of states under international humanitarian law (IHL). The paper points to the fundamental distinction between complicity and the failure to prevent/act: while complicity results from commission, the latter results from omission. Thus, the working definition established is: state complicity is a form of secondary liability where a state, through positive acts (e.g., aiding, assisting, encouraging, etc.), contributes to another state's crimes and violations of international law.

Based on this definition, the paper explores states' complicity, particularly that of the United States, United Kingdom, and Germany, in the commission of Israeli crimes and violations in the Gaza Strip across two main forms: military and political. Complicity is proven by establishing a causal link between the crimes committed by the Israeli regime and the actions of secondary states, which fall into three main categories: the provision of military aid; the incapacitation and replacement of the United Nations Relief and Work Agency (UNRWA) and the United

Nations-led humanitarian system; and, paralyzing of accountability mechanisms and obstructing the prevention of Israeli crimes.

Note that this paper presents a non-exhaustive, representative compilation of Western states' complicity in Israeli crimes in the Gaza Strip through early July 2025.

3. State Complicity: A Legal Framework

This section defines the contours of complicity in international crimes through three forms of liability: (1) complicity as aiding or assisting the commission of an internationally wrongful act; (2) complicity as aiding or assisting in the maintenance of a breach of peremptory norms (*jus cogens*); and (3) complicity as defined by negative obligations of states under IHL. Section 2.1 provides a general definition of complicity, touching upon the different ways it can take form and providing an overview of subsequent sections. Section 2.2 explores complicity under PIL through the boundaries of the law of state responsibility, specifically through the related concepts of aiding and assisting. Section 2.3 addresses complicity under IHL and the obligations it posits on states. Section 2.4 examines the previous and ongoing rulings of the International Court of Justice (ICJ) on cases of complicity and the criminal liability posited on states in these cases.

3.1 Defining Complicity

The crime of complicity takes place when "an actor violates a rule that was designed to prevent it from (negatively) influencing [a] wrong."[9] Generally, complicity refers to the legal responsibility incurred by a secondary party for contributing to the wrongdoing of the primary party through acts that either aid or influence the commission of the crime. While this responsibility arises only once the principal act is committed, complicity in a wrongful act is a distinct trigger of responsibility, separate from the principal act it aids. Thus, a complicit actor is liable for their own facilitating action and not the main wrongdoing.[10]

9 Erik Kok, "The Principle of Complicity under International Law – Its Application to States and Individuals in Cases Involving Genocide, Crimes against Humanity and War Crimes," in *The Diversification and Fragmentation of International Criminal Law*, ed. Larissa van den Herik and Carsten Stahn (Leiden: Martinus Nijhoff Publishers, 2012), 558, https://doi.org/10.1163/9789004236912_021.

10 See Vladyslav Lanovoy, *Complicity and Its Limits in the Law of International Responsibility*, Studies in International Law, volume 59 (Oxford Portland, Oregon: Hart Publishing, 2016), 4-5.

Unlike more explicitly defined legal concepts, complicity is not a term directly delineated by general international law. To draw a definition of complicity, many have looked toward the jurisdiction of common law. While state complicity has a different threshold of liability than individual complicity, domestic law helps underpin the general framework of complicity as a legal doctrine. The federal law on complicity in the United States (US) and the Accessories and Abettors Act of 1861 in England and Wales both address complicity through modes of contributing to wrongdoing, including aiding, abetting, counseling, or procuring the commission of an offense.[11] **Complicity can be considered to be a mode of derivative liability that can take form in two ways: influence and assistance**.[12] Influence involves intentionally affecting the primary party's decision in the commission of a crime. Influence encompasses advising, persuading, encouraging, and procuring, among other things. Assistance, on the other hand, entails "ways in which one person may help another commit a crime, including furnishing means, whether material or informational, providing opportunities, and lending a hand in preparation or execution."[13]

This paper makes the case that state complicity is a form of liability that can manifest in various ways under international law, each with differing standards and thresholds of liability. One way is through derivative state responsibility, as defined by the International Law Commission's (ILC) Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA). Complicity as a violation of state responsibility (Section 2.2) arises **when a state aids or assists another state in the commission of an internationally wrongful act (Article 16 of ARSIWA) or in the maintenance of an unlawful situation created by the breach of a peremptory norm (Article 41 of ARSIWA).** The ICJ, which made

11 See Miles Jackson, *Complicity in International Law*, First edition, Oxford Monographs in International Law (Oxford: Oxford University Press, 2015), 10.

12 See Sanford H. Kadish, "Complicity, Cause and Blame: A Study in the Interpretation of Doctrine," *California Law Review* 73, no. 2 (March 1985): 342, https://doi.org/10.2307/3480313.

13 Ibid., 343.

a direct reference to the term "complicity"—specifically "complicity in genocide"—ruled that it would make **no distinction between the meaning of complicity in genocide and the principle of aiding and assisting as provided per Article 16 of ARSIWA**. It had decided that, when ascertaining the perpetrators' acts in providing aid or assistance in the genocide in Srebrenica, it would do so "in a sense not significantly different from that of those concepts in the general law of international responsibility."[14] The Court also emphasized the differences between the obligation to prevent and complicity. While complicity requires positive action taken to aid or assist the perpetrators, the obligation to prevent involves a failure to take measures. **Complicity results from commission, whereas failure to prevent results from omission**.[15]

A definition of complicity can also be derived from the negative obligations of states (Section 2.3), as stipulated by IHL. Most prominently, under Common Article 1 of the 1948 Geneva Conventions (CA1), states are obligated to not provide aid or assistance to states violating the Conventions. This is also reaffirmed under the rules of customary humanitarian law, which stipulate: "States may not encourage violations of international humanitarian law by parties to an armed conflict. They must exert their influence, to the degree possible, to stop violations of international humanitarian law."[16] Complicity, in this sense, can be drawn via the violation of CA1, or generally through a state's contribution to another state's violations of IHL.

Ultimately, state complicity can be defined as a form of derivative liability in which a secondary state contributes to the commission of a violation of international law by a primary state through certain acts (e.g.

14 *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro),* Judgment, I.C.J. Reports 2007, para. 420, https://www.icj-cij.org/sites/default/files/case-related/91/091-20070226-JUD-01-00-EN.pdf.

15 Ibid., para. 432.

16 International Committee of the Red Cross (ICRC), *Customary IHL Database*, Rule 144, "Ensuring Respect for International Humanitarian Law by Other States," accessed July 11, 2025, https://ihl-databases.icrc.org/en/customary-ihl/v1/rule144.

aiding, assisting, influencing, encouraging, etc.). This paper defines state complicity under two frameworks: the violation of state responsibility through aiding or assisting another state's violations, as per PIL; and violating its negative obligations to respect IHL and its key instruments, the Geneva Conventions. As will be discussed further below, for a state to be guilty of complicity, it must carry out its liable conduct with the required prerequisite mental element–the lowest burden of which is knowledge and the highest is intent.

3.2. Forms of Complicity

3.2.1. Complicity as State Responsibility: Aiding and Assisting

Complicity is commonly attributed with related concepts like aiding, assisting, and abetting, and generally within the boundary of the law of state responsibility. The ILC's ARSIWA provides the most comprehensive criteria to engage state responsibility under international law. ARSIWA is legally binding as it constitutes customary international law.[17] Article 16 of ARSIWA states:

> A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if:
>
> (a) that State does so with knowledge of the circumstances of the internationally wrongful act; and,
> (b) the act would be internationally wrongful if committed by that State.[18]

17 *Bosnia v. Serbia*, I.C.J. Reports 2007, para. 420.

18 UN General Assembly (UNGA), *Responsibility of States for Internationally Wrongful Acts*, GA Res 56/83, UN Doc. A/RES/56/83 (12 December 2001), Art. 16, available at: https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf.

In its Commentary on Article 16, the ILC distinguishes the act of aiding and assisting from that of co-perpetration or co-participation, positing the main responsibility for the act on the acting state and a supporting role on the assisting/aiding state. It clarifies that in cases where the "act would clearly have occurred in any event," responsibility for the commission of the act will not extend to the assisting state; it will only be "responsible to the extent that its own conduct has **caused or contributed to** the internationally wrongful act (emphasis added)."[19] The Commentary provides three ways in which Article 16 limits the scope of responsibility for aid or assistance: (1) the complicit state must be aware of the circumstances making the assisted state's conduct internationally wrongful; (2) "the aid or assistance must be given with a view to facilitating the commission of that act, and must actually do so;" and, (3) the committed act would be wrongful had it been also committed by the state providing aid/assistance.[20] "There is no requirement that the aid or assistance should have been essential to the performance of the internationally wrongful act; **it is sufficient if it contributed significantly to that act** (emphasis added)."[21]

Further, the Commentary provides that there are several ways that state responsibility in aiding or assisting may be engaged: "For instance, a **State may incur responsibility if it assists another State to circumvent sanctions imposed by the Security Council or provides material aid to a State that uses the aid to commit human rights violations** (emphasis added)." In the case of the latter, the ILC states that the circumstances must be examined on a case-by-case basis, that is to determine that the assistance/aid was given **with the awareness and intention** to facilitate the commission of the violation.[22] While the text of Article 16 stipulates that the state must have knowledge of the circumstances of the crime,

19 ILC, *Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries*, Yearbook of the International Law Commission, vol. II, Part Two (2001), 66, para. 1, available at: https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf.

20 Ibid., 66, para. 3.

21 Ibid., 66, para. 5.

22 Ibid., 67, para. 9.

the Commentary clarifies that there must be both knowledge and intent. However, many have argued that knowledge and intent in state responsibility are not so different: "Commentators have suggested that where a state has actual or near-certain knowledge of illegality, intent can be 'imputed' to that state. This is an alternative way of reaching the same conclusion that if there is actual or near-certain knowledge of specific illegality, there is intent."[23]

In conclusion, the *mens rea* (mental element) required for aiding and assisting under Article 16 is **knowledge** of the circumstances of the wrongful act committed and that the aid given will facilitate the commission of the act, accompanied with the **intent** to do so. As for the *actus reus*, the conduct of the complicit state must actually **facilitate** the wrongful act, i.e. contribute significantly to it.

Under Article 41, ARSIWA addresses a state's obligation to not provide aid and assistance in other states' breaches of *jus cogens* of international law. *Jus cogens* are fundamental norms of international law that no states are permitted to derogate from. In a non-exhaustive list, the ILC determined eight peremptory norms: the prohibition of aggression, genocide, crimes against humanity, racial discrimination and apartheid, slavery and torture; along with the basic rules of IHL and the right of self-determination.[24] Article 41 prescribes that a state shall not recognize a serious breach of *jus cogens* as lawful or "aid or [assist] in maintaining that situation."[25]

In regards to the first part of Article 41, i.e., non-recognition of the serious breach, the ILC Commentary provides that this obligation "not only refers to the formal recognition of these situations, but also prohibits acts which

23 Harriet Moynihan, *Aiding and Assisting: Challenges in Armed Conflict and Counterterrorism* (London: Chatham House, 2016), 21, available at: https://www.chathamhouse.org/sites/default/files/publications/research/2016-11-11-aiding-assisting-challenges-armed-conflict-moynihan.pdf.

24 ILC, *Draft Conclusions on Peremptory Norms of General International Law (Jus cogens), with commentaries*, Yearbook of the International Law Commission, vol. II, Part Two (2022), 6.

25 *Responsibility of States for Internationally Wrongful Acts*, Art. 41.

would imply such recognition."[26] It further provides: "Collective non-recognition would seem to be a prerequisite for any concerted community response against [breaches of peremptory norms] and marks the minimum necessary response by States to the serious breaches."[27]

As for the latter part of Article 41, the Commentary of the ILC sets out that the prohibition on providing aid and assistance under Article 41 differs from Article 16. The former extends beyond the provision of aid and assistance for an act breaching international law to maintaining the illegal situation created by the breach, applying even if the breach itself is not ongoing. It also provides that while intent and knowledge of the circumstances are required for Article 16, they do not apply for Article 41, "as it is hardly conceivable that a State would not have notice of the commission of a serious breach by another State."[28]

These principles establish that a state is strictly prohibited from providing aid and assistance to another state perpetrating international crimes and breaching peremptory norms violations. The law on state responsibility is legally binding as a rule of customary international law, and any violation of it exposes a state to the risk of international accountability.

3.2.2. Complicity under International Humanitarian Law: Violation of the Negative Obligations of States

While complicity is not termed or defined under IHL, its components can be drawn vis-à-vis the obligations posited on states. The obligations under IHL include both negative obligations, i.e. the duty to refrain from committing an act that violates international law; and positive

26 *Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries*, 114, para. 5.

27 Ibid., para. 8.

28 Ibid., para. 11.

obligations, i.e. the duty to take measures to protect human rights and the rule of law. While states are in breach of their negative obligations when they take active action that they should not do, states violate their positive obligation when they fail to act. As provided above, complicity requires an active act to be engaged, therefore, this section will primarily focus on the negative obligations provided by IHL and the ways in which a secondary state may violate its legal obligation to not act.

Under CA1, the Geneva Conventions of 1949 lay positive and negative obligations on states, requiring that they "respect and [ensure] respect for the present Convention[s] in all circumstances."[29] The International Committee of the Red Cross's (ICRC) Commentary on CA1 provides: "Under the negative obligation, High Contracting Parties **may neither encourage, nor aid or assist** in violations of the Conventions by Parties to a conflict (emphasis added)."[30] The Commentary further highlights that "it would be contradictory" for the article to mandate that High Contracting Parties (HCPs) ensure their own forces comply with the law, yet allow them to assist other parties in committing violations.[31] The violation of CA1 can essentially be considered as a form of complicity, involving the failure to refrain from being complicit in the commission of a grave breach of the Geneva Conventions.

The Commentary of the ICRC references ARSIWA's Article 16, highlighting that states should not aid or assist in the violation of another state's internationally wrongful act. However, it stresses that unlike Article 16 of ARSIWA, CA1 is not contingent on proving the element of intent, as it "does not tolerate that a State would knowingly contribute to violations of the Conventions by a Party to a conflict,

29 See Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, August 12, 1949, 75 U.N.T.S. 31, art. 1.

30 ICRC Database, *Treaties, States Parties and Commentaries*, Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949., Commentary of 01.01.2020, Article 1 - Respect for the Convention, para. 187, https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-1/commentary/2020.

31 Ibid., para. 191.

whatever its intentions may be."[32] The Commentary underscores the following:

> The obligation to ensure respect for the Conventions is an **autonomous primary obligation that imposes more stringent conditions than those required for the secondary rules on State responsibility for aiding or assisting**. What is at stake is more than aid or assistance to violations of the rules of international law but concerns aid or assistance to violations of rules whose observance the High Contracting Parties have specifically undertaken to respect and ensure respect for. **Financial, material or other support in the knowledge that such support will be used to commit violations of humanitarian law would therefore violate common Article 1, even though it may not amount to aiding or assisting in the commission of a wrongful act by the receiving States for the purposes of State responsibility** (emphasis added).[33]

While the Commentary of the ICRC is clear that the HCPs of the Geneva Conventions may not encourage violations of the Conventions, it does not provide a general definition for encouragement. It cites the example of the ICJ's ruling on US involvement in the 1986 *Case Concerning Military and Paramilitary Activities In and Against Nicaragua*, in which it held that the US was responsible for encouragement by disseminating a manual containing advice contrary to IHL to the Contras.[34] When assessing whether US actions fell under the definition of encouragement, it decided that "it is material to consider whether that encouragement was offered to persons in circumstances where the commission of such acts was likely or foreseeable." The Court held that "[t]he publication and dissemination of a manual [...] must therefore be regarded as an encouragement, which was likely to be effective, to commit acts contrary to general principles

32 Ibid., para. 192.

33 Ibid., para. 193.

34 Ibid., para. 191.

of international humanitarian law reflected in treaties."[35] This is the only example that is cited by the ICRC, and it places a high threshold on acts that could fall under encouragement. In fact, it is arguable that the US providing a manual with instructions and "advice" inciting groups to commit human rights violations surpasses encouragement or even complicity at large into participation in the crime.

Nonetheless, from this example, it can be concluded that to establish encouragement two elements are required: **first, that the complicit state provided encouragement with the knowledge that the commission of the crime and violation was likely or foreseeable; and second, that their encouragement had a real effect in supporting the commission, continuation, or escalation of crimes and violations**.

Establishing the second factor of encouragement is the more complex part. Political complicity, unlike military, economic, or logistic assistance, is not clear-cut and does not involve tangible material support; there are no bullets or bombs that can be traced back to a political statement or diplomatic support. The question that arises is: when do political statements or actions on the diplomatic level cross the threshold into encouragement as complicity? To fulfill the second factor, there needs to be an examination of the context and the actual impact such actions have on the commission, continuation, or escalation of the crimes in question. At the level of the complicit party, analysis must take into account the political power and influence of the state, and how that power impacts both the international system and the actions of the perpetrating state. Political complicity on this level includes examining political statements of support or encouragement: **considering their content, timing, and influence on decision-makers in the perpetrating state and subsequent impact on the ground on the commission of crimes**. This includes, diplomatic actions like the use of veto power to block ceasefire resolutions at the

35 ICJ, *Military and Paramilitary Activities in and against Nicaragua case*, Merits, Judgment, 1986, 130, para. 256, https://www.icj-cij.org/sites/default/files/case-related/70/070-19860627-JUD-01-00-EN.pdf.

United Nations Security Council (UNSC) or otherwise obstructing and paralyzing international accountability mechanisms.

To establish a causal link between encouragement and its material effects on the commission and continuation of an international crime, it is necessary to examine the broader temporal and situational context. It requires more than identifying individual acts of support; it necessitates an assessment of conduct and how those acts interact with the perpetrating state's behavior, influence on its decision-makers, and/or impact the international system's response. This includes examining the sequence of events; specifically, the actions, policies, and statements of the perpetrating state preceding and following the complicit state's expressions of support.

In conclusion, complicity can be roughly categorized into **three forms of liability**, depending on the nature of the principal violation and the applicable legal framework, as listed below.

1. **Aid or assistance under Article 16 of ARSIWA**: This form of complicity arises when a state intentionally provides aid or assistance to facilitate the commission of an internationally wrongful act by another state. It requires that the complicit state not only knows of the principal wrongful act but also intends its support to contribute to that act.

2. **Assistance in maintaining serious breaches of peremptory norms under Article 41 of ARSIWA**: Liability attaches to a state that aids or assists in maintaining a serious breach of *jus cogens* norms. Unlike Article 16, this form of complicity does not require proof of intent; knowledge that the assistance contributes to the continued breach is sufficient.

3. **Violation of negative obligations under CA1 of the Geneva Conventions**: This form of complicity stems from the duty to ensure respect for IHL, which includes refraining from supporting violations

of IHL by other parties. Similarly to Article 41 of ARSIWA, the mental element is lower than under Article 16, requiring only knowledge that the support provided will contribute to the principal actor's violation.

3.3. Criminalization of Complicity: The Jurisprudence of the International Court of Justice

3.3.1. Bosnia v. Serbia: State Complicity in Genocide

The Genocide Convention explicitly lists "complicity in genocide" as a punishable act under Article III(e).[36] The ICJ, in the case of *Bosnia and Herzegovina v. Serbia and Montenegro* [hereinafter: *Bosnia v. Serbia*], had stated that the definition of complicity under Article III(e) of the Genocide Convention "includes the provision of means to enable or facilitate the commission of the crime."[37] As provided above, the court had ruled that there be no distinction between the definition of complicity in genocide and that of aiding or assisting under Article 16 of ARSIWA.[38]

The ICJ underscores that for a state to be held responsible for complicity in genocide, it must first be proven that genocide has been committed.[39] However, the prior conviction of an individual perpetrator is not required. Furthermore, the Court stated that it has a higher standard of proof than those of criminal courts, noting that it has the authority under its Statute to determine if genocide or other serious violations have occurred. The ICJ highlighted that the requirement of prior individual convictions may prevent legal recourse in cases where state leaders may attempt to evade prosecution. Therefore, it was concluded that a state could be held

36 UN, *Convention on the Prevention and Punishment of the Crime of Genocide*, December 9, 1948, 78 U.N.T.S. 277, art. III(e).

