

Written evidence submitted by UK Lawyers for Israel (UKLFI) (IPC0106)

Introduction

1. UK Lawyers for Israel (“UKLFI”) is a voluntary association of lawyers who support Israel and seek the proper application of the law in matters relating to Israel. Our honorary patrons and members include some of the most distinguished lawyers in the UK.
2. UKLFI provides the following evidence in order to address some of the central misrepresentations underpinning the UK’s historic and current approach to the conflict, and to assist the UK with its approach to regional and international cooperation so as to improve the situation for Israelis and Palestinians.

Summary

3. Allegations against Israel that are based on incomplete, erroneous, outdated or manipulated information, and their consequences, such as arrest warrants, arms bans, boycotts and divestment, undermine Israel’s confidence and trust in the international community and international institutions. Israel is likely to resist any further territorial concessions if it is not confident that the world will allow it to defend itself against attacks from the territories it leaves. At the same time, misinformation and vilification of Israel encourage many Palestinians to believe that violence and atrocities are a legitimate and effective way of achieving political gains.
4. The following evidence addresses (i) manipulated and unreliable casualty figures from Hamas-run entities in the Gaza Strip; (ii) inconsistent and unreliable reports of famine and starvation amongst the population in Gaza; (iii) incomplete and erroneous information and omissions in the International Criminal Court (“ICC”) arrest warrants; (iv) misrepresentations and misinterpretations of the provisional measures orders of the International Court of Justice (“ICJ”); (v) incomplete and erroneous information relied on by the ICJ in its Advisory Opinions concerning Israel; and (vi) The UN Relief and Works Agency for Palestine Refugees in the Near East (“UNRWA”)’s links to terrorism and terrorist groups in the Gaza Strip. It concludes with some positive suggestions for eliminating these and other barriers to peace.
5. On 7 October 2023, Hamas launched an unprecedented assault on Israel, involving thousands of rockets, ground infiltration by militants, and coordinated attacks on primarily civilians and civilian areas. This resulted in the rape, torture and murder of over 1,200 people, including women and children, the abduction of over 200 hostages, and widespread destruction. Hamas leaders threatened to repeat such atrocities again and again.¹ In response, Israel invoked its right to self-defence under international law,

¹ https://x.com/gaza_report/status/1730241713472414075; <https://www.dailymail.co.uk/news/article-12697293/Hamas-leader-dismisses-Gaza-civilian-deaths-necessary-price-blood-boasts-terror-group-demonstrated-Israel-beatable-changing-Middle-East.html>; <https://palwatch.org/page/34768>

launching a military campaign in Gaza to neutralise Hamas' operational capabilities, rescue hostages, and protect its citizens from further attacks.

6. Rather than pressuring Hamas to surrender and release the hostages to secure a swift resolution to the conflict, the international community's reaction included immediate condemnations of Israel's military actions, with calls for arms embargoes and allegations of disproportionate force. The treatment of Israel was wholly inconsistent with the support other nations have historically received in the face of unprecedented terrorist attacks and military assaults. A combined international effort to pressure Hamas and its allies would have demonstrated a commitment to peace and fairness, rather than vilifying Israel's defensive measures, encouraging Hamas and delaying resolution of the conflict.
7. Throughout the conflict, misinformation and vilification of Israel's defensive measures have been allowed to continue, at an extreme level. The following sections provide our analysis of key scenarios where misinformation about Israel's actions has been legitimised, its legitimate concerns and perspectives have been overlooked, and the actions of other parties have not been adequately scrutinised or condemned, impeding any peace process and delaying conflict resolution.

Reports on casualties in the Gaza Strip

Note: Please refer to [UKLFI's full analysis](#)² and the report by the [Henry Jackson Society](#)³ on the inconsistencies and likely manipulation of Gaza casualty figures.

8. Palestinian casualty figures issued by Hamas-controlled Gaza Ministries and circulated by the UN OCHA have been frequently quoted in the course of the current war. However, there are numerous flaws in these figures, including the fact that they do not distinguish between combatant and civilian deaths. The reliability of the figures has been challenged by a number of independent studies, as explained below.
9. Early counts of casualties at the start of the war were based on hospital and morgue records held by the Hamas-run Gaza Ministry of Health. However, from November 2023 onwards, the figures included additional unverified data from media reports, public submissions via a Google form, and reports from the Hamas-run Gaza Government Media Office. The UN OCHA acknowledges that it obtains its casualty figures from these ministries and that they are unverified.⁴
10. The Gaza Ministry of Health and the Government Media Office, along with all other official ministries and offices in the Gaza Strip, are run by Hamas, a proscribed terrorist organisation that has been the governing entity of the Gaza Strip since 2007, after Israel's complete withdrawal from the Gaza Strip in 2005. Hamas has a clear incentive to manipulate the Palestinian casualty figures in the Gaza Strip, as doing so puts

² <https://www.uklfi.com/wp-content/uploads/2024/08/Palestinian-Casualty-Figures-Briefing-Note-v2.pdf>

³ <https://henryjacksonsociety.org/wp-content/uploads/2024/12/HJS-Questionable-Counting-%E2%80%93-Hamas-Report-web.pdf>

⁴ <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-199>

international pressure on Israel and increases global sympathy and support for Hamas and its cause.

