

Response of the State of Israel to the Court's Request Dated 13 August 2025

1. The present response is submitted further to the Court's letter dated 13 August 2025, requesting that the State of Israel give "explanations on the situation since 7 May 2025 with regard to the provision of urgently needed essential supplies and basic services for the Palestinian civilian population in and in relation to the Gaza Strip."
2. At the outset, Israel is compelled to recall what regrettably appears to have been lost in the present discussion. Since the horrific large-scale massacre by Hamas and its accomplices on 7 October 2023 – one of the deadliest terror attacks in history and the largest single massacre of Jewish people since the Holocaust – Israel has been forced to defend itself in a war it neither wanted nor initiated. This war, against a terrorist organization which has instrumentalized Gazan civilians as tools of warfare and openly declared them "necessary sacrifices",¹ would present extraordinary challenges to any State seeking to defend itself in accordance with international law. Israel has taken unprecedented measures to fulfill its legal obligations and mitigate harm to the civilian population in seeking to ensure that Hamas cannot continue slaughtering Israeli citizens as it has publicly vowed to continue to do. Israel remains fully committed to complying with international law, which – it seems necessary to emphasize – not only imposes obligations upon it but also accords it rights.
3. Israel must further draw the attention of the Court to the fact that 50 hostages out of more than 250 taken on 7 October 2023, are still being held by Hamas and other Palestinian terrorist organizations in Gaza, now for almost two excruciating years. An estimated 20 are alive, with serious concerns for the lives of additional 2, while 28 are believed to be deceased. Those still alive endure brutal, unimaginable conditions, including deliberate starvation, torture, and psychological abuse. These horrific conditions have been recently exposed by video footage released by Hamas of hostages Evyatar David (age 24) and Rom Braslavski (age 21). Both appeared in a severely starved, weakened and emaciated state; Evyatar David was filmed being forced to dig what he was ordered to describe as his own grave.² Deep concern for the hostages and the urgent need for their immediate and

¹ S. Said and R. Jones, "Gaza Chief's Brutal Calculation: Civilian Bloodshed Will Help Hamas" *The Wall Street Journal* (10 June 2024), <https://www.wsj.com/world/middle-east/gaza-chiefs-brutal-calculation-civilian-bloodshed-will-help-hamas-626720e7>.

² M. Chance, "Outrage in Israel as hostage 'horror' videos emerge at decision time for Netanyahu's government" *CNN World* (5 August 2025), <https://edition.cnn.com/2025/08/04/middleeast/israel-hostage-videos-hamas-netanyahu-analysis-latam-intl>.

unconditional release should not be Israel's alone: indeed, the situation regarding the provision of urgently needed essential supplies and basic services for them, too, is no less worthy of attention.

4. Israel moreover reiterates its position set forth in its Written Statement of 28 February 2025, that compelling reasons exist for the Court to decline to render the requested advisory opinion.³ Israel's serious concerns regarding the integrity of these proceedings are validated by the Court's request for explanations dated 13 August 2025, which relates directly to two of these compelling reasons.
5. In the first place, as the Court's request alarmingly confirms, the present proceedings implicate claims and allegations that are clearly *sub judice* in a contentious case currently pending before the Court, namely *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*.⁴ Should the advisory opinion (the request for which was co-sponsored by South Africa itself) pre-judge determinations to be made in that parallel contentious proceeding, this would plainly contravene fundamental tenets of procedural fairness, equality of arms, and natural justice in the resolution of international disputes. Even if the General Assembly, an overtly political body, in making the request has involved itself in matters raised in a contentious case that is pending before the Court, the Court itself bears responsibility for safeguarding the integrity of its judicial function by ensuring that advisory proceedings do not compromise elementary principles of judicial procedure and international justice. Any prejudice caused by the advisory opinion to Israel's position as Respondent in a contentious case would fundamentally compromise the integrity of both the advisory proceedings and the contentious case.
6. The second compelling reason to which Israel had drawn attention is that advisory proceedings are inherently ill-suited to making judicial determinations on highly disputed and dynamic factual matters, as they do not afford States the procedural protections for defending themselves against allegations that contentious proceedings provide (including as regards burden of proof, standard of proof, and methods of proof). The Court has itself acknowledged "the difficulties of using the advisory jurisdiction of the Court for the task

³ Written Statement of the State of Israel ("Written Statement"), 28 February 2025, paras. 59-70.

⁴ Mention may further be made of the pending case concerning *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)*.

of trying a contentious case”.⁵ Consistent with this recognition, it has found that it could not make conclusive findings, or give a full answer to the question put to it, where the underlying facts have not been properly established.⁶ The Court’s request of 13 August 2025 confirms this inherent limitation of the advisory procedure; unless the responses to it are in unanimous agreement regarding the factual situation concerned, they simply cannot remedy this limitation. It is recalled, in this regard, that the question put to the Court anyway inquires only as to what the obligations of Israel are, and not whether or not Israel has abided by these obligations.⁷

7. To this it may be added that the Court should in any event exercise great caution in considering the information presented to it in these proceedings, particularly given that disinformation and systematic propaganda concerning the situation in the Gaza Strip have pervaded the current hostilities. Hamas’s calculated strategy of exploiting the sympathy of all those who care for the vulnerable has manifested itself not only in the systematic use of civilians as human shields, but also in the relentless dissemination of false information about the humanitarian situation to media outlets and international bodies. Statements regarding Palestinian casualties – predominantly derived from Hamas-controlled sources – have therefore frequently required substantial downward revision after publication, with the UN on one occasion even reducing its published estimates of civilian fatalities by half.⁸ Similar misrepresentations by the UN occurred regarding Gaza’s humanitarian situation during March 2025, when “warnings” based on incomplete data from sources within

⁵ *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal, Advisory Opinion, I.C.J. Reports 1982*, p. 356, para. 59.