37 *Bosnia v. Serbia*, I.C.J. Reports 2007, para. 419.

38 Ibid., para. 420.

39 Ibid., para 180.

responsible for complicity in genocide without the prior conviction of the individual perpetrators.[40]

The ICJ provides very heightened scrutiny on establishing complicity in genocide. Just like in a case of genocide, establishing complicity in genocide is contingent on the principle of special intent (*dolus specialis*). The Court held that, in the context of international responsibility for genocide, complicity involves the link between the *dolus specialis* of genocide and the accomplice's motives. **Complicity requires that the accomplice (i.e. the official or organs of the state aiding or assisting genocide), at the very least, had knowledge of the principal perpetrator's special intent to destroy a protected group. If this condition is not met, complicity cannot be established.**[41] The Court's final ruling was that complicity in genocide could not be established because it could not be proven, beyond reasonable doubt, that the Belgrade authorities, i.e. those providing aid and assistance to the Bosnian Serbs who carried out the Srebrenica Massacre, were aware of the decision to eliminate the adult male Muslim population of Srebrenica when it was made. The Court found that the "decision was taken shortly before it was actually carried out," ruling that it could not be established that the authorities "supplied aid to the perpetrators of the genocide in full awareness that the aid supplied would be used to commit genocide."[42]

As mentioned in Section 1, there are inherent differences between complicity in genocide and the duty to prevent genocide. While the latter constitutes the failure to act, the former requires a state to take positive action. The Court provided: "there cannot be a finding of complicity against a State unless at the least its organs were aware that genocide was about to be committed or was under way, and if the aid and assistance supplied, **from the moment they became so aware onwards**, to the

40 Ibid., para. 182.

41 Ibid., para. 421.

42 Ibid., para. 422-423.

perpetrators of the criminal acts or to those who were on the point of committing them, enabled or facilitated the commission of the acts (emphasis added)." In contrast, the obligation to prevent can be violated even if the state was not certain but should have been aware of the serious danger of genocide.[43]

3.3.2. Nicaragua v. Germany

On 1 March 2024, Nicaragua brought an Application instituting proceedings against Germany at the ICJ for violating its state obligations in respect to the Israeli regime's violation of peremptory norms in Palestine and requesting provisional measures. Nicaragua requested from the Court to declare that Germany is liable for: (1) the failure fulfilling its obligation to prevent genocide against the Palestinian people and contributing to the commission of the genocide; (2) the failure to comply with its IHL obligations, per the Geneva Conventions of 1948 and their Protocols; and, the "intransgressible principles" of IHL, by not respecting its obligation to respect the norms therein; (3) the failure to comply with other *jus cogens* rules "by rendering aid or assistance in maintaining the illegal situation of the continued military occupation of Palestine including its ongoing, unlawful attack in Gaza;" and, (4) the failure to comply with other peremptory norms by aiding, assisting and not preventing Israeli apartheid and "the negation of the right of self-determination of the Palestinian people."[44]

The Application states that Germany has provided substantial political, financial, and military support to the Israeli regime, fully aware that this support facilitates breaches of international law, including genocidal acts

43 Ibid., para. 432.

44 *Alleged Breaches of Certain International Obligations in Respect of the Occupied Palestinian Territory (Nicaragua v. Germany),* filed March 1, 2024, Application instituting proceedings and request for the indication of provisional measures, para. 3, available at: https://www.icj-cij.org/sites/default/files/case-related/193/193-20240301-app-01-00-en.pdf.

against Palestinians.[45] Nicargua also considered Germany's suspension of assistance to UNRWA, underscoring that it is "not only in itself a breach of the obligation to prevent genocide and ensure the respect of the laws of war by others, but [also] points to a greater involvement in the facilitation of these unlawful activities."[46]

Nicaragua's Application found that Germany's awareness of Israeli regime's illegal action triggered its obligations to prevent genocide, refrain from being complicit in genocide, and ensure respect for IHL and *jus cogens* norms.[47] The Application, therefore, finds that Germany's actions violate the Genocide Convention, customary international law principles and its obligations under CA1 of the Geneva Conventions. It does so "not only by failing to ensure that the requirements of that Convention are complied with, but also by providing aid, including military [equipment], that would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes."[48]

On these grounds, Nicaragua requested that the Court indicate provisional measures for Germany to: (1) "immediately suspend its aid to Israel;" (2) "immediately make every effort to ensure that weapons already delivered to Israel are not used to commit genocide, contribute to acts of genocide or are used in such a way as to violate international humanitarian law;" (3) comply with its obligations under IHL; (4) reverse its decision to suspend funding to UNRWA; and, (5) "cooperate to bring to an end the serious breaches of peremptory norms of international law by ceasing its support" to the Israeli regime.[49]

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45 Ibid., para. 13.

46 Ibid., para. 14-15.

47 Ibid., para. 12.

48 Ibid., para. 67.

49 Ibid., para. 101.

In its 30 April 2024 Order, the ICJ's assessment noted that Germany's legal framework for exporting arms ascertains the risks that the item will be used in IHL violations, crimes against humanity, or genocide, and that Germany's weapons licenses to the Israeli regime have decreased since November 2023.[50] It also stated that funding to UNRWA is voluntary and that Germany "has supported initiatives aimed at funding the agency's work" through the EU. Based on these findings, it decided not to indicate provisional measures against Germany; however, the case remains ongoing.[51]

Subsequent sections of this paper explore Germany's continued provision of military and political support to the Israeli regime, including through the defunding and incapacitation of UNRWA, establishing its complicity in crimes in Gaza.

50 *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany),* Provisional Measures, Order of 30 April 2024, I.C.J. Reports 2024, para. 17-18.

51 Ibid., para. 19-20.

4. State Complicity in the Commission of Crimes in Gaza: The Military and the Political

Since 7 October 2023, the Israeli regime has greatly escalated its illegal policies and crimes against the Palestinian people in a widespread and systematic manner: subjecting the population of the Gaza Strip to intense and widespread bombardment; destroying and damaging most of Gaza's homes and critical infrastructure, including schools and hospitals; imposing a complete siege on the Strip, allowing none to minimal humanitarian aid, products, services, and basic life necessities, including food, water, and fuel; and repeatedly forcibly displacing the population of Gaza en masse. The Israeli regime's actions are international law violations of the highest degree, including violations of *jus cogens* norms, war crimes, crimes against humanity, and grave breaches of the Geneva Conventions.

This paper will primarily focus on states' complicity in the following Israeli crimes and violations in the Gaza Strip: **genocide, wanton destruction, willful killing, obstruction and weaponization of aid, starvation, and forced displacement and transfer**. The following section demonstrates states' complicity in these crimes through the following actions: (1) the provision of military aid to the Israeli regime; (2) the incapacitation and replacement of UNRWA and the UN-led humanitarian system; and, (3) paralyzing accountability mechanisms and obstructing the prevention of Israeli crimes.

4.1. State Complicity via the Provision of Military Aid to the Israeli Regime

One of the most prominent facets of state complicity throughout the Israeli regime's genocide on the Gaza Strip has been military aid and support. **Using foreign produced and supplied weapons**, the Israeli regime's attacks and bombardments have killed over 57,680 Palestinians

and injured more than 137,409.[52] Furthermore, it is estimated that 69 percent of buildings across the Gaza Strip have been damaged or destroyed, including 92 percent of housing units,[53] 94 percent of hospitals,[54] 95.2 percent percent of schools,[55] and 92 percent of primary roads.[56] The Israeli regime's attacks do not only lead to direct killings, but also to slow death through the deliberate creation of conditions of life aimed at the elimination of Palestinians in Gaza.[57] The destruction of critical infrastructure and constant bombardment (along with Israeli "evacuation" orders) have led to the repeated displacement of over 1.9 million Palestinians and stripped them of basic necessities, like food, water, shelter and electricity.[58] The Israeli regime's actions constitute, *inter alia*, the following crimes: genocide, wanton destruction, willful killing, starvation, and forced displacement.

This section explores states', primarily the US, UK, and Germany, military complicity through the continuous flow of arms and logistical support, which have been heavily used in Israeli attacks and bombardment, and

52 United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "Reported Impact Snapshot | Gaza Strip (9 July 2025)," OCHA oPt, July 9, 2025, https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-9-july-2025.

53 United Nations Satellite Centre (UNOSAT), "UNOSAT Gaza Strip Comprehensive Damage Assessment," December 13, 2024, https://unosat.org/products/4047.

54 World Health Organization (WHO), "Health System at Breaking Point as Hostilities Further Intensify in Gaza, WHO Warns," May 22, 2025, https://www.who.int/news/item/22-05-2025-health-system-at-breaking-point-as-hostilities-further-intensify--who-warns.

55 Education Cluster, "Education Overview in 2024: The State of Education in Gaza and the West Bank" (February 2025), ReliefWeb, https://reliefweb.int/report/occupied-palestinian-territory/education-overview-2024-state-education-gaza-and-west-bank-current-realities-and-future-priorities-february-2025.

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

57 BADIL, *Forced Displacement as an Act of Genocide in the Gaza Strip*, Working Paper no. 31 (Bethlehem: BADIL, 2024), https://badil.org/cached_uploads/view/2024/06/10/forced-displacement-as-an-act-of-genocide-in-the-gaza-strip-v6-1718021197.pdf.

58 UNRWA, "UNRWA Situation Report #177," June 27, 2025, https://www.unrwa.org/resources/reports/unrwa-situation-report-177-situation-gaza-strip-and-west-bank-including-east-jerusalem.

therefore, contributed to the previously stated crimes against the Palestinian population in Gaza. It is essential to note that the information provided in this section is non-exhaustive, and due to states' lack of transparency on their full support for the Israeli regime, does not encapsulate the full extent of states' military complicity in Israeli crimes.

4.1.1. Arms Deals and the Endless Supply of Weapons

a. United States

The US is the Israeli regime's largest arms supplier, with military aid serving as a cornerstone of their relationship. **From 1946 to 2024, the US provided the Israeli regime with $228 billion in military aid**.[59] The US has made the security and continued military dominance of the Israeli regime a priority, considering it a key part of its own national security interests. This commitment has been formally codified into US law through acts like the Arms Export Control Act (AECA), which specifically ensures that the Israeli regime's Qualitative Military Edge (QME)—i.e., its ability to sustain military superiority over other powers in the region, and to confront and defeat military threats with minimal damage—is maintained.[60] Provisions under these laws include ensuring that US arms sales to countries in the Middle East do not adversely affect the Israeli regime's QME, as well as the commitment to strengthen its security, including providing defense assistance and cooperation.

Since the US began implementing QME, in the late 1960s to early 1970s, it stepped up its military aid to the Israeli regime, becoming its biggest supplier and the biggest US recipient.[61] Under a 2016 Memorandum of

59 Jonathan Masters and Will Merrow, "U.S. Aid to Israel in Four Charts," Council on Foreign Relations, November 13, 2024, https://www.cfr.org/article/us-aid-israel-four-charts.

60 Arms Export Control Act, 22 U.S.C. § 2776(h).

61 Report by the Comptroller General of the United States, *U.S. Assistance to the State of Israel*, GAO/ID-83-51 (Washington, DC: U.S. General Accounting Office, 1983), https://www.gao.gov/assets/id-83-51.pdf.

Understanding, negotiated under President Obama, the US agreed to commit $3.8 billion of in military aid annually to the Israeli regime from 2019 to 2028.[62] Approximately, $3.3 billion of that aid is under the Foreign Military Funding (FMF) programs, providing the Israeli regime with the latest weaponry, like F-35 fighter jets and precision-guided munitions.[63] The remaining $500 million are "for cooperative programs for missile defense,"[64] including the Iron Dome, David's Sling, and Arrow II/III.[65] From 2019 to 2023, US military aid accounted for 69 percent of the Israeli regime's arms imports.[66]

The US has classified the Israeli regime as a "major non-NATO ally" thereby, making it eligible for additional arms equipment funding under the Excess Defense Articles (EDA) program. The US State Department states that they have provided the Israeli regime with $6.6 billion of EDA funding since 1992, and that the "U.S. European Command also maintains in Israel the U.S. War Reserve Stockpile, which can be used to boost Israeli defenses in the case of a significant military emergency."[67]

The US had been complicit in the Israeli regime's crimes in the Gaza Strip from the early hours of 7 October 2023. In one of the very first press calls, a US senior administration official stated that the US was "providing all that support for Israel that it needs" and coordinating with it "up and

62 Office of the Press Secretary, "Memorandum of Understanding Reached with Israel," fact sheet, The White House President Barack Obama (National Archives, September 14, 2016), https://obamawhitehouse.archives.gov/the-press-office/2016/09/14/fact-sheet-memorandum-understanding-reached-israel.

63 Bureau of Political-Military Affairs, "U.S. Security Cooperation with Israel," fact sheet, United States Department of State, April 25, 2025, https://www.state.gov/u-s-security-cooperation-with-israel/.

64 Ibid.

65 Masters and Merrow, "U.S. Aid to Israel."

66 Amnesty International, "U.S.-Made Weapons Used by Government of Israel in Violation of International Law and U.S Law," press release, Amnesty International, April 29, 2024, https://www.amnestyusa.org/press-releases/u-s-made-weapons-used-by-government-of-israel-in-violation-of-international-law-and-u-s-law/.

67 Bureau of Political-Military Affairs, "U.S. Security Cooperation with Israel."

down our military chains."[68] On 11 October 2023, President Biden stated that the US will ensure that the Israeli regime "can defend itself," pledging "additional military assistance, including ammunition and interceptors to replenish Iron Dome."[69] **The US made it explicit that it will send weapons to the Israeli regime specifically to be used in the Gaza Strip**.

The US, as it has been throughout history, is the biggest supplier of arms to the Israeli regime in its genocide on Gaza. A report by the Watson Institute for International Affairs at Brown University provides that from October 2023 to September 2024, the US sent at least $17.9 billion of military aid to the Israeli regime.[70] However, this figure is highly underestimated, as the report is only able to break down the costs that were made publicly available by the US Congress. Furthermore, it reported that "the Biden administration had made at least 100 arms deals with Israel since October 2023 that fell below the value that would have triggered the requirement to notify Congress of the details."[71] These triggers stand at $14 million for major military equipment and $50 million for "defense articles and services."[72] Out of more than 100 arms deals made, **only six were passed up to Congress and subsequently made public**.[73] Military support to the Israeli regime was augmented further

68 Office of the Press Secretary, "Background Press Call by a Senior Administration Official Regarding Hamas Terrorist Attacks in Israel," press briefing, The White House (National Archives, October 7, 2023), https://bidenwhitehouse.archives.gov/briefing-room/press-briefings/2023/10/07/background-press-call-by-a-senior-administration-official-regarding-hamas-terrorist-attacks-in-israel/.

69 U.S. Mission Argentina, "Remarks by President Biden on the Terrorist Attacks in Israel," U.S. Embassy in Argentina, October 11, 2023, https://ar.usembassy.gov/remarks-by-president-biden-on-the-terrorist-attacks-in-israel/.

70 Linda J. Blimes, William D. Hartung, and Stephen Semler, *United States Spending on Israel's Military Operations and Related U.S. Operations in the Region*, October 7, 2023 – September 30, 2024" (Providence: Watson School of International and Public Affairs, October 7, 2024), 4, https://watson.brown.edu/costsofwar/files/cow/imce/papers/2023/2024/Costs%20of%20War_US%20Support%20Since%20Oct%207%20FINAL%20v2.pdf.

71 Ibid., 5.

72 Ibid.

73 Masters and Merrow, "U.S. Aid to Israel."

under the new Trump administration. On 1 March 2025, US Secretary of State, Marco Rubio, reported that since President Trump took office, the US "has approved nearly $12 billion in major FMS [Foreign Military Sales] sales [sic] to Israel."[74] The weapons sent by the Trump administration include "more than 35,500 MK [Mark] 84 and BLU-117 bombs," which have been proven to be used by the Israeli regime in its bombardment of Gaza.[75]

Due to the Israeli regime's ongoing and relentless bombardment throughout Gaza and its denial of access and movement, thorough investigations have been unable to be carried out. However, the limited investigations that have been conducted have highlighted the significant presence and impact of US arms in Israeli attacks on the Gaza Strip. In December 2023, two months into the Israeli genocide, it was reported that during a six-week period, the Israeli regime dropped 22,000 US-supplied bombs in Gaza.[76] Furthermore, a December 2023 investigation by Amnesty International found that Israeli forces employed US-supplied Joint Direct Attack Munitions (JDAMs) in airstrikes targeting densely populated civilian areas in Gaza. The investigation revealed that JDAM remnants were found in the rubble of homes in two separate airstrikes that resulted in the killing of 43 Palestinians.[77] Additionally, a study conducted by researchers at the François-Xavier Bagnoud Center for Health and Human Rights at Harvard University found that between 7 October and 17 November 2023, Israeli forces had dropped 592 US-produced Mark-84 bombs in the proximity

74 Marco Rubio, Secretary of State, "Military Assistance to Israel," press statement, U.S. Department of State, March 1, 2025, https://www.state.gov/military-assistance-to-israel/.

75 The Associated Press, "Trump Administration Approves Major Nearly $3 Billion Arms Sale to Israel," AP News, March 1, 2025, https://apnews.com/article/israel-arms-sale-gaza-bombs-3dcb519c65978c7598e42b3742547e9b.

76 Missy Ryan et al., "Biden's Arming of Israel Faces Backlash as Gaza's Civilian Toll Grows," *The Washington Post,* December 9, 2023, https://www.washingtonpost.com/national-security/2023/12/09/us-weapons-israel-gaza/.

77 Amnesty International, "Israel/OPT: US-Made Munitions Killed 43 Civilians in Two Documented Israeli Air Strikes in Gaza – New Investigation," Amnesty International, 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/.

of hospitals. At least 38 of these bombs were detonated within close proximity of "hospitals in the Israeli military defined evacuation zone." The study underscored: "Given the known blast effect of these M-84 bombs, the impact from the bomb detonations near hospitals likely killed and injured people in and around the hospital area, which could include civilians and hospital staff, and likely damaged hospital infrastructure."[78] Experts who studied the 12 meter craters left after Israeli forces heavily bombarded Jabalia refugee camp, killing at least 195 people, reported that the munition used was most likely a MK 84 bomb.[79] **In other words, US-supplied bombs are used by the Israeli regime to commit the crimes of genocide, wanton destruction and willful killing.**

b. Germany and the European Union

European countries have also historically been complicit in Israeli crimes by providing the Israeli regime with extensive military support. Chief among these states is Germany, the largest European and the second largest global supplier of arms to the Israeli regime. From 2018 to 2022, Germany approved $910 million to the Israeli regime, accounting "for half of the EU's arms exports over this period."[80] The Stockholm International Peace Research Institute (SIPRI) reports that 30 percent of the Israeli regime's major arms imports from 2019 to 2023 were from Germany.[81] In

78 Dennis Kunichoff et al., "Are Hospitals Collateral Damage? Assessing Geospatial Proximity of 2000 Lb Bomb Detonations to Hospital Facilities in the Gaza Strip from October 7 to November 17, 2023," *PLOS Global Public Health* 4, no. 10 (October 2024): 1–14, https://doi.org/10.1371/journal.pgph.0003178.