11. At least five analyses, carried out by statisticians, data scientists, biomathematicians and economists from the Wharton School of the University of Pennsylvania, the Royal Melbourne Institute of Technology, the Washington Institute for Near East Policy, and other institutions, have found that the casualty figures have very likely been fabricated or manipulated.⁵ The evidence of fabrication and manipulation provided by these analyses includes:
 - 11.1 The proportions of women and children in the figures derived from media sources are much higher than those identified at hospitals and morgues; indeed, implausibly high at over 90%, and in the case of GMO data in 2023, at over 99%.⁶
 - 11.2 The total number of recorded deaths increased with a surprising degree of uniformity;
 - 11.3 There was a complete lack of correlation, normally expected, between the recorded numbers of women and the recorded numbers of children killed;
 - 11.4 There was a strong negative correlation between the recorded numbers of men and women deaths.⁷
 - 11.5 The figures have at all times included 471 alleged deaths in the explosion outside the Al Ahli hospital in Gaza City caused by a Palestinian rocket falling short. This figure is implausible and appears to have been fabricated to support a false allegation that an Israeli strike on the hospital had killed around 500 innocent civilians.⁸
12. Moreover, in figures provided by UNRWA of casualties of its staff for the period 7 October 2023 to 4 January 2024, men accounted for 62% of deaths, despite representing only 41% of the UNRWA staff in the Gaza Strip. The proportion of UNRWA's male staff who were killed was 2.3 times that of female staff, a disproportion much higher than in the total figures recorded by the Gaza ministries. It is possible that many of these male

⁵ <https://www.tabletmag.com/sections/news/articles/how-gaza-health-ministry-fakes-casualty-numbers#>; <https://fathomjournal.org/statistically-impossible-a-critical-analysis-of-hamass-women-and-children-casualty-figures/>; <https://www.washingtoninstitute.org/policy-analysis/gaza-fatality-data-has-become-completely-unreliable>; <https://www.washingtoninstitute.org/policy-analysis/how-hamas-manipulates-gaza-fatality-numbers-examining-male-undercount-and-other>; <https://www.telegraph.co.uk/global-health/terror-and-security/unrwa-staff-death-toll-gaza-israel-hamas-war-data/>; <https://elderofziyon.blogspot.com/2024/03/more-evidence-that-gaza-death.html>; <https://twitter.com/aizenberg55?lang=en-GB>; <https://twitter.com/MarkZloch/status/1777057066600763852>

⁶ Simpson, Stone and Bell, "Statistically Impossible: A Critical Analysis of Hamas's Women and Children Casualty Figures" <https://fathomjournal.org/statistically-impossible-a-critical-analysis-of-hamass-women-and-children-casualty-figures/>; Gabriel Epstein, "How Hamas Manipulates Gaza Fatality Numbers" <https://www.washingtoninstitute.org/media/7168?disposition=inline>

⁷ Abraham Wyner "How the Gaza Ministry of Health Fakes Casualty Numbers" <https://www.tabletmag.com/sections/news/articles/how-gaza-health-ministry-fakes-casualty-numbers>

⁸ UKLFI and Tom Simpson, "False al-Ahli casualties still included in Hamas/UN data" <https://www.uklfi.com/false-al-ahli-casualties-still-included-in-hamas-un-data>

staff were targeted as Hamas combatants, which would be consistent with Israel's view that UNRWA has been heavily infiltrated by Hamas, as explained below.⁹

13. The fact that combatant deaths are included in the overall casualty count is also misleading. In this regard, Israel estimated in November 2024 that it had eliminated over 19,000 Hamas combatants in the course of this conflict.¹⁰ Thus, even if one accepts the Gaza Ministry of Health total of approximately 46,000 Palestinian casualties¹¹ (despite the evidence of falsification or manipulation), civilian-to-combatant death ratios are notably lower in this conflict (approximately 1.4:1) compared to the recent global urban conflict average of 9:1,¹² with experts noting that Israel appears to have created a new standard for minimising civilian casualties in the context of urban warfare.¹³
14. Additionally, many of the reported Palestinian casualties (including civilians) have resulted from misfired Palestinian rockets, Palestinian explosive devices (very extensively used to booby-trap houses) and Palestinian fire,¹⁴ and yet, the published casualty figures and reports on casualties in Gaza assume or suggest that all casualties have occurred as a result of Israel's conduct.¹⁵
15. The international community's lack of caution in accepting the Hamas-derived figures without verification, has allowed for false data to be spread in media coverage and political debates, shaping narratives in unbalanced and counterproductive ways, actively harming prospects for peace.

Reports of famine and starvation in Gaza

*Note: Please refer to UKLFI's [updated analysis](#) of the flaws of the Gaza famine reports issued by the IPC and FEWS Net (with [executive summary](#)).*¹⁶

16. Numerous reports have been issued by the Integrated Food Security Phase Classification Global Initiative ("IPC") and the Famine Early Warnings Systems Network ("FEWS Net"). These reports are riddled with inconsistencies, unreliable methodologies and

⁹ <https://govextra.gov.il/unrwa/unrwa/> and see also <https://unwatch.org/evidence-of-unrwa-aid-to-hamas-on-and-after-october-7th/>; <https://unwatch.org/wp-content/uploads/2024/04/United-Nations-Watch-Submission-to-UNRWA-Review-Group.pdf>

¹⁰ https://www.timesofisrael.com/liveblog_entry/hamas-claims-70-gazans-killed-in-past-day-pushing-wars-alleged-total-above-46000/.

¹¹ https://www.timesofisrael.com/liveblog_entry/hamas-claims-70-gazans-killed-in-past-day-pushing-wars-alleged-total-above-46000/.

¹² <https://civiliansinconflict.org/our-work/conflict-trends/urban-warfare/>;
<https://press.un.org/en/2022/sc14904.doc.htm>

¹³ <https://www.newsweek.com/israel-has-created-new-standard-urban-warfare-why-will-no-one-admit-it-opinion-1883286>.

¹⁴ See <https://x.com/Aizenberg55/status/1879905170856829179>

¹⁵ See for example the Prosecutor's statement announcing his application for arrest warrants in <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>, "My Office is advancing multiple and interconnected additional lines of inquiry, including... in relation to the large-scale bombing that has caused and continues to cause so many civilian deaths, injuries, and suffering in Gaza."