⁶ *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996*, p. 266, para. 105, subpara. (2)(E) (“... in view of the current state of international law, and of the elements of fact at its disposal, the Court cannot conclude definitively ...”), and p. 262, para. 94. On these difficulties of determining the facts in advisory proceedings and the possibility of the Court being unable for this reason to answer the question in whole or in part if it is to remain faithful to its judicial function, see also C. Greenwood, “Judicial Integrity and the Advisory Jurisdiction of the International Court of Justice” in G. Gaja and J. Stoutenburg (eds.), “Enhancing the Rule of Law through the International Court of Justice”, *Developments in International Law*, vol. 68 (2014), pp. 68–70.

⁷ Written Statement, para. 64.

⁸ The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) significantly revised data concerning aid that has entered Gaza: for instance, it initially reported, in real time, that only 11,355 aid trucks entered Gaza between May and September 2024, but later increased the number by over 60% to 18,796 aid trucks now showing on its online dashboard for that same period. This figure is still a far cry from the number of aid trucks that actually went in during that timeframe, which stands at no less than 29,955 (see *real-time report: Office of the United Nations High Commissioner for Human Rights, Reported impact snapshot | Gaza Strip* (9 October 2024), (9 October 2024), <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-9-october>. Online dashboard: Office of the United Nations High Commissioner for Human Rights, Gaza crossings: movement of people and goods (Incoming supplies between 7 October 2023 and 18 January 2025), <https://www.ochaopt.org/data/crossings>).

Gaza—and disregarding significant information published by Israel—were presented as independent UN assessments and subsequently quoted as established fact.⁹

8. Similarly, purportedly authentic images depicting civilian suffering have often been exposed as fabrications.¹⁰ Particularly troubling has been the exploitation of children suffering from pre-existing and chronic illnesses, whose photos were disseminated through various news media under glaring headlines of “famine”, without disclosing these details.¹¹ Senior UN officials have been compelled to retract public statements concerning the humanitarian situation after these were proven false.¹² Furthermore, reports warning of ‘imminent’ or unfolding humanitarian catastrophes have time and again been demonstrated to be inaccurate or even manipulated.¹³
9. None of this is to say that the humanitarian situation of the civilian population in Gaza does not require serious attention. Israel continues to undertake extraordinary measures to address a challenging and unparalleled reality in which Hamas seeks to maximize civilian harm, thereby turning the protection of civilians – which should constitute a shared

⁹ For instance, a publication by UNICEF on 10 March 2025 reported that severe water shortage for hundreds of thousands is expected, not taking into account the information publicly published by COGAT before and after such publication. This baseless statement was relied on as a UN official assessment just two days later, and considered as a fact by various international actors. See United Nations, Gaza power cut impacts safe water access for hundreds of thousands (10 March 2025), <https://news.un.org/en/story/2025/03/1160961>; COGAT, @cogatonline, X (formerly Twitter) (5:52 pm, 11 March 2025), <https://x.com/cogatonline/status/1899518911563067488>; Hamish Falconer MP, @HFalconerMP, X (formerly Twitter) (6:12 pm, 16 March 2025), <https://x.com/HFalconerMP/status/1901335854494200116>.

¹⁰ Recently, there has been an orchestrated campaign of alleged starvation by Hamas and its allies. To give one example, a German newspaper, *Süddeutsche Zeitung*, recently showed that a photo of Gazans holding empty pots was staged, with the civilians posing in front of a photographer – not in a queue for food aid. See N. Freund, “Wie echt sind die Bilder aus Gaza?” *Süddeutsche Zeitung* (3 August 2025), <https://www.sueddeutsche.de/politik/gaza-hunger-bilder-experten-propaganda-hamas-israel-li.3291720>.

¹¹ A recent article by the *Free Press* has uncovered that twelve individuals who were featured in viral photos actually suffered from serious, pre-existing health problems. In late July, the *New York Times* published a photo of 18-month-old boy, Mohammed Zakaria al-Mutawaq, for a story about hunger in Gaza. After details regarding al-Mutawaq’s condition came to light, the *New York Times* was forced to publish a correction to the story stating that he suffered from “pre-existing health problems affecting his brain and his muscle development”: see, respectively, “They Became Symbols for Gazan Starvation. But All 12 Suffer from Other Health Problems.” *The Free Press*, (18 August 2025), https://www.thefp.com/p/they-became-symbols-for-gazan-starvation?utm_campaign=post&utm_medium=web&fireglass_rsn=true#fireglass_params&tabid=a9deebd463e56e08&application_server_address=fgtehilacloud-14-me-west1.prod.fire.glass&popup=true&is_right_side_popup=false&start_with_session_counter=; “Gazans Are Dying of Starvation” *The New York Times*, (29 July 2025), <https://www.nytimes.com/2025/07/24/world/middleeast/gaza-starvation.html>.

¹² One noteworthy example is the statement by Tom Fletcher, the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, who said on live television on 20 May 2025 that “there are 14,000 babies that will die in the next 48 hours” but was compelled to withdraw that statement as baseless. See “UN aid chief admits starving Gazan baby claim was amid ‘desperation’ to let aid in” *The Jerusalem Post*, (30 May 2025), <https://www.jpost.com/israel-news/article-856073>.

¹³ This has notoriously been the case, for example, with regard to reports from the Integrated Food Security Phase Classification (IPC), on which see more at para. 48 below. Mention may also be made of the baseless claims made when Israel announced its intention to eliminate Hamas forces in the Rafah area.

humanitarian obligation of all parties to hostilities – into a weapon against Israel. While the question asked of the Court in the present proceedings encourages it to pay no regard to this context, it remains both legally indispensable and factually undeniable to any honest and objective assessment of the situation. One expert observer has recently put it thus:

“It is easy to criticize Israel for the humanitarian costs of its war. It is much harder to hold Hamas accountable for embedding its fighters in schools, hospitals, and civilian neighborhoods. And harder still to acknowledge when a military is doing something not just legal, but extraordinary.