79 Emma Graham-Harrison, Manisha Ganguly, and Elena Morresi, "Cratered Ground and Destroyed Lives: Piecing Together the Jabalia Camp Airstrike," *The Guardian*, November 1, 2023, sec. World news, https://www.theguardian.com/world/2023/nov/01/jabalia-camp-airstrike-gaza.

80 Mark Akkerman and Niamh Ní Bhriain, *Partners in Crime: EU Complicity in Israel's Genocide in Gaza* (Amsterdam: Transnational Institute, June 2024), 4, available at: https://www.tni.org/files/2024-06/Partners-in-Crime-Report-TNI-web_0.pdf.

81 Zain Hussain, "How Top Arms Exporters Have Responded to the War in Gaza," commentary, Stockholm International Peace Research Institute, October 3, 2024, https://www.sipri.org/commentary/topical-backgrounder/2024/how-top-arms-exporters-have-responded-war-gaza.

2022, the European country signed a large, long-term arms contract worth $3.3 billion for the Israeli regime to purchase three submarines, "expected to be delivered from 2031 onwards."[82]

In 2023, Germany supplied the Israeli regime with $361 million in military aid under 308 arms licenses, with the majority of the aid approved after 7 October.[83] German military support to the Israeli regime had multiplied from 2022, in which it provided $37 million in military assistance to the Israeli regime.[84] Germany approved 65 licenses in 2023 for "ground vehicles and components" and 15 licenses for "[b]ombs, torpedoes, rockets, missiles, other explosive devices and charges and related equipment and accessories," while others compromised military equipment, technology, etc.[85] It is reported that some of the weapons Germany exported to the Israeli regime in 2023 included Sa'ar 6-class corvettes, diesel engines for armored personnel carriers and Merkava4 tanks, and torpedoes for submarines. An investigative report by Forensis provides that German-subsidized Sa'ar 6 corvettes and advanced Israeli armored vehicles, including the Eitan APC and Merkava-4 tanks, have been actively used in the Israeli regime's ongoing genocide in Gaza, contributing to naval blockades, urban assaults and ground invasions. **These systems have been implicated in the willful killing of civilians, wanton destruction of infrastructure, and the systematic razing of farmland amidst an Israeli-imposed starvation campaign in the Gaza Strip**.[86]

In October 2024, despite the ICJ's recognition of a plausible genocide

82 David Gritten, "Gaza War: Where Does Israel Get Its Weapons?," *BBC News*, September 3, 2024, https://www.bbc.com/news/world-middle-east-68737412.

83 Forensis, "Short Study: German Arms Exports to Israel 2003-2023" (Berlin: Forensis, April 2, 2024), 5, https://content.forensic-architecture.org/wp-content/uploads/2023/04/Forensis-Report-German-Arms-Exports-to-Israel-2003-2023.pdf.

84 *Reuters*, "German Military Exports to Israel up Nearly 10-Fold as Berlin Fast-Tracks Permits | *Reuters*," November 8, 2023, https://www.*Reuters*.com/world/europe/german-military-exports-israel-up-nearly-10-fold-berlin-fast-tracks-permits-2023-11-08/.

85 Forensis, *German Arms Exports to Israel*, 17.

86 Ibid., 7-8.

being committed by the Israeli regime in the Gaza Strip, Germany approved over $100 million in military aid.[87] It is important to underscore that due to lack of transparency in government expenditure on military aid to the Israeli regime, the amount of assistance contributed to Israeli crimes by Germany and others cannot be truly determined.

While the EU does not *directly* allocate military support to the Israeli regime, it does provide extensive aid, in the form of European public money, to military companies that supply arms to the Israeli regime. According to a paper by the Transnational Institute (TNI), these arms companies—including Rheinmetall (German), Nammo (Norwegian), and Leonardo (Italian)—receive around $577.2 million under the Act in Support of Ammunition Production (ASAP) and the European Defence Fund (EDF).[88] German Rheinmetall co-produces weapons like the M109 howitzer with UK arms company BAE Systems, "which have been used to shell densely populated areas in Gaza."[89] According to the American Friends Service Committee, Rheinmetall also supplied the Israeli regime with 10,000 rounds of 120 mm precision tank ammunition. Following the Israeli regime's request for these ammunitions in November 2023: "Germany reportedly considered speeding up delivery of the ammunition by providing it from its own military's existing stockpiles while ordering more from Rheinmetall."[90] Meanwhile, the US subsidiary of Nammo (which is co-owned by the Norwegian government) has delivered M141 "bunker-buster" rockets, with 1,800 of 3,000 requested launchers sent by late October 2023.[91] This not only points to the complicity of the

87 *Reuters*, "Germany Approves over $100 Million in Arms Exports to Israel, Angering Rights Groups," *The Times of Israel*, October 24, 2024, https://www.timesofisrael.com/germany-approves-over-100-million-in-arms-exports-to-israel-angering-rights-groups/.

88 Akkerman and Ní Bhriain, *Partners in Crime*, 5.

89 Niamh Ní Bhriain and Mark Akkerman, "The EU's Support for Israel Makes It Complicit in Genocide," opinion, *Al Jazeera,* July 6, 2024, https://www.aljazeera.com/opinions/2024/7/6/the-eus-support-for-israel-makes-it-complicit-in-genocide.

90 American Friends Service Committee (AFSC), "Companies Profiting from the Gaza Genocide," accessed May 7, 2025, https://afsc.org/gaza-genocide-companies.

91 Ibid.

larger Western military-industrial complex in Israeli crimes, but also the complicity of the EU and its member states via involvement in the function and funding of these military companies.

c. The United Kingdom

The UK is also a big arms supplier to the Israeli regime, having provided at least $655 million from 2015 to 2024 through 1,285 licenses, including components for military equipment, submarines, combat vehicles and missiles.[92] The UK has procured various arms contracts with Israeli or Israeli-affiliated military companies—including spending $472.8 million on contracts with Israeli company Elbit Systems since 2012, and $164.5 million between 2019 and 2023 on contracts with Rafael (which was "originally the research laboratory of the Israeli Ministry of Defence").[93] Notably, the UK defense industry also provides "15% of the value of each F-35" fighter jet, which the Israeli regime has used significantly in its bombardment of the Gaza Strip.[94] The UK has previously admitted that its military supplies to the Israeli regime have been used in previous wars on Gaza, and even suspended some arms licenses "due to their use against civilians in Gaza" in 2009.[95] However, rather than bring a complete end to its complicity by implementing an arms embargo, the UK continued its arms sales to the Israeli regime and cemented its complicity in Israeli crimes over the years.

In December 2023, UK Secretary of State for Business and Trade

92 Campaign Against Arms Trade (CAAT), "Overview: UK Arms Export Licences to Israel (2015–present)," database, accessed May 7, 2025, https://caat.org.uk/data/exports-uk/overview?region=Israel&date_from=2015-04.

93 British Palestinian Committee (BPC), *British Military Collaboration with Israel* (London: BPC, January 28, 2025), 13, https://static1.squarespace.com/static/611a64c35baa3f33556d5454/t/6798b1604694e819057b4184/1738060146895/British+Military+Collaboration+Report.

94 CAAT, *Gaza & UK Arms Sales to Israel - Fact Sheet* (November 14, 2023), https://caat.org.uk/app/uploads/2023/11/Fact-sheet-re-Gaza-2023-11-14.pdf.

95 Manchester City Council, *Notice of Motion – Ban of Arms Sales to Israel*, agenda item 10, Council Meeting, July 10, 2024, https://democracy.manchester.gov.uk/mgAi.aspx?ID=15043.

conducted a review of military licenses to the Israeli regime, and "identified 28 extant licences and 28 pending applications as being the highest priority for assessment, on the basis that they involved equipment **which was most likely to be used by the IDF in offensive operations in Gaza** (emphasis added)."[96] Existing licenses included components for combat helicopters, naval vessels, and other equipment. Pending licenses included components for "military aircraft; weapon sights and targeting equipment; small arms ammunition; and materials for production of military aero-engines."[97] The Secretary of State for Business and Trade decided that these licenses would not be suspended, but would stay under "continuing, careful review."[98] From October 2023 to May 2024, more than 100 licenses were granted to UK companies to sell arms to the Israeli regime.[99]

In September 2024, the newly appointed UK Labor Foreign Secretary, David Lammy, proclaimed that the UK was suspending 30 licenses (out of 350 existing licenses) to the Israeli regime due to their "use in the current conflict in Gaza."[100] By December 2024, it was revealed that, despite these suspensions, the UK had issued 33 new licenses for military exports to the Israeli regime, including three open (i.e., unlimited quantity) licenses.[101]

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96 *The King (on the application of Al-Haq) v. Secretary of State for Business and Trade*, case no. AC-2023-LON-003634 (High Court of Justice, King's Bench Division, Administrative Court), "Summary Grounds of the Secretary of State," 2024, 9-10, available at: https://www.glanlaw.org/_files/ugd/26e1a5_14f16c2640e24bc99211ee41243e9c45.pdf.

97 Ibid., 9-10, para. 29.

98 Ibid., 1, para. 1.

99 Oxfam, "Does the UK Sell Arms to Israel?," Oxfam GB, May 13, 2025, https://www.oxfam.org.uk/get-involved/campaign-with-oxfam/gaza-israel-crisis-sign-petition-call-for-ceasefire-now/does-the-uk-sell-arms-to-israel/.

100 David Lammy, Secretary of State for Foreign, Commonwealth and Development Affairs, "*Middle East Update*," UK Parliament, Commons Hansard, September 2, 2024, vol. 753, col. 37, https://hansard.parliament.uk/commons/2024-09-02/debates/F5A06C09-84E1-4788-AF6F-E1560E2B25D3/MiddleEastUpdate#contribution-78DA6459-BB53-4645-8872-CB7C4F535069.

101 John McEvoy, "Labour Allowed Dozens of Arms Exports to Israel after Weapons Sanctions," Declassified UK, December 12, 2024, https://www.declassifieduk.org/labour-allowed-dozens-of-arms-exports-to-israel-after-weapons-sanctions/.

All of these figures have translated to the direct bombardment and killing of Palestinians in the Gaza Strip. While it is difficult to calculate the exact percentage of weapons used by the Israeli regime in Gaza that are foreign-supplied, it can be deduced that the Israeli regime's capacity to carry out such large-scale, sustained attacks all over the Gaza Strip for 21 months would have been significantly reduced without states' billions of dollars of arms supply. This is direct complicity in genocide, willful killing, wanton destruction, and forced displacement.

Furthermore, the substantiality and centrality of states' military support, including the deployment of US troops and the presence of private military and security companies (PMSCs), implies that states' responsibility may surpass complicity to constituting participation in the crimes.

4.1.2. Logistical and Intelligence Support

Beyond arms deals and the provision of endless amounts of weapons, states' complicity has manifested in the provision of military intelligence sharing to the Israeli regime, including through surveillance flights over the Gaza Strip, the training of Israeli forces, and intelligence meetings with military officials in Tel Aviv.

A report by the British Palestinian Committee (BPC) highlighted that the UK's colonial military bases in Cyprus, namely Akrotiri and Dhekelia, have been used by the UK, US and Germany to transfer arms and intelligence to the Israeli regime throughout its genocide on Gaza. The report provides that "[b]y 24 October 2023, the US had moved twenty heavy transport aircraft from weapons depots in Europe to Akrotiri." Around that same time, there were daily cargo flights from the base to Tel Aviv. It also listed a pattern of British surveillance flights from Akritori to Gaza, with over 250 flights recorded from 3 December 2023 to 6 June 2024.[102] The UK claims that these surveillance flights are "employed solely to support hostage

102 BPC, *British Military Collaboration with Israel*, 15.

rescue,"[103] however, flights continued[104] even during the January to March ceasefire, which principally included prisoner exchanges.

Foreign Secretary Lammy claims that the UK is unable to conclude whether there have been international law violations by the Israeli regime due to "a lack of information around events in Gaza."[105] However, UK military figures have made various visits to the Israeli regime during its genocide in Gaza. Declassified, a UK-based publication, revealed that the "most senior figures in the UK military made at least five unpublicized visits to Israel in the months after it began striking Gaza in October 2023," including to discuss "future operations in the region."[106] These visits only further cement the fact that not only is the UK knowingly complicit in the Israeli regime's international crimes in Gaza, but may also be directly involved in the planning of them.

It has also been revealed that Israeli military personnel have been receiving training from the British military. In February 2024, the UK government admitted that there are six personnel from the Israeli forces posted in the Israeli Embassy in the UK, participating "in UK defense-led training courses."[107] In October 2024, the UK Ministry of Defense rejected a freedom of information request to provide clarity on the nature and content of these courses.[108]

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103 George Allison, "UK Intelligence Sharing with Israel Solely on Hostages," *UK Defence Journal*, October 10, 2024, https://ukdefencejournal.org.uk/uk-intelligence-sharing-with-israel-solely-on-hostages/.

104 John McEvoy, "Why is Britain still sending spy flights towards Gaza?," Declassified UK, January 28, 2025, https://www.declassifieduk.org/why-is-britain-still-sending-spy-flights-towards-gaza/.

105 Samara Baboolal, "UK Military Support to Israel Breaches International Law, British Palestine Committee Says," *JURIST*, January 25, 2025, https://www.jurist.org/news/2025/01/uk-military-support-to-israel-breaches-international-law-british-palestine-committee-says/.

106 Mark Curtis, "The UK Military's Secret Visits to Israel," Declassified UK, January 9, 2025, https://www.declassifieduk.org/the-uk-militarys-secret-visits-to-israel/.

107 Mark Curtis, "U.K. is Training Israeli Military in Britain," Declassified UK, February 12, 2024, https://www.declassifieduk.org/u-k-is-training-israeli-military-in-britain/.

108 Mark Curtis, "Amid Lebanon Invasion, UK Covers Up Israeli Military Training," Declassified UK, October 1, 2024, https://www.declassifieduk.org/amid-lebanon-invasion-uk-covers-up-israel-military-training/.

In a similar vein, the US had also stepped up the provision of intelligence support to the Israeli regime since the start of its genocide on Gaza. In November 2023, *The New York Times* reported that the US military was conducting drone surveillance missions over the Gaza Strip using MQ-9 aircrafts. These are drones that have been previously used by the US Air Force "to conduct airstrikes and collect intelligence in Iraq, Afghanistan and Syria."[109] By March 2024, a report by the Wall Street Journal revealed that the US had authorized a secret memorandum following 7 October 2023 to expand intelligence sharing with the Israeli regime. "The U.S. shares what is known as raw intelligence, such as **live video feeds** from intelligence-gathering drones over Gaza, with Israeli security agencies (emphasis added)."[110] American officials claimed that intelligence is not shared for the purpose of facilitating airstrikes or ground operations, but for "hostage-recovery efforts and preventing future incursions into Israel [including] monitoring mobilization or movement near the border."[111]

The US, beyond merely stating that the Israeli regime must ensure that its use of US intelligence sharing does not cause harm to civilians, has not taken any tangible steps to ensure compliance with international law. While US officials claim that US intelligence is not involved in target development, the sharing of raw intelligence goes beyond mere intelligence advising and into operational support for the Israeli regime. It can be reasonably inferred that the live footage handed over to the Israeli regime depicts not only Palestinian resistance fighters, but also civilians and humanitarian workers. As it had been made clear for the past 21 months, the deliberate targeting and willful killing of civilians and aid workers has been a consistent feature in the Israeli regime's genocide in the Gaza Strip. **By continuing to supply**

109 Riley Mellen and Eric Schmitt, "U.S. Drones Are Flying Over Gaza to Aid in Hostage Recovery, Officials Say," Visual Investigations, *The New York Times*, November 2, 2023, https://www.nytimes.com/2023/11/02/world/middleeast/israel-hamas-gaza-hostages-us.html.

110 Warren P. Strobel and Nancy A. Youssef, "U.S. and Israel's 'Unprecedented' Intelligence Sharing Draws Criticism," National Security, *The Wall Street Journal* (Washington), March 31, 2024, https://www.wsj.com/politics/national-security/u-s-and-israels-unprecedented-intelligence-sharing-draws-criticism-a85979b4.

111 Ibid.

raw footage with full awareness of these actions, the US is aiding and enabling the Israeli regime's actions and is, therefore, directly complicit in these ongoing crimes and violations of international law.

Beyond the sharing of intelligence footage, reports point to the deployment of US Air Force intelligence officers to assist the Israeli regime with offensive targeting operations. According to the Intercept, a document obtained through the Freedom of Information Act revealed that American intelligence engagement officers, specializing in satellite and targeting intelligence, were sent to the Israeli regime in late November 2024. The Intercept reported that experts in the field stated that such a team of officers "would [typically] be used to provide satellite intelligence to the Israelis for the **purpose of offensive targeting** (emphasis added)."[112] This, again, points to deeper US involvement in offensive operations in the Gaza Strip, entailing the coordination of attacks. **The involvement of the US to this degree constitutes not only complicity but also direct participation via direct attacks and bombardment in the following crimes committed by the Israeli regime: genocide, willful killing, wanton destruction, and forced displacement**.

4.2. State Complicity via the Incapacitation and Replacement of the UN-led Humanitarian System

Throughout its genocide on the Gaza Strip, the Israeli regime has continuously weaponized humanitarian aid, manufacturing famine, starvation, and conditions of slow death to achieve its political and military aims in the Gaza Strip. One of the most prominent ways in which it has pushed forward this policy has been the systematic and deliberate targeting of humanitarian organizations and the obstruction of their work. This section critically examines the role of complicit states, especially

112 Ken Klippenstein and Matthew Petti, "Biden Admin Deployed Air Force Team to Israel to Assist With Targets, Document Suggests," *The Intercept*, January 11, 2024, https://theintercept.com/2024/01/11/israel-air-force-targeting-intelligence/.

the US, in enabling and participating in these crimes. It focuses on how efforts in incapacitating UNRWA, obstructing aid access, and supporting or facilitating the replacement of the UN-led aid system with a private militarized aid mechanism—such as the Gaza Humanitarian Foundation (GHF)—represent a direct contribution to crimes and internationally wrongful acts, including genocide, forced displacement, starvation, and the weaponization of aid.

4.2.1. Establishing State Knowledge: Israeli Calls for a Siege and International Warnings

It is indisputable that states have been aware of the Israeli regime's weaponization of aid and its use as a tool of genocide. Two days into the genocide in the Gaza Strip, on 9 October 2023, then-Israeli War Minister Yoav Gallant called for "a complete siege […] no electricity, no water, no food, no fuel" on Gaza, and proclaiming that they are "fighting human animals and [is] acting accordingly."[113] Throughout the Israeli genocide in Gaza, states have been officially put on notice of the Israeli regime's crimes and actions by humanitarian organizations, UN officials, and the decisions and provisional measures of international courts. As early as November 2023, the UN World Food Program (WFP) warned that "civilians are facing the immediate possibility of starvation."[114] By February 2024, UN officials warned the UNSC that part of Gaza's population were "one step away from famine."[115] The ICJ, in its provisional measures in the *South Africa v. Israel* genocide case, called on the Israeli regime to "take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions

113 Yoav Gallant (@yoavgallant), "I ordered a complete siege on Gaza," X, October 9, 2023, accessed May 16, 2025, https://x.com/yoavgallant/status/1711335592942875097.