¹⁶ <https://www.uklfi.com/wp-content/uploads/2025/01/Review-of-Famine-Reports-27-1-25-final.pdf>;
<https://www.uklfi.com/wp-content/uploads/2025/01/Executive-Summary-Glossaries-and-Acronyms-27-1-25-final.pdf>

figures that conflict with data for humanitarian aid deliveries from both UN sources and Israel's humanitarian aid department, COGAT, which tracks all humanitarian aid entering the Gaza Strip in real time.

17. Both mortality and malnutrition figures have been misrepresented, with significant discrepancies between reported data and actual conditions. Reports predicting famine in the Gaza Strip have overstated food insecurity conditions, in contrast to independent studies analysing the amount and contents of humanitarian aid, which have found that adequate food supplies have entered the Strip, exceeding the caloric needs of the population.¹⁷
18. Trends apparent in updated IPC and FEWS Net reports have also shown improved food availability over time and suggest an improving situation rather than a deteriorating one, contrary to claims of catastrophic hunger. Food insecurity assessments failed to meet the IPC's own established criteria for famine classification. Mortality and malnutrition rates were in many cases far below thresholds for famine, according to the organisation's own classification systems, indicating less severe conditions than reported.
19. Even between the reports of each of the organisations, IPC and FEWS Net, there are inconsistencies. For instance, a FEWS Net report dated 18 March 2024 found that famine was imminent in Gaza and was expected to become manifest in the northern part between March and May 2024.¹⁸ This report led UN Secretary-General Antonio Guterres to publicly announce on X (formerly Twitter) that famine in the Gaza Strip was imminent.¹⁹ A report by FEWS Net published in May 2024 found that it was possible, if not likely, that famine was ongoing in the Gaza Strip in April 2024. A subsequent IPC report issued in June 2024, concluded that the "*The FRC does not find the FEWS NET analysis plausible for the current period*" and "*is unable to endorse the IPC Phase 5 (Famine) classification for the projection period*".²⁰ Yet, the Secretary-General's post on X has not been deleted and the ICC Prosecutor relied on it in his public announcement summarising the grounds of his applications for arrest warrants.²¹
20. Data used to justify claims of famine have relied on selective reporting and ignored major sources of aid such as private sector contributions and supplies of flour to bakeries. Following an IPC report issued in March 2024, the Israel Ministry of Foreign Affairs issued a public response,²² identifying numerous serious deficiencies and showing that no reliance could be placed on its findings.

¹⁷ <https://web.archive.org/web/20240524193842/https://biochem-food-nutrition.agri.huji.ac.il/sites/default/files/biochem-food-nutrition/files/preprint-nutritional-assessment-of-food-aid-delivered-to-gaza-via-israel-during-the-swords-of-iron-war.pdf>;
<https://www.timesofisrael.com/new-study-finds-food-supply-to-gaza-more-than-sufficient-for-populations-needs/>.

¹⁸ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Committee_Review_Report_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf

¹⁹ <https://x.com/antonioguterres/status/1769827656940278191>

²⁰ <https://www.un.org/unispal/document/famine-review-committee-ipc-4jun24/>, p. 1.

²¹ <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>

²² <https://www.gov.il/en/pages/transparency-and-methodology-issues-in-the-ipc-special-brief-of-18-march-2024>

21. In the most recent FEWS Net report of 23 December 2024,²³ projections were based on partial or outdated information, leading to exaggerated conclusions about imminent famine (Phase 5 classification) in many parts of the Strip. On the day it was released, the US Ambassador to Israel, Jacob Lew, issued a statement pointing out that it had relied on outdated and inaccurate data, and noting that:²⁴

“At a time when inaccurate information is causing confusion and accusations, it is irresponsible to issue a report like this. We work day and night with the UN and our Israeli partners to meet humanitarian needs – which are great – and relying on inaccurate data is irresponsible.”

As a result, FEWS Net retracted the report.²⁵

22. Reliance on and dissemination of inaccurate reporting on humanitarian conditions in the Gaza Strip has far-reaching implications for policy, aid distribution, and public perception. This is apparent in the ICC Prosecutor’s decision to focus the arrest warrants against Prime Minister Netanyahu and former Defence Minister Gallant on the alleged war crime of starvation, which is described in further detail below. Misleading narratives have the potential to fuel polarisation and mistrust, which is why balanced and accurate data presentation is so crucial to promoting peace in the region.

The ICC arrest warrant applications

Note: Please refer to the [letter sent by UKLFI to Karim Khan KC](#)²⁶ on 27 August 2024 and its annexes²⁷ for a detailed analysis of the false allegations in his public statement summarising the grounds of the Prosecutor’s arrest warrant applications.

23. The grounds of the arrest warrant applications filed by the ICC Prosecutor, Karim Khan KC on 20 May 2024 were summarised in a public statement²⁸ made by Khan on the same day, and further explained in a report by his Panel of Experts, also published on the same day.²⁹ These grounds were based in their entirety on seriously false information and also omitted any reference to significant material contradicting that false information.