The truth matters. And the truth is that no military in modern history has delivered more aid to an enemy population during active war than the Israel Defense Forces have to Gaza. That fact stands, regardless of whether anyone wants to say it out loud.”¹⁴

10. Israel has, indeed, continued to make it clear that its war is with Hamas and its accomplices, not with the civilian population; it has also reiterated that its goals are “the release of all our hostages, destroy[ing] Hamas’s military and governance capabilities, and ensur[ing] that Gaza will never again pose a threat to Israel”¹⁵ – goals that have widely been recognized as lawful and legitimate. Thus Israel’s Prime Minister stated yet again, as recently as 25 August 2025, that “Israel values the work of journalists, medical staff, and [also] all civilians. ... Our war is with Hamas terrorists. Our just goals are defeating Hamas and bringing our hostages home.”¹⁶ Hamas, however, has maintained its commitment to Israel’s destruction and publicly vowed to replicate the heinous attack of 7 October 2023 until that objective is achieved. The hostages remain a cynically exploited tool of Hamas’s campaign, as is the civilian population of the Gaza Strip. It must not be overlooked that responsibility for their plight lies, above all, with Hamas.

11. Israel’s commitment to act in accordance with international law is reflected in the substantial increase in humanitarian aid that has entered the Gaza Strip in the period that is

¹⁴ John Spencer, @SpencerGuard, X (formerly Twitter) (4:31 am, 28 July 2025), <https://x.com/SpencerGuard/status/1949674005046386895>. To be clear, Israel does not consider the civilian population as its enemy as has been reiterated on multiple occasions.

¹⁵ Prime Minister’s Office, “Prime Minister’s Office Statement” (14 May 2025), <https://www.gov.il/en/pages/spoke-announcement140525>.

¹⁶ Prime Minister’s Office, “Prime Minister’s Office Statement” (25 August 2025), <https://www.gov.il/en/pages/spoke-hospital250825>. The Prime Minister further reiterated, in March 2025, that “Israel does not target Palestinian civilians. We target Hamas terrorists. And when these terrorists embed themselves in civilian areas, when they use civilians as human shields, they are the ones who are responsible for all unintended casualties. Palestinian civilians should avoid any contact with Hamas terrorists, and I call on the people of Gaza, get out of harm’s way. Move to safer areas. Because every civilian casualty is a tragedy and every civilian casualty is the fault of Hamas”: Prime Minister’s Office, “Statement by PM Netanyahu” (18 March 2025), <https://www.gov.il/en/pages/event-statement180325>.

the subject of the Court's request dated 13 August 2025, including food supplies, medical equipment, means of shelter, and other supplies essential for the survival of the civilian population, all in a period of intense hostilities. This extensive humanitarian effort – in cooperation with UN agencies, third States, and other international organizations and NGOs – has seen the delivery of over 200,000 tons of humanitarian aid to the Gaza Strip since 19 May 2025 alone, 95% of which consists of food supplies. It has garnered recognition from various corners and continues in active cooperation with numerous third States, international organizations (including UN agencies), and private sector entities within the Gaza Strip. It supplements the approximately two million tons of humanitarian aid that Israel has facilitated into the Gaza Strip since the start of the war. Hamas, for its part, continues to loot and divert aid supplies in order to sustain its military operations and control the civilian population.

12. One additional fact that must not be disregarded is the UN's reluctance to work with Israel to expand and improve various humanitarian operations. Remarkably, while the UN readily accepted Hamas escorts for its aid convoys, it refused similar arrangements with Israel. Towards the end of July 2025, the UN obstructed the efficient flow of nearly 950 aid trucks into the Gaza Strip.¹⁷ As yet another example, the UN has declined to collaborate with the Gaza Humanitarian Foundation ("GHF"), a large-scale initiative designed to deliver millions of meal packages to the civilian population. This refusal has created operational obstacles to fulfilling what the UN itself characterizes as an urgent humanitarian imperative.¹⁸
13. What is more, UNRWA continues to demonstrate its egregious lack of neutrality and impartiality, not least as official UNRWA employee lists from July 2025 still contain the names of known Hamas operatives, despite Israel's prior notice of their terrorist affiliations to the UN. Recent statements by the Commissioner General of UNRWA further reveal clear bias and deliberate advancement of a partisan political agenda, rendering such pronouncements highly suspect and unworthy of credence. For comprehensive details regarding how UNRWA became irreparably compromised through its infiltration by

¹⁷ Israel Foreign Ministry, @IsraelMFA, X (formerly Twitter) (6:29 pm, 23 July 2025), <https://x.com/IsraelMFA/status/1948073004631474448>.

¹⁸ Gaza Humanitarian Foundation, @GHFUpdates, X (formerly Twitter) (8:30 pm, 7 Aug 2025), <https://x.com/GHFUpdates/status/1953539155868430416>; Gaza Humanitarian Foundation, @GHFUpdates, X (formerly Twitter) (3:04 pm, 6 Aug 2025), <https://x.com/GHFUpdates/status/1953094712346165570>; Gaza Humanitarian Foundation, @GHFUpdates, X (formerly Twitter) (6:11 pm, 16 Aug 2025), <https://x.com/GHFUpdates/status/1956765649373384971>.

terrorist organizations, systemic violations of the principle of neutrality, and persistent refusal to remedy this intolerable situation, Israel refers the Court to its Written Statement and an official publication released in April 2025.¹⁹

14. Following these introductory remarks, and without prejudice to Israel's principled position as elaborated above, Israel takes this opportunity to inform the Court of key developments regarding the provision of essential humanitarian supplies and basic services to Gaza's civilian population since 7 May 2025, so as to set the record straight.²⁰

15. Throughout the period now in question, and in keeping with its legal obligations, Israel has continued to monitor closely the humanitarian situation in the Gaza Strip. To this end, it has sought to prevent the diversion of humanitarian assistance by Hamas, whose systematic exploitation of humanitarian aid and infrastructure for military gain and population control has extended the duration of the conflict.
16. Through extensive cooperation with its international partners, Israel has, among other efforts, facilitated between 7 May and 22 August 2025:²¹ (i) the entry into Gaza of over 200,000 tons of aid through the various land crossings; (ii) the provision of more than 2 million packages, across four distribution centres, which, according to GHF, are equivalent to 150 million meals; (iii) numerous airdrop operations that delivered directly to Gaza approximately 540 tons of food; (iv) the entry into Gaza of more than 2,700 tons of medical equipment needed for the operation of the various medical facilities, including 18 permanent facilities (with repairs in order to reopen additional such facilities expected to begin) and 12 field hospitals; (v) the entry into Gaza through the various land crossings of over 460 tons of water, in addition to two pipelines supplying water directly from Israel and an additional water line supplying water from Egypt presently being constructed by the

¹⁹ Government of Israel, The Connection Between UNRWA and Hamas in Gaza A summary of declassified intelligence, methodologies, and sources (23 April 2025), https://govextra.gov.il/media/qbep4ejj/the-connection-between-unrwa-and-hamas-280425.pdf?fireglass_rsn=true#fireglass_params&tabid=a9113fd02bef66f6&application_server_address=fgtehil_acloud-11-me-west1.prod.fire.glass&popup=true&is_right_side_popup=false&start_with_session_counter=1.