114 WFP, "Gaza Faces Widespread Hunger as Food Systems Collapse, Warns WFP," November 16, 2023, https://www.wfp.org/news/gaza-faces-widespread-hunger-food-systems-collapse-warns-wfp.

115 UNSC, "Famine Imminent in Gaza, Humanitarian Officials (OCHA, FAO, WFP) Tell Security Council, Calling for Immediate Ceasefire – Security Council- Press release," 9560TH MTG (PM) SC/15604, February 27, 2024, https://press.un.org/en/2024/sc15604.doc.html.

of life faced by Palestinians in the Gaza Strip."[116] The ICJ's indication of provisional measures officially put states on notice that the Israeli regime is blocking the provision of basic aid and assistance in a plausible case of genocide. Furthermore, this was cemented by the arrest warrants ordered by the Prosecutor of the International Criminal Court (ICC) against Israeli Prime Minister Benjamin Netanyahu and Yoav Gallant, which included the war crime of starvation as a method of warfare.[117]

The Israeli regime's denial of the entry of aid and goods is not limited to food, and its effects extend beyond starvation. The Israeli regime's obstructions also impact: the entry, delivery, and distribution of tents, mobile homes, and shelter material to displaced persons;[118] the entry of lifesaving medications and essential medical supplies to hospitals treating sick and wounded;[119] and the entry of fuel and electricity that all critical infrastructure needs to function, including water and sanitation facilities.[120] This is the deliberate infliction of conditions of life calculated to bring about the physical destruction of the

116 *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, I.C.J. Reports 2024, para. 86(4), https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf.

117 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*, press release, November 21, 2024, https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges.

118 OCHA, "Humanitarian Situation Update #263 | Gaza Strip," OCHA oPt, February 11, 2025, https://www.ochaopt.org/content/humanitarian-situation-update-263-gaza-strip; see also Hosni Nedim and Ikram Kouachi, "Gaza Government Denies Entry of Mobile Homes for Shelter, Calls for Increased Humanitarian Aid," *Anadolu Agency* (Gaza City), February 21, 2025, https://www.aa.com.tr/en/middle-east/gaza-government-denies-entry-of-mobile-homes-for-shelter-calls-for-increased-humanitarian-aid/3488924.

119 See Medicins Sans Frontiers (MSF), "Siege of Gaza: MSF Denounces Deliberate Humanitarian Catastrophe," May 15, 2025, https://www.doctorswithoutborders.ca/siege-of-gaza-msf-denounces-deliberate-humanitarian-catastrophe/; see also MSF, "Palestine: Aid instrumentalized, health system under fire in Gaza," May 21, 2025, https://www.doctorswithoutborders.ca/palestine-aid-instrumentalized-health-system-under-fire-in-gaza/.

120 Human Rights Watch, "Underreporting of Deaths, Disease Caused by Denial of Access to Water" in *Extermination and Acts of Genocide: Israel Deliberately Depriving Palestinians in Gaza of Water*, December 19, 2024, https://www.hrw.org/report/2024/12/19/extermination-and-acts-genocide/israel-deliberately-depriving-palestinians-gaza#:~:text=In%20several%20instances%2C%20Israeli%20forces,water%20and%20sanitation%20infrastructure%20useless.

Palestinian population in the Gaza Strip, in whole or in part - equating to an act of genocide under the Genocide Convention (Article 2(c)).[121]

On 2 March 2025, the Israeli regime once again re-instated a full, comprehensive blockade on the entry of all humanitarian aid, food, water, electricity, and supplies from entering the Strip.[122] In May 2025, key state allies of the Israeli regime intensified their criticism of its blockade on Gaza and threatened to take "actions" if conditions did not improve. The UK, Canada, and France, for instance, released a statement warning: "If Israel does not cease the renewed military offensive and lift its restrictions on humanitarian aid, we will take further concrete actions in response."[123] Furthermore, the UK suspended free trade talks with the Israeli regime,[124] and the EU moved to review the EU-Israel Association Agreement.[125] Under mounting international pressure, the Israeli regime announced on 19 May 2025 that it would renew the entry of aid into Gaza under the purview of select international humanitarian organizations, until the GHF begins its operations in late May.[126] (More information on the GHF

121 BADIL, *Forced Displacement as an Act of Genocide in the Gaza Strip*.

122 See Lazar Berman, "Israel Halts Aid into Gaza, Citing Hamas Refusal to Extend First Phase of Truce," *The Times of Israel*, March 2, 2025, https://www.timesofisrael.com/israel-halts-aid-into-gaza-over-hamas-refusal-to-extend-first-phase-of-truce/; see also Benjamin Netanyahu (@netanyahu), "In light of Hamas's refusal of the Vitkoff plan," X, March 2, 2025, accessed May 16, 2025, https://x.com/netanyahu/status/1896181407271288865.

123 UK Prime Minister's Office, "Joint Statement from the Leaders of the United Kingdom, France and Canada on the Situation in Gaza and the West Bank," press release, GOV.UK, May 19, 2025, https://www.gov.uk/government/news/joint-statement-from-the-leaders-of-the-united-kingdom-france-and-canada-on-the-situation-in-gaza-and-the-west-bank.

124 Gavin Blackburn, "UK Suspends Trade Talks with Israel and Sanctions West Bank Settlers," Euronews, May 20, 2025, 95000, https://www.euronews.com/my-europe/2025/05/20/uk-suspends-trade-talks-with-israel-as-concerns-grow-over-gaza-military-operation.

125 "EU to Review Trade and Cooperation with Israel over Gaza Offensive," *Euronews*, May 21, 2025, https://www.euronews.com/my-europe/2025/05/21/eu-to-review-its-trade-and-cooperation-with-israel-over-gaza-offensive.

126 Because states' criticisms were unstained and no concrete actions were taken, the Israeli regime reneged on its announcement to let in aid, with its actions only significant on the surface and optics level: only 500 trucks reached the loading area at the Kerem Shalom checkpoint from 19 May until 27 May, with only 200 trucks collected by aid organizations to be distributed in Gaza. See: Gisha, "Gaza Now: May 29, 2025,", Gaza Now: Facts and Figures, May 29, 2025, https://gisha.org/en/data-gaza-290525-eng/.g/.

is provided in Section 3.2.3) While these statements came long overdue and fell short of what is needed—and what states are legally obligated to undertake—in the face of the commission of international crimes, they reaffirmed that when states apply pressure and convey political will, the Israeli regime can be pushed to adjust its actions and end its crimes. In the same way, these states' continued support for the Israeli regime, through both measured actions and statements, contributes to the maintenance and escalation of crimes and the unlawful situation in the Gaza Strip.

It is important to emphasize that states such as the US, UK and Germany are not only great allies of the Israeli regime that provide it with immense aid, but they also have significant power on the global stage and wield considerable influence over whether collective state action is taken or obstructed. Furthermore, their actions are not inconsequential or merely isolated decisions by individual states; they have major consequences that determine collective will and greatly contribute to Israeli crimes on the ground. For example, as the section below will illustrate, actions such as defunding UNRWA is not merely a withholding of funds that slightly impact the Agency's budget; they directly cause and accelerate the incapacitation and destruction of UNRWA, and enable grave international crimes and violations against Palestinians who depend on it. **It is clear that states are fully aware of: (1) the ongoing crimes in the Gaza Strip, including acts of genocide and the deliberate use of aid and starvation as weapons of war; and, (2) their significant contribution to these crimes.**

4.2.2. The Incapacitation of UNRWA

Alongside its obstruction of the entry of all aid, food, water, electricity, and commercial goods into the Gaza Strip, the Israeli regime has led a systematic campaign against the presence and operation of international humanitarian organizations in the Gaza Strip, further magnifying the crimes of starvation, weaponization of aid, and genocide. The first to

face such attacks was the UNRWA, the most prevalent and important aid agency in the Gaza Strip. Even prior to 7 October 2023, UNRWA was the cornerstone of humanitarian support in Gaza, delivering aid and essential services to 80 percent of the population—Palestine refugees who relied on its assistance due to the (at the time) 17-year-long blockade and widespread unemployment.[127] Being the only large-scale humanitarian agency with an established infrastructure across the Gaza Strip, **UNRWA is the most capable agency to deliver aid and services at scale under siege and emergency conditions.** Indeed, after the Israeli regime launched its large-scale onslaught on the Gaza Strip, UNRWA was repeatedly recognized as the lifeline to the besieged, starved, and injured Palestinian population in the Gaza Strip.[128]

Throughout its genocidal war on Gaza, the Israeli regime has denied the Agency access, forcibly evacuated it from the north of Gaza,[129] and directly attacked its facilities, including schools housing the internally displaced, staff, and aid distribution sites.[130] In January 2024, it escalated its delegitimization and demonization campaign against UNRWA, alleging that 12 UNRWA staff members were involved in the 7 October resistance operations.[131] Soon after, 15 governments—namely: **Austria, Estonia, Finland, Germany, Italy, Latvia, Lithuania, Netherlands, Romania, Sweden, the US, Iceland, UK,**

127 UNRWA, "Gaza_15 Years of Blockade," accessed May 29, 2025, https://www.unrwa.org/gaza15-years-blockade.

128 For example, see UNGA, "Dismantling UNRWA — Gazans' Lifeline — Would Breed 'Resentment and Hatred', Fourth Committee Speakers Warn, Urging Israel to Cease Attempts to Do So," meetings coverage, Seventy-ninth Session, GA/SPD/825, November 15, 2024, https://press.un.org/en/2024/gaspd825.doc.htm.

129 UNRWA, "Situation Report #6 on the Gaza Strip & the West Bank," October 15, 2023, https://www.unrwa.org/resources/reports/situation-report-6-gaza-strip-west-bank.

130 UNRWA, "Situation Report #178 on the Humanitarian Crisis in the Gaza Strip & the West Bank, including east Jerusalem," July 4, 2025, https://www.unrwa.org/resources/reports/unrwa-situation-report-178-situation-gaza-strip-and-west-bank-including-east-jerusalem.

131 Philippe Lazzarini, UNRWA Commissioner-General, "Serious Allegations against UNRWA Staff in the Gaza Strip," UNRWA, January 26, 2024, https://www.unrwa.org/newsroom/official-statements/serious-allegations-against-unrwa-staff-gaza-strip.

Japan, Canada and Australia—announced their suspension of funds to the Agency.[132] Following the Israeli allegations against UNRWA, UN Secretary-General (UNSG) Antonio Guterres emphasized UNRWA's role as "the backbone of all humanitarian response in Gaza," appealing to all UN "Member States to guarantee the continuity of UNRWA's life-savingwork."[133]

Although contributions to UNRWA are formally voluntary, the Agency's capacity to function at scale depends overwhelmingly on the support of a small number of major donor states. Without their continued funding, UNRWA's operations—which provide life-saving aid, work, and a plethora of services to 5.9 million registered Palestine refugees in its various areas of operation—would be drastically curtailed or cease entirely. As UNRWA has stated: "**The work of UNRWA could not be carried out without sustained contributions from state and regional governments, the European Union and other government partners, which represented 93 per cent of all contributions in 2023** (emphasis added)."[134] In recent years, the largest donors have included the EU, Germany, Sweden, Norway, and the US, with contributions amounting to hundreds of millions annually. From 2021 to 2023, the US was UNRWA's top donor, contributing over $339 million in both 2021[135] and 2022,[136] and increasing its support to

132 Amnesty International, "Israel/OPT: States Must Reverse Cruel Decision to Withdraw UNRWA Funding," news, January 29, 2024, https://www.amnesty.org/en/latest/news/2024/01/israel-opt-states-must-reverse-cruel-decision-to-withdraw-unrwa-funding/.

133 "Gaza: Why We Must Continue to Support UNRWA," United Nations Regional Information Centre for Western Europe (UNRIC), January 31, 2024, https://unric.org/en/gaza-why-we-must-continue-to-support-unrwa/.

134 UNRWA, "Government Partners," accessed May 30, 2025, https://www.unrwa.org/our-partners/government-partners.

135 UNRWA, *2021 Pledges to UNRWA's Programmes (Cash and In-kind) - TOP 20 Donors as 31 December 2021*, UNRWA, https://www.unrwa.org/sites/default/files/top_20_donors_2021_overall_ranking.pdf.

136 UNRWA, *2022 Pledges to UNRWA's Programmes (Cash and In-kind) - TOP 20 Donors as 31 December 2022*, UNRWA, https://www.unrwa.org/sites/default/files/top_20_donors_2022_overall_ranking.pdf.

more than $422 million in 2023.[137] During the same period, Germany consistently ranked as the second-largest donor, providing over $212 million in 2023 alone.[138] These donor states are acutely aware of the leverage their funding provides, and as such, they have weaponized their financial support, using it as a tool of political pressure. In the short-term, states have knowingly and significantly contributed to Israeli crimes in Gaza. Politically and in the long-term, they have aided the Israeli regime in its broader goal to dismantle and replace UNRWA, undermining the rights of all Palestinian refugees, including to self-determination and reparations.[139]

After states suspended their funding to UNRWA, it faced a $450 million deficit, with Commissioner General of UNRWA, Philippe Lazzarini, stating that the Agency "reached a breaking point" in February 2024.[140] In its report covering 1 January to 30 June 2024, UNRWA stated that due to severe underfunding and restricted access: only one out of three planned flour distributions were carried out; just 12 percent of water, sanitation, and hygiene funding was met; six percent of shelter and non-food item needs were funded; and, emergency health services received only a fraction of the required support, causing widespread shortages of clean water, mattresses, toilets, and medical supplies.[141] By March 2024, the Integrated Food Security Phase Classification (IPC) reported that over 1.1

137 UNRWA, *2023 Confirmed Pledges to UNRWA's Programmes (Cash and In-kind) - TOP 20 Donors as 31 December 2023*, UNRWA, https://www.unrwa.org/sites/default/files/top_20_donors_overall_ranking_2023.pdf.

138 Ibid.

139 UNRWA is mandated to operate until the application of UNGA Resolution 194, this includes Palestinian refugees' rights to return, property restitution, compensation and guarantees of non-repetition. Subsequently, the Agency has a crucial role in the protection of the Palestine refugee question, which the Israeli regime has been attempting to erase for decades.

140 Harriet Sherwood, "UN's Palestinian Aid Agency 'at Breaking Point' after $450m Budget Shortfall," *The Guardian*, February 25, 2024, https://www.theguardian.com/world/2024/feb/25/uns-palestinian-aid-agency-at-breaking-point-after-450m-budget-shortfall.

141 UNRWA, *oPt Flash Appeal Progress Report (1 January – 30 June 2024),* page 6, https://www.unrwa.org/sites/default/files/content/resources/opt_flash_appeal_progress_report_2024_final_final_update.pdf.

million people in Gaza were experiencing catastrophic food insecurity,[142] marking the highest number ever recorded on the IPC scale until then.[143] The consequences of defunding and attacks on UNRWA undoubtedly contributed to the intensification of starvation and of conditions of life calculated to bring about the destruction of the group, an act of genocide.

As the Israeli regime's allegations remained unproven and baseless, many states have since reinstated their funding to UNRWA, except Sweden, which announced in December 2024 its decision to cut funding in 2025,[144] and the US. Under President Biden, Congress enacted a one-year ban on funding UNRWA until March 2025,[145] a measure later reinforced by the Trump administration through an executive order in February 2025 to permanently cease all US funding to the Agency.[146]

It is indisputable that states are aware of the importance of UNRWA in the provision of aid in Gaza, and also of how their defunding and campaigns of demonization against UNRWA will impact the aid reaching Palestinians. Regardless of whether or not some UNRWA staff were involved in the 7 October resistance operations, defunding UNRWA and penalizing the dying, starving, dehydrated, ill, and displaced Palestinians of the Gaza Strip is, at the very minimum, collective punishment. Undoubtedly, **cutting**

142 IPC, *IPC Global Initiative - Special Brief*, March 2024, https://www.un.org/unispal/wp-content/uploads/2024/03/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf.

143 UN, "Secretary-General's Press Encounter on Gaza Food Insecurity Report," March 18, 2024, https://www.un.org/unispal/document/secretary-generals-press-encounter-on-gaza-18mar24/.

144 UNRWA, "Decision by the Government of Sweden to Stop Funding UNRWA in 2025," October 18, 2024, https://www.unrwa.org/newsroom/official-statements/decision-government-sweden-stop-funding-unrwa-2025.

145 Foundation for Defense of Democracies, "U.S. Bans UNRWA Funding for One Year," March 25, 2024, https://www.fdd.org/analysis/2024/03/25/u-s-bans-unrwa-funding-for-one-year/.

146 Executive Order 14199, "Withdrawing the United States from and Ending Funding to Certain United Nations Organizations and Reviewing United States Support to All International Organizations," *The White House,* February 4, 2025, https://www.whitehouse.gov/presidential-actions/2025/02/withdrawing-the-united-states-from-and-ending-funding-to-certain-united-nations-organizations-and-reviewing-united-states-support-to-all-international-organizations/.

funding to UNRWA and incapacitating it effectively cripples the primary channel of humanitarian aid for Palestinians in the Gaza Strip, magnifying starvation and genocide. These decisions contradict the ICJ's binding provisional measures to ensure immediate humanitarian aid,[147] and ultimately assist the Israeli regime in circumventing them. Recall the ILC's Commentary on ARSIWA lists assisting a state to circumvent sanctions imposed by the UNSC as an example of how a state can incur responsibility for aiding and assisting. States' backing of the Israeli regime's unfounded claims by defunding UNRWA, helped the Israeli regime do much more than 'circumvent' the ICJ's provisional measure, they enabled its violation. This constitutes an act of complicity that contributes to the Israeli crimes of genocide, starvation, and the weaponization of aid.

4.2.3. The Replacement of the UN-led Humanitarian System & the Militarization of Aid

In parallel with its obstruction and sidelining of UNRWA, the Israeli regime has been advancing plans to assume control over humanitarian aid and repurpose it as a tool to further its strategic military goals; namely, the colonization of the Gaza Strip and the forced displacement of its population. The Israeli regime has presented these plans to the international community as the only "humanitarian" solution, falsely claiming that Hamas has been controlling and looting aid—a claim that has been publicly refused by UN officials including the director of the WFP[148] and the head of the UN Office for the Coordination of Humanitarian Affairs (OCHA) in the occupied Palestinian territory (oPt).[149]

147 *South Africa v. Israel*, Order of 26 January 2024, I.C.J. Reports 2024, para. 86(4) https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf.

148 *Middle East Eye,* "UN Food Programme Chief Denies Claims Hamas Stealing from Gaza Aid Trucks," June 16, 2025, https://www.middleeasteye.net/news/un-food-programme-chief-denies-claims-hamas-stealing-gaza-aid-trucks.

149 Lorenzo Tondo, "Israel Accused of Arming Palestinian Gang Who Allegedly Looted Aid in Gaza," *The Guardian*, June 5, 2025, https://www.theguardian.com/world/2025/jun/05/israel-accused-of-arming-palestinian-gang-who-allegedly-looted-aid-in-gaza.

This section examines a crucial dimension of US complicity in the Israeli regime's crimes of weaponization of aid, starvation, genocide, and forced displacement, with a particular focus on its role in the latest and most consequential development in this strategy: the GHF.

