

# IT TAKES A VILLAGE TO KILL A CHILD

*Researchers Against Genocide\**

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## ABSTRACT

The following report is a direct response to the “Call for input of the Special Rapporteur on the occupied Palestinian territory to the Human Rights Council 58th session.” The report focuses on the complicity of Canadian private entities in Israel’s prolonged aggression and ongoing genocide against the Gaza Strip through their participation in the F-35 Joint Strike Fighter Program. The report identifies Canadian private entities key to maintaining Israel’s fleet of F-35 aircraft, details factual findings demonstrating the participation of F-35 aircraft in specific Israeli airstrikes against the Gaza Strip, and presents legal conclusions on crimes committed or likely to have been committed by Israeli forces using F-35 aircraft and their effects on the fundamental rights of the Palestinian people. Finally, the report addresses the implications of the identified violations on the legality of international export permits under the F-35 Joint Strike Fighter program and presents measures taken to stop the exports of parts of F-35 aircraft to Israel.

## TABLE OF CONTENTS

I	PREAMBLE	1
A	<i>Introduction</i> . . . . .	1
B	<i>Scope of the Research Group’s Contribution</i> . . . . .	1
II	BACKGROUND INFORMATION ON THE F-35 PROGRAM	2
A	<i>Israel’s role in the F-35 program</i> . . . . .	3
III	CANADIAN F-35 PARTS SUPPLIERS	5
A	<i>Gastops</i> . . . . .	5
B	<i>Gastops and Maintenance</i> . . . . .	5
C	<i>Asco Aerospace</i> . . . . .	7
D	<i>Magellan</i> . . . . .	7
E	<i>Héroux-Devtek</i> . . . . .	7
F	<i>Maintenance of F-35 Parts</i> . . . . .	8
IV	ISRAEL’S USE OF F-35 AIRCRAFT IN THE OPT	8
A	<i>May 11, 2021 airstrikes against the Taiba building and Hanadi office tower</i> . . . . .	8

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<i>B</i>	<i>August 5, 2022 airstrikes against the Palestine Tower and in the vicinity of the Abu Samra Mosque . . . . .</i>	9
<i>C</i>	<i>July 13, 2024 airstrikes against the Al-Mawasi ‘humanitarian zone’ . . . . .</i>	10
<b>V</b>	<b>LEGAL FINDINGS</b>	12
<i>A</i>	<i>Specific international crimes and violations of international law linked to F-35 use in the oPt . . . . .</i>	12
<i>B</i>	<i>Legal implications of Canadian exports under the F-35 program . . . . .</i>	13
<i>C</i>	<i>On the complicity of states issuing export permits under the F-35 program . . . . .</i>	15
<i>D</i>	<i>Measures against the arms exports under the F-35 program . . . . .</i>	17
<b>VI</b>	<b>CONCLUSION</b>	18
<b>A</b>	<b>APPENDIX: MONETARY VALUE OF GASTOPS’ F-35 CONTRACT</b>	19
<b>B</b>	<b>APPENDIX: CANADIAN SUPPLIERS OF F-35 PARTS</b>	20
<b>C</b>	<b>APPENDIX: COMPLETE ANALYSIS OF F-35 AIRSTRIKES IN THE OPT</b>	21
<i>A</i>	<i>May 11, 2021 airstrikes against the Taiba building and Hanadi office tower . . . . .</i>	21
<i>B</i>	<i>August 5, 2022 airstrikes against the Palestine Tower and in the vicinity of the Abu Samra Mosque . . . . .</i>	25
<i>C</i>	<i>July 13, 2024 airstrikes against the Al-Mawasi ‘humanitarian zone’ . . . . .</i>	28
<b>D</b>	<b>APPENDIX: LEGAL ANALYSIS</b>	37
<i>A</i>	<i>Table 2: May 11, 2021 airstrikes against Hanadi office tower . . . . .</i>	37
<i>B</i>	<i>Table 3: May 11, 2021 airstrikes against Taiba building . . . . .</i>	39
<i>C</i>	<i>Table 4: August 5, 2022 airstrike in the vicinity of the Abu Samra Mosque . . . . .</i>	42
<i>D</i>	<i>Table 5: August 5, 2022 airstrikes against the Palestine Tower . . . . .</i>	44
<i>E</i>	<i>Table 6: July 13, 2024 airstrikes against the Al-Mawasi ‘humanitarian zone’ . . . . .</i>	45
<b>E</b>	<b>BIBLIOGRAPHY</b>	50

## I. PREAMBLE

### A. *Introduction*

The following report is a direct response to the “Call for input of the Special Rapporteur on the occupied Palestinian territory (oPt) to the Human Rights Council 58th session.” This report presents the objectives, analysis and findings of Researchers Against Genocide (hereafter “the Research Group”). The Research Group is formed as a working group within the Canadian chapter of *Science for the People* (SftP), a collective of science and engineering students and workers committed to developing a theory and practice of anti-capitalist, anti-imperialist science. SftP emerged in 1969 in the United States (U.S.) out of the movement against the war in Vietnam. SftP published a radical science magazine until their dissolution in 1989. The SftP movement was then revived by grassroots efforts from original members alongside a new generation of scientists in 2014.

### B. *Scope of the Research Group’s Contribution*

The Research Group is compiling evidence on the participation of private entities operating within Canada in the commission of international crimes and violations of international law by the Israeli army in the occupied Palestinian territory (oPt).

This report focuses on the production of Lockheed Martin’s F-35 Strike Fighter Jets since 2006 and their use by the Israeli army in aerial operations over the oPt since 2017. Facts concerning the participation of private entities in Canada’s F-35 Joint Strike Fighter Program (hereafter “F-35 program”) as manufacturers of parts for Lockheed Martin’s F-35 aircraft will be analyzed to identify:

1. The importance of Canadian manufacturers’ participation in supporting Israel’s aerial operations in the oPt
2. The overall detrimental impacts of Israeli airstrikes carried out using F-35s on the fundamental rights of Palestinian people in the oPt
3. Specific international crimes and violations of international law resulting from the continued participation of Canadian manufacturers in the F-35 program considering Israel’s aerial operations in the oPt

The Research Group also aims to provide input on the following questions from the call to action:

1. Which private entities, regardless of nationality, have had the most **detrimental** impact on the fundamental rights of Palestinian people in the oPt, specifying how and which international law particularly?
2. What is the role played by these entities, particularly PMSC (private military and security companies) and WM (weapons manufacturers), in aiding and abetting violations of international law and potential crimes in the oPt? In addition, which third country are they affiliated to, if any?
3. What measures have been taken to end private entities’ involvement in Israel’s activities in the oPt?

Due to the nature of researching military and national defense programs, a report based only on publicly available information will paint an incomplete picture. Nonetheless, this report attempts to leverage reports, declassified documents, and other sources to detail the connection of Canadian companies to violations of international law in the oPt.

## II. BACKGROUND INFORMATION ON THE F-35 PROGRAM

The F-35 Joint Strike Fighter (JSF) program (hereafter “F-35 program”) is an initiative of several Western aligned countries to jointly develop a next generation stealth multi-role fighter jet. The F-35 program is led by Lockheed Martin, whose design was selected for the fighter jet.<sup>1</sup> Nine countries including Canada were named development partners in the program due to their investment in the development of F-35 aircraft fighter jet, being the most technologically advanced the world, is designed to establish air superiority and carry out bombing campaigns. Lockheed Martin themselves on the F-35 state:

“[The F-35] is the most lethal, survivable and connected fighter aircraft in the world, giving pilots an advantage against any adversary”<sup>2</sup>

Companies in partner countries, such as Canada, were awarded lucrative subcontracts to build parts for the F-35 fighter jet. The F-35 program’s ‘just in time’ supply chain is uniquely vulnerable to interruptions. Parts are meant to “arrive right before they’re needed and little inventory is stockpiled”, says Lieutenant General Michael Schmidt,<sup>3</sup> the American official in charge of F-35 production. “When you have that [just-in-time] mentality, a hiccup in the supply chain, whether it be a strike [...] or a quality issue, becomes your single point of failure,” Schmidt recently noted with concern.<sup>4</sup> “Any disruption in the logistical train will result in unusable aircraft very quickly” especially during active use in conflict “when the F-35 fleet will be sucking up massive amounts of spares.”<sup>5</sup>

This means that legal injunctions and pressure from civil society groups against F-35 subcontractors in global supply chain could interrupt Israel’s use of F-35 aircraft in the occupied Palestinian territory. It is not inconceivable that the U.S. could be forced to remove Israel from the F-35 program, as it “ejected” Turkey from F-35 eligibility in 2019.<sup>6</sup>

Israeli major general Yitzhah Brick stated in November 2023:

<sup>1</sup>“F-35 Joint Strike Fighter (JSF) program,” Government of Canada, last modified November 10, 2022. <https://web.archive.org/web/20241204134202/https://ised-isde.canada.ca/site/aerospace-defence/en/resources/f-35-joint-strike-fighter-jsf-program>.