24. Khan alleged in his statement that Israel imposed “a total siege over Gaza, that involved completely closing the three border crossing points, Rafah, Kerem Shalom and Erez, from 8 October 2023 for extended periods”. However, Israel has in fact permitted the transfer of humanitarian supplies through at least one of these crossings on nearly all dates since 21 October 2023 and through at least two of these crossings on most dates from 17 December 2023 onwards.³⁰ Moreover, the Rafah crossing is between Egypt and the Gaza

²³ <https://web.archive.org/web/20241224064552/https://reliefweb.int/attachments/2a86032b-ccc7-454c-b50c-5c04cb5fa581/December%2023%2C%202024.pdf>

²⁴ <https://il.usembassy.gov/statement-from-u-s-ambassador-jacob-lew-on-fews-net-report/>

²⁵ <https://fews.net/middle-east-and-asia/gaza>; <https://jewishinsider.com/2024/12/jack-lew-israel-gaza-aid-usaid/>

²⁶ <https://www.uklfi.com/wp-content/uploads/2024/08/Letter-to-Karim-Khan-KC-final-27-8-2024.pdf>

²⁷ <https://www.uklfi.com/wp-content/uploads/2024/08/Annex-A-Professional-Rules-final-.pdf>;

<https://www.uklfi.com/wp-content/uploads/2024/08/Annex-B-Review-of-Famine-Reports-final.pdf>

²⁸ <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>

²⁹ <https://www.icc-cpi.int/sites/default/files/2024-05/240520-panel-report-eng.pdf>

Strip, and it is Egypt that has insisted on keeping the crossing closed for humanitarian aid since May 2024.³¹ The Erez crossing had only been used for passengers, not goods, since 2007³² and was seriously damaged in the Hamas attack on 7 October 2023.³³ Israel has since repaired it and constructed two new goods terminals at Erez to facilitate the transfer of humanitarian aid to the north of the Gaza Strip.³⁴

25. Khan further claimed that the alleged “total siege” also included “cutting-off cross-border water pipelines from Israel to Gaza ... for a prolonged period beginning 9 October 2023” and that these pipelines were “Gazans’ principal source of clean water”. However, prior to 7 October 2023, Israel provided no more than 10% of the fresh water used in the Gaza Strip through the three cross-border pipelines. The other fresh water used by Gazans was mainly obtained from the aquifer or the sea after desalination.³⁵ Two of the three pipelines from Israel were damaged by Hamas during the 7 October attacks;³⁶ repairing them under fire from Hamas was not easy. The supply of water through the remaining undamaged pipeline was stopped by Israel on 9 October 2023 but resumed on 15 October 2023.³⁷ One of the other pipelines was repaired and reopened by 29 October 2023. These two pipelines together supplied 28.5 million litres of fresh water per day - nearly 13 litres per person in the whole of the Gaza Strip.³⁸ The third pipeline was reopened following repairs by 2 May 2024.³⁹ Israel also facilitated the delivery of many truckloads of water through the Rafah and/or other crossings on most days since 21 October 2023.⁴⁰
26. As explained above, Khan accused Netanyahu and Gallant of using starvation as a method of warfare, citing reports of famine in the Gaza Strip. However, these reports have been shown to be based on incomplete information and their conclusions are not even consistent with the partial information on which they were based. Extensive food supplies and medical aid have been delivered to the Gaza Strip and Khan’s claim that Israel imposed “arbitrary restrictions” on humanitarian aid is contradicted by the extensive data published by COGAT.⁴¹ Security checks conducted to prevent smuggling

³⁰ See the spreadsheet titled “Humanitarian Aid” posted by COGAT at <https://gaza-aid-data.gov.il/main/> (bottom right of page), “Crossings” tab. It is helpful to sort the manifest by date or by crossing then date. See also integrated spreadsheet showing aid by land routes from 21 October 2023 <https://gaza-aid-data.gov.il/main/#Highlights>.

³¹ <https://www.bbc.co.uk/news/world-middle-east-69012303>

³² <https://www.ochaopt.org/data/crossings>

³³ https://www.timesofisrael.com/liveblog_entry/israel-shows-major-damage-to-erez-crossing-with-gaza-following-hamas-assault/

³⁴ <https://www.timesofisrael.com/israel-opens-erez-crossing-to-gaza-aid-for-first-time-as-blinken-tours-border/>; <https://www.timesofisrael.com/israel-opens-3rd-crossing-into-northern-gaza-to-increase-aid-routes-during-war/>

³⁵ <https://www.idf.il/en/mini-sites/idf-recaps-daily-summaries-of-the-hamas-israel-war/hamas-war-daily-recaps/daily-recap-hamas-israel-war-october-29th-2023-19-30-day-23/>

³⁶ <https://www.idf.il/en/mini-sites/idf-recaps-daily-summaries-of-the-hamas-israel-war/hamas-war-daily-recaps/daily-recap-hamas-israel-war-october-29th-2023-19-30-day-23/>; <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240518-oth-01-00-en.pdf>, paras 22-25.

³⁷ https://www.timesofisrael.com/liveblog_entry/us-says-israel-has-restored-water-supply-to-gaza/

³⁸ <https://www.idf.il/en/mini-sites/idf-recaps-daily-summaries-of-the-hamas-israel-war/hamas-war-daily-recaps/daily-recap-hamas-israel-war-october-29th-2023-19-30-day-23/>; <https://govextra.gov.il/media/4flju5vz/humanitarian-report-29-october.pdf>

³⁹ <https://gaza-aid-data.gov.il/main/archive/> update of 2 May 2024

⁴⁰ See the spreadsheet titled “Humanitarian Aid” posted by COGAT at <https://gaza-aid-data.gov.il/main/> (bottom right of page), “Crossings” tab.

of weapons resulted in only 0.5-1.5% of trucks being rejected, with a majority of these being permitted once the issues raised were addressed.⁴²