On 4 May 2025, the Israeli regime's War Cabinet approved a new aid distribution scheme for Gaza to be run by American PMSCs and Israeli forces.[150] This aid mechanism began operations on 26 May 2025 under the GHF, **a non-profit organization registered in the US** as early as November 2024,[151] as well as in Switzerland.[152] The GHF is carrying out its operations in coordination with US security companies, Safe Reach Solutions and UG Solutions[153]—the latter had previously been contracted to operate the "Netzarim checkpoint" following the January 2025 ceasefire.[154] In a paper outlining information about its operations, the GHF claimed that it would establish four "Secure Distribution Sites," only in southern Gaza, that would provide "[p]re-packaged rations, hygiene kits, and medical supplies [...] through tightly controlled corridors" to 1.2 million of Gaza's 2.1 million Palestinian population.[155]

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150 Kaleb Franckeiss, "IDF Planning Major Shift in Gaza Aid Delivery in Bid to Thwart Hamas Diversion," *The Times of Israel*, June 15, 2025, https://www.timesofisrael.com/idf-planning-major-shift-in-gaza-aid-delivery-in-bid-to-thwart-hamas-diversion/.

151 Israel to Revamp Aid Delivery in Gaza," *The New York Times*, May 24, 2025, https://www.nytimes.com/2025/05/24/world/middleeast/israel-gaza-aid-plan.html.

152 Gaza Humanitarian Foundation, profile page, *Fundraiso*, last updated May 28, 2025, https://www.*Fundraiso*.com/en/organisations/gaza-humanitarian-foundation. At the time of writing, GHF's registration in Switzerland was being challenged. Its dissolution was ordered on 2 July and the GHF has 30 days to comply. See "Swiss authorities close the controversial GHF," *Middle East Monitor,* July 3, 2025, https://www.middleeastmonitor.com/20250703-swiss-authorities-close-the-controversial-ghf/.

153 JNS Staff, "US-Backed Gaza Aid Group to Launch by End of May," *The Times of Israel*, May 15, 2025, citing *Reuters*, https://www.jns.org/us-backed-gaza-aid-group-to-launch-by-end-of-may/.

154 Jonathan Landay and Aram Roston, "Inside U.S. Security Firm's Risky Gaza Mission," *Reuters*, January 30, 2025, https://www.*Reuters*.com/world/inside-us-security-firms-risky-gaza-mission-2025-01-30/.

155 Gaza Humanitarian Foundation, "*GHF: Safe, Transparent Aid for Gaza" memo*, May 2025, pdf, page 1, https://static-cdn.toi-media.com/www/uploads/2025/05/Gaza-Humanitarian-Foundation-Memo.pdf.

From its inception, the GHF and its corresponding aid plan has been widely rejected and condemned by international organizations. The UN Humanitarian Country Team, with full backing from the Secretary-General and OCHA, rejected the GHF and its plan, stating: "It contravenes fundamental humanitarian principles and appears designed to reinforce control over life-sustaining items as a pressure tactic–as part of a military strategy."[156] UN agencies[157] and non-governmental organizations (NGOs)[158] have affirmed they will not participate in a mechanism that violates humanitarian principles. Even those administering the foundation recognized its illegality, when Jake Wood, the head of GHF resigned and stated: "it is not possible to implement this plan while also strictly adhering to the humanitarian principles of humanity, neutrality, impartiality, and independence."[159] **This US-Israeli scheme contravened international from the very beginning, replacing the existing UN-led and coordinated humanitarian system, which is designed to serve all humanitarian principles, with a militarized and politicized mechanism run by the very powers inflicting starvation and genocide in the Gaza Strip.**

The US is gravely implicated in the violations and crimes enabled by the GHF; a US non-profit organization, operated by US security and military contractors, and fully backed by the US government.[160] Since

156 OCHA, "Statement by the Humanitarian Country Team of the Occupied Palestinian Territory – on principled aid delivery in Gaza," East Jerusalem and Gaza City, May 28, 2025, https://www.ochaopt.org/content/statement-humanitarian-country-team-occupied-palestinian-territory-principled-aid-delivery-gaza.

157 UN, "Gaza: UN Agencies Reject Israeli Plan to Use Aid as 'Bait'", May 9, 2025, https://news.un.org/en/story/2025/05/1163071.

158 Jan Egeland (@NRC_Egeland), "Israeli officials demand that we shut down the universal aid distribution system run by the UN and NGOs like NRC. They want to manipulate and militarize all aid to Gaza," X, May 2025, https://x.com/NRC_Egeland/status/1919279839590187489.

159 Lorenzo Tondo, "Head of US-backed Gaza Aid Group Resigns, Saying He Will Not Abandon 'Principles'," *The Guardian*, May 26, 2025, https://www.theguardian.com/world/2025/may/26/gaza-humanitarian-foundation-aid-group-jake-wood-resigns.

160 *France 24,* "US says new foundation to spearhead Gaza aid plan, bypassing UN," May 8, 2025, https://www.france24.com/en/live-news/20250508-us-says-new-foundation-to-spearhead-gaza-aid.

it began operating, the GHF has actively contributed to a deliberately manufactured state of chaos—one that was foretold and warned against by the UN, Palestinian organizations, and international humanitarian groups from the outset. The US-Israeli "aid" organization has not alleviated the Israeli-manufactured widespread starvation campaign in Gaza, but has instead served as a death trap, leading to the willful killing of Palestinians desperately seeking aid. As of 5 July 2025, at least 743 Palestinians have been killed and more than 4,891 injured at/near GHF distribution sites.[161] The GHF is denying Palestinians their dignity and their right to life-saving aid and services where they are, and is forcing them to undertake long journeys to access minimal and insufficient aid.[162] **This constitutes forced displacement through the creation of a coercive environment: deliberately inflicting starvation, completely obstructing the entry of humanitarian aid and the operations of aid organizations, and replacing them with a militarized mechanism as the sole distributor of relief. Aid is then provided exclusively in select locations in the south of the Gaza Strip, thereby forcing Palestinians from across Gaza to move southward in search of (insufficient) assistance.** In this, the GHF has employed a strategy repeatedly used[163] by the Israeli regime throughout the genocide: directing Palestinians en masse toward areas falsely designated as "safe," only to target those areas and people with bullets and bombardment.[164] This mechanism, under the guise of humanitarianism, has only further enabled the genocide and forced

161 Al Jazeera Staff, "'Going Hungry': More Than 700 Palestinians Killed Seeking Aid in Gaza," *Al Jazeera,* July 5, 2025, https://www.aljazeera.com/news/2025/7/5/going-hungry-more-than-700-palestinians-killed-seeking-aid-in-gaza.

162 OCHA, "Urgent Call for Increased Humanitarian Assistance in Gaza," June 11, 2025, https://news.un.org/en/story/2025/06/1164271.

163 BADIL, *Forced Displacement and Transfer as an Act of Genocide in the Gaza Strip*, BADIL Working Paper No. 31 (Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, May 2024), sec. 4.2, 16–19, https://badil.org/cached_uploads/view/2024/06/10/forced-displacement-as-an-act-of-genocide-in-the-gaza-strip-v6-1718021197.pdf.

164 Jacob Magid and Emanuel Fabian, "IDF Soldiers Ordered to Shoot Deliberately at Unarmed Gazans Waiting for Humanitarian Aid," *Haaretz,* June 27, 2025, https://www.haaretz.com/israel-news/2025-06-27/ty-article-magazine/.premium/idf-soldiers-ordered-to-shoot-deliberately-at-unarmed-gazans-waiting-for-humanitarian-aid/00000197-ad8e-de01-a39f-ffbe33780000.

Palestinians in Gaza to choose between subjugation or death by starvation. As the UN Deputy Spokesperson, Farhan Haq, stated: "No person, anywhere, should be forced to choose between risking one's life and feeding one's family."[165] Through the GHF, the US is directly maintaining and contributing to the crimes of genocide and the weaponization of aid, as well as the forced displacement and willful killing of Palestinians.

The GHF is also evidently part of the broader plan to ethnically cleanse and colonize the Gaza Strip. There is a concentrated effort to move Palestinians in Gaza to the south of Gaza, and, by default, closer to the border with Egypt. The Israeli Cabinet approved the decision to establish the GHF alongside operation 'Gideon's Chariot', which openly seeks to "conquer" the Gaza Strip and push people towards southern Gaza.[166] This follows repeated calls by Israeli officials throughout the genocide to forcibly displace Palestinians out of Gaza. Bezalel Smotrich, Israeli Finance Minister and member of the Israeli Security Cabinet, has been presenting his plan for the forced displacement of Palestinians and the ethnic cleansing of Gaza as a "humanitarian solution" under the guise of "voluntary migration" since at least 14 November 2023.[167] In January 2024, 11 Israeli ministers, including Smotrich and the so-called National Security Minister Itamar Ben Gvir, attended a conference calling for the "voluntary migration" of Palestinians in Gaza and the reestablishment of the Israeli colonies that were in Gaza before the 2005 disengagement.[168] The support for the forced displacement of Palestinians out of Gaza is present at the

165 OCHA, "UN Humanitarian Chief Calls for Immediate Action to Address Gaza Crisis," UN News, June 10, 2025, https://news.un.org/en/story/2025/06/1164171.

166 Emanuel Fabian, "IDF Says It Has Launched First Stages of New Major Gaza Offensive Dubbed 'Gideon's Chariots'," *The Times of Israel*, May 16, 2025, https://www.timesofisrael.com/liveblog_entry/idf-says-it-has-launched-first-stages-of-new-major-gaza-offensive-dubbed-gideons-chariots/.

167 *Al Jazeera,* "Israeli Minister Supports 'Voluntary Migration' of Palestinians in Gaza," November 14, 2023, https://www.aljazeera.com/news/2023/11/14/israeli-minister-supports-voluntary-migration-of-palestinians-in-gaza.

168 Bethan McKernan, "Israeli Ministers Attend Conference Calling for 'Voluntary Migration' of Palestinians," *The Guardian*, January 29, 2024, https://www.theguardian.com/world/2024/jan/29/israeli-ministers-attend-conference-calling-for-voluntary-migration-of-palestinians.

highest levels of Israeli leadership, with Netanyahu stating in 2023 that he has "no problem" with "voluntary migration": "Our problem is not allowing the exit, but a lack of countries that are ready to take Palestinians in. And we are working on it. This is the direction we are going in."[169]

The US has rigorously echoed and supported this unlawful policy. President Trump has even put forth his own plan to forcibly displace Palestinians to Egypt and Jordan, "take over the Gaza Strip," and turn it into the "Riviera of the Middle East."[170] The Israeli regime has repeatedly reported that it is adopting Trump's plan, with Netanyahu even setting the implementation of the forced displacement plan as a condition to ending the genocide in Gaza.[171] Issuing an ultimatum to Palestinians to either leave the Gaza Strip or face relentless bombardment, starvation, and conditions of slow death, cannot be considered a voluntary choice. This is the textbook definition of manufacturing a coercive environment and then exploiting it to pressure Palestinians to leave the Gaza Strip—a clear act of forced displacement.[172] The Israeli regime, with the help of the US, is evidently instrumentalizing the GHF to achieve these goals, pushing and coercing Palestinian toward the south to eventually push them out of the Gaza Strip to Egypt and other neighboring countries.

The involvement of the US in these plans surpasses passive

169 Mitchell Plitnick, "Israel Announces Its Gaza Endgame: Ethnic Cleansing as 'Humanitarianism,'" *Mondoweiss,* December 28, 2023, https://mondoweiss.net/2023/12/israel-announces-its-gaza-endgame-ethnic-cleansing-as-humanitarianism/.

170 *Middle East Eye,* "Full Text of Trump and Netanyahu's Explosive News Conference," February 4, 2025, https://www.middleeasteye.net/news/full-text-trump-and-netanyahus-explosive-news-conference.

171 Benjamin Norton, "Netanyahu Says Israel Will Not Back Down Until Gaza Is Emptied of Palestinians," *Truthout*, May 9, 2025, https://truthout.org/articles/netanyahu-says-israel-will-not-back-down-until-gaza-is-emptied-of-palestinians./.

172 Per the jurisprudence of the International Criminal Tribunal for the former Yugoslavia (ICTY), the 'forced' element of forced displacement is not only satisfied by the use of physical force, but also in the form of coercion, "such as that caused by fear of violence, duress, detention, psychological oppression, or abuse of power, or the act of taking advantage of a coercive environment." See *Prosecutor v. Radovan Karadžić*, Judgment, Case No. ICTY-95-5/18-T, *Trial Chamber, International Criminal Tribunal for the former Yugoslavia*, March 24, 2016, para. 489, https://www.icty.org/x/cases/karadzic/tjug/en/160324_judgement.pdf.

endorsement to facilitation of the Israeli regime's crimes of genocide, forced displacement, starvation, willful killing, and the weaponization of aid as a tool of war and control. Furthermore, the US is not only enabling the dismantlement of the UN-led humanitarian infrastructure in Gaza, it is helping to design, fund, and operationalize it through US PMSCs. This moves the US from complicity to active participation in internationally wrongful acts.

4.2.4. Conclusion

By defunding and delegitimizing UNRWA, obstructing aid, and supporting the implementation of inherently unethical and coercive aid mechanisms such as the GHF, states—most prominently the US—have solidified their complicity in the crimes of the Israeli regime in Gaza. They have played an active role in the dismantlement of established, accepted, and recognized lawful and neutral humanitarian channels, and in the construction of a framework that facilitates grave Israeli crimes and the violation of legally binding ICJ provisional measures. This level of support—including funding cuts, political backing, and logistical cooperation—has significantly contributed to the commission of the above-mentioned international crimes.

4.3. Paralyzing Accountability Mechanisms and Obstructing the Prevention of Israeli Crimes

States' political backing has become a critical form of support for the Israeli regime, enabling it to maintain its crimes in the Gaza Strip. Section 1.1 explores the legal contours of political complicity via the concepts of non-recognition under Article 41 of ARSIWA (PIL) and encouragement under CA1 of the Geneva Conventions (IHL). Because the latter lacks a proper definition under the instruments of IHL, this section builds a definition for encouragement as complicity based on the impact of states' political support in its different facets in emboldening the perpetrating state's decision makers to commit and escalate crimes. Based on this legal basis, states' complicity in Israeli crimes via political support is then explored in three main forms: formally recognizing Israeli crimes as lawful and spreading false claims and propaganda; vetoing ceasefire resolutions in the UNSC; and, threatening the ICC and ICJ and their decisions. This section not only explores these measures alone, but the combination of these actions in contributing to genocide, starvation, the weaponization of aid, willful killing and forced displacement.

4.3.1. Encouragement and Recognition as Complicity

While military backing is the most obvious form of complicity, state complicity in the provision of political and diplomatic support is significant and gives rise to legal responsibility under PIL and IHL in the duty of non-recognition and obligation not to encourage. This section first explores the obligation not to encourage violations under IHL's CA1 of the Geneva Conventions, applying it to the case of Gaza on many factors—including the global influence and power of complicit states, the nature of its political support, and the ways it can generally impact the decisions of the perpetrating state. The section also explores state complicity in Gaza as violating the duty of non-recognition under PIL's Article 41 of ARSIWA, providing a basis for the upcoming sections.

For the purpose of this paper, political complicity is defined as a form of state support for the commission of an international crime by **encouraging the perpetrating state to commit or continue the commission of an international crime, whether directly or indirectly and/or aiding in the maintenance of an unlawful situation through the recognition of a crime/violation as lawful.**

Encouragement can occur through the legitimization of a criminal act, granting political or judicial immunity to the state committing the crime, and hindering the ability of other states to take action against the perpetrating state. As provided in Section 2 on the legal framework of complicity, encouragement necessitates establishing two factors: **first, that the complicit state provided encouragement with the knowledge that the commission of the crime and violation was likely or foreseeable; and second, that their encouragement had a real effect in supporting the commission, continuation, or escalation of crimes and violations.** In the case of Gaza, the first factor is readily established, as international crimes and violations of IHL have been ongoing and documented meticulously for over 20 months, with the ICJ finding a plausible case of genocide, and a plethora of international and Palestinian organizations reporting and documenting genocide, war crimes, crimes against humanity, and grave breaches of the Geneva Conventions. As for the second factor, a causal link between encouragement and the continuation and/or escalation of the crime must be fulfilled. This requires an assessment of conduct and how those acts interact with the perpetrating state's behavior, influence its decision-makers, and/or impact the international system's response. This includes examining the sequence of events, specifically, the actions, policies, and statements of the perpetrating state preceding and following the complicit state's expressions of support. In the case of ongoing crime (and ongoing state complicity) in Gaza, as will be studied further below, a pattern often emerges. By following statements of support and/or the obstruction of accountability measures, the perpetrating state (the Israeli regime) will adopt more escalatory and aggressive policies or expand the scope of

its operations. Establishing the causal link can be assessed by examining both the material conduct of the perpetrating state and otherwise more intangible forms of behavior, e.g. public statements from decision makers announcing escalation. The sections that follow establish this link: first, intricately examining the political power of the complicit state and the nature of its behavior; and then, studying the subsequent impact these actions have on the ground by analyzing the timeline of events, the statements of the perpetrating state, and the change/escalation of its conduct on the ground.

In the case of Israeli crimes in the ongoing war on the Gaza Strip, the primary complicit state is the US, a global superpower whose involvement has been tremendous and consequential. The US not only yields influence on the international level, including through its veto power and soft power control over individual states, but also on the Israeli regime, derived from decades of political, economic, and military support. Given the asymmetry of power between the US and other actors, its role is not neutral. Its actions can enable and sustain the commission of international crimes, particularly when they shield the perpetrating state from legal accountability. Furthermore, as the Israeli regime's biggest ally and military supplier, it also has an immense impact on its decision-making, not only on the extent in which its crimes are committed but also in bringing them to an end. While the US is the most complicit state in the crimes of the Israeli regime, other states, including Germany and the UK, are also liable for complicity at different extents. It is also important to consider that the states whose statements will be examined are not otherwise uninvolved. They are complicit at every stage of the genocide: justifying, encouraging, and providing cover for Israeli crimes, and providing the Israeli regime with the necessary material support to continue and escalate its crimes. The following sections will discuss and examine states' encouragement of Israeli crimes based on the above criteria, and establish the ways in which they have crafted a climate of immunity for the Israeli regime by justifying its actions, blocking it from accountability, and enabling it to continue committing its crimes and violations.

As for political complicity derived from the instruments of PIL, Article 41 of ARSIWA provides that a state must not recognize as lawful a serious breach of *jus cogens*. According to the ILC Commentary on ARSIWA (see Section 2), the obligation of non-recognition "not only refers to the formal recognition of these situations, but also prohibits acts which would **imply such recognition** (emphasis added)."[173] States have provided formal recognition by justifying Israeli crimes as acts of "self-defense" and consistently reaffirming that its actions fall in line with international law. They have also taken measures that have implied recognition, such as vetoing UNSC resolutions, spreading Israeli propaganda and manufacturing consent, and attacking the legitimacy of the ICC and ICJ. The ILC also emphasizes that collective non-recognition "marks the minimum necessary response by States" to the breach of peremptory norms.[174] Passing a UNSC resolution that recognizes Israeli acts as unlawful and that calls for a cessation of these acts is one of the most direct measures of collective non-recognition that could be taken. Ostructing such measures, by veto, is an active act of recognition that violates Article 41 and maintains the serious breach of *jus cogens*—in this case: the prohibition on genocide. Furthermore, attacking and delegitimizing international justice mechanisms like the ICC and the ICJ are not only acts that recognize Israeli crimes as lawful, but are also another step preventing the international community from fulfilling its duty of non-recognition. The following sections will explore these actions further, observing the pattern of complicity and examining the broader context and impact on Israeli crimes in the Gaza Strip.