<sup>2</sup>“About the F-35,” Lockheed Martin, accessed November 28, 2024, <https://web.archive.org/web/20241203229/https://www.f35.com/f35/about.html>.

<sup>3</sup>Stephen Losey, “‘Just in time’ F-35 supply chain too risky for next war, general says,” *DefenseNews*, April 3, 2023, <https://archive.ph/1blys>.

<sup>4</sup>Stephen Losey, “Lockheed eyes new F-35 parts deal, but can it handle wartime demands?,” *DefenseNews*, May 2, 2023, <https://archive.ph/IDlyb>.

<sup>5</sup>Joseph Trevithick and Tyler Rogoway, “How The F-35’s Lack Of Spare Parts Became As Big A Threat As Enemy Missiles,” *The Warzone*, April 13, 2023, <https://web.archive.org/web/20241018044156/https://www.twz.com/how-the-f-35s-lack-of-spare-parts-became-as-big-a-threat-as-enemy-missiles>.

<sup>6</sup>Joseph Trevithick, “Here’s The Pentagon’s Roadmap For Booting Turkey Out Of The F-35 Program,” *The Warzone*, updated June 7, 2019, <https://web.archive.org/web/20241126215713/https://www.twz.com/28421/heres-the-pentagons-roadmap-for-booting-turkey-out-of-the-f-35-program>.

"All of our missiles, the ammunition, the precision-guided bombs, all the air-planes and bombs, it's all from the U.S.... The minute they turn off the tap, you can't keep fighting. You have no capability"<sup>7</sup>

The importance of the supply chain of F-35 parts was made plain in a British court this month, when correspondence from UK Defense Secretary John Healey to Secretary of State for Business and Trade Jonathan Reynolds was entered into evidence. The UK government admitted that "a partial arms embargo on Israel in September [...] excluded spare parts for F-35s, provided they were shipped via another country" in what the government calls "the 'F-35 carve-out'."<sup>8</sup> Healey warned Reynolds:

"It is not possible to suspend licensing F-35 components for use by Israel without wide impacts to the whole F-35 programme. Such a suspension of F-35 licensing leading to the consequent disruption for partner aircraft, even for a brief period, would have a profound impact on international peace and security [...] It would undermine U.S. confidence in the UK and NATO at a critical juncture in our collective history and set back relations."<sup>9</sup>

Dearbhla Minogue, senior lawyer, Global Legal Action Network, replied to the government's position:

"There's no clause in the Genocide Convention which says you must not be complicit in a genocide—unless it would be inconvenient for your allies."<sup>10</sup>

Specifically, "the F-35 carve out" refers to "5 of the 34 export licenses identified which were assessed to relate to items which could be used for military operations in the current conflict in Gaza ('red licenses')."

#### *A. Israel's role in the F-35 program*

Israel was the first country to use the F-35 fighter jet in a combat role.<sup>11</sup> The fighter jet was previously used to carry out airstrikes in Gaza in 2021 and 2022<sup>12</sup>, and has seen extensive use in the bombing of Gaza since October 2023. Since October 7, 2023, the IAF fleet of F-35s has surged to over 5 times normal operations, with 35-39 jets flying 2-4 sorties per day.<sup>13</sup>

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<sup>7</sup>Noah Lanard, "How Joe Biden Became America's Top Israel Hawk," *Mother Jones*, December 22, 2023, <https://web.archive.org/web/20241128223013/https://www.motherjones.com/politics/2023/12/how-joe-biden-became-americas-top-israel-hawk/>.

<sup>8</sup>Phil Miller, "Labour Avoided Full Arms Embargo on Israel to Protect Special Relationship," *Declassified UK*, November 18, 2024, <https://web.archive.org/web/20241202233634/https://www.declassifieduk.org/labour-avoided-full-arms-embargo-on-israel-to-protect-special-relationship/>.

<sup>9</sup>Ibid.

<sup>10</sup>Al Jazeera, "Two Organisations are Taking the UK Govt to Court over Supplying F-35 Fighter Jet Parts to Israel," video, 2:14, November 18, 2024, <https://archive.ph/Pgvvz>.

<sup>11</sup>Anna Ahronheim, "IAF Commander: Israel First to Use F-35 Jet in Combat," *The Jerusalem Post*, May 22, 2018, <https://web.archive.org/web/20241125130825/https://www.jpost.com/Israel-News/IAF-commander-Israel-first-to-use-F-35-jet-in-combat-558030>.

<sup>12</sup>Detailed in Section IV of this report.

<sup>13</sup>Steve Trimble, "U.S. F-35 Sustainment Lead Details Israel Fleet Ops Since October," *Aviation Week*, April 10, 2024, <https://sftp-canada.org/docs/F35/aviationweek.pdf>.

Considering that each F-35 fighter jet can carry up to 18,000 lbs of explosives<sup>14</sup>, it is clear that F-35 aircraft have played a key role in the bombing of Gaza. The heavy use of F-35 fighter jets in the bombing of Gaza has put a strain on the global F-35 supply chain, with the U.S. Joint Program Office (JPO) revealing that maintenance is being deferred and spare parts are being rushed in from F-35 partner countries.<sup>15</sup> Specific airstrikes in the oPt attributed to F-35 fighter jets which violate international law are discussed further in Section IV of this report.

‘Sustainment’ is the military’s term for parts supply and repair. Lockheed, the Pentagon, and the Israeli military are closely coordinating to keep F-35s bombing the Occupied Palestinian Territories (oPt) at a high operational tempo.<sup>16</sup> When asked about coordination between Lockheed and Israel’s military in December 2023, Lt Gen Schmidt; answered:

“I had the opportunity to talk with their [Israeli] Chief of Staff just yesterday. I would say that we have a lot, we are going to learn a lot. They are very satisfied with what their performance from a sustainment enterprise is giving them.”<sup>17</sup>

Israel’s high tempo F-35 bombing campaign, in effect, can be seen as part of a marketing campaign for Lockheed Martin, which seeks to redeem the reputation of ‘the most expensive weapon in the world’ which only could get airborne half of the time. The U.S. Government Accountability Office reported just 2 weeks prior to Israel’s attack on Gaza that the F-35 fighter jet had only a 55% ‘mission capable’ (MC) rate.<sup>18</sup> This explains the need for America’s current coordination of logistics and mobilization of the F-35 global supply chain on behalf of Israel, to keep “35 out of 39” Israeli F-35s bombing occupied Palestine “two to four times” per day.<sup>19</sup>

As a critical link in the supply chain which enables Israel’s destructive bombing campaign’s against the oPt, this report seeks to investigate the Canadian companies which manufacture parts for the F-35 fighter jet.

<sup>14</sup>“F-35I General Description,” The Israeli Air Force, archived March 7, 2017 at <https://web.archive.org/web/20170317035956/https://www.iaf.org.il/8966-en/IAF.aspx>.

<sup>15</sup>Steve Trimble, “U.S. F-35 Sustainment Lead Details Israel Fleet Ops Since October,” *Aviation Week*, <https://sftp-canada.org/docs/F35/aviationweek.pdf>.

<sup>16</sup>Ibid.

<sup>17</sup>United States Government, U.S. Senate Committee on Armed Services, *H.A.S.C. No. 118-49 - F-35 Acquisition Program Update*, 2023, House Hearing, 118 Congress, Washington, DC: U.S. Government Publishing Office. <https://web.archive.org/web/20241204135930/https://www.govinfo.gov/content/pkg/CHRG-118hhrg56026/pdf/CHRG-118hhrg56026.pdf>.

<sup>18</sup>*F-35 Aircraft: DOD and the Military Services Need to Reassess the Future Sustainment Strategy*, GAO-23-105341, (Washington, DC: Government Accountability Office, 2023), 13, <https://web.archive.org/web/20241201044030/https://www.gao.gov/products/gao-23-105341>.

<sup>19</sup>Trimble, “U.S. F-35 Sustainment Lead Details Israel Fleet Ops Since October.”

### III. CANADIAN F-35 PARTS SUPPLIERS

110 Canadian companies, as of November 2024, have been awarded contracts and have contributed the development and production of F-35 fighter jets.<sup>20</sup> A selection of key suppliers<sup>21</sup> is shown in Table 1 in Appendix B.

The Research Group has identified Gastops as a sole-source supplier, and Asco Aerospace, Magellan, and Héroux-Devtek as either sole-source or critical suppliers. These companies' contributions to the F-35 program are detailed below.

#### A. *Gastops*

Among the many Canadian companies involved in the F-35 program, a small firm headquartered in Ottawa, ON is particularly of note. Gastops provides oil monitoring and fan blade health sensors for F-35 aircraft, and unlike many other parts in the aircraft, Gastops is the sole source of the parts that it provides.<sup>22</sup> A Gastops press release<sup>23</sup> from 2021 states that at least 3 Gastops sensors are included on every F-35 aircraft: an oil debris monitor and two fan blade health sensors.