²⁰ The issues addressed in this response pertain solely to the relevant timeframe and constitute a fraction of the essential context and information necessary to properly assess Israel's efforts and the humanitarian situation in the Gaza Strip, which are currently *sub judice* in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip* (“*South Africa v. Israel*”).

²¹ See also State of Israel Ministry of Defense Coordination of Government Activities in the Territories, *COGAT Humanitarian Efforts in the Gaza Strip – Response to recent IPC publication/August 2025* (22 August 2025), <https://govextra.gov.il/media/sftjdsq2/cogat-humanitarian-efforts-in-the-gaza-strip-response-to-recent-ipc-publication-august-2025.pdf>.

United Arab Emirates (UAE); (vi) the entry into the Gaza Strip of 120 tankers of fuel; (vii) the provision to Gaza of over 5,500 tons of shelter materials; and (viii) the entry into Gaza of more than 880 tons of mixed aid supplies. All along, Israel is facilitating and coordinating the operations of various international actors in the Gaza Strip as part of the humanitarian effort operation and has implemented long humanitarian tactical pauses on a daily basis and safe routes throughout the Gaza Strip.

17. As Israel's Prime Minister explained on 10 August 2025:

“in the last few months, Hamas has violently looted the aid trucks meant to get to Palestinian civilians. They deliberately created a shortage of supply. And the UN consistently refused, until recently, to distribute the thousands of trucks that we let into Gaza through the Kerem Shalom crossing... tons and tons and tons of humanitarian aid that Israel let into the Gazan side of the Kerem Shalom Crossing, just sitting there, because it's not distributed.

So now, we are going to go around this obstacle, we are going around it, by doing these three things:

1. ... designating rather safe corridors for aid distribution. You can go, you can drive trucks there, and you'll be safe.
2. Increasing the number of safe distribution points managed by the Gaza Humanitarian Foundation.
3. Air drops. That's air drops done by the Israeli Air Force and we're inviting others to join us.

The result has been a humanitarian surge, which we are coordinating with President Trump and his team, and hundreds of trucks have gone in, in recent days. This is preventing hunger. But it [has] not prevented the global campaign of lies that we have all witnessed. So in Gaza, despite Hamas's obstacles, two million people are now getting access to humanitarian aid. But I'll tell you who isn't. The only ones that are being deliberately starved in Gaza are our hostages”.²²

18. Israel's efforts and the recent improvements to the humanitarian situation in Gaza have been recognised by others, including Germany,²³ the European Union,²⁴ and the United States.²⁵ As outlined below, still greater efforts are currently in progress.

²² Ministry of Foreign Affairs, Media Statement, “PM Netanyahu holds press conference for foreign media” (10 August 2025), <https://www.gov.il/en/pages/pm-netanyahu-holds-press-conference-for-foreign-media-10-aug-2025>. See also Prime Minister Benjamin Netanyahu's Interview with *Fox News* (Excerpt of Transcript), (7 August 2025), <https://www.foxnews.com/video/6376663512112>.

²³ GermanForeignOffice, @GermanyDiplo, X (formerly Twitter) (7:02 pm, 10 July 2025), <https://x.com/GermanyDiplo/status/1943370182585463175>.

²⁴ EEAS Press Team, European Union, *Israel/Palestine: Statement by the High Representative/Vice President Kaja Kallas* (10 July 2025), https://www.eeas.europa.eu/eeas/israelpalestine-statement-high-representativevice-president-kaja-kallas_en.

²⁵ U.S. Embassy Jerusalem Ambassador Huckabee's Interview with CBS News (8 August 2025), <https://il.usembassy.gov/ambassador-huckabees-interview-with-cbs->

19. Hamas, however, continues to spread disinformation about the situation to third parties—and also to disrupt humanitarian efforts, including by targeting sites and routes for distribution of aid and attacking and harming those seeking to collect it—in order to advance its war efforts. Fearing the loss of control over humanitarian supplies, Hamas has attacked humanitarian personnel from the GHF.²⁶ On 12 June 2025, for instance, Hamas deliberately killed five Palestinian GHF aid workers and injured others.²⁷
20. Substantial evidence exists of Hamas’s systematic diversion of humanitarian aid intended for civilians. The evidence includes a letter from Hamas’s Emergency Committee to the military wing dated 9 January 2025, demonstrating that aid diversion is both a common practice and official Hamas policy.²⁸ Mahmoud Abbas, the Palestinian Authority President, himself stated publicly on 2 May 2025 that Hamas was primarily responsible for looting and theft of warehouses and storage facilities of humanitarian aid designated for the people of Gaza.²⁹ Further, public demonstrations against Hamas have emerged in Gaza, reflecting deepening discontent with its sinister conduct. Any refusal to acknowledge this conduct is tantamount to assisting Hamas achieve its evil objectives.
21. Hamas commandeers humanitarian supplies intended for civilians in several ways.³⁰ First, Hamas directly captures and diverts trucks carrying humanitarian aid. Second, it offers “security services” to aid organizations, ostensibly protecting them from looting in exchange for portions of the humanitarian supplies.³¹ Third, Hamas manages aid distribution in shelters where its operatives maintain *de facto* control over civilians. In these facilities, Hamas’s operatives control aid distribution and prioritize supplies for themselves

https://www.idf.il/en/mini-sites/humanitarian-missions/everything-you-need-to-know-about-the-humanitarian-aid-situation-in-gaza/#fireglass_params&tabid=aa422de9282222bc&application_server_address=fgtehilaclo-ud-14-me-west1.prod.fire.glass&popup=true&is_right_side_popup=false&start_with_session_counter=1.