27. Further arrest warrants may be issued secretly by the ICC against other Israelis based on the same or other false allegations. The ICC's action is also encouraging anti-Israel activists to seek the arrest of Israelis in national jurisdictions around the world. In these circumstances it is difficult to see how Israel can now risk compromises that may result in territory adjacent to its main population centres coming under the control of Hamas. This would be likely to lead to future wars in which it would be even more difficult to limit civilian casualties and hardship than it has been in the recent war in Gaza. The territory within the armistice lines of 1949 is only 9 miles wide at one point and not much wider over most of the centre of Israel, where a large part of its population is concentrated. The corridor between Jerusalem and the rest of the territory within the 1949 armistice lines is only 5 miles wide and dominated by hills on either side. The effective defence of this territory against terrorists embedded on the other side of the 1949 armistice lines may be impossible without military action that the ICC will claim is criminal.
28. Finally, the ICC's attempt to circumvent the Oslo II Accord to assert jurisdiction over alleged crimes of Israeli nationals in the Gaza Strip and the West Bank represents another obstacle to the peace process. By disregarding the provisions of a bilateral agreement which explicitly provides that Israel has sole criminal jurisdiction over offences committed in Areas A and B of the West Bank and the Gaza Strip by Israelis⁴³ and forms the basis of ongoing cooperation between the parties, the Prosecutor has sought to undermine not only the principles of international agreements but also the trust required for meaningful diplomatic engagement by Israel. The ICC's approach appears to favour political agendas over actual conflict resolution, raising concerns about its impartiality and its role as a neutral arbiter of justice. Such actions erode Israel's confidence in international institutions and cast doubt on their ability to uphold the rule of law in a fair and consistent manner. Israel cannot safely make concessions, territorial or otherwise, in return for peace unless it can be confident that its international agreements will be respected. The ICC's assertion of criminal jurisdiction over Israelis in clear contradiction to the Oslo II Accords precludes such confidence.

⁴¹ <https://gaza-aid-data.gov.il/main/#AidData>

⁴² <https://x.com/cogatonline/status/1749500352209039501>;
<https://x.com/cogatonline/status/1750530118832021561>;
<https://x.com/cogatonline/status/1764259044183687327>;
<https://x.com/cogatonline/status/1767450722998599694>;
<https://x.com/cogatonline/status/1772686962098381179>;
<https://x.com/cogatonline/status/1780230694549045664>

⁴³ Oslo II - The Israeli-Palestinian Interim Agreement available at https://ecf.org.il/media_items/624, p. 166, Annex IV, Art. 1(2)(b).

Misinterpretation of conclusions reached by the International Court of Justice

Note: For further details, please refer to UKLFI's [open letter](#) to the former Prime Minister on the misinterpretation of conclusions reached by the International Court of Justice and [UKLFI's response](#) to criticisms of that letter.⁴⁴

29. Following the first Provisional Measures Order⁴⁵ in the proceedings against Israel by South Africa at the International Court of Justice (“ICJ”) for alleged violations of the Genocide Convention 1949, there were many reports in the media, and by politicians, including in the British government, suggesting that the ICJ found that there was a “plausible risk of genocide in Gaza” as a result of Israel’s military operation, or that Israel has “plausibly” committed genocide in the Gaza Strip. As well as contributing to a very serious rise in antisemitism in the UK and around the world, this incorrect interpretation has been invoked frequently by those campaigning for divestment from and/or boycotts of Israeli companies or companies operating in Israel. However, it is a misinterpretation of what the Judges of the ICJ held as well as the purpose and function of provisional measures orders in general.
30. The ICJ’s ability to issue a provisional measures order depends on a finding that the rights asserted by the party seeking the order are at least plausible. It is of course plausible that Palestinians in the Gaza Strip have rights to be protected from acts of genocide. Thus, it is the rights of the Palestinians in the Gaza Strip that were determined to be plausible, and not the alleged commission of genocide against them.
31. Crucially, the Court unambiguously confirmed in the same Order that it had not been called upon “to establish the existence of breaches of obligations under the Genocide Convention” and that it could not make any definitive findings of fact at this stage.
32. Subsequently, Judge Joan Donoghue, who was President of the ICJ when the relevant Provisional Measures Order was made, confirmed in an interview on the BBC’s *HARDtalk* programme broadcast on 25 April 2024 that the Court did not find that there was a plausible risk of genocide in Gaza or that Israel had “plausibly” committed genocide in Gaza.⁴⁶
33. To date, the ICJ has not made any findings as to the allegations against Israel pursuant to the Genocide Convention, and the crime was not included in the ICC’s arrest warrants against Netanyahu and Gallant. On the contrary, organisations such as Amnesty International and the Irish government seek to change the meaning of genocide in order to fit Israel’s alleged actions within it.⁴⁷ This constitutes yet another attempt to treat Israel

⁴⁴ <https://www.uklfi.com/uklfi-refute-criticism-of-their-letter-to-sunak>

⁴⁵ <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>

⁴⁶ <https://x.com/UKLFI/status/1837576991072997580>

⁴⁷ <https://www.fdd.org/analysis/2024/12/05/predetermined-outcome-amnesty-international-report-amplifies-genocide-charge-against-israel/>; <https://www.icj-cij.org/sites/default/files/case-related/192/192-20250106-int-01-00-en.pdf>

differently from other countries. The false allegations of genocide against Israel promote racist hostility and terrorism, which is another fundamental barrier to peace.