In the same document, Gastops boasts:

“With its advanced damage tolerant design and fully integrated prognostic health monitoring, made possible in part by Gastops’ sensors, the [F-35 engine] has demonstrated a 93% reduction in unscheduled engine removals over 4th generation fighter engines,” making Gastops’ sensors a key component in maintaining the reliability of F-35 warplanes.<sup>24</sup>

The Aerospace Industries Association of Canada further states that “This is technology that nobody else has.”<sup>25</sup> Further investigation by the Research Group has demonstrated that the monetary value of the F-35 contracts awarded to Gastops exceeds \$100 million, and represents a significant portion of Gastops’ business. This calculation is detailed in Appendix A.

#### B. *Gastops and Maintenance*

An interview with Joint Program Office (JPO) head of logistics Maj. Gen. Donald Carpenter provides insight on how continual maintenance is key to sustaining Israel’s bombing of Gaza. Referring to the use of F-35 fighter jets since October 7, 2023, Carpenter states:

<sup>20</sup>“F-35: The Right Choice for Canada,” Lockheed Martin, archived October 1, 2023 at <https://web.archive.org/web/20231001145623/https://www.f35.com/f35/global-enterprise/canada.html>.

<sup>21</sup>Lockheed Martin, “Lockheed Martin Recognizes Canadian Suppliers for F-35 Lightning II,” Press release, May 30, 2013, <https://web.archive.org/web/20241204140508/https://skiesmag.com/press-releases/19041-lockheed-martin-recognizes-canadian-suppliers-for-f-35-light-html/>.

<sup>22</sup>Derek Rasmussen, Lucy Uprichard, and Martin Lukacs, “Ottawa-based company is key to keeping Israeli warplanes bombing Gaza,” *The Breach*, September 12, 2024, <https://web.archive.org/web/20241201112630/https://breachmedia.ca/israeli-warplanes-canadian-gastops/>.

<sup>23</sup>Gastops, “Gastops Celebrates 3,500th Engine Sensor Delivery for the F-35 Lightning II,” Press release, March 23, 2021, archived October 31, 2024 at <https://archive.is/yYjfj>.

<sup>24</sup>Ibid.

<sup>25</sup>David Sali, “Ottawa’s Gastops Gaining Altitude with High-tech Aircraft Maintenance Tools”, <https://web.archive.org/web/20231206073910/https://obj.ca/ottawas-gastops-gaining-altitude-with-high-tech-aircraft-maintenance-tools/>.

“The Israeli fleet of Lockheed Martin-built stealth fighters has achieved a 75% full-mission-capable rate and an 85% mission-capable rate despite a 565% jump in monthly average flight hours over a six-month period. [...] By moving to three shifts for nonstop operations, Israeli maintainers and contractor field service representatives have allowed the Israeli Air Force to continue flying F-35Is at a rate of 35-39 jets a day.”<sup>26</sup>

This excerpt shows that the heavy usage of F-35 fighter jets in the ongoing bombardment of Gaza, with an over 5-fold jump in monthly flight hours, has only been sustained through constant maintenance and production by manufacturers in F-35 partner countries.

In a testimony from a December 12, 2023 hearing of the U.S. House Armed Services Committee on the F-35 Acquisition Program, Chairman Robert J. Wittman stated that:

“Most recently the F-35 joint program office has moved at a breakneck speed to support our closest partner and ally in the Middle East, Israel. They’ve done this by accelerating F-35 weapons capabilities and increasing spare part supply rates.”<sup>27</sup>

He referred to this as an “unprecedented surge support to F-35 users in Israel” allowing it to “achiev[e] exceptional mission capability rates”.<sup>28</sup>

Gastops components play a crucial role in the maintenance system of F-35 fighter jets, with a Gastops document stating that:

“MetalSCAN is a key technology for enabling the application of effective in-flight protection and Condition Based Maintenance (CBM) for critical propulsion and drivetrain components.”<sup>29</sup>

Another Gastops document<sup>30</sup> states that the MetalSCAN product will “reduce maintenance and support costs by enabling condition-based maintenance,” “extend maintenance free operating period,” “avoid unnecessary repair costs,” and “eliminate in-flight events.” Thus we can conclude that Gastops is the sole supplier of parts for the F-35 fighter jet that are crucial to maximizing flight time and reducing maintenance overhead cost, which has been critical to sustaining a bombing campaign of unprecedented intensity against the oPt.

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<sup>26</sup>Steve Trimble, “U.S. F-35 Sustainment Lead Details Israel Fleet Ops Since October,” *Aviation Week*, <https://sftp-canada.org/docs/F35/aviationweek.pdf>.

<sup>27</sup>United States Government, U.S. Senate Committee on Armed Services, *H.A.S.C. No. 118-49 - F-35 Acquisition Program Update*, 2023, House Hearing, 118 Congress, Washington, DC: U.S. Government Publishing Office. <https://web.archive.org/web/20241204135930/https://www.govinfo.gov/content/pkg/CHRG-118hhrg56026/pdf/CHRG-118hhrg56026.pdf>.

<sup>28</sup>Ibid.

<sup>29</sup>“MS1000 F-35 Lighting II Application Guide,” Gastops, 1, <https://web.archive.org/web/20221006005213/https://www.gastops.com/wp-content/uploads/MS1000-F-35-Lightning-II-Application-Guide.pdf>.

<sup>30</sup>“Product Overview - MetalSCAN MS1000 Oil Debris Monitoring System,” Gastops, 2, accessed November 29, 2024, <https://web.archive.org/web/20221006013228/https://www.gastops.com/wp-content/uploads/MS1000-Product-Overview.pdf>.

### *C. Asco Aerospace*

The largest components of Israeli F-35 jets bombing Gaza are made in Canada. Wing bulkheads are the spine and ribs of the F-35. Previously Belgian-owned, and now Swiss-owned, Asco Aerospace in Delta, BC makes these lightweight titanium bulkheads. Asco describes its product as the largest single piece of the F-35.

Lockheed Martin manufactures the F-35 jet in 'lots' - bunches of aircraft. Cross-referencing lot numbers with Lockheed's promotional literature<sup>31</sup> shows that Asco Aerospace produced bulkheads for Lots 15, 16, and 17 in 2022-2023 which were destined for five 'foreign military sales', one of which is Israel. As of September, 2022, Asco Aerospace had produced 600 F-35 bulkheads.<sup>32</sup> Asco Aerospace is one of only four manufacturers of titanium F-35 bulkheads worldwide, although its share of production is apparently being expanded.<sup>33</sup>

### *D. Magellan*

Magellan Winnipeg is "doing the largest volume of work on the F-35 in Canada." The Winnipeg plant is the "largest Canadian structural supplier" for the F-35.<sup>34</sup> Magellan makes the horizontal tail fins for the F-35A: the variant of F-35 that Israel flies. Half of all horizontal tail fins for the F-35A worldwide are made by Magellan in Winnipeg. It manufactures about 60 per year and aims to produce 1000 sets of tail fins over the life of the program.

### *E. Héroux-Devtek*

According to a 2013 Lockheed supplier recognition announcement, Héroux-Devtek of Quebec, "designed, qualified and now produces all the uplocks for the main and nose landing gear doors" for the F-35.<sup>35</sup> Héroux-Devtek also supplies the landing gear itself for the F-35.<sup>36</sup> The F-35 'Door uplock mechanism'<sup>37</sup> are made at the company's Laval plant, as described in this

<sup>31</sup>"Lot 15-17 Fact Sheet," Lockheed Martin, accessed November 29, 2024, [https://web.archive.org/web/20240726175419/https://www.f35.com/content/dam/lockheed-martin/aero/f35/documents/Lot%202015\\_17%20Fact%20Sheet%20.pdf](https://web.archive.org/web/20240726175419/https://www.f35.com/content/dam/lockheed-martin/aero/f35/documents/Lot%202015_17%20Fact%20Sheet%20.pdf).

<sup>32</sup>Tyler Orton, "B.C. aerospace industry comeback gaining altitude," *Burnaby Life*, September 15, 2022, <https://web.archive.org/web/20241204141848/https://www.burnabynow.com/bc-news/bc-aerospace-industry-comeback-gaining-altitude-5826626>.

<sup>33</sup>Derrick Penner, "COVID-19 crashed civilian aviation, Asco survived on a cushion of military contracts," *Vancouver Sun*, August 5, 2021, [https://web.archive.org/web/20240000000000\\*/https://vancouversun.com/news/local-news/delta-based-asco-industries-turns-out-high-tech-f-35-jet-fighter-parts](https://web.archive.org/web/20240000000000*/https://vancouversun.com/news/local-news/delta-based-asco-industries-turns-out-high-tech-f-35-jet-fighter-parts).

<sup>34</sup>James Wilt, "Winnipeg Plant one of Largest F-35 Parts Producers in Canada," *Canadian Dimension*, November 15, 2024, <https://web.archive.org/web/20241127060358/https://canadiandimension.com/articles/view/winnipeg-plant-one-of-largest-f-35-parts-producers-in-canada>.