4.3.2. Manufacturing Consent: Spreading Israeli Propaganda and Justifying Crimes in Gaza

From the beginning of the Israeli genocide in Gaza, states have pushed forward propaganda demonizing the Palestinian people and their resistance

173 Commentary on ARSIWA, para. 5, p.114.

174 Commentary on ARSIWA, para. 8, p.115.

and justifying Israeli international crimes under false pretenses. This section explores the ways in which this has served to shape public and international perception, allowing the Israeli regime to maintain the unlawful situation on the ground, and encouraging it to continue committing its crimes not only unchecked but backed by powerful Western states.

a. Unlimited and Unconditional Support for the Israeli Regime

Western states have made clear that their backing of the Israeli regime is more than just the provision of regular support for allies. German government officials have repeatedly described ensuring the Israeli regime's security as part of Germany's raison d'état (reason of state). Chancellor Olaf Scholz first affirmed this on 12 October 2023, stating: "Israel must be able to defend itself. There is only one place for Germany at this time, and that is by Israel's side. This is what we mean when we say: Israel's security is part of Germany's raison d'état."[175] At that time, the Israeli regime had been imposing its first complete blockade on all aid and goods into the Gaza Strip, and had killed 1,100 Palestinians, displaced 340,000 people, and destroyed a number of residential buildings and UNRWA facilities.[176] Scholz's sentiment was repeated again almost a year after, on 10 October 2024, by Foreign Minister Annalena Baerbock who claimed that "international humanitarian law and Israel's right to exist are inextricably linked. That's what Germany's raison d'état stands for."[177]

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175 Olaf Scholz, "Policy Statement by Olaf Scholz, Chancellor of the Federal Republic of Germany and Member of the German Bundestag, on the Situation in Israel," October 12, 2023, https://www.bundesregierung.de/breg-en/service/archive/policy-statement-by-olaf-scholz-2230254.

176 United Nations (UN), "Israel/Occupied Palestinian Territory: UN Experts Deplore Attacks on Civilians, Call for Truce and Urge International Community to Address Root Causes of Violence," October 12, 2023, https://www.un.org/unispal/document/un-experts-statement-gaza-israel-12oct2023/.

177 Annalena Baerbock, "Speech by Foreign Minister Annalena Baerbock during the Agreed Debate in the German Bundestag on the First Anniversary of the Terrorist Attack on Israel on 7 October," *Federal Foreign Office*, October 10, 2024, https://www.auswaertiges-amt.de/en/newsroom/news/2679832-2679832.

As provided in previous sections, the US has also made the security and protection of the Israeli regime part of US national security, codifying it into US laws (see Section 3.1). On 19 October 2023, US President Joe Biden reiterated US support, stating: "If Israel didn't exist, we would have toinventit."[178]

b. Legitimization of Crimes under the Guise of the Right to Self-Defense

One critical manifestation in which this unconditional support and protection of the Israeli regime has been the justification of Israeli crimes under the guise of self-defense. From the beginning of the Israeli genocide on Gaza, states, including the US, Germany, UK, France, Italy, and Canada have "reiterated their support for Israel and its right to defend itself against terrorism."[179] It should be made clear, as reaffirmed by the ICJ in its 2004 Advisory Opinion on the Wall[180] and reiterated by experts including the UN Special Rapporteur on the oPt, Francesca Albanese in the genocide on Gaza,[181] that the right to self-defense under Article 51 of the UN Charter only applies to armed attacks by one state against another state. The Israeli regime, as a colonial power, does not have the right to self-defense against a people it has imposed a regime of elimination and racial domination against. These claims of "self-defense" not only lack

178 Joe Biden, "Remarks by President Biden on the October 7th Terrorist Attacks and the Resilience of the State of Israel and its People," *The White House,* October 18, 2023, https://bidenwhitehouse.archives.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/.

179 UK Prime Minister's Office, 10 Downing Street and The Rt Hon Rishi Sunak MP, "Joint Statement Following PM Call with Leaders of US, Canada, France, Germany and Italy: 22 October 2023," *GOV.UK*, October 23, 2023, https://www.gov.uk/government/news/joint-statement-following-pm-call-with-leaders-of-us-canada-france-germany-and-italy-22-october-2023.

180 International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, July 9, 2004, 22, para. 139, https://www.icj-cij.org/sites/default/files/case-related/131/131-20040709-ADV-01-00-EN.pdf.

181 Francesca Albanese, "UN Special Rapporteur: Israel Can't Claim Right of Self-Defense," *Al Jazeera,* November 15, 2023, https://www.aljazeera.com/program/newsfeed/2023/11/15/un-special-rapporteur-israel-cant-claim-right-of-self-defence.

legal foundation under international law, but they are also applied to the Israeli regime in an unconditional and absolute manner, regardless of the scale or severity of its actions. States, individually and jointly, continued to spew the "self-defense" rhetoric after the Israeli regime declared a "complete siege" on Gaza on 9 October 2023.[182] They vowed to provide "Israel what they need to defend themselves and to finish the job" two months into the genocide in December 2023 after the death toll in Gaza exceeded 18,000 Palestinians.[183] States reasserted the Israeli regime's right to "self-defense" even after the ICJ's issuance of provisional measures and finding that it was plausible that it's actions in Gaza could amount to genocide,[184] and have persisted with these statements until today.

Even if Article 51 did apply, it does not sanction the commission of Israeli crimes and violations. This is the direct recognition of the creation and maintenance of an unlawful situation, and encourages Israeli crimes and violations, justifying them as a legal right and necessity. States that have been backing the Israeli regime and justifying its crimes hold immense individual and collective economic, political, and military power and can extensively shape international discourse and political will. Their recognition of Israeli crimes is not inconsequential; it creates a culture of impunity that allows the Israeli regime to continue and escalate its crimes.

c. Inciting Israeli Crimes & Spreading False Claims

States have also contributed to the justification of widespread and systematic attacks on civilians and infrastructure by spreading

182 President Macron of France, Chancellor Scholz of Germany, Prime Minister Meloni of Italy, Prime Minister Sunak of the United Kingdom, and President Biden of the United States, "Joint Statement on Israel," *The White House,* October 9, 2023, https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2023/10/09/joint-statement-on-israel/.

183 Jacob Magid, "Full Text of Biden Remarks on Bibi, Ben Gvir and 'Bringing Israel Together'," *The Times of Israel*, December 13, 2023, https://www.timesofisrael.com/full-text-of-biden-remarks-on-bibi-ben-gvir-and-bringing-israel-together/.

184 *Al Jazeera,* "World Reacts to ICJ Interim Ruling in Gaza Genocide Case Against Israel," *Al Jazeera,* January 26, 2024, https://www.aljazeera.com/news/2024/1/26/world-reacts-to-icj-ruling-on-south-africas-genocide-case-against-israel.

unsubstantiated, high-profile Israeli claims and propaganda. One of the first and most inflammatory examples was the claim that Hamas fighters had beheaded 40 babies during the 7 October resistance operations. This false claim was propagated by numerous Israeli sources in the first couple days of the genocide, including Israeli forces, the Israeli Economy Minister,[185] and the media office of Prime Minister Netanyahu.[186] It was further amplified by US President Biden on 11 October 2023, who stated he had seen "confirmed pictures of terrorists beheading children."[187] While the White House refuted Biden's statements providing that "U.S. officials and the president have not seen pictures or confirmed such reports independently,"[188] Biden repeated this claim once again on 12 December2023.[189]

Although an official of the Israeli regime later admitted that there was no confirmation that Hamas beheaded babies.[190] However, the intended impact of this propaganda had already been achieved. Western media

185 Sky News, "What We Actually Know About the Viral Report of Beheaded Babies in Israel," October 12, 2023, https://news.sky.com/story/its-important-to-separate-the-facts-from-speculation-what-we-actually-know-about-the-viral-report-of-beheaded-babies-in-israel-12982329.

186 Felice Friedson and Debbie Mohnblatt, "Israeli PM's Office on Hamas: 'It's ISIS on Steroids, It Has a State Behind It: Iran'," The Media Line, October 11, 2023, https://themedialine.org/by-region/israeli-pms-office-on-hamas-its-isis-on-steroids-it-has-a-state-behind-it-iran/.The Media Line+1WCTS Radio - The Bible Station+1.

187 President Joe Biden and Second Gentleman Douglas Emhoff, "Remarks by President Biden and Second Gentleman Douglas Emhoff at Roundtable with Jewish Community Leaders," *The White House,* October 11, 2023, https://bidenwhitehouse.archives.gov/briefing-room/speeches-remarks/2023/10/11/remarks-by-president-biden-and-second-gentleman-douglas-emhoff-at-roundtable-with-jewish-community-leaders/.

188 Dan Rosenzweig-Ziff, "'Every Hamas member is a dead man,' Netanyahu says in fiery speech, as Israel masses troops near Gaza Strip," *The Washington Post,* October 11, 2023, https://www.washingtonpost.com/world/2023/10/11/israel-hamas-war-updates-gaza-attack/#link-SIA4LEH6CVAGFEXIJ4556IMXRI.

189 President Joe Biden, "Remarks by President Biden at a Campaign Reception," *The White House,* December 12, 2023, https://bidenwhitehouse.archives.gov/briefing-room/speeches-remarks/2023/12/12/remarks-by-president-biden-at-a-campaign-reception-5/.

190 Matthew Chance, Richard Allen Greene, and Joshua Berlinger, "Israeli Official Says Government Cannot Confirm Babies Were Beheaded in Hamas Attack," *CNN,* October 12, 2023, https://edition.cnn.com/2023/10/12/middleeast/israel-hamas-beheading-claims-intl.

outlets had quickly and widely circulated the claim, lending it further legitimacy in the public eye. Furthermore, Netanyahu continued to invoke beheadings in his rhetoric, while carefully omitting any direct reference to babies, though the insinuation remained clear.[191]

These kinds of statements cannot simply be walked back. Once released, especially in emotionally charged contexts, they shape public perception and policy in ways that are difficult, if not impossible, to reverse. President Biden's spread of these false narratives carries significant weight, considering he is not only bankrolling the Israeli regime's actions in Gaza but also as the leader of the world's most powerful state. His words are not inconsequential; they influence international opinion and can legitimize and encourage actions on the ground. These claims, made at the beginning of the genocide, were circulated with the deliberate aim to dehumanize Palestinians, demonize the Palestinian resistance, and manufacture a climate of consent and legitimacy for Israeli crimes and the logic of collective punishment that would, and did, follow.

These statements are part of a bigger narrative led by the Israeli regime that sought to portray Hamas as a terrorist organization akin to the Islamic State of Iraq and Syria (ISIS) to justify its grave crimes in Gaza. Biden repeated this comparison multiple times, including in an address on 10 October 2023: "The brutality of Hamas, this blood thirstiness brings to mind the worst rampages of ISIS." Immediately after, he pledged strong US support for the Israeli regime: "We stand with Israel. And we will make sure Israel has what it needs to take care of its citizens, defend itself, and respond to this attack."[192] Similarly, French President Macron, joining Netanyahu in Tel Aviv, called for "the international coalition against Daesh [Arabic acronym for ISIS] in which we are taking part for

191 For example, see Prime Minister's Office, "Statement by PM Netanyahu," Media Statements, gov.il, November 21, 2024, https://www.gov.il/en/pages/spoke-statement220924.

192 President Joe Biden, "Remarks by President Biden at a Campaign Reception," *The White House,* December 12, 2023, https://bidenwhitehouse.archives.gov/briefing-room/speeches-remarks/2023/12/12/remarks-by-president-biden-at-a-campaign-reception-5/.

operations in Iraq and Syria to also fight against Hamas."[193] Macron also made the claim that the Israeli regime's fight against "terrorism" was a "matter of existence for all of us."[194]

States, in spreading these claims, created a zero-sum discourse that the Israeli regime's genocide in Gaza is a global imperative to defeat all evil. These states, not only adopted, but widely spread this Israeli allegation, justifying the following crimes, which were carried out from the very beginning of the war, as just and necessary: genocide, the systematic and deliberate willful killing of civilians, wanton destruction of homes and critical facilities and infrastructure, forced displacement, the weaponization of aid, and starvation. This is complicity via encouragement and the recognition of crimes as lawful.

d. Justification and Support for the Wanton Destruction of Civilian Infrastructure and the Willful Killing of Civilians

The weaponization of disinformation and false allegations by the Israeli regime's allies also played a crucial role in legitimizing the wanton destruction of vital civilian infrastructure and the willful killing of civilians in the Gaza Strip as "military necessity." States have particularly played a key role in encouraging attacks on hospitals, backing and disseminating Israeli false claims that Palestinian resistance groups in Gaza are hiding in hospitals and using patients as "human shields."

A prominent example is the November 2023 attacks on Al-Shifa Hospital, Gaza's largest hospital. In late October, the Israeli regime began laying the groundwork for the attacks by alleging that Hamas had constructed "a labyrinth of tunnels and underground compounds" beneath the hospital

193 Noémie Olive and Michel Rose, "France's Macron Wants International Coalition Against Hamas," *Reuters*, October 24, 2023, https://www.*Reuters*.com/world/frances-macron-says-he-stands-solidarity-with-israels-fight-against-terrorism-2023-10-24/.

194 Ministry of Foreign Affairs, "PM Netanyahu meets with French President Emmanuel Macron," Media Statements, gov.il, October 24, 2023, https://www.gov.il/en/pages/pm-netanyahu-meets-with-french-president-emmanuel-macron-24-oct-2023.

and used its generators to "launch rockets."[195] The "Israel Defense Forces" had posted a 3-dimensional artificial intelligence video, claiming to depict "Hamas' Headquarters" in the hospital.[196] On 14 November 2023, the day before Israeli forces began invading the hospital, then-spokesman for the Israeli forces, Daniel Hagari, stated: "In recent weeks we have stressed, again and again, that because of Hamas's use of hospitals for military purposes, [the hospitals] will lose [their] special protection in the international court."[197] That same day, the US backed Israeli claims, stating that they have "information that Hamas and the Palestinian Islamic Jihad use some hospitals in the Gaza Strip, including Al-Shifa and tunnels underneath them to conceal and to support their military operations and to hold hostages."[198] Days prior, the EU had also "condemn[ed] the use of hospitals and civilians as human shields by Hamas."[199]

These statements, and others like them, were evidently neither void or insignificant: they were made either preceding or following major Israeli attacks on hospitals resulting in the wanton destruction of facilities and

195 These quotes are derived from a statement released on the "Israel Defense Forces" website, which has since been deleted. This reflects a common practice of the Israeli regime, whereby they fabricate claims and "evidence," disseminating them widely to the public and media, and subsequently altering or deleting the information once it has served its intended propaganda purposes. The archive of this webpage can be found on the Wayback Machine here: Israel Defense Forces, "Hamas Positions Headquarters under Gaza's Shifa Hospital," published December 4, 2023, archived December 4, 2023, Wayback Machine, https://web.archive.org/web/20231204200128/https://www.idf.il/en/mini-sites/hamas-israel-war-23/all-articles/hamas-positions-headquarters-under-gaza-s-shifa-hospital/.

196 Israeli Defense Forces, *Home to Hamas' Headquarters, This Is an IDF 3D Diagram of the Shifa Hospital*:, 2023, https://www.youtube.com/watch?v=6pTYHBZVgVQ.

197 Emanuel Fabian, "IDF: Gaza Hospitals Risk Losing Int'l Legal Protection Because Hamas Uses Them for Terror," *The Times of Israel*, November 14, 2023, https://www.timesofisrael.com/liveblog_entry/idf-gaza-hospitals-risk-losing-intl-legal-protection-because-hamas-uses-them-for-terror/.

198 AFP, "Hamas Has Command Center at Gaza Hospital: White House," *France 24,* November 14, 2023, https://www.france24.com/en/live-news/20231114-hamas-has-command-center-at-gaza-hospital-white-house.

199 Council of the EU, "Statement by the High Representative on Behalf of the European Union on Humanitarian Pauses in Gaza," press release, European Council Council of the European Union, November 12, 2023, https://www.consilium.europa.eu/en/press/press-releases/2023/11/12/statement-by-the-high-representative-on-behalf-of-the-european-union-on-humanitarian-pauses-in-gaza/.

the willful killing of civilians, including internally displaced persons and patients. By 14 November 2023, Al-Shifa Hospital was completely out of service and besieged by Israeli forces, with hospital staff reporting that they had to bury 170 people in a mass grave.[200] A UN humanitarian assessment team led by the World Health Organization (WHO) that visited Al-Shifa Hospital following the Israeli attacks noted seeing the mass grave at the entrance, describing the facility as a "death zone."[201]

Several investigations, including by the Washington Post[202] and Forensic Architecture,[203] have found that the "evidence" provided by the Israeli regime was inadequate in proving claims that Hamas had a command center beneath Al-Shifa Hospital. In its investigation, Forensic Architecture studied the evidence presented by the Israeli legal team at the ICJ hearing on the genocide case brought by South Africa, finding: "eight instances where the Israeli legal team misrepresented the visual evidence they cited, through a combination of incorrect annotations and labelling, and misleading verbal descriptions."[204]

While the Israeli regime's allegations remained unsubstantiated and unproven, its attacks on hospitals would only magnify and its allies' defense of its crimes would remain absolute. In January 2024, the US restated their claims, providing that US spy agencies have information proving that "militants destroyed documents and electronics at the complex in

200 Mustafa Abu Sneineh, "'Operation Al-Aqsa Flood' Day 39: Health Official Says Israel 'Sentencing Al-Shifa Hospital to Death' as Doctors Dig Mass Grave," *Mondoweiss,* November 14, 2023, https://mondoweiss.net/2023/11/operation-al-aqsa-flood-day-39-health-official-says-israel-sentencing-al-shifa-hospital-to-death-as-doctors-dig-mass-grave/.

201 WHO, "WHO leads very high-risk joint humanitarian mission to Al-Shifa Hospital," November 18, 2023, https://www.who.int/news/item/18-11-2023-who-leads-very-high-risk-joint-humanitarian-mission-to-al-shifa-hospital-in-gaza.

202 Louisa Loveluck et al., "The Case of Al-Shifa: Investigating the Assault on Gaza's Largest Hospital," *The Washington Post,* December 21, 2023, https://www.washingtonpost.com/world/2023/12/21/al-shifa-hospital-gaza-hamas-israel/.

203 Forensic Architecture, *An Assessment of Visual Material Presented by the Israeli Legal Team at the ICJ* (26 February 2024), https://forensic-architecture.org/investigation/assessment-israeli-material-icj-jan-2024.

204 Ibid.

advance of the Israel Defense Forces raid" of the hospital.[205] However, no evidence of this information has been presented. Again, these statements and claims are not inconsequential: in April 2024, Israeli forces once again invaded Al-Shifa Hospital, alongside Nasser Medical Complex, leaving over 400 Palestinians killed and buried in mass graves.[206]

Germany would not only continue using these false claims to justify the Israeli regime's mass killing of Palestinians,[207] but would take it one step further. In October 2024, German Federal Minister for Foreign Affairs, Annalena Baerbock, stated: "I have made it so clear that when Hamas terrorists hide behind people, behind schools, then we end up in very difficult waters [...] I made it clear at the United Nations that civilian sites could lose their protected status if terrorists abuse this status. That's what Germany stands for – and that's what we mean when we refer to Israel's security."[208] Baerbock's statements, which undermine the legal principles of civilian protection under the Geneva Conventions, including the principles of proportionality and distinction, attempt to provide legitimacy to the Israeli regime's genocidal acts and effectively grant it a license to bomb civilian infrastructure with impunity.