²⁶ Israel Defense Forces, “Everything You Need to Know About the Humanitarian Aid Situation in Gaza” (18 August 2025),

https://www.idf.il/en/mini-sites/humanitarian-missions/everything-you-need-to-know-about-the-humanitarian-aid-situation-in-gaza/#fireglass_params&tabid=aa88393c0165fe84&application_server_address=fgtehilaclo-ud-11-me-west1.prod.fire.glass&popup=true&is_right_side_popup=false&start_with_session_counter=1.

²⁷ E. Halabi and D. Edelson, “Hamas Kills 5 Aid Workers, Others May Have Been Taken Hostage, Gaza Relief Group Says” *Ynet* (6 December 2025), <https://www.ynetnews.com/article/r1lfvyomgg>.

²⁸ **Annex 29**, Letter from Hamas’s Emergency Committee to the Hamas’s Military Wing dated 9 January 2025

²⁹ “Presidency condemns escalating Israeli aggression and looting of aid in Gaza” *Palestine News & Info Agency* (2 May 2025), <https://english.wafa.ps/Pages/Details/156988>.

³⁰ Israel Defense Forces, “The IDF Reveals How the Hamas Terrorist Organization Systematically Exploited Humanitarian Aid in Gaza to Fund Terrorist Activity” (12 June 2025), <https://www.idf.il/en/mini-sites/idf-press-releases-israel-at-war/june-25-pr/the-idf-reveals-how-the-hamas-terrorist-organization-systematically-exploited-humanitarian-aid-in-gaza-to-fund-terrorist-activity/>.

³¹ **Annex 32**, Internal intelligence summary of a conversation with a source regarding diversion of WCK aid to Hamas.

and their families at the expense of others.³² All the while, Hamas militants deliberately pose as civilians and do not wear uniforms or any other identifying markers indicating their affiliation.

22. The diversion of aid from its intended recipients, preventing it from reaching the civilian population, has also been acknowledged by the UN, in particular in Security Council Resolution 2720 (2023).³³ While this resolution requests the UN to help ensure that aid reaches its civilian destination, the UN has failed to fully and effectively operationalize this mandate.
23. Hamas further puts humanitarian operations at grave risk by having its militants masquerade as humanitarian workers. In one recent incident, Hamas operatives falsely presented themselves as World Central Kitchen (“WCK”) personnel, wearing the organization’s yellow vests and using a WCK-branded vehicle while carrying visible weapons. WCK has confirmed these operatives had no connection to their organization.³⁴
24. A key aspect of Hamas’s exploitation of humanitarian infrastructure is its systematic abuse of hospitals and other medical facilities as command and control centres, weapons storage sites, and cover for combat tunnels. This pattern is starkly illustrated by the discovery in June 2025 of the body of Mohammed Sinwar—the head of Hamas’s military wing until his death—in an underground tunnel network that served as a command centre beneath the European Hospital in Khan Younis.³⁵

25. Throughout the war, including in recent months, the Coordinator of Government Activities in the Territories (“COGAT”) has continued constantly to monitor and assess the humanitarian situation using multiple sources—including intelligence tools, communications with UN agencies and NGOs, information from Gazan civilians, and open-source materials—and providing this data to decision-makers for informed

³² Intelligence from Gaza indicates that in Beit Lehiah, where Hamas controlled the shelters, a shelter manager—identified as a Nukhba terrorist—diverted half of available aid to Hamas members and their families; **Annex 33**, Internal intelligence summary of a conversation with a source regarding Hamas’s diversion of aid .

³³ United Nations Security Council Resolution 2720 (2023), adopted by the Security Council at its 9520th meeting, on 22 December 2023, S/RES/2720 (2023) (22 December 2023), [https://docs.un.org/en/S/RES/2720\(2023\)](https://docs.un.org/en/S/RES/2720(2023)).

³⁴ World Central Kitchen, @WCKitchen X (formerly Twitter) (6:12 pm, 12 August 2025), <https://x.com/WCKitchen/status/1955316399846437138?s=08>.

³⁵ Israel Defense Forces, “Mohammed Sinwar’s Body Located” (8 June 2025), <https://www.idf.il/en/mini-sites/idf-press-releases-israel-at-war/june-25-pr/mohammed-sinwar-s-body-located/>.

humanitarian responses.³⁶ This monitoring covers, in particular, the situation concerning food, water, medical treatment and supplies, sanitation, and fuel.

26. During the most recent hostage release and ceasefire agreement from 19 January to 29 February 2025, a very substantial volume of humanitarian aid flowed into the Gaza Strip, dramatically surpassing previous levels. Throughout this period, Israel facilitated the entry of no less than 25,200 trucks carrying essential supplies—an unprecedented scale of humanitarian assistance. Israel’s assessments indicated that this massive influx of aid and supplies far exceeded Gaza's immediate civilian needs, creating considerable reserves capable of addressing ongoing humanitarian requirements.³⁷
27. As instructed by the political echelon, a new humanitarian plan was conceived in order to reduce the ability of the terrorist organizations in the Gaza Strip – primarily Hamas – to take control or to profit from its distribution, while assisting the civilian population. On 18 May 2025, Israel’s political leadership authorized the entry of humanitarian aid into the Gaza Strip. This entry of humanitarian aid included, *inter alia*, food for distribution by international organizations, cooking supplies for community kitchens and bakeries, and baby formula, as well as medical supplies and critical infrastructure equipment. Since then, aid has entered the Gaza Strip in massive quantities through four passageways.³⁸
28. Israel has further facilitated the establishment of humanitarian distribution centres inside the Gaza Strip, operated by the GHF, a United States organization, which distributes food packages directly to households.³⁹ Since May 2025, the GHF, which publishes regular updates,⁴⁰ has distributed more than two million packages, which, according to GHF, are equivalent to 150 million meals.⁴¹ The role of the Israel Defense Forces (“IDF”) covers facilitating the humanitarian operation, including the entry of aid, providing perimeter security where necessary, and coordinating movement routes. The operation of the distribution centres is complex and extremely challenging, given the ongoing hostilities and dynamic operational environment, as well as Hamas’s intentional disruption of their

³⁶ The Government has recently confirmed this practice to the Israeli Supreme Court: H CJ 44576-05-25, *Gisha et al. v. Government of Israel et al* (2025).