<sup>35</sup>Lockheed Martin, "Lockheed Martin Recognizes Canadian Suppliers for F-35 Lightning II," Press release, May 30, 2013, <https://web.archive.org/web/20241204140508/https://skiesmag.com/press-releases/19041-lockheed-martin-recognizes-canadian-suppliers-for-f-35-light-html/>.

<sup>36</sup>Héroux-Devtek, "Héroux-Devtek Reports First Quarter Results," Press release, August 6, 2024, <https://web.archive.org/web/20241204141950/https://investors.herouxdevtek.com/2024-08-06-HEROUX-DETEK-REPORTS-FIRST-QUARTER-RESULTS>.

<sup>37</sup>Eric Cloutier, "Lockheed Martin décerne un prix à son fournisseur Héroux-Devtek," *Génie de Conception*, June 14, 2016, <https://web.archive.org/web/20201028143937/https://www.genieconception.ca/lockheed-martin-decerne-un-prix-a-son-fournisseur-heroux-devtek-1329/>.

profile.<sup>38</sup> Héroux-Devtek may be experiencing increased profits as a result of increased U.S. purchases in order to supply and repair landing gear for the Israeli F-35s in heavy rotation. Héroux-Devtek reported its first quarter sales went up 20% in 2024, “mainly due” to “higher deliveries for the Lockheed Martin F-35 program.”<sup>39</sup> In his description of the landing gear and other components it supplies for the F-35, Jean Gravel, VP of Sales for Héroux-Devtek, noted that “It’s a long-term project: 3,000 aircraft.”<sup>40</sup> This implies that Héroux-Devtek is supplying components for the entire production run of F-35s, including those used by Israel. Héroux-Devtek’s CEO Gilles Labbé was interviewed from the plant floor of the Longueuil factory, which is described as making landing gear for the F-35.<sup>41</sup>

#### *F. Maintenance of F-35 Parts*

The Israeli Air Force’s relationship with Canadian parts manufacturers doesn’t end when F-35 aircraft start doing bombing runs for Israel. When the jet breaks down, three-quarters of parts are sent back to the original manufacturer for repair, according to a U.S. Government Accountability Office report last year.<sup>42</sup> Many Canadian factories are also likely doing repairs to the parts they export for end-use in Israel, considering Israel is currently conducting the heaviest aerial bombing campaign in its history.

### IV. ISRAEL’S USE OF F-35 AIRCRAFT IN THE OPT

The Research Group investigated five separate attacks carried out by F-35s on three separate dates. Summaries of the findings are contained in this section, and the full investigations are detailed in Appendix C.

#### *A. May 11, 2021 airstrikes against the Taiba building and Hanadi office tower*

F-35 fighter jets participated in<sup>43</sup> at least one series of airstrikes on the northern Gaza Strip on May 11, 2021 around 7:30 p.m. that targeted the foundations of the high-rise Hanadi office tower following an evacuation order due to its alleged use by Hamas for military research, development and intelligence.<sup>44</sup> The airstrikes caused the collapse and complete destruction

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<sup>38</sup> Lockheed Martin, “F-35 Supplier Spotlight: Heroux-Devtek,” video, 0:59, Youtube, January 29, 2014, <https://drive.proton.me/urls/SMMYDJV69M#09jMrMvXu8Ea>.

<sup>39</sup> Héroux-Devtek, “Héroux-Devtek Reports First Quarter Results.”

<sup>40</sup> Lockheed Martin, “Canadians Talk About Building the F-35,” video, 4:25, Youtube, May 13, 2013, <https://drive.proton.me/urls/NKM2A6JQPR#HiMV7E0fMXW>.

<sup>41</sup> MrMediaSud, “Gilles Labbé, PDG d’Héroux-Devtek,” video, 2:08, Youtube, February 28, 2012, <https://drive.proton.me/urls/BT0S4R9MPC#eKwS8PJka4CK>.

<sup>42</sup> *F-35 Aircraft : DOD and the Military Services Need to Reassess the Future Sustainment Strategy*, GAO-23-105341, (Washington, DC: Government Accountability Office, 2023), 12, <https://web.archive.org/web/20241130124638/https://www.gao.gov/assets/gao-23-105341.pdf>.

<sup>43</sup> The Israeli army confirmed that they deployed 80 jet fighters, 8 of them F-35s in the operation that destroyed the tower. This is further detailed in Appendix C.

<sup>44</sup> “A Multi-Story Building Used by the Hamas Terror Organization,” Israeli Defense Forces, May 11, 2021, <https://web.archive.org/web/20240608230005/https://idfanc.activetrail.biz/ANC1105202103>.

of the tower and severely damaged the nearby Gaza International Hotel and Handouqa apartment building, rendering all units in the Handouqa building uninhabitable.<sup>45</sup>

The Hanadi tower was worth millions of dollars and businesses that were located in it lost tens of thousands of dollars worth of property.<sup>46</sup> A spokesperson from the Israeli army suggested in a televised interview that the airstrikes were part of an intentional strategy of indiscriminate and disproportionate attacks.<sup>47</sup>

F-35 fighter jets may have participated in other Israeli attacks on the same date, including a pre-dawn attack<sup>48</sup> with no prior warning<sup>49</sup> that targeted an apartment on the top floor<sup>50</sup> of the densely-populated Taiba residential building<sup>51</sup> where a Hamas battalion commander allegedly lived but was absent at the time of the airstrikes.<sup>52</sup> <sup>53</sup> The apartment held no apparent military value at the time of targeting.<sup>54</sup> The attack caused the complete destruction of the targeted apartment and the collapse of its floor, crushing five uninvolved civilians in the apartment below alive, killing two of them and severely injuring at least two more and destroying the ceiling, walls and furniture of the victims' residence.<sup>55</sup>

*B. August 5, 2022 airstrikes against the Palestine Tower and in the vicinity of the Abu Samra Mosque*

F-35 aircraft participated<sup>56</sup> in airstrikes on August 5, 2022 that targeted Tayseer al-Jabari, a commander in the military wing of Palestinian Islamic Jihad (PIJ), in an apartment located in the middle levels of the Palestine Tower, a high-rise residential and office tower in

<sup>45</sup>“Gaza: Israel’s May Airstrikes on High-Rises,” Human Rights Watch, August 23, 2021, <https://web.archive.org/web/20240608230005/https://idfanc.activetrail.biz/ANC1105202103>.

<sup>46</sup>Ibid.

<sup>47</sup>Kan News (@kann\_news), “Statement of IDF Spokesperson Hedi Zilberman,” X, May 11, 2021, 1:52 p.m., <https://archive.ph/hEHZ4>.

<sup>48</sup>Evidence of this is presented in Appendix C.

<sup>49</sup>“Military fires missile at building, killing two sixth-floor occupants”, B’Tselem, 2021, [https://wordsfailus.btselem.org/military-fires-missile-at-building-killing-two-sixth-floor-occupants/](https://web.archive.org/web/20220525153248/https://wordsfailus.btselem.org/military-fires-missile-at-building-killing-two-sixth-floor-occupants/).

<sup>50</sup>Ibid.

<sup>51</sup>“Weekly Report on Israeli Human Rights Violations in the Occupied Palestinian Territory (11 – 19 May 2021)”, Palestinian Center for Human Rights, October 21, 2021, <https://archive.is/GkFJ5#selection-2845.16-2845.553>.

<sup>52</sup>Ibid.

<sup>53</sup>“Military fires missile at building, killing two sixth-floor occupants.”

<sup>54</sup>The Israeli army in all its comments or notes regarding this strike referred to it as an attack on “the home of a battalion commander”. We have found no evidence of a military objective other than the arbitrary targeting of the alleged commander’s residence. Sources are presented in Appendix C.

<sup>55</sup>“Military fires missile at building, killing two sixth-floor occupants.”

<sup>56</sup>Kan News, “From Friday’s Shabbat preparations to the attack that began the operation - F-35 pilots speak,” video, 3:50, Youtube, August 18, 2022, <https://archive.ph/u7DJi>. at timestamp 1:25.

central Gaza City.<sup>57</sup> <sup>58</sup> <sup>59</sup> The attack killed al-Jabari as well as another member of the armed group<sup>60</sup> and injured 26 other people, 10 of them children,<sup>61</sup> and damaged surrounding buildings and commercial units.<sup>62</sup>

It is likely that F-35 aircraft participated simultaneously in a series of attacks that, according to the Israeli army, targeted members of PIJ on their way to launch an attack on the Gaza border. The attack occurred when a crowd gathered in the vicinity of the Abu Samra mosque in eastern Gaza City a few minutes before the afternoon prayer time on a Friday. The crowd was hit by an air-launched missile that killed at least three people and critically injured at least two more.<sup>63</sup>

Four members of the same family are among the casualties: a 5 year-old girl who was killed instantly by bomb fragments (shrapnel) shot into her forehead, chest and right leg, her 6 year-old brother who was hit by shrapnel in the head but survived, their 30 year-old father who was riding a motorcycle nearby and was critically injured, and the father's 24 year-old nephew who was riding with him and was killed in the explosion.<sup>64</sup>

An uninvolved muezzin sitting at the gate of the mosque was also killed in the explosion. The Israeli army claims it targeted the two men passing by on a motorcycle because they were members of Palestinian Islamic Jihad making their way to the Gaza border to attack Israel.<sup>65</sup>

#### *C. July 13, 2024 airstrikes against the Al-Mawasi 'humanitarian zone'*

F-35 aircraft participated in a series of airstrikes on July 13, 2024 authorized by Israeli PM Benjamin Netanyahu against a densely-populated residential compound in Khan Younis sheltering hundreds of internally displaced Palestinians in the Israeli-designated "humanitar-

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<sup>57</sup>"Updated: Israeli Soldiers Kill Ten Palestinians, Injure 36, in Gaza," IMEMC News, August 5, 2022, <https://web.archive.org/web/20230214192545/https://imemc.org/article/israeli-soldiers-kill-ten-palestinians-in-gaza/>.