False information relied on by the ICJ in advisory opinions

Note: For further details, please refer to the [Observations filed by ELNET and UKFLI](#)⁴⁸ under the ICJ's Practice Direction XII in Case No. 186 "Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem"

34. Yet another barrier to peace is constituted by Advisory Opinions of the ICJ comprising incorrect and impractical conclusions based on false information. These Opinions are not binding but the procedure is increasingly being exploited to obtain Opinions on bilateral disputes over which the ICJ does not have jurisdiction. Expectations aroused by their conclusions in such cases can be highly counterproductive, particularly when they are erroneous and/or impractical.
35. The ICJ has given two Advisory Opinions on the Israeli-Palestinian conflict and there is a third case pending. The first, in Case No. 131 "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory" concerned the security barrier constructed by Israel. This case is particularly instructive because the ICJ's Opinion⁴⁹ and the decision in an earlier Israeli case, *Beit Sourik*, were reviewed in a further case concerning the same barrier in Israel's Supreme Court, the *Alfei Menashe* case.⁵⁰
36. The Judgment of President Aharon Barak in the Israeli Court cogently demonstrated that the ICJ's Advisory Opinion was based on inaccurate and one-sided information. President Barak observed that "The basic normative foundation upon which the ICJ [in the "Wall" case] and the [Israeli] Supreme Court in the [earlier] *Beit Sourik* case based their decisions was a common one" but "Despite this common normative foundation, the two courts reached different conclusions".
37. President Barak continued:

"The main difference between the two judgments stems primarily from the difference in the factual basis upon which each court made its decision. Once again, the simple truth is proven: the facts lie at the foundation of the law, and the law arises from the facts (*ex facto jus oritur*). The ICJ drew the factual basis for its opinion from the [UN] Secretary-General's report, his written statement, the Dugard report, and the Ziegler report. The [Israeli] Supreme Court drew the facts from the data brought before it by the Palestinian petitioners on the one hand, and the State [of Israel] on the other. In addition, the [Israeli] Supreme Court received an expert opinion by military experts who requested the opportunity to present their position as *amici curie*. Despite the fact that the data which each court received regarded the same wall/fence, the difference

⁴⁸ <https://www.uklfi.com/wp-content/uploads/2024/10/ELNET-Submission-to-ICJ-29-9-23-final.pdf>

⁴⁹ <https://www.icj-cij.org/case/131/advisory-opinions>

⁵⁰ *Mara'abe et al v The Prime Minister of Israel et al* (HCJ 7957/04) available at https://supremedecisions.court.gov.il/Home/Download?path=EnglishVerdicts/04/570/079/A14&fileName=04079570_A14.txt&type=4 (English translation).

between each set of data is deep and great. This difference is what ultimately led to the contrary legal conclusions.”

38. He contrasted the extensive evidence of the security-military necessity of the fence presented to the Israeli Supreme Court in the *Beit Sourik* case with the minimal mentions of this necessity in the sources on which the ICJ had based its opinion. He further observed “This minimal factual basis is manifest, of course, in the opinion [of the ICJ] itself”.

39. He also discussed the information regarding the impact of the security barrier on Palestinian residents, exposing serious deficiencies in the information on which the ICJ had relied.

40. The second Advisory Opinion of the ICJ was in Case No. 186 “Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem”.⁵¹ The ICJ’s Opinion indicates some recognition that the available information was problematic. The Court said

“in order to give an advisory opinion in this case, it is not necessary for the Court to make findings of fact with regard to specific incidents allegedly in violation of international law. The Court need only establish the main features of Israel’s policies and practices and, on that basis, assess the conformity of these policies and practices with international law. The Court has already concluded that it has before it the necessary information to perform this task (see paragraph 47 above).”

41. However, the ICJ’s Opinion then went on to rely expressly on at least 70 specific allegations and this does not include allegations they took into account but did not mention. The ICJ did not have the necessary information to verify these alleged facts and many of them were false or misleading. For example, the Opinion asserted that “Israel’s measures in East Jerusalem create an inhospitable environment for the Palestinian population.” No evidence was cited in support of this statement. By contrast, an opinion poll carried out by the Palestinian news agency, SHFA, found that 93% of Jerusalem’s Arabs prefer a continuation of Israeli rule;⁵² and a survey by the Israel Central Bureau of Statistics found that 86% of them are satisfied with their lives.⁵³

42. At the same time as relying on unsubstantiated allegations against Israel, the ICJ again gave scant consideration to any security implications, despite their obvious relevance in the light of the disastrous consequences of Israel’s evacuation of its presence in the Gaza Strip in 2005.

43. The current request for an Advisory Opinion, Case No. 196,⁵⁴ is directed essentially at Israel’s legislation, passed by an overwhelming majority of its democratically elected

⁵¹ <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>

⁵² <https://www.shfanews.net/post/102082>

⁵³ <https://www.cbs.gov.il/en/mediarelease/pages/2024/selected-data-on-the-occasion-of-jerusalem-day,-2024.aspx>

⁵⁴ <https://www.icj-cij.org/case/196>

parliament, to ban the operation of UNRWA in Israel. This case also turns on factual issues, in particular, the extent of UNRWA's links to terrorism, to which we now turn.

UNRWA links to terrorism

Note: For further details, please refer to the [detailed reports](#) published by the non-governmental organisation UN Watch on the substantiated links between UNRWA and terrorist groups, including Hamas, in the Gaza Strip.⁵⁵