³⁷ COGAT, @cogatonline, X (formerly Twitter) (2:28 pm, 28 May 2025), <https://x.com/cogatonline/status/1905628039653761478>.

³⁸ The four crossings are the Kerem Shalom Crossing, the Erez West (Zikim) Crossing, “Gate 96” and “Gate 147”.

³⁹ The GHF was established in February 2025 and began operations in May 2025.

⁴⁰ Gaza Humanitarian Foundation, *Announcing New Pilot for Families to Reserve Aid Parcels* (18 August 2025), <https://ghf.org/announcing-new-pilot-for-families-to-reserve-aid-parcels/>.

⁴¹ Gaza Humanitarian Foundation, *GHF Operational Updates – Friday, August 22, 2025* (22 August 2025), <https://ghf.org/ghf-operational-update-friday-august-22-2025/>.

operation. Where exceptional and unfortunate incidents have occurred, the IDF has learned lessons, adjusted its operations and referred such incidents to the competent IDF authorities for investigation. It should be stressed that the IDF's rules of engagement do not permit the use of live fire near humanitarian centres or convoys, except in situations involving a clear and immediate threat to life.

29. To enhance the provision of humanitarian supplies to the civilian population, the IDF has, since 27 July 2025, implemented long daily humanitarian tactical pauses in fighting throughout the Gaza Strip. As Israel's Prime Minister has explained, "Israel paused IDF operations in key populated areas of Gaza from 10am to 8pm every day and designated secure routes from 6am to 11pm that will ensure the safe passage of more convoys delivering aid."⁴² Civilians have been notified of these pauses in advance to maximize their effectiveness.
30. Furthermore, throughout the relevant period, two water pipelines from Israel operated, and regular maintenance and repair were coordinated when needed. In addition, on the instruction of the political echelon, at the beginning of July 2025, an electricity line from Israel was reconnected to the desalination facility in Deir al-Balah.

* * *

31. During the period that is the subject of the Court's request, Israel has, indeed, continued to work in cooperation with international actors, international organizations, third States, and NGOs in order to address the humanitarian needs of Gaza's civilian population. These humanitarian efforts continue to be implemented largely by COGAT, whose purpose and orders are to facilitate such humanitarian efforts. COGAT officers and UN representatives have held regular situation assessment meetings on a daily basis to review ongoing efforts, assess ground conditions, and coordinate upcoming operations.⁴³ The UN agencies and aid missions coordinating with COGAT include the UN Children's Fund ("UNICEF"), the UN Office for Project Services ("UNOPS"), the World Health Organization ("WHO"), the World Food Programme ("WFP"), the UN Development Program ("UNDP"), the UN Population Fund ("UNFPA"), and the UN Department of Safety and Security ("UNDSS"). In mid-August 2025, the UN Under-Secretary-General for Safety and Security, Mr. Gilles

⁴² Ministry of Foreign Affairs, Press Releases, "Prime Minister's Office announcement – 28 July 2025" (28 July 2025), <https://www.gov.il/en/pages/pmo-announcement-28-jul-2025> (adding that these pauses were implemented as part of efforts "to ensure that large amounts of humanitarian aid flows into the Gaza Strip").

⁴³ For example, **Annex 41**, Internal COGAT WhatsApp summary of a meeting with UN representatives.

Michaud, visited the region and held productive high-level meetings with senior Israeli officials in order to discuss the ongoing challenges in the Gaza Strip and ways to promote the safety and security of UN humanitarian personnel operating there.

32. During the period in question, COGAT has also continued to facilitate UN access to fuel storage facilities in the Gaza Strip for humanitarian use. In addition, and in accordance with the directives of the political echelon at the beginning of July, it also facilitated, in coordination with the UN, the entry of fuel for humanitarian purposes. The entry of fuel into the Gaza Strip is subject to a monitoring mechanism agreed upon between Israel and the UN, which includes escort, monitoring, inspection, supervision, and authorization by Israel of the humanitarian entities receiving the fuel.
33. Israel has also actively sought to engage and promote new avenues of cooperation with UN-affiliated bodies currently not involved in providing humanitarian assistance in the Gaza Strip—an effort which was regrettably undermined by certain interested parties for political reasons.
34. Close coordination and cooperation are also conducted by Israel with various NGOs on a regular basis.⁴⁴ These NGOs include, among others, the International Medical Corps, the International Committee of the Red Cross, Médecins Sans Frontières, WCK, Catholic Relief Services, UK-MED, Mercy Corps and Global Empowerment Mission. Israel has stated publicly, on 28 July 2025, that it “will continue to work with international agencies as well as the U.S. and European nations to ensure that large amounts of humanitarian aid flows into the Gaza Strip”.⁴⁵
35. The Joint Humanitarian Coordination Cell (JCB), which was established in April 2024 and brings together United States military personnel, COGAT representatives, IDF Southern Command representatives, and representatives from international organizations, has been continuously operational during the period in question to optimize aid collection and distribution, even at times when the UN refused to participate.
36. Indeed, since 7 May 2025, the vast majority of coordination requests made to COGAT by aid organizations, including hundreds by the UN, have been approved. Those that were rejected raised either security concerns, for example, excessive danger to the humanitarian

⁴⁴ For example, see **Annex 42** Internal COGAT WhatsApp summary of a meeting with the head of WCK.

⁴⁵ Prime Minister of Israel, @IsraeliPM, X (formerly Twitter) (8:59 pm, 28 July 2025), <https://x.com/IsraeliPM/status/1949922607001661482>.

mission due to nearby combat activity or concerns over the diversion of humanitarian aid by Hamas.