<sup>58</sup>"The Occupation Forces Launch a Series of Attacks on the Gaza Strip, Killing 10 Citizens, Including a Girl and a Woman, and Expecting 55 Wounded," Al-Mizan Center for Human Rights, May 8, 2022, <https://web.archive.org/web/20220805194044/http://www.mezan.org/post/33337/>.

<sup>59</sup>"Israeli Warplanes Destroy Palestine Tower in Gaza," Palestine News and Info Agency, August 7, 2023, <https://web.archive.org/web/20240526095033/https://english.wafa.ps/Pages/Details/137983>.

<sup>60</sup>Emanuel Fabian, "IDF Releases Footage of Airstrike That Killed PIJ Commander Tayseer Jabari," Times of Israel, August 5, 2022, [https://web.archive.org/web/20221105083713/https://www.timesofisrael.com/liveblog\\_entry/idf-releases-footage-of-airstrike-that-killed-pij-commander-tayseer-jabari/](https://web.archive.org/web/20221105083713/https://www.timesofisrael.com/liveblog_entry/idf-releases-footage-of-airstrike-that-killed-pij-commander-tayseer-jabari/).

<sup>61</sup>"Palestinians Killed by Israeli Forces - Gaza Strip," B'Tselem, accessed November 29, 2024, <https://statistics.btselem.org/en/all-fatalities/by-date-of-incident/pal-by-israel-sec/gaza-strip?dateSensor=%21659668400000,1659830399000%22&section=overall%5C&tab=overview>.

<sup>62</sup>"Updated: Israeli Soldiers Kill Ten Palestinians, Injure 36, in Gaza."

<sup>63</sup>Hind Khoudary, "'She Was Preparing for Pre-School': Five-Year-Old Palestinian Killed by Israeli Army Mourned in Gaza," Middle East Eye, August 6, 2022, <https://web.archive.org/web/20240807183723/https://www.middleeasteye.net/news/israel-gaza-five-year-old-palestinian-killed-family-mourn>.

<sup>64</sup>Ibid.

<sup>65</sup>"Updated: Israeli Soldiers Kill Ten Palestinians, Injure 36, in Gaza," IMEMC News, August 5, 2022, <https://web.archive.org/web/20230214192545/https://imemc.org/article/israeli-soldiers-kill-ten-palestinians-in-gaza/>.

ian zone” of Al-Mawasi. Israel claims the targets of the strike were two senior commanders of the military wing of Hamas; the most important to Israel was Mohammed Deif.<sup>66</sup> <sup>67</sup>

Israeli forces waited for evidence that Deif might be present in the residential compound before authorizing the attack but could not confirm he was indeed killed in the airstrikes after they were carried out.<sup>68</sup> The attack came with no warning and predictably caused a massive number of civilian casualties and catastrophic destruction to vital infrastructure,<sup>69</sup> this was clearly disproportionate and with no attempt to avoid civilian harm. The strikes also destroyed a vast residential area belonging to the family of one of the military targets.<sup>70</sup> At least three 2,000 lb bombs were dropped in quick succession<sup>71</sup> with no prior warning on the centre of the residential compound at the beginning of the attack, destroying a water source, food distribution site, market and tent camp,<sup>72</sup> setting tents on fire, tearing victims to pieces, severing victims’ limbs and burying victims alive.<sup>73</sup> 2,000 lb. bombs will kill any person over an area spanning hundreds of meters from the blast site.<sup>74</sup>

Emergency response workers and vehicles were subsequently precisely targeted with smaller air-delivered explosive munitions outside the residential compound as they arrived to recover casualties.<sup>75</sup> Sniper drones were deployed over the area following the airstrikes and attacked survivors.<sup>76</sup>

Adequate medical care could not be provided to the wounded at nearby hospitals due to limited operational capacity under conditions of siege and the overwhelming number of

<sup>66</sup>Maram Humaid, “‘My Brothers, My Brothers’: Survivors Recall Chaos after Al-Mawasi Attacks,” Al Jazeera, July 16, 2024, <https://web.archive.org/web/20241121190443/https://www.aljazeera.com/features/2024/7/16/my-brothers-my-brothers-survivors-recall-chaos-after-al-mawasi-attacks>.

<sup>67</sup>Dov Lieber, Lara Seligman, and Fatima AbdulKarim, “To Target a Top Militant, Israel Rained down Eight Tons of Bombs,” The Wall Street Journal, July 16, 2024, <https://web.archive.org/web/20241008152731/https://www.wsj.com/world/middle-east/to-target-a-top-militant-israel-rained-down-eight-tons-of-bombs-d04ae17b>.

<sup>68</sup>“ISPT130724e – July 13, 2024,” Airwars, accessed November 30, 2024, <https://web.archive.org/web/20241004162440/https://airwars.org/civilian-casualties/ispt130724e-july-13-2024/>.

<sup>69</sup>Lieber, Seligman, and AbdulKarim, “To Target a Top Militant, Israel Rained down Eight Tons of Bombs.”

<sup>70</sup>Emanuel Fabian, “IDF Waited Weeks to Strike Salameh’s Compound in Hope Deif Would Visit — Report,” Times of Israel, July 15, 2024, <https://web.archive.org/web/20240829121637/https://www.timesofisrael.com/idf-waited-weeks-to-strike-salamehs-compound-in-hope-deif-would-visit-report/>.

<sup>71</sup>Lieber, Seligman, and AbdulKarim, “To Target a Top Militant, Israel Rained down Eight Tons of Bombs.”

<sup>72</sup>Ibid.

<sup>73</sup>Ahmed Aziz, “Al-Mawasi Attack: ‘People Were Torn into Pieces, Most of Them Women and Children,’” Middle East Eye, September 10, 2024, <https://web.archive.org/web/20241127032315/https://www.middleeasteye.net/news/al-mawasi-attack-people-were-torn-pieces-most-them-women-and-children>.

<sup>74</sup>“The Israeli Arsenal Deployed against Gaza during Operation Cast Lead,” Journal of Palestine Studies 38, no. 3 (2009): 175–91, <https://doi.org/10.1525/jps.2009.xxxxviii.3.175>.

<sup>75</sup>“Israeli Forces ‘Directly Targeted’ Civil Defence Teams in Mawasi: Journalist,” Middle East Eye, July 13, 2024, <https://web.archive.org/web/20241126215734/https://www.middleeasteye.net/live-blog/live-blog-update/israeli-forces-directly-targeted-civil-defence-teams-al-mawasi>.

<sup>76</sup>Mersiha Gadzo, “Israel’s War on Gaza Updates: Israeli Strikes on Al-Mawasi Kill at Least 90,” Al Jazeera, July 13, 2024, <https://web.archive.org/web/20241203100409/https://www.aljazeera.com/news/liveblog/2024/7/13/israel-war-on-gaza-live-dozens-of-bodies-recovered-after-massacre>.

injuries from the attack.<sup>77</sup> At least 141 Palestinians were killed in the attack, likely dozens of them women and children and at least 300 more were wounded.<sup>78</sup> 57 civilians killed in the attack were identified by name in open-source investigations including at least one journalist, three emergency responders, eleven women and four children.<sup>79</sup> A similar attack was repeated against the same ‘humanitarian zone’ on September 10th 2024.<sup>80</sup>

## V. LEGAL FINDINGS

### *A. Specific international crimes and violations of international law linked to F-35 use in the oPt*

The Research Group can conclude based on a detailed review and analysis of the facts above that F-35 fighter jets were used by the Israeli forces to commit the following violations of international law against Palestinians in the Gaza Strip:

1. Acts of extermination amounting to a crime against humanity
2. Intentional attacks against civilian objects amounting to a war crime
3. Repeated breaches of the cardinal principle of proportionality amounting to war crimes
4. Repeated breaches of the cardinal principle of distinction in violation of the Geneva Conventions
5. Violence aimed at spreading terror in violation of the Geneva Conventions

F-35 fighter jets were also used by Israeli forces to commit the following violations of the fundamental rights of the Palestinian people:

1. Repeated killing and maiming of Palestinians
2. Repeated killing of Palestinian children
3. Arbitrary destruction of the property of Palestinians

F-35 fighter jets may have further been used by Israeli forces to commit the following violations of international law against Palestinians in the Gaza Strip:

1. Destruction of the enemy’s property amounting to a war crime

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<sup>77</sup>“Supply Shortages and Patient Influxes Push Nasser Hospital to Breaking Point,” Doctors Without Borders - U.S.A, July 5, 2024, <https://web.archive.org/web/20241120120410/https://www.doctorswithoutborders.org/latest/supply-shortages-and-patient-influxes-push-nasser-hospital-breaking-point>.