States have extensively spread Israeli propaganda, manufacturing a reality in which attacks on hospitals are normalized and justified, and enabling

205 Ellen Nakashima and Louisa Loveluck, "U.S. 'Confident' That Hamas Used al-Shifa Hospital as Command Center," *The Washington Post,* January 3, 2024, https://www.washingtonpost.com/national-security/2024/01/03/hamas-gaza-israel-alshifa-tunnels/.

206 Jason Kao and Raeedah Wahid, "Map: Over 400 Bodies Found in Gaza Mass Graves Add to Israel-Hamas Death Toll," Bloomberg, April 26, 2024, https://www.bloomberg.com/graphics/2024-gaza-hospital-mass-graves/?srnd=politics-vp.

207 In December 2024, after an Israeli attack on a hospital in Gaza that killed at least 100 Palestinians, Germany asserted that Israel has "the right to defend itself" and accused Hamas of "using schools, hospitals, and kindergartens as command centers." see: Oliver Towfigh Nia, "Germany Justifies Israel's Killing of 100 Palestinians at School Shelter in Gaza," *Anadolu Agency*, December 8, 2024, https://www.aa.com.tr/en/middle-east/germany-justifies-israels-killing-of-100-palestinians-at-school-shelter-in-gaza/3301853.

208 Auswärtiges Amt (German Federal Foreign Office), "Speech by Foreign Minister Annalena Baerbock during the agreed debate in the German Bundestag on the first anniversary of the terrorist attack on Israel on 7 October," October 10, 2024, Newsroom, https://www.auswaertiges-amt.de/en/newsroom/news/-/2679832.

and encouraging the Israeli regime to target all 36 of Gaza's hospitals. As of January 2025, 95 percent of Al-Shifa Hospital has been damaged.[209] Beyond the direct damage to these facilities and the direct killings and injuries, this has amounted to the systematic denial of healthcare to Palestinians amid the commission of international crimes against them, including genocide, depriving the sick of treatment and the wounded of critical care.

e. Justification of the Crime of Starvation

Similar accusations were used to defend the Israeli regime's weaponization of aid and starvation against the Palestinian population in the Gaza Strip. The US supported and regurgitated Israeli allegations that Hamas was stealing and looting humanitarian aid.[210] These claims were refuted by international organizations, including the UN's WFP, which stated that there was no evidence to prove that Hamas was stealing aid, but rather that aid is being stolen because people are "desperate" and "starving to death."[211] Nevertheless, the disinformation was used to justify the obstruction and weaponization of humanitarian aid into Gaza (see Section 3.3.2), worsening famine conditions and contributing to genocide by starvation. The US played an active role in this: first by justifying the starvation of Palestinians and then directly by weaponizing aid through the US-Israeli GHF. This, like similar accusations and claims above, falls under the recognition of unlawful acts and encouragement of Israeli plans and crimes.

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209 Nour Mahd Ali Abuaisha and Rania R.a. Abushamala, "Destruction at Gaza's Shifa Hospital Exceeds 95%: Health Official," Anadolu Agency, January 29, 2025, https://www.aa.com.tr/en/middle-east/destruction-at-gaza-s-shifa-hospital-exceeds-95-health-official/3464991.

210 Mike Glenn, "U.S. Says Hamas Stole Aid for Gaza Sent through Newly Opened Border Crossing," The Washington Times, May 3, 2024, sec. Security, https://www.washingtontimes.com/news/2024/may/3/us-says-hamas-stole-aid-gaza-sent-through-newly-op/.

211 MEE Staff, "UN Food Programme Chief Denies Claims Hamas Stealing from Gaza Aid Trucks," *Middle East Eye,* May 26, 2025, https://www.middleeasteye.net/news/un-food-programme-chief-denies-claims-hamas-stealing-gaza-aid-trucks.

f. Justification of the Crime of Forcible Displacement

The role of the US has also been extensive in encouraging and legitimizing the Israeli regime's plans for the forcible displacement of Palestinians out of the Gaza Strip. The Israeli regime has been pushing for the ethnic cleansing of the Gaza Strip under the guise of "voluntary migration" from the first few months of the genocide.[212] President Trump's call for the displacement of Palestinians to Egypt and Jordan and the colonization of the Gaza Strip,[213] has offered not only a greenlight to the Israeli regime, but a co-designed plan to commit the crime of forced displacement. Israeli officials have since adopted and endorsed "Trump's plan," including Prime Minister Netanyahu who included it as a set term to ending the war on Gaza. Like the US did in Nicaragua, it is now handing the Israeli regime a blueprint to commit violations of IHL and is liable for complicity via encouragement.

States' official positions can have serious consequences when international crimes are committed, particularly on the scale seen in the Gaza Strip. Accountability and actionable measures on the international stage are largely determined by the political will of powerful states. When that will is directed toward shielding a regime engaged in crimes and ongoing violations of international law, international political will is also negatively impacted. Official statements become more than just rhetoric—they function as tools of legitimization and encouragement. This is particularly detrimental when the crime at hand is genocide, which demands and obligates the intervention of states. **By justifying the Israeli regime's crimes as "self-defense," framing civilian infrastructure**

212 For example, see "Netanyahu Pushes for 'Voluntary Migration' for Palestinians in Gaza: Israeli Media," *Middle East Monitor,* December 26, 2023, https://www.middleeastmonitor.com/20231226-netanyahu-pushes-for-voluntary-migration-for-palestinians-in-gaza-israeli-media/; and "Israeli Minister Supports 'Voluntary Migration' of Palestinians in Gaza," *Al Jazeera,* November 14, 2023, https://www.aljazeera.com/news/2023/11/14/israeli-minister-supports-voluntary-migration-of-palestinians-in-gaza.

213 MEE Staff, "Full Text of Trump and Netanyahu's Explosive News Conference," *Middle East Eye,* February 5, 2025, https://www.middleeasteye.net/news/full-text-trump-and-netanyahus-explosive-news-conference.

as a legitimate target, and pushing forward displacement plans, states' political positioning is no longer passive, but instrumental and effective in sustaining a system of impunity and effectively pushing forward crimes and violations in the Gaza Strip.

4.3.3. US Vetoes: Greenlighting Israeli Genocide and Crimes

Since the onset of the Israeli genocide on Gaza in October 2023, the US has repeatedly used its veto power at the UNSC to block international efforts aimed at implementing ceasefires and enabling the delivery of humanitarian aid. These vetoes have not merely reflected a foreign policy stance, they have had concrete consequences for the Palestinian population in Gaza. At each critical juncture, when the international community attempted to bring an end to (or even manage the consequences of) Israeli crimes, the US intervened to prevent collective action, violating the duty of non-recognition. This pattern of obstruction has encouraged the Israeli regime, materially contributed to the continuation and escalation of Israeli crimes, and shielded the Israeli regime from accountability. What follows is a chronological account of the US vetoes cast during the genocide on Gaza, a brief contextual analysis of each, and their legal implications.

The first US veto was on 18 October 2023 against a resolution, proposed to the UNSC by Brazil, calling for "humanitarian pauses" to allow aid into Gaza.[214] At this point, the Israeli regime was enforcing its first complete blockade on aid, food, water, electricity, and all other services and items, and civilian infrastructure was already being heavily bombarded, including hospitals and schools. By vetoing even a limited call for humanitarian relief, the US materially impeded the delivery of life-saving aid. Further, it encouraged and enticed the Israeli regime to continue and escalate its

214 UNSC, "Security Council Fails to Adopt Resolution Calling for Humanitarian Pauses in Israel-Gaza Crisis on Account of Veto by United States," meetings coverage, 9442ND MTG (AM) SC/15450, October 18, 2023, https://press.un.org/en/2024/sc15604.doc.html.https://press.un.org/en/2023/sc15450.doc.htm.

crimes, including conditions that align with Article 2(c) of the Genocide Convention: "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part."[215]

The second US veto occurred on 8 December 2023, blocking a resolution that called for an immediate ceasefire.[216] This draft resolution followed a letter sent by UNSG António Guterres, who invoked Article 99 of the UN Charter, his most powerful procedural tool, calling on the Council to declare a "humanitarian ceasefire." Throughout his time as UNSG since 2017, this was the first time Guterres invoked this measure.[217] The intent behind the US veto is undeniable: to obstruct international action and enable the continuation of Israeli crimes. Furthermore, US vetoes are part of a broader web of complicity, with each element contributing to the commission of these crimes. Just one day after this veto, the US approved a $106 million shipment of tank ammunition, including approximately 14,000 rounds of shells for the Israeli regime.[218] These US actions were preceded by the intensification of the Israeli regime's bombing campaign and the launch of a major ground offensive in southern Gaza on 4 December.[219] According to OCHA, Gaza "saw some of the heaviest shelling [...] so far" during this period.[220] Following the veto, Netanyahu thanked the US for its "correct stance" and affirmed that they would

215 Convention on the Prevention and Punishment of the Crime of Genocide, art. 2(c).

216 UNSC, "Security Council Fails to Adopt Resolution Demanding Immediate Humanitarian Ceasefire in Gaza on Account of Veto by United States," meetings coverage, 9499TH MTG (PM) SC/15519, December 8, 2023, https://press.un.org/en/2023/sc15519.doc.htm.

217 UN, "Gaza: Guterres Invokes 'most Powerful Tool' Article 99, in Bid for Humanitarian Ceasefire," Peace and Security, UN News, December 6, 2023, https://news.un.org/en/story/2023/12/1144447.

218 Matthew Lee, "US State Dept. Approves Sale of Thousands of Tank Rounds to Israel," *The Times of Israel*, December 9, 2023, https://www.timesofisrael.com/us-state-dept-approves-sale-of-thousands-of-tank-rounds-to-israel/.

219 Arafat Barbakh and Mohammed Salem, "Israel Presses Ground Offensive in Southern Gaza, Air Strikes Intensify," *Reuters*, December 4, 2023, sec. Middle East, https://www.*Reuters*.com/world/middle-east/israel-says-ground-forces-operating-across-gaza-strip-offensive-builds-2023-12-04/.

220 OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #59," OCHA oPt, December 4, 2023, https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-59.

continue the war.[221] A couple days later, Netanyahu declared that "justice is on our side [...] no force can prevent us from doing the right thing," adding that the "war is continuing, intensively, in both northern and southern Gaza."[222] These statements point to the ways in which US vetoes embolden the Israeli regime to escalate its actions, assured that "no force" can halt the continuation of the genocide.

The US veto not only defied the UNSG's unprecedented call, but it blocked the most powerful measure at the UN level for states to take collective action, especially during the most intense phases of the genocide in Gaza at that point. It paralyzed collective action on the international level, prevented HCPs from ensuring that the Israeli regime abides by IHL, and effectively encouraged the Israeli regime to continue and escalate the commission of its crimes and violations.

On 20 February 2024, the US weaponized its third veto in the UNSC since 7 October 2023, voting against an immediate ceasefire in the Gaza Strip. At the beginning of February, the Israeli regime had ordered Israeli forces in Gaza to expand ground operations into Rafah, which at the time contained more than half of Gaza's population, due to Israeli "evacuation" orders.[223] Prior to the resolution, the United Nations Children's Fund (UNICEF) had estimated that 17,000 children in the Gaza Strip were unaccompanied or separated from their families.[224] Furthermore, UN agencies[225] and

221 Israeli Prime Minister's Office, "Statement by PM Netanyahu," Media Statements, gov.il, December 9, 2023, https://www.gov.il/en/pages/spoke-usa091223.

222 Jewish News Syndicate (JNS), "Netanyahu: Can't Support End of Hamas While Pressing Israel to End War," *JNS*, December 10, 2023, sec. Update Desk, https://www.jns.org/netanyahu-cant-support-end-of-hamas-while-pressing-israel-to-end-war/.

223 Emine Sinmaz, "Netanyahu Reiterates Intent to Press on with Ground Offensive on Rafah," *The Guardian*, February 11, 2024, sec. World news, https://www.theguardian.com/world/2024/feb/11/gaza-netanyahu-determined-to-press-on-with-ground-offensive-on-rafah.

224 UNICEF, "Stories of Loss and Grief: At Least 17,000 Children Are Estimated to Be Unaccompanied or Separated from Their Parents in the Gaza Strip," press release, February 2, 2024, https://www.unicef.org/mena/press-releases/stories-loss-and-grief-least-17000-children-are-estimated-be-unaccompanied-or-separated-gaza.

225 For example, see Food and Agriculture Organization (FAO), "Gaza: Every Day, More and More People Are on the Brink of Famine-like Conditions," December 2, 2024, https://www.fao.org/newsroom/detail/gaza-every-day-more-and-more-people-are-on-the-brink-of-famine-like-conditions/en.

humanitarian organizations[226] warned that the Gaza Strip was on the brink of famine. The ICJ had also declared the plausibility of genocide in Gaza on 24 January 2024,[227] which triggers the responsibility of third states to act to prevent and stop genocide. Despite this, the US not only refrained from ending its complicity or applying any meaningful pressure on the Israeli regime, but actively blocked the UNSC from taking action. On 9 February 2024, President Biden, himself, stated "that the conduct of the [Israeli regime] in Gaza [...] has been over the top."[228] Yet, the US continued to not only deepen its complicity via continued military backing, but also provided political cover and paralyzed the UNSC from passing a ceasefire resolution. Like the previous veto, this served to encourage the Israeli regime to continue its crimes unabated. Prime Minister Netanyahu remarked that despite "considerable pressure on Israel at home and abroad to stop the war," the Israeli regime remains committed to continue until it has achieved all of its goals.[229] He emphasized once again: "There is no pressure, none, that can change this."[230] The implication of these statements from the top Israeli official and decision-maker is that so long as the Israeli regime has US political backing, there is no pressure from the international community that will impact the continuation of its crimes in the Gaza Strip. The vetoing of resolutions is not just a symbolic gesture of support; it is a tool that implies recognition of Israeli crimes as lawful and that effectively encourages the continuation of Israeli crimes.

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226 For example, see Anera, "The World Needs to Stop Starvation in Gaza," February 11, 2024, https://www.anera.org/blog/stop-starvation-in-gaza/.

227 *South Africa v. Israel*, Order of 26 January 2024, I.C.J. Reports 2024

228 Times of Israel Staff and Agencies, "Addressing State of Israel-Hamas War, Biden Calls Gaza Response 'over the Top,'" *The Times of Israel*, February 9, 2024, https://www.timesofisrael.com/biden-calls-gaza-response-over-the-top-unclear-if-remarks-aimed-at-israel-or-hamas/.

229 Prime Minister of Israel (@IsraeliPM), "Prime Minister Netanyahu to the soldiers," X, February 20, 2024, accessed June 3, 2025, https://x.com/IsraeliPM/status/1760012536458403979

230 Prime Minister of Israel (@IsraeliPM), "PM Netanyahu: "We are committed to continuing the war until we achieve all of its goals: Eliminating Hamas, releasing all of the hostages and ensuring that Gaza," X, February 20, 2024, accessed June 3, 2025, https://x.com/IsraeliPM/status/1760012561783611851

The fourth US veto was on 20 November 2024, blocking another resolution calling for an "immediate, unconditional, and permanent" ceasefire.[231] As the Algerian delegate to the UNSC stated, this veto relayed to the Israeli regime that "you may continue your genocide," as "in this Chamber, you enjoy immunity."[232] Earlier in the month, UN and humanitarian leaders urgently called for an immediate ceasefire and the protection of civilians in Gaza, condemning the Israeli regime's actions—which devastated health services, displaced Palestinians, and obstructed aid—as flagrant violations of international law, and warned that the entire population of northern Gaza faced imminent death from famine, disease, and violence.[233] Prior to every US veto, the UN and other organizations not only warned but called on states to take action to impose a ceasefire. In spite of this, the US blocked all efforts to achieve this goal and bring the Israeli regime's crimes and violations to an end.

On 4 June 2025, the US vetoed a fifth UNSC resolution calling for a permanent ceasefire and the "immediate and unconditional lifting of all restrictions" on humanitarian aid in the Gaza Strip.[234] The resolution followed months of a total blockade on food, water, fuel, and medical supplies, and came more than a week into the start of the GHF's operations, which had become a death trap exacerbating genocide, the weaponization of aid, and Israeli-engineered starvation in Gaza. In his response to the US veto, Netanyahu stated: "Thank you, America and [Donald Trump], for once again showing our enemies that there is no

231 UNSC, "Security Council Fails to Adopt Resolution Demanding Immediate Ceasefire in Gaza, as United States Casts Negative Vote," meetings coverage, 9790TH MTG (AM) SC/15907, November 20, 2024, https://press.un.org/en/2024/sc15907.doc.htm.

232 Ibid.

233 Riyad Mansour (Permanent Observer of the State of Palestine to the UN), *Identical letters dated 5 November 2024 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council*, UN Doc. A/ES-10/1015-S/2024/805, November 5, 2024, UNISPAL, https://www.un.org/unispal/document/palestine-letter-05nov24/.

234 Vibhu Mishra, "US Vetoes Security Council Resolution Demanding Permanent Ceasefire in Gaza," UN News, June 4, 2025, https://news.un.org/en/story/2025/06/1164056.

daylight between us."[235] His statement underscores the reality that the Israeli regime and the US operate as a unified front, with American support remaining unwavering and unconditional. The Israeli regime has become so assured by continued US backing that even the threat of a UNSC resolution no longer deters it. On the day of the US veto, Israeli forces killed 95 Palestinians in Gaza, fully aware that these crimes will go unpunished and that it will escape international accountability.[236] Following the pattern of previous US vetoes, the Israeli regime only grew more emboldened after the 4 June veto. In June, Israeli forces killed over 2,000 Palestinians, including hundreds seeking aid at GHF sites.[237] Moreover, between June 18 and 24, the Israeli regime issued three major displacement orders across Gaza, affecting multiple neighborhoods and at least 27 UNRWA installations.[238] Three more displacement orders were ordered between 25 June and 2 July, with 28,660 Palestinians reported to be forcibly displaced between 29 and 30 June.[239]

By vetoing UNSC resolutions aiming at pushing collective action to end the genocide, the US once more played a decisive role in shielding the Israeli regime from accountability, maintaining its genocide in Gaza, and encouraging it to continue the commission of other crimes.

Every US veto taken against a ceasefire resolution in Gaza delays the end of Israeli actions, warranting the continuation and maintenance of

235 Prime Minister of Israel (@IsraeliPM), "Prime Minister Benjamin Netanyahu: Thank you, America and @POTUS @realDonaldTrump, for once again showing our enemies that there is no daylight between us.," X, June 5, 2024, accessed June 16, 2025, https://x.com/IsraeliPM/status/1930394393623830557.

236 "US Vetoes UNSC Gaza Ceasefire Resolution as Israeli Strikes Kill 95," *Al Jazeera,* June 4, 2025, https://www.aljazeera.com/news/2025/6/4/us-vetoes-unsc-ceasefire-resolution-as-death-starvation-consume-gaza.

237 International Crisis Group, "June Trends and July Alerts 2025," *CrisisWatch*, Crisis Group, June 2025, https://www.crisisgroup.org/crisiswatch/june-trends-and-july-alerts-2025.

238 UNRWA, "UNRWA Situation Report #177."

239 OCHA, "Humanitarian Situation Update #302 | Gaza Strip," OCHA oPt, July 2, 2025, https://www.ochaopt.org/content/humanitarian-situation-update-302-gaza-strip.

crimes of the most serious nature, including genocide, starvation, forced displacement, willful killing and wanton destruction. Vetoes are a formal recognition of crimes as lawful and a greenlight from the US to continue these crimes without fear from accountability. At every critical juncture, these vetoes have sent a clear signal to Israeli decision-makers that there will be no international consequences for their actions. As evidenced above, this assurance has emboldened Israeli leaders to escalate their crimes with complete impunity. These US vetoes paralyze the international accountability system of the UNSC, effectively shielding the Israeli regime from legal and diplomatic pressure—whether from UN-mandated investigations, sanctions, or other forms of pressure. This contributes materially and effectively to the continuation of Israeli crimes in Gaza.