37. COGAT has also coordinated and facilitated the refuelling of water wells, the primary source of water that is accessible to the civilian population throughout the Gaza Strip, when required, as was the case on 23 May 2025, with regard to the northern part of the Gaza Strip. Furthermore, Israel is currently working with the UAE, including by approving dual use equipment, to establish a new pipeline that will provide water from Egypt to the Al-Mawasi area.⁴⁶
38. Recently, COGAT has also been coordinating with NGOs and the UN on the process for reopening the European Hospital. This hospital was used by Hamas as part of its military operations, and as mentioned above, Mohammad Sinwar, the head of Hamas's military wing at the time, was targeted while in a Hamas tunnel under this hospital.⁴⁷
39. Moreover, during the period in question, Israel has facilitated the entrance to the Gaza Strip of 59 humanitarian delegations and the turnover of 42 international aid workers. Israel has further facilitated the entrance of equipment for enhancing the safety and security of such personnel (such as satellite phones), often in coordination with the UNDSS.
40. The IDF has on a number of occasions escorted humanitarian teams through designated military-operational routes in order to secure the delivery of aid to its intended recipients. The IDF has also established a hot-line in order to arrange for the alternation of routes during the course of transportation, should a particular humanitarian mission encounter a problem (for example, blocked roads, looting, etc.).
41. In December 2024, the Government of Israel adopted a decision, establishing a renewed registration system for NGOs which includes a vetting process based on transparent criteria and clear timelines. The need for such a mechanism arose since the previous procedure was inadequate to address the issue. The mechanism enables an effective and impartial registration process and ensures no visas are issued to those engaged in support of terrorism or incitement to violence. As part of this process, a long transition period has been granted.
42. While various organizations have had no difficulty with this new mechanism, others have regrettably chosen not to cooperate with it, portraying it as obstructing their efforts,

⁴⁶ **Annex 44**, COGAT order – coordination of entry of dual-use equipment for the UAE Rafah water pipeline project on 27 July 2025. **Annex 45**, COGAT order dated 21 July 2025 – coordination of entry of a fuel tanker through Kerem Shalom crossing.

⁴⁷ *Supra* para. 24.

disregarding the fact that Israel is entitled to guarantee its legitimate security interests, and that the work of the NGOs is in fact humanitarian and impartial and is done without any adverse distinction.

43. To increase the pace and scale of the humanitarian aid delivered to the Gaza Strip, and in order to reach areas that are less accessible due to operational constraints posed by Hamas and other terrorist organizations to those operating on the ground, essential supplies have also been provided to the civilian population of the Gaza Strip directly via airdrops.⁴⁸ Such supplies have included food, medical supplies, and hygiene products. Israel has been coordinating closely with a wide array of international actors, governmental and non-governmental, for this purpose.
44. Since 26 July 2025, approximately 540 tons of food have been airdropped by, for example, Egypt, Jordan, the UAE, Germany, Belgium, France, the Netherlands, Canada and Spain.⁴⁹ Israel has also been working with Cyprus in order to continue the operation of a maritime route, which provides aid to Gaza from Cyprus via the Israeli Port of Ashdod.⁵⁰
45. Israel has further established a medical evacuation mechanism for Gazan patients in serious medical condition, particularly children, enabling their transfer to third countries willing to provide such care, subject to security screening. In the period in question, 319 patients and 821 accompanying family members exited the Gaza Strip through this mechanism. Israel imposes no limitation on the number of patients eligible for evacuation; the scope of evacuations depends solely on the initiative and capacity of the international community. States that have facilitated medical evacuations to date include the UAE, Jordan, Egypt, the United States, and numerous EU Member States such as France, Italy, Spain, Germany, the United Kingdom, the Netherlands, Romania, and Norway.
46. Additionally, on 4 August 2025, Israel reestablished the mechanism allowing the entry of essential supplies into the Gaza Strip through the private sector.⁵¹ Among the approved

⁴⁸ **Annex 46**, Operations Division directive dated 1 March 2024 – coordination of humanitarian aid airdrops in the Gaza Strip.

⁴⁹ COGAT, @cogatonline, X (formerly Twitter) (1:08 pm, 18 August 2025), <https://x.com/cogatonline/status/1957414320251228394>; COGAT, @cogatonline, X (formerly Twitter) (3:56 pm, 8 August 2025), <https://x.com/cogatonline/status/1953832694938271983>; Ministry of Defence Singapore, *Singapore Deploys RSAF C-130 to Conduct Airdrop Operations for Gaza and Deliver the Ninth Tranche of Humanitarian Aid for Gaza*, (12 August 2025), <https://www.mindef.gov.sg/news-and-events/latest-releases/12aug25-nr>. This has been confirmed and acknowledged by these States.

⁵⁰ Constantinos Kombos, @ckombos, X (formerly Twitter) (8:32 am, 18 August 2025), <https://x.com/CyprusMFA/status/1957707354226466857>.

⁵¹ COGAT, @cogatonline, X (formerly Twitter) (6:37 am, 5 August 2025), <https://x.com/cogatonline/status/1952604838765760535>.

goods are basic foodstuffs, baby formula, fruits, vegetables, and hygiene products. This facilitation is intended to provide additional support to the civilian population and increase the range of supplies. It also seeks to bridge the gap between UN capacities and local needs. Between 4 August 2025 and 22 August 2025, over 27,000 tons of food entered the Gaza Strip in this way.

47. To all this it may be added that Israel's humanitarian policy and efforts in the Gaza Strip are subject to continuous judicial review by the Supreme Court of Israel sitting as the High Court of Justice. A petition concerning these issues is presently pending before that Court, covering the very period with which this Court's request dated 13 August 2025 is concerned.⁵² As part of the proceedings before Israel's Supreme Court, the Government of Israel has been providing periodical updates concerning the humanitarian efforts and situation in the Gaza Strip, including as regards the entry of essential supplies and the provision of basic services.

* * *

48. On 22 August 2025, the Integrated Food Security Phase Classification (IPC) Famine Review Committee (FRC) issued yet another methodologically flawed and deficient report whose predetermined conclusions are based on selective and manipulative data and lack credibility.⁵³ This is the same IPC that previously issued reports warning of "imminent" catastrophes that ultimately did not materialize. Tellingly, in its latest report on Gaza, the IPC applied a different and controversial methodology compared to its reports on famine in other regions. It also relied on outdated figures while either downplaying or disregarding information that would undermine its politically motivated conclusions.⁵⁴ Examples of the deficiencies and errors in the report include:

⁵² HCJ 44576-05-25, *Gisha et al. v. Government of Israel et al* (2025).