<sup>78</sup>Lucy Clarke-Billings, “IDF Says Senior Hamas Commander Rafa Salama Killed in Israeli Air Strike,” BBC, July 14, 2024, <https://web.archive.org/web/20241202135717/https://www.bbc.com/news/articles/cyx50e65wk6o>.

<sup>79</sup>“ISPT130724e – July 13, 2024,” Airwars, accessed November 30, 2024, <https://web.archive.org/web/20241004162440/https://airwars.org/civilian-casualties/ispt130724e-july-13-2024/>.

<sup>80</sup>Ruwaida Kamal Amer and Mahmoud Mushtata, “‘People Torn to Pieces’ in Israeli Airstrike on Gaza Tent Camp,” +972 Magazine, September 12, 2024, <https://web.archive.org/web/20241008053235/https://www.972mag.com/al-mawasi-safe-zone-airstrike-gaza/>.

## 2. Intentional attacks against civilian objects amounting to a war crime

F-35 fighter jets may have further been used by Israeli forces to commit the following violations of the fundamental rights of the Palestinian people;

### 1. Repeated arbitrary destruction of the property of Palestinians

The details of each documented violation of international law are presented in Tables 2, 3, 4, 5, and 6 in Appendix D. For an exhaustive review of facts related to the strikes and of our sources, please refer to our complete factual findings in Appendix C.

Companies supplying critical parts of F-35 aircraft to Israel, directly or indirectly, and particularly sole-source suppliers of these parts, are therefore complicit in crimes against humanity, war crimes, and other grave breaches of the Geneva Conventions.

### *B. Legal implications of Canadian exports under the F-35 program*

Canada is one of the 113 states that have ratified The Arms Trade Treaty (ATT).<sup>81</sup> Selected articles of the treaty state:

- “a State Party shall not authorize any transfer of conventional arms ... if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.”<sup>82</sup>
- States Parties must “in an objective and non-discriminatory manner...assess the potential that the conventional arms or items...could be used to commit or facilitate a serious violation of international humanitarian law”<sup>83</sup>
- “[If] there is an overriding risk of any of the negative consequences in paragraph 1, the exporting State Party shall not authorize the export.”<sup>84</sup>

Vital to the interpretation of Canada’s complicity in war crimes through its participation in the F-35 program is Article 4 “Parts and Components” which states that it must also “regulate the export of parts and components.” Canadian peace research group Project Ploughshares demanded in January 2024 that “As per Article 4 of the ATT, Canadian officials must also close loopholes that allow the un-regulated export of military goods to Israel through the U.S.”<sup>85</sup> Ploughshares cites a 2018, PricewaterhouseCoopers (PwC) 2018 report

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<sup>81</sup>“The Arms Trade Treaty,” opened for signature July 3, 2013, *Treaty Series: Treaties and International Agreements Registered of Filed and Recorded with the Secretariat of the United Nations* 3013, no. 52373 (2013): 315-331, <https://treaties.un.org/doc/Publication/UNTS/Volume%203013/Part/volume-3013-I-52373.pdf>.

<sup>82</sup>“The Arms Trade Treaty,” Article 6.3

<sup>83</sup>“The Arms Trade Treaty,” Article 7.1

<sup>84</sup>“The Arms Trade Treaty,” Article 7.3

<sup>85</sup>Kelsey Gallagher, “Fanning the Flames: The Grave Risk of Canada’s Arms Exports to Israel,” Project Ploughshares, December 2023, [https://web.archive.org/web/20240912131005/https://cdn.prod.website-files.com/63e066081ef50cb16a3f4157/65a93fceedd2a489c326fa7b\\_Fanning%20the%20Flames%20Report\\_Updated\\_Jan.18.24.pdf](https://web.archive.org/web/20240912131005/https://cdn.prod.website-files.com/63e066081ef50cb16a3f4157/65a93fceedd2a489c326fa7b_Fanning%20the%20Flames%20Report_Updated_Jan.18.24.pdf).

prepared for Lockheed (since deleted from company website) that “there is \$2.3 million U.S.D worth of Canadian components on every F-35 jet manufactured.”<sup>86</sup>

Also important and relevant to the F-35 program is Article 11 of the ATT on ‘Diversion’, which states at 11.1 “shall take measures to prevent their diversion”. The Canadian government and private corporations are now fully aware that some of the parts they sell to Lockheed Martin for F-35s built in the U.S. are intended for end-use by Israel to commit war crimes; therefore Canada must halt the exports to the U.S..

Canada and the U.S. operate as part of one unified ‘defense industrial base’, a tariff-free arrangement that allows Canadian companies access to the U.S. arms market as if they were U.S. firms. The govt agency in charge, the CCC, states:

“Thanks to the Defence production Sharing Agreement (DPSA) and Defense Federal Acquisition Regulation Supplement (DFARS), Canadian firms enjoy a unique relationship with the U.S. Dept of Defense (DoD) market that allows them to compete on equal footing with American firms. The U.S. DoD relies on Canadian exports for a vast array of military goods and services — everything from technologies and transportation to manufacturing and R&D — to the tune of more than \$2 billion a year.”<sup>87</sup>

The vast majority of Canada’s military exports go to the U.S.A “the world’s largest military spender.”<sup>88</sup> One Canadian government agency, recently increased its estimate of Canada’s role in U.S. arms production: “According to Innovation, Science and Economic Development Canada, defence export sales to the U.S. from Canada was approximately \$3 billion in 2020.”<sup>89</sup>

The Canadian Commercial Corporation “generates their own export data based on contracts between Canadian suppliers and military end-users.”<sup>90</sup>

With \$20 billion in arms transfers, the single biggest recipient of U.S. military exports is currently Israel. Most of Canada’s weapons components exports are destined for the U.S., and most U.S. weapons exports are destined for Israel. But much of this is not subject to permits or regulation; as Project Ploughshares states: “Because the vast majority of Canadian military exports to the U.S. are neither regulated nor reported, exact volumes and values of these exports are not available to the public and remain unknown.”<sup>91</sup> In its January report, *Fanning the Flames: The grave risk of Canada’s arms exports to Israel*, Ploughshares

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<sup>86</sup>Ibid.

<sup>87</sup>“DPSA, DFARS: Agreements for U.S. Military to Buy from Canada,” Canadian Commercial Corporation (CCC), November 1, 2022, <https://web.archive.org/web/20240719180921/https://www.ccc.ca/en/insights-for-exporters/dpsa-dfars-agreements-for-us-military-to-buy-from-canada/>.

<sup>88</sup>Ibid.

<sup>89</sup>“About the U.S. Department of Defense (U.S. DoD),” Canadian Commercial Corporation (CCC), November 1, 2023, <https://web.archive.org/web/20240719192100/https://www.ccc.ca/web/20240719192100/https://www.ccc.ca/en/insights-for-exporters/know-u-s-department-of-defense/>.

<sup>90</sup>Global Affairs Canada, *Export Controls Handbook - Section F*, 2023, [https://web.archive.org/web/20240529083006/https://www.international.gc.ca/controls-controles/export-exportation/exp\\_ctr\\_handbook-manuel\\_ctr\\_exp-p4.aspx?lang=eng](https://web.archive.org/web/20240529083006/https://www.international.gc.ca/controls-controles/export-exportation/exp_ctr_handbook-manuel_ctr_exp-p4.aspx?lang=eng).

<sup>91</sup>Kelsey Gallagher, “Fanning the Flames: The Grave Risk of Canada’s Arms Exports to Israel,” Project Ploughshares, December 2023, [https://web.archive.org/web/20240912131005/https://cdn.prod.website-files.com/63e066081ef50cb16a3f4157/65a93fceedd2a489c326fa7b\\_Fanning%20the%20Flames%20Report\\_Updated\\_Jan.18.24.pdf](https://web.archive.org/web/20240912131005/https://cdn.prod.website-files.com/63e066081ef50cb16a3f4157/65a93fceedd2a489c326fa7b_Fanning%20the%20Flames%20Report_Updated_Jan.18.24.pdf).

called for Canada to stop export of F-35 parts to the U.S.A that would be assembled into F-35 fighter jets supplied to Israel to conduct “unlawful air strikes” and “serious violations of International Humanitarian Law” in Gaza.<sup>92</sup>

*C. On the complicity of states issuing export permits under the F-35 program*

Canadian officials, including the Prime Minister, have known since the 1960s that the majority of U.S. procurement in Canada is “components and subsystems”, with the U.S. shipping an average of 50% on to other countries.<sup>93</sup> The U.S. is the principal arms supplier for Israel as it conducts war crimes. With the U.S. being the principal destination for the majority of Canadian arms component exports, it is incumbent on the government, corporations, unions and workers to ensure that components shipped from Canada do not end up in the weapons Israel is using to commit war crimes and crimes against humanity amounting to genocide.