44. Allegations against UNRWA began as early as 2003, when Israel accused the agency of allowing Hamas to use its schools and facilities for storing weapons and launching attacks.⁵⁶ Subsequent conflicts in Gaza saw recurring claims of UNRWA's involvement with Hamas, including reports of pro-Hamas rhetoric and concerns regarding UNRWA's educational programs propagating Hamas's tactics.⁵⁷ In 2023, during the Israel-Hamas war, Israel found evidence of direct participation by UNRWA staff in the October 7 attacks, and more evidence linking UNRWA and Hamas that pointed to a systemic infiltration of UNRWA by Hamas members. Israel claimed that up to 10% of UNRWA's staff were affiliated with the terrorist group. Apart from direct participation in the October 7 attacks, evidence included the facilitation by UNRWA of Hamas operations, as well as Hamas using UNRWA facilities for military purposes.
45. UNRWA consistently denied any systemic infiltration, acknowledging isolated incidents of staff misconduct while emphasising its commitment to neutrality. The UN commenced two separate investigations to address Israel's allegations. The first such investigation, referred to as the "Colonna investigation" found that Israel had not provided sufficient evidence to prove any systemic infiltration by Hamas in UNRWA but identified general areas of improvement as regards UNRWA's neutrality obligations. UNRWA pledged to improve internal monitoring and disciplinary measures. The second investigation, carried out by the UN Office of Internal Oversight Services ("OIOS") found that nine of 19 identified UNRWA staff members had been directly involved in the October 7 attacks. As a result, they were dismissed, but the investigation claimed there was insufficient evidence against the other 10 staff members.
46. Israel and NGOs such as UN Watch reject the suggestion that insufficient evidence has been provided regarding UNRWA's affiliations with Hamas. In November 2024, Israeli Ambassador to the UN, Danny Danon, stated that Israel had submitted "overwhelming evidence" to the UN substantiating Hamas' infiltration of UNRWA,⁵⁸ and in December 2024 Ambassador Danon again detailed in a speech at the UN General Assembly the amount evidence it had provided to support its allegations.⁵⁹

⁵⁵ <https://unwatch.org/tag/unrwa-report/>

⁵⁶ <https://mobile.x.com/dannydanon/status/1867048718609862888>

⁵⁷ <https://mobile.x.com/dannydanon/status/1867048718609862888>; <https://unwatch.org/un-teachers-call-to-murder-jews-reveals-new-report/>;

https://govextra.gov.il/unrwa/unrwa/?gad_source=1&gclid=Cj0KCQiA1p28BhCBARIsADP9HrNXX7F_C2dNcQkDfDbyAh-p8y6gMs88YZ0JO8BGaLINHTb019Si-vkaAnc_EALw_wcB

⁵⁸ <https://mobile.x.com/dannydanon/status/1853290585878081801>

⁵⁹ <https://mobile.x.com/dannydanon/status/1867048718609862888>;
<https://mobile.x.com/dannydanon/status/1866150084687339854>;

47. In a recent independent investigative report by UN Watch, UNRWA has been accused of engaging with Hamas, Palestinian Islamic Jihad (“PIJ”) and other Palestinian armed groups, describing them as “partners” in various discussions. These groups reportedly influence decision-making within UNRWA, including hiring practices and operational policies. For example, senior UNRWA officials have held meetings with Hamas leaders, facilitating compromises that allowed individuals with known ties to terrorism to maintain influential roles.
48. Armed groups such as Hamas and PIJ appear to have exploited UNRWA resources to support their own agendas. They have opposed reforms like biometric identification for aid recipients, which would prevent fraud and ensure aid reaches those who need it. This interference has reportedly led to inflated beneficiary numbers and diverted aid to serve Hamas interests rather than humanitarian needs.
49. Moreover, Israel and its partners, as well as independent NGOs, have repeatedly cautioned that UNRWA’s educational programs propagate narratives supporting armed resistance against Israel. Hamas-affiliated teachers and union leaders have used their positions within UNRWA to incite violence against Israel and Israelis and to glorify acts of terrorism. School activities and curricula foster ideologies aligned with Hamas and PIJ, that perpetuate the conflict. Moreover, the agency’s role in maintaining the refugee status of Palestinians across generations upholds the narrative of a “right of return”, which is fundamentally incompatible with a two State or any other viable solution to the conflict.
50. Attempts by UNRWA’s leadership to enforce neutrality, such as suspending staff for promoting terrorism or introducing ethics codes affirming principles like LGBT rights, have faced intense opposition from Hamas and other groups. These efforts often result in protests, shutdowns, or threats, forcing UNRWA to reverse or soften its stance. The recent investigative report quotes former UNRWA Commissioner-General, Pierre Krähenbühl, as saying in a meeting with Hamas and other Palestinian armed group leaders,

“I hope that the spirit of partnership will be in both directions, that is, if you have any criticisms, comments, concerns or any matters that you are not satisfied with regarding UNRWA, that we return and hold such meetings even if we meet a thousand times and if you challenge our decisions and if you tell us that we do not want this decision and criticize it, we may change it or tear it up, but that the spirit of partnership prevails among us in our meetings and not be public because this is a challenge to us and our credibility, and what is more dangerous is what this could constitute in terms of a loss of trust between the funding countries and UNRWA, which may move towards reducing or stopping its funding.”⁶⁰

<https://mobile.x.com/Osint613/status/1864693369366303093>;
<https://mobile.x.com/dannydanon/status/1856738092616446080>;
<https://www.fdd.org/analysis/2024/11/04/the-un-did-nothing-israel-formally-severs-ties-with-unrwa-over-hamas-infiltration/>; <https://www.foxnews.com/opinion/unrwa-has-failed-its-time-new-era>;