4.3.4. Threats and the Delegitimization of International Courts: Attacks on International Accountability Mechanisms

Central to states' political complicity in the Israeli genocide has been their deliberate obstruction and delegitimization of international courts and measures taken by individual states. Beyond political statements and alongside US vetoes, states have taken steps to paralyze courts and the international community from taking measures that aim to call out and halt Israeli crimes. By doing so, these states have not only shielded the Israeli regime from legal scrutiny and accountability, but have also contributed to the impunity of the Israeli regime and its decision-makers and the erosion of international law and the international legal system. The actions highlighted in this section serve to examine the ways in which states have actively encouraged the continuation of crimes by both recognizing Israeli crimes as unlawful and obstructing other states from fulfilling their duty of non-recognition.

a. Delegitimization of the South Africa Genocide Case at the International Court of Justice

In December 2023, South Africa, abiding by its obligations as a state party to the Genocide Convention, initiated proceedings against the Israeli regime at the ICJ for the commission of the crime of genocide in the Gaza Strip. Following South Africa's submission, US National Security Council spokesman, John Kirby, described the case as "meritless, counterproductive and completely without any basis in fact whatsoever."[240] After the Court's order, the US reaffirmed its position, stating that the "allegations of genocide are unfounded."[241]

There was also strong opposition to the case across Europe. The UK provided that its "view is that Israel's actions in Gaza cannot be described as a genocide" and that "South Africa's decision to bring the case was wrong and provocative."[242] Austria and Hungary stated that "allegations of [genocide] should never be made lightly. **We oppose any attempts to politicize the ICJ** (emphasis added)."[243] Germany stated that it found the accusations of genocide "false," falling outside of the Genocide Convention, and declared that it will file a declaration of intervention in

240 Jacob Magid and Jeremy Sharon, "US Lambasts 'Meritless' South African Request for ICJ to Charge Israel with Genocide," *The Times of Israel*, January 4, 2024, https://www.timesofisrael.com/us-lambasts-meritless-south-african-request-for-icj-to-charge-israel-with-genocide/.

241 Michael Hernandez, "US Maintains Genocide Charges against Israel 'unfounded' after International Court Ruling," *Anadolu Agency*, January 26, 2024, https://www.aa.com.tr/en/americas/us-maintains-genocide-charges-against-israel-unfounded-after-international-court-ruling/3120197.

242 Foreign, Commonwealth & Development Office, "International Court of Justice interim ruling on South Africa vs Israel: FCDO statement," press release, GOV.UK, January 27, 2024, https://www.gov.uk/government/news/statement-on-the-interim-icj-ruling-in-south-africa-vs-israel#:~:text=Our%20view%20is%20that%20Israel's,get%20more%20aid%20into%20Gaza.

243 Petr Fiala (@P_Fiala), "Chancellor @karlnehammer and I agree: The #ICJ is an important building block of the international rules-based order and we respect its independence," X, January 11, 2024, accessed June 16, 2025, https://x.com/P_Fiala/status/1745347424015524258.

the case.[244] For its part, the EU stated that since it is not part of the lawsuit, it is "not for us to comment at all."[245] States have not only failed to abide by their obligations under the Genocide Convention to prevent and avoid complicity in genocide, but they have relentlessly discredited South Africa's attempt to hold the Israeli regime accountable. These actions effectively delegitimize international accountability mechanisms and provide political cover for genocide.

For certain states, the defense of the Israeli regime and its crimes, including by countering international accountability efforts, is a state policy. For example, in its 2030 roadmap for UK-Israel bilateral relations, the UK, under the pretext of "strengthening cooperation and coordination in multilateral fora to confront antisemitism, delegitimization and anti-Israel bias" included that it will tackle the "disproportionate focus on Israel in the UN and other international bodies."[246]

In February 2025, the US escalated its stance against South Africa's ICJ case. Trump signed an executive order to cut financial aid to South Africa due to the ICJ genocide case it brought forth against the Israeli regime, among other things, claiming that the state "has taken aggressive positions towards the United States and its allies."[247] In response, South Africa

244 Stefan Talmon, "Germany Rushes to Declare Intention to Intervene in the Genocide Case Brought by South Africa Against Israel Before the International Court of Justice," *GPIL - German Practice in International Law*, January 15, 2024, https://gpil.jura.uni-bonn.de/2024/01/germany-rushes-to-declare-intention-to-intervene-in-the-genocide-case-brought-by-south-africa-against-israel-before-the-international-court-of-justice/.

245 Mared Gwyn Jones, "Why Is the EU Silent on South Africa's Genocide Case against Israel?," *Euronews*, December 1, 2024, sec. my-europe_europe-decoded, https://www.euronews.com/my-europe/2024/01/12/where-do-eu-countries-stand-on-south-africas-genocide-case-against-israel.

246 Foreign, Commonwealth & Development Office, *2030 Roadmap for UK–Israel Bilateral Relations* (policy paper, March 21, 2023), GOV.UK, https://www.gov.uk/government/publications/2030-roadmap-for-uk-israel-bilateral-relations/2030-roadmap-for-uk-israel-bilateral-relations.

247 Executive Order 14204, "Addressing Egregious Actions of The Republic of South Africa," Presidential Actions, *The White House,* President Donald J. Trump, February 7, 2025 https://www.whitehouse.gov/presidential-actions/2025/02/addressing-egregious-actions-of-the-republic-of-south-africa/.

asserted that there is "no chance" that it will back out of the ICJ case, stating that "[s]tanding by our principles sometimes has consequences."[248] Indeed, taking any stance against the US and the Israeli regime bears a heavy price, particularly for states that have come to depend on US aid. The weaponization of aid has evidently emerged as a prominent facet of political complicity in the genocide and beyond, with Trump halting all US foreign assistance, bar military aid to the Israeli regime and Egypt.[249] It is highly likely that the US will continue to leverage its aid as a tool of political pressure against the Palestinian people and the states supporting them.

b. Delegitimization of the International Criminal Court

States have also vehemently countered the ICC's attempts to hold Israeli officials—namely, Israeli Prime Minister Benjamin Netanyahu and former War Minister Yoav Gallant—accountable for war crimes and crimes against humanity. Chief ICC Prosecutor Karim Khan's initial application for arrest warrants, filed in May 2024, was met with strong opposition, including from the US, Austria, and the Czech Republic. An article from the European Journal on International Law (EJIL) provided that objections to the ICC's initial requests for arrest warrants fell into five main categories: (1) claims that "equating" Hamas and Israeli leadership is illegitimate; (2) assertions that the ICC lacks jurisdiction over Gaza because "Israel" is not a State Party and Palestine is not a recognized state; (3) concerns that the principle of complementarity should prevent the ICC from proceeding while the Israeli regime conducts its own investigations; (4) allegations that the process behind the arrest warrant requests was flawed; and, (5) arguments that issuing arrest warrants at this time undermines efforts to secure a ceasefire, release prisoners, and deliver humanitarian

248 David Pilling, Rob Rose, and Monica Mark, "South Africa Vows to Pursue Israel Genocide Case despite Trump Pressure," *Financial Times*, February 12, 2025, sec. South Africa, https://www.ft.com/content/c906711f-c6f8-4126-864f-897b1ade1a48.

249 Ellen Knickmeyer and Farnoush Amiri, "State Department Freezes New Funding for Nearly All US Aid Programs Worldwide," *AP News*, January 25, 2025, sec. Politics, https://apnews.com/article/state-department-trump-foreign-aid-bf047e17ef64cb42a1a1b7fdf05caffa.

aid. The article underscored that states' objections contradicted their past positions on ICC jurisdiction and accountability processes, including their welcoming of the issuance of an arrest warrant against Russian President Vladimir Putin in 2023.[250]

Following Prosecutor Khan's application for arrest warrants, US congressmen invited Netanyahu to speak in front of Congress.[251] Subsequently, on 25 July 2024, Netanyahu stood before congress, spewed false claims about the burning of babies on 7 October, of the killing of "parents in front of their children and children in front of their parents," claiming that the ICC case is "utter complete nonsense," and received multiple standing ovations.[252] Not only did the US disregard and delegitimize the ICC arrest warrants by refusing to arrest Netanyahu, but it also provided him with a platform to defend the genocide he has been carrying out. In hosting him at Congress, the US normalized his crimes, actively legitimized them on the world stage, and reinforced US political complicity in Israeli crimes.

In November 2024, the ICC announced official arrest warrants against Netanyahu and Gallant for: "the war crime of using starvation as a method of warfare and crimes against humanity of murder, persecution, and other inhumane acts, as a direct perpetrator, acting jointly with others," as well as "the war crime of intentionally directing attacks against civilians as a superior."[253] It is important to emphasize that the charges brought

250 Thomas Obel Hansen, "State Objections to the ICC Prosecutor's Request for Arrest Warrants in the Palestine Investigation," EJIL: Talk!, May 27, 2024, https://www.ejiltalk.org/state-objections-to-the-icc-prosecutors-request-for-arrest-warrants-in-the-palestine-investigation/.

251 Lisa Mascaro and Mary Clare Jalonick, "Congressional Leaders Invite Israel's Netanyahu to Deliver an Address at the Capitol," *AP News*, May 31, 2024, sec. Politics, https://apnews.com/article/israel-netanyahu-war-gaza-congress-596b0adf6ed8f71ccaaecccec8b9d341.

252 Prime Minister's Office, "PM Netanyahu's Address to a Joint Meeting of the US Congress," Events and Speeches, gov.il, July 25, 2024, https://www.gov.il/en/pages/event-congress240724.

253 ICC, "Statement of ICC Prosecutor Karim A.A. Khan KC on the issuance of arrest warrants in the Situation in the State of Palestine," Statement, November 21, 2024, https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-issuance-arrest-warrants-situation-state-palestine.

by the ICC were not only long overdue, but also weak and politically motivated. Foremost, they failed to include genocide, extermination, forced displacement, torture and the full spectrum of international crimes committed by the Israeli officials in the Gaza Strip. They also excluded many prominent Israeli officials responsible for international crimes in Palestine, including former member of the War Cabinet, Benny Gantz. Critically, they equate Palestinian resistance with Israeli colonialism and international crimes, disregarding the legitimacy of Palestinian struggle in pursuit of self-determination and decontextualized the criminality of the Israeli regime across 77 years. However, these arrest warrants remain an important step for accountability, legally obligating the 124 state signatories to the Rome Statute of the ICC to cooperate in the arrest and surrender of the individuals named, should they enter their territory.[254]

After the official issuance of the arrest warrants by the ICC, several states party to the Rome Statute actively sought to undermine the Court's authority and legitimacy. Czech Prime Minister Petr Fiala dismissed the decision as "unfortunate," and "undermines its authority."[255] Hungary's response was openly defiant of its obligations as a signatory to the Rome Statute with Prime Minister Viktor Orbán denouncing the warrants as "outrageously brazen." Following their issuance, he guaranteed to Netanyahu that "if he comes, that the judgment will have no effect in Hungary and that we will not follow its terms."[256] Indeed, in April 2025, Orbán welcomed Netanyahu in a state visit and announced Hungary's

254 *Rome Statute of the International Criminal Court*, July 17, 1998, 2187 U.N.T.S. 3, art. 59., https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf.

255 Petr Fiala (@P_Fiala), "The unfortunate decision of the ICC undermines its authority in other cases when it equates the elected representatives of a democratic state with the leaders of an Islamist terrorist organization.," X, November 21, 2024, accessed June 21, 2025, https://x.com/P_Fiala/status/1859669494635053524.

256 Jon Henley, "Hungary Invites Netanyahu to Visit as World Leaders Split over ICC Arrest Warrant," *The Guardian*, November 22, 2024, sec. World news, https://www.theguardian.com/world/2024/nov/22/hungary-invites-netanyahu-to-visit-as-world-leaders-split-over-icc-arrest-warrant.

intent to withdraw from the ICC entirely,[257] prompting an inquiry by the Court into the state's noncompliance with the arrest warrants. Poland adopted a resolution in January 2025, stating that it will allow the entry of all Israeli officials, including Netanyahu, to the country to attend the commemoration of the liberation of Auschwitz.[258] The actions taken by these states: (1) violate their legal obligations to abide by the ICC's arrest warrants; (2) and constitute complicity in Israeli crimes, contributing to the maintenance of the unlawful situation in Gaza; both which (3) encourage the escalation and continuation of crimes. Furthermore, states are not only crippling the ICC from holding Israeli officials accountable for international crimes, but also recognizing Israeli crimes as lawful by denouncing any action that combats this. These actions confer impunity on the perpetrators, directly enabling the Israeli regime's continuation of its crimes in Gaza.

The US went beyond this and punished the ICC for its actions against the Israeli regime. In February 2025, President Trump signed an executive order imposing sanctions on the ICC, including Chief Prosecutor Khan and his immediate family, because the Court "engaged in illegitimate and baseless actions targeting America and our close ally Israel."[259] These sanctions, which restrict the officials' business dealings and entry into the US, represent a direct assault on the ICC, its mandate, and the entirety of the international legal system. They make clear that any institution or state that challenges the US, the Israeli regime, and their hegemony will be discredited and punished.

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257 Justin Spike, "Hungary Welcomes Netanyahu and Says It Will Leave the International Criminal Court," *AP News*, April 3, 2025, sec. World News, https://apnews.com/article/netanyahu-visits-hungary-despite-international-arrest-warrant-d3ce4f986adbff6c324b8ef86261731e.

258 Vanessa Gera, "Polish Government Adopts Resolution Protecting Netanyahu from Arrest If He Attends Auschwitz Event," AP News, January 9, 2025, sec. World News, https://apnews.com/article/poland-israel-netanyahu-warrant-duda-auschwitz-anniversary-3b672818016198f4247917e3587e2913.

259 The White House, President Donald J. Trump, "Imposing Sanctions on the International Criminal Court," February 6, 2025, https://www.whitehouse.gov/presidential-actions/2025/02/imposing-sanctions-on-the-international-criminal-court/.

Pursuant to Trump's executive order against the ICC, the US sanctioned the UN Special Rapporteur on the oPt, Francesca Albanese, on 9 July 2025.[260] US Secretary of State, Marco Rubio, alleged that Albanese targeted US and Israeli officials with "illegitimate" ICC arrest recommendations, and accused her of "unabashed antisemitism" and "support for terrorism." Rubio also claimed she sent "threatening letters" to US corporations urging ICC prosecutions, calling it a "campaign of political and economic warfare" against US interests.[261] The sanctions shortly followed the release of Albanese's report of June 2025 on the complicity of corporations, including American companies, in the ongoing genocide in Gaza.[262] The measures taken by the US against Albanese are part of the bigger campaign to discredit and delegitimize the entirety of the UN system, as well as to block any measures that expose crimes and complicity. This is not only a punitive response to Albanese's call for accountability, it is a calculated act of intimidation aimed at deterring others from challenging the Israeli regime and its complicit allies. This action falls within a broader pattern of conduct that effectively encourages the crimes of the Israeli regime and officially recognizes them as lawful. It further reinforces a system of impunity not only for the Israeli regime but also for all complicit actors, ranging from states to corporations.

The paralysis of international accountability is essential for the Israeli regime to continue its crimes in the Gaza Strip. **States do not stop committing crimes due to sudden moral or legal awakenings; they must be pressured and held accountable.** Any action that obstructs or weakens the ability of the international community, including courts, to take meaningful steps to stop Israeli crimes, or merely recognize their

260 Marco Rubio, Secretary of State, "Sanctioning Lawfare that Targets U.S. and Israeli Persons," press statement, U.S. Department of State, July 9, 2025, https://www.state.gov/releases/office-of-the-spokesperson/2025/07/sanctioning-lawfare-that-targets-u-s-and-israeli-persons.

261 Marco Rubio, "Sanctioning Lawfare that Targets U.S. and Israeli Persons."

262 Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, *From economy of occupation to economy of genocide* (UN Doc. A/HRC/59/23, presented June 30, 2025), https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session59/advance-version/a-hrc-59-23-aev.pdf.

illegality, is a form of complicity in said crimes. Moreover, efforts to threaten institutions like the ICC and ICJ, or to punish states such as South Africa for pursuing legal action, constitute active encouragement for the Israeli regime to persist in its conduct. As stated earlier, the influence and power of these states is an important factor in their complicity, allowing them to condition their aid or diplomatic support to other states on inaction. These actions reinforce impunity for the Israeli regime, provide it with recognition and legitimacy, and encourage it to escalate its actions with the knowledge that such crimes can continue without accountability.

5. Conclusion

The complicity of states today, in violation of their negative obligations and states' responsibilities under international law, is an extension of over a century of both inaction and complicit action in support of Zionist-Israeli colonization. The crimes committed in Gaza today, including genocide, have been principally made possible from a global imperial order that has shielded and normalized a situation of Israeli colonization, forced displacement, and apartheid in Palestine for over 77 years.

Western, colonial states—particularly the US, UK, and Germany—have significantly contributed to ongoing crimes in the Gaza Strip for the last 21 months. These states have not only provided the Israeli regime with military arms and intelligence, but also granted it political legitimacy and diplomatic protection. They have repeatedly blocked ceasefire efforts, shielded the Israeli regime from accountability in international fora, and actively undermined the UN's humanitarian mechanisms, most notably through the defunding and incapacitation of UNRWA.

Their complicity extends across every dimension of the Israeli regime's commission of crimes: in the genocide of the Palestinians in Gaza, including the impositions of conditions of slow death: in the systematic and repeated forced displacement of millions; in the obstruction and weaponization of humanitarian aid and engineered starvation; in the deliberate targeting and destruction of civilian infrastructure, including hospitals, schools, and shelters; and in the mass, willful killing of Palestinians.

As established in this paper, complicity, under international law, requires that assistance be significant, though not decisive. In the Gaza Strip, it is evident that without the backing of these states, the Israeli regime would not have been able to carry out its crimes in Gaza to this scale, for this duration, or with this level of immunity. The aid and protection provided by these states have facilitated Israeli actions, and shaped the conditions

under which these crimes have been carried out and legitimized. It is arguable, if not self-evident, that actions of certain states, chief among them the US, surpass complicity to co-perpetration.

International and UN accountability mechanisms cannot act independently of their member states. They are bound by the political will of (the most powerful) states; and in this case, that will has been overwhelmingly employed toward shielding the Israeli regime and ensuring its continued impunity. These powerful states have effectively played a central role in blocking accountability against the Israeli regime and aiding, encouraging and maintaining its crimes in Gaza.

This reality has far-reaching implications that extend beyond the current crimes in Gaza. It sets the stage for the continued violation of the rights of the Palestinian people as a whole in the face of entrenched Israeli impunity, and contributes to the accelerating erosion of what remains of the credibility, utility and legitimacy of the international legal system.

True accountability in the face of these crimes requires not only the enforcement of a ceasefire and the dismantling of the Israeli regime, but also the sanctioning and prosecution of complicit states that have enabled and sustained its actions. In the absence of political will from states, challenging the hegemony of the Israeli regime and its complicit allies has to come from below. Palestinian resistance, combined with the sustained and strategic efforts of the global solidarity movement, is the only way through which the genocidal war on the Gaza Strip will end, the Israeli colonial-apartheid regime will be sanctioned and dismantled, and western, colonial states will be held accountable for their complicity.

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ISBN 978-9950-339-67-5

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