This brings the question: was it possible for the Canadian government and companies to foresee that supplying parts to the F-35s which would be supplied to Israel would put them at risk of violating international law? As early as January of 2013, the Government of Japan expressed concerns<sup>94</sup> that “F-35s that use Japanese parts may be exported to Israel” violating Japan’s ban on parts going to nations “likely to be involved in international conflicts.”

Another possible question: Can Canada control end-use? The subsequent findings of this section will show that the answer is a definitive yes. The relevant section of Global Affairs Canada Export Controls Handbook has highly detailed requirements for tracking end-use of parts, with the relevant section referring to ‘end-user’ over 60 times and giving examples that directly parallel the F-35 example:

“Consignee is a manufacturer. [...] The end-use of the Canadian goods is for the production of pilot ejector seats in the UK, for subsequent use by the French company in the assembly of an aircraft; this needs to be fully described in the Canadian export permit application (preferably in a cover letter or in the “Applicant/Exporter Comments” field, “Items” tab of the permit application). Parts used for repair overseas: A company in Italy buys spare aircraft parts from a Canadian exporter. According to its contract, the exporter ships the goods directly to a company in Portugal which uses the goods to repair an aircraft owned by the Italian company. In this scenario, the consignee is the Portuguese company and the end-user is the company in Italy.”<sup>95</sup>

Is there any precedent for this? Could the Canadian government block private companies from exporting key parts for U.S. weapons designated for end-use by Israel in the occupied Palestinian territory? The Russia example is illustrative. Within seven weeks of Russia’s 2022 invasion of Ukraine, Prime Minister Justin Trudeau said it was “absolutely right” to call

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<sup>92</sup>Ibid.

<sup>93</sup>Ernie Regehr, *Making a Killing: Canada’s Arms Industry* (McClelland and Stewart, 1975), 7, 41.

<sup>94</sup>“Japan has concerns on F-35 sales,” *Defense News*, January 31, 2013, <https://web.archive.org/web/20221209075932/https://www.upi.com/Defense-News/2013/01/31/Japan-has-concerns-on-F-35-sales/64861359659944/>.

<sup>95</sup>Global Affairs Canada, *Export Controls Handbook - Section E*, 2023, [https://web.archive.org/web/20240720025746/https://www.international.gc.ca/controls-controles/export-exportation/exp\\_ctr\\_handbook-manuel\\_ctr\\_exp-p3.aspx?lang=eng](https://web.archive.org/web/20240720025746/https://www.international.gc.ca/controls-controles/export-exportation/exp_ctr_handbook-manuel_ctr_exp-p3.aspx?lang=eng).

that attack a “genocide.”<sup>96</sup> Russian attacks killed 10,582 civilians,<sup>97</sup> including 545 children,<sup>98</sup> pressing Canada’s government into action, tightening its micro-mesh of sanctions over sixty times<sup>99</sup> –most recently in September of this year– to ensure no bolt or transistor makes its way into any Russian weapon. Israel’s attacks on the Gaza Strip since October 7, 2023 have killed over 17,000 children,<sup>100</sup> yet Canadian companies continue to export weapons parts to Israel, maintaining its ability to carry out a campaign of mass slaughter plausibly amounting to genocide.<sup>101</sup>

As for tracking the parts, Martin Butcher, policy advisor on arms and conflict for Oxfam UK, says “It’s all tagged electronically.”<sup>102</sup> In a profile<sup>103</sup> of its F-35 ‘sustainment’ work, the Defense Logistics Agency describes how it can “catalog the items, create National Stock Numbers and maintain that information in government systems.” The DLA “catalogs primarily those parts that are going to be going through the supply chain continuously, things that we know we’re going to buy on a recurring basis because our customers have a steady need for them.” Gerard Jonkman, director of Dutch NGO The Rights Forum, which is challenging its government over arms exports to Israel, said:

“Even Ikea ... knows exactly where their spare parts are coming from. So what about a plane like this? ... If one batch at a certain moment would turn out to be of bad quality, then you would need to know from where they are coming and in which planes they have been assembled.”<sup>104</sup>

It is therefore entirely implausible that states such as Canada are unable to factually evaluate the end-use of weapons components they are exporting inter-

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<sup>96</sup>Richard Raycraft, “‘Absolutely right’ to call Russia’s actions in Ukraine genocide, Trudeau says,” Radio Canada International, April 13, 2022, <https://web.archive.org/web/20240313012647/https://ici.radio-canada.ca/rci/en/news/1876319/absolutely-right-to-call-russias-actions-in-ukraine-genocide-trudeau-says>.

<sup>97</sup>Office of the High Commissioner for Human Rights, “Ukraine: Türk deplores horrific human cost as Russia’s full-scale invasion enters third year,” Press release, February 22, 2024, <https://web.archive.org/web/20241009003621/https://www.ohchr.org/en/press-releases/2024/02/ukraine-turk-deplores-horrific-human-cost-russias-full-scale-invasion-enters>.

<sup>98</sup>UNICEF, “18 months of war for Ukraine’s children,” Media fact sheet, August 24, 2023, <https://web.archive.org/web/20241128063721/https://www.unicef.org/ukraine/en/documents/18-months-of-war-for-ukraine-children>.

<sup>99</sup>Global Affairs Canada, *Canadian Sanctions Related to Russia*, 2024, [https://web.archive.org/web/20241120124043/https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/sanctions/russia-russie.aspx?lang=eng](https://web.archive.org/web/20241120124043/https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/russia-russie.aspx?lang=eng).

<sup>100</sup>Mohammed Haddad and Alia Chughtai, “An A-Z of the children Israel killed in Gaza,” AlJazeera, November 20, 2024, <https://web.archive.org/web/20241203113747/https://www.aljazeera.com/news/longform/2024/11/20/an-a-z-of-the-children-israel-killed-in-gaza>.

<sup>101</sup>International Court of Justice, January 26, 2024, “Summary of the Order of 26 January 2024,” [https://web.archive.org/web/20241130163316/https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-sum-01-00-en.pdf?\\_\\_cf\\_chl\\_rt\\_tk=f71z9mJ0wTWcENi.Ns3mvCsXlMjQr7kXuTRvrc7Giv8-1732984396-1.0.1.1-KKBPB9T.55wIbUfUCsG2PlFCwuDzIF1EfrT.IP9d3oA](https://web.archive.org/web/20241130163316/https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-sum-01-00-en.pdf?__cf_chl_rt_tk=f71z9mJ0wTWcENi.Ns3mvCsXlMjQr7kXuTRvrc7Giv8-1732984396-1.0.1.1-KKBPB9T.55wIbUfUCsG2PlFCwuDzIF1EfrT.IP9d3oA).

<sup>102</sup>Dania Akkad, “Legal Battles Loom over Supply Chain Keeping Israeli F-35s Flying over Gaza and Lebanon,” Middle East Eye, October 4, 2024. <https://web.archive.org/web/20241203023138/https://www.middleeasteye.net/news/israel-US-f-35-global-supply-legal-spare-parts>.

<sup>103</sup>Beth Reece, “DLA Expanding DOD Visibility of F-35 Supply Chain,” U.S. Department of Defense, November 30, 2022, <https://web.archive.org/web/20221201014226/https://www.defense.gov/News/Stories/Article/Article/3232386/>.

<sup>104</sup>Ibid.

nationally, including parts of the F-35 fighter jets used by Israel to commit crimes against humanity, war crimes and grave violations of the Geneva Conventions.

*D. Measures against the arms exports under the F-35 program*

A Statement of Claim filed by two Palestinian-Canadians against the Attorney General of Canada<sup>105</sup> references Canadian companies production of parts for Israel's F-35s (Paragraph 307) and sole-source supplier GasTOPS (Paragraph 308). On September 10, 2024, Foreign Minister Melanie Joly said: "Our policy is clear: We will not have any form of arms or parts of arms be sent to Gaza. Period," Joly said. "How they're being sent and where they're being sent is irrelevant," she continued.<sup>106</sup> The warrants issued by the International Criminal Court on November 21 against Israeli leaders are increasing the pressure on Canada and other countries directly and indirectly supplying weapons and components to Israel. Neve Gordon, professor of international law at Queen Mary University of London told Al Jazeera that:

"If leaders of Israel are charged with crimes against humanity, then the weapons provided by Western nations are being used to commit crimes against humanity... Most countries have a memorandum of arms trade which sets out the conditions under which arms can be traded...the country 'cannot send weapons to an entity that uses the weapons to carry out serious violations of international humanitarian law such as the 1949 four Geneva Conventions and the 1977 Additional Protocols'...now that the warrants have been issued, those countries could also possibly be considered to be complicit in war crimes and crimes against humanity...I assume NGOs within the countries will file petitions in the domestic courts to question the legality of continuing to send arms to Israel"<sup>107</sup>

Indeed, less than a week after the ICC issued their warrants, two British human rights groups wrote to the British government that it is "now arming suspected war criminals who have been indicted by the world's pre-eminent criminal court."<sup>108</sup> They said the ICC arrest warrants "add to the insurmountable evidence that British weapons, particularly F-35 components, are being used to commit international crimes, including genocide." A lawyer for one of the groups, Charlotte Andrews-Briscoe, said: "It is unconscionable that the UK continues to allow British-made components for F-35s to be used in Israel's extermination campaign against Palestinians."<sup>109</sup> The same obviously applies to Canadian components.