⁶⁰ <https://unwatch.org/the-unholy-alliance-unrwa-hamas-and-islamic-jihad/>

51. Armed groups are alleged to have utilized UNRWA facilities to store weapons and conduct military activities. Instances of tunnels and weapons caches found beneath or near UNRWA schools and offices further illustrate the exploitation of its infrastructure for non-humanitarian purposes. A Hamas server farm found underneath UNRWA headquarters in Gaza was connected to UNRWA's electricity supply and telecommunications.⁶¹
52. For its part, UNRWA has brushed off these allegations against it as completely normal. It claims it adheres to impartiality and neutrality standards, that it has taken adequate measures to rid the organisation of any terrorists, and that any meetings it has had with leaders of terrorist organisations is a result of it operating in a "conflict environment" where activities need to be "coordinated and deconflicted with all parties".⁶² However, there are no other instances in the world where a humanitarian organisation is engaging to this extent with armed groups in other conflict environments. Meetings with armed groups in other conflict environments are typically limited to agreeing humanitarian aid routes and access, and protection from attacks in areas where the agency operates, and do not include repeated political meetings in which the agency gives the armed group complete control over political decision-making.
53. Hamas and PIJ's involvement in UNRWA operations has led donor nations to cut or suspend funding. While some have resumed funding based on misleading assurances of reform, Sweden has permanently ceased funding,⁶³ and others should follow. It is alarming that Western aid indirectly supports groups designated as terrorist entities. Despite UNRWA's claims of indispensability in Gaza, the figures on the ground have shown that other humanitarian agencies can adequately provide aid to the Gazan population.⁶⁴
54. The refusal by UNRWA to take Israel's allegations of terrorist infiltration seriously has left the Israeli government with no choice but to terminate its agreement with UNRWA and designate it as a terrorist organisation. This is Israel's right pursuant to the Exchange of letters constituting a provisional agreement concerning assistance to Palestine Refugees between Israel and UNRWA,⁶⁵ and the Convention on the Privileges and Immunities of the United Nations of 1946.⁶⁶

⁶¹ <https://www.timesofisrael.com/directly-beneath-unrwas-gaza-headquarters-idf-uncovers-top-secret-hamas-data-center/>

⁶² <https://www.unrwa.org/unrwa-claims-versus-facts-february-2024>

⁶³ <https://www.government.se/press-releases/2024/12/swedish-government-increases-humanitarian-support-to-gaza-and-surrounding-region/>

⁶⁴ For example, the World Food Programme has provided the most amount of humanitarian aid to Gaza since early 2024, when investigations of UNRWA's links to Hamas commenced and several countries ceased funding to UNRWA. More humanitarian aid entered Gaza than in the months before UNRWA's operations were limited. Compare amount of humanitarian aid to Gaza in e.g., January 2024 with March 2024: <https://gaza-aid-data.gov.il/main/>; <https://www.ochaopt.org/data/crossings>

⁶⁵ <https://www.jewishvirtuallibrary.org/exchange-of-letters-constituting-a-provisional-agreement-concerning-assistance-to-palestine-refugees>

⁶⁶ <https://www.un.org/en/ethics/assets/pdfs/Convention%20of%20Privileges-Immunities%20of%20the%20UN.pdf>

55. Instead of addressing these concerns, the UN General Assembly responded to the Israeli legislation by requesting yet another advisory opinion from the ICJ regarding the obligations incumbent on Israel to allow UNRWA's operations to continue, despite UNRWA's links to terrorism threatening to its national security. The resolution passed with 137 votes, including a favourable vote by the United Kingdom. It is notable, in this regard, that UNRWA's former Commissioner-General recognised Hamas's right to terminate UNRWA's operations, while failing to acknowledge Israel's right to do the same when its national security is at stake, despite Israel being the signatory to the agreement with UNRWA.

Conclusion

56. Accurately attributing moral and legal responsibility to the appropriate parties is essential for fostering peace and justice in the region. However, the current approach presents significant obstacles, as Israel is consistently treated unfairly or dishonestly, based upon false information, with disproportionate blame placed upon it while other actors evade accountability for their actions. This one-sided treatment not only distorts the reality of the conflict but also erodes trust and obstructs pathways toward meaningful resolution.

57. Israel cannot safely make territorial and security concessions without assurance that its defence efforts and territorial integrity will not be undermined by false accusations, arrests and prosecutions, arms embargoes, or boycotts. Decades of unfair treatment by the international community have eroded trust, requiring sustained fairness before Israeli leaders can feel secure in making further concessions. The failure to treat Israel honestly and fairly also discourages Palestinian compromise, encouraging them instead to rely on international support to force Israel into submission.

58. As US Secretary of State Anthony Blinken acknowledged in a widely publicised interview with the *New York Times* on 4 January 2024, the “biggest impediments” to a hostage deal were that “*whenever there has been public daylight between the United States and Israel and the perception that pressure was growing on Israel, we’ve seen it: Hamas has pulled back from agreeing to a cease-fire and the release of hostages*”.⁶⁷

59. A balanced and honest assessment of responsibility and fair and honest treatment of Israel and its conduct is crucial to ensure that all parties are held accountable for their actions, creating a foundation for mutual understanding, reconciliation, and sustainable peace. In this regard, there are a number of steps that the Government could take to contribute to the fair and honest treatment of Israel in the context of this conflict, and thus to the promotion of peace and security in the Middle East. This includes:

59.1 Vigorously challenging and voting against resolutions and other measures in the UN and international fora that do not treat Israel honestly and fairly, and persuading other countries to do the same;

⁶⁷ <https://www.nytimes.com/2025/01/04/magazine/antony-blinken-interview.html>; <https://allisrael.com/blinken-acknowledges-public-pressure-on-israel-made-hamas-pull-back-from-hostage-talks>;

- 59.2 Intervening in and supporting Israel against false and distorted allegations in international court proceedings, and persuading other countries to do the same;
- 59.3 Raising concerns about the misconduct of the ICC Prosecutor and oversight of his work in the Assembly of State Parties;
- 59.4 Supporting persuading other countries to support the closure of UNRWA and the assumption by other organisations of such of its activities as are legitimate and desirable;
- 59.5 Cancelling the ban on arms exports to Israel and supporting Israel in its efforts to defend itself against threats to its existence, and persuading other countries to do likewise;
- 59.6 Prohibiting racist boycotts and discrimination against Israel, Israelis and Jews, extending the scope and removing restrictions on enforcement of the UK Equality Act, and encouraging other countries to prohibit racism against Israel, Israelis and Jews around the world;
- 59.7 Encouraging and assisting further development of the Abraham Accords, which directly contribute to peace and stability in the region, by deepening the ties between the parties to existing agreements and adding agreements with further States.

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