⁵³The Integrated Food Security Phase Classification (IPC), "Famine Review Committee: Gaza Strip, August 2025" (22 August 2025), https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_Aug2025.pdf.

⁵⁴ As explained in depth in the official web page (under "Bending the Rules: Lack of Analytical Rigor"): Israel National Digital Agency, "Politics Disguised as Science: The Credibility Crisis of IPC 'Famine' Analyses in Gaza," Israel National Digital Agency, "Politics Disguised as Science: The Credibility Crisis of IPC 'Famine' Analyses in Gaza," Israel National Digital Agency, "Politics Disguised as Science: The Credibility Crisis of IPC 'Famine' Analyses in Gaza," <https://govextra.gov.il/mda/ipc/gaza/>.

- a. In relation to *food consumption*, the IPC relied exclusively on subjective self-reporting, rather than objective indicators. Further, the sample base for those surveys is skewed.⁵⁵
- b. In relation to *global acute malnutrition*, the IPC selectively relied on only half of the data collected in July,⁵⁶ ignoring the full July sample which was published on 8 August, a full week before the IPC report was issued. The full July sample showed lower global acute malnutrition rates - well below the famine threshold. The IPC relied heavily on the full July sample in other aspects of its report, but it elected to ignore it in this aspect of its analysis. It also disregarded its own guidelines in its collection of data.⁵⁷ The screenings were conducted “in combination with vaccination campaigns, BSFP, or as part of health facility admission processes”, although the IPC guidelines prohibit reliance on clinical sampling of hospitals and health centres, because such results are likely to present unrepresentative data.
- c. In relation to the *crude death rate*, to find that its famine threshold was satisfied, the IPC assumed vast numbers of unreported malnutrition deaths, thirty times higher than Hamas’s own estimates.⁵⁸ It also ignored the fact that the rate of malnutrition-related deaths reported daily by Hamas’ Ministry of Health declined from the end of July to the first half of August.⁵⁹

49. It was only by omitting the full data, and downplaying significant indicators of positive change, that the IPC was able to reach its predetermined conclusions. The IPC’s deficient process also failed to account for available data or engage with relevant stakeholders, and in particular, Israel, in breach of its proclaimed commitment to a multi-stakeholder approach.⁶⁰ The lack of use of data diligently collected by Israel is another serious methodological flaw that undermines the credibility and integrity of the IPC report.

⁵⁵ Ministry of Foreign Affairs, “The Third IPC Report on Gaza (June 2024)” (7 October 2024), <https://www.gov.il/en/pages/the-third-ipc-report-on-gaza-june-2024-3-sep-2024>.

⁵⁶ *Ibid.* pp. 49–50.

⁵⁷ As explained in depth in the official web page (under "Bending the Rules: Lack of Analytical Rigor"). *Supra* fn. 54.

⁵⁸ Six per day compared to 188 per day.

⁵⁹ Daily reports are available on the MoH's Telegram channel.

⁶⁰ The Integrated Food Security Phase Classification (IPC), “IPC Technical Manual Version 3.1” (2021), p.7, https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/manual/IPC_Technical_Manual_3_Final.pdf.

50. To conclude, Israel reiterates that compelling reasons exist for the Court to decline to render the requested advisory opinion on the grounds of judicial propriety. The Court's request for explanations, which is the subject of this filing, underlines this position since (a) relevant factual matters presently in dispute are currently being adjudicated by this Court in *South Africa v. Israel*; and (b) the request entails highly disputed factual matters, which cannot be fairly resolved by the Court in the context of these advisory proceedings. In any event, the question put to the Court in these advisory proceedings inquires only as to what are the legal obligations of Israel, not whether or not Israel has abided by them.
51. Without prejudice to that position, Israel wishes to emphasize several key points.
52. *First*, the current reality in the Gaza Strip is a direct consequence of the murderous assault launched by Hamas on 7 October 2023 in which over 1,200 persons were slaughtered, numerous were raped, and more than 250 hostages forcibly taken into the Gaza Strip to be abused and used as bargaining chips, 50 of which, alive and deceased, remain in captivity in unimaginable conditions. Israel has responded in order to protect its citizens, secure the release of all the hostages, dismantle the military and governance apparatus of Hamas and other terrorist groups, and ensure Gaza Strip will never again pose a threat to Israel. It has both the right and obligation to do so.
53. *Secondly*, Israel has made extraordinary efforts to address the current humanitarian situation in the Gaza Strip, including since 7 May 2025, as briefly outlined above, and this during an ongoing armed conflict. The context is challenging, not least because Hamas's strategy is to ceaselessly disrupt humanitarian efforts and divert aid in order to support its war against Israel and lay the blame for civilian suffering upon Israel.
54. *Thirdly*, Israel continuously monitors the humanitarian situation in the Gaza Strip precisely in order to minimize civilian harm. In its continued efforts to facilitate humanitarian assistance, Israel has cooperated and continues to cooperate with the UN, third States, NGOs, and private parties in order to bring aid into the Gaza Strip to the benefit of its civilians. Israel's war is not with these civilians, upon whom it wishes no harm, but with Hamas and its accomplices.
55. *Finally*, Israel remains firm in its determination to protect its territory and its people from incessant attack from Gaza, as it must. No State can do any less. Israel is deeply committed to doing so while abiding by its legal obligations consistent with its own rights and in accordance with international law. It has taken extraordinary steps to minimize harm to the

civilian population that are unprecedented in urban warfare. Genuine concern for the humanitarian situation must include an unequivocal demand from Hamas to immediately release the hostages and lay its arms.

Respectfully submitted,

A handwritten signature in blue ink, consisting of a stylized 'TK' followed by a long horizontal stroke extending to the right.

Tamar Kaplan Tourgeman, Adv.

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Ministry of Foreign Affairs, Israel

27 August 2025