In November 2024, Dalia F., a Palestinian resident of Oakville, Ontario, Canada, protesting Canadian company Collins Aerospace making parts for the F-35, was quoted as saying:

<sup>105</sup>"Hany El Batnigi and Tamer Jarada v. Attorney General of Canada, CV-24-00097722-0000 (Statement of Claim)", 78-79 (Ottawa Superior Court of Justice, 2024), [https://web.archive.org/web/20241204210152/https://drive.google.com/file/d/1\\_rLqV9KypJ2eCr4i7QnHOoCC0C7aQyFp/view](https://web.archive.org/web/20241204210152/https://drive.google.com/file/d/1_rLqV9KypJ2eCr4i7QnHOoCC0C7aQyFp/view).

<sup>106</sup>"Canada Recently Blocked Weapons Sales to Israel, Says Foreign Minister," Eyewitness News, September 10, 2024, <https://web.archive.org/web/20240917124747/https://www.ewn.co.za/2024/09/11/canada-recently-blocked-weapons-sales-to-israel-says-foreign-minister>.

<sup>107</sup>Sarah Shamim, "Arms to Israel: Will Countries Halt Sales in Wake of ICC Arrest Warrants?," Al Jazeera, November 22, 2024, <https://web.archive.org/web/20241201172547/https://www.aljazeera.com/news/2024/11/22/arms-to-israel-will-countries-halt-sales-in-wake-of-icc-arrest-warrants>.

<sup>108</sup>Dania Akkad, "UK Threatened with Emergency Ban of Arms Exports to Israel after ICC Warrants," Middle East Eye, November 26, 2024, <https://web.archive.org/web/20241129035916/https://www.middleeasteye.net/news/uk-israel-icc-arms-exports-court-international-law>.

<sup>109</sup>Ibid.

“While my family members in Gaza have been killed and continue to be terrorized by Israel’s nonstop bombing attacks, I am sickened to know that parts of these same bomber planes are being made right here at Collins Aerospace’s factory in Oakville, where I live.”<sup>110</sup>

Protesters blocked the morning shift staff from entering the facility, Press TV reported.<sup>111</sup>

Notable efforts to stop arms exports under the F-35 program include an ongoing lawsuit against the State of Denmark seeking the reevaluation and revocation of export permits for parts of the F-35<sup>112</sup>, a different ongoing lawsuit against Denmark seeking to halt all arms exports to Israel<sup>113</sup> and a lawsuit against the Netherlands similarly seeking the reevaluation and revocation of export permits for parts of the F-35<sup>114</sup>. The case against the Netherlands resulted in a favorable judgment from the Court of Appeal in the Hague, which the Netherlands are appealing to the Supreme Court<sup>115</sup>. The Research Group is not aware of ongoing litigation targeting individual manufacturers of parts under the F-35 program, which can be explained by the unwavering complicity of *states* in issuing and maintaining export permits that should be regarded as illegal under the Arms Trade Treaty and national law. *End-use of weapons* supplied by international private actors directly or indirectly to Israel should be thoroughly investigated and reported to support further litigation seeking to halt export permits under the F-35 program.

## VI. CONCLUSION

In writing this report, the Research Group sought to demonstrate the complicity of Canadian weapons manufacturers in the commission of international crimes by Israeli forces in the oPt. Numerous Canadian companies were found to be supplying crucial components of F-35 aircraft. In particular, Gastops was found to be the sole supplier of maintenance components critical to maintaining Israel’s high-intensity bombing campaigns against the oPt. Several instances of F-35 aircraft participation in specific airstrikes over the oPt were documented and analyzed, showing a pattern of repeated war crimes and other violations of international law committed by Israel using F-35 aircraft. Finally, the report examined Canada’s obligations under the Arms Trade Treaty and discussed legal implications of states facilitating the export of F-35 components to Israel and practical considerations for measures seeking to stop the direct and indirect supply of F-35 components to Israel.

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<sup>110</sup>“Canada House Speaker Warns MP over Pro-Palestine Pin, Not Ukraine,” Al Mayadeen English, November 21, 2024, <https://web.archive.org/web/2024112112506/https://english.almayadeen.net/news/politics/canada-house-speaker-warns-mp-over-pro-palestine-pin--not-uk>.

<sup>111</sup>Ibid.

<sup>112</sup>Emilie Ekeberg and Charlotte Aagaard, “Palæstinenser fra Gaza stævner den danske stat for brud på våbeneksporthjælper.” Danwatch, April 24, 2024. <https://web.archive.org/web/20240516061501/https://danwatch.dk/palaestinenser-fra-gaza-staevner-den-danske-stat-for-brud-paa-vaabeneksporthjælper/>.

<sup>113</sup>“NGOs are suing the Danish state to stop arms exports to Israel” Amnesty International Denmark, accessed November 30, 2024. <https://web.archive.org/web/20240530055305/https://amnesty.dk/ngoer-sag-soger-den-danske-stat-for-at-stoppe-vabeneksporthjælper-til-israel/>.

<sup>114</sup>“Civil suit against the State of the Netherlands for transfer of F-35 parts to Israel”, Arms Trade Litigation Monitor, accessed November 30, 2024, <https://web.archive.org/web/20240724060523/https://armstradelitigationmonitor.org/case/civil-suit-against-the-state-of-the-netherlands-for-transfer-of-f-35-parts-to-israel/#documents>.

<sup>115</sup>Ibid.

#### A. APPENDIX: MONETARY VALUE OF GASTOPS' F-35 CONTRACT

As of 2021, 3500 sensors had already been delivered from Gastops to the F-35 program<sup>116</sup>, despite only 750 F-35s having been manufactured by 2021 out of a projected total of 5000.<sup>117</sup> In a promotional video posted by Lockheed Martin, Ryan Miller of Gastops states that the F-35 program supports 20-30 jobs out of a total headcount of 160.<sup>118</sup> Finally, an OttawaLife article mentions that the F-35 program was crucial in helping GasTOPS weather the global aviation slowdown during the COVID-19 pandemic.<sup>119</sup>

In monetary terms, it is clear that the F-35 contract is worth over \$100 million for GasTOPS. A Pratt & Whitney press release<sup>120</sup> from 2009 reported that the fan blade sensor contract alone had a projected lifetime value of \$48 million. Given the cost of the F-35 program has greatly inflated since then, as well as an increase in the number of planes ordered, this figure would represent a lower bound.

There is no public number for the oil debris monitor contract, but previous purchases of MetalSCAN sensors for the F-22 fighter jet give a unit price of around \$13,000.<sup>121</sup><sup>122</sup> With at least 3 MetalSCANS included in each F-35, and a projected production of 5000 F-35s, we can arrive at a lower bound figure of \$65 million. This is likely a significant underestimate since the F-35B variant contains an additional MetalSCAN sensor, and the price of the MetalSCAN has surely increased from the previous generation F-22 aircraft. Thus, we can conclude that the revenue for GasTOPS from the F-35 program is at least \$113 million, though this is likely a significant underestimate.

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<sup>116</sup>Gastops, “Gastops Celebrates 3,500th Engine Sensor Delivery for the F-35 Lightning II,” Press release, March 23, 2021, archived October 31, 2024 at <https://archive.is/yYjfj>.

<sup>117</sup>Joseph Trevithick, “750 F-35s Now Delivered, Navy To Put Some Of Its Oldest Test Models Into Storage,” *The Warzone*, January 4, 2022, <https://web.archive.org/web/20241110195541/https://www.twz.com/43722/750-f-35s-now-delivered-navy-to-put-some-of-its-oldest-test-models-into-storage>.

<sup>118</sup>Lockheed Martin Canada (@LMCanadaNews), “Developing Tomorrow’s Technology,” X, March 30, 2020, 9:10 a.m., <https://archive.ph/f0fzZ>.

<sup>119</sup>Tatum Bergen, “Gastops: Ottawa-based Innovation in the F-35 Program,” *Ottawa Life*, December 7, 2021, <https://web.archive.org/web/20240603060657/https://www.ottawalife.com/article/gastops-ottawa-based-innovation-in-the-f-35-program/>.

<sup>120</sup>Pratt & Whitney, “F135 Engine Program Places U.S.\$48 Million Purchase Order with GasTOPS of Canada,” Press release, May 27, 2009, <https://web.archive.org/web/20210825202318/https://www.global-security.org/military//library/news/2009/05/mil-090527-pratt-whitney01.htm>.

<sup>121</sup>“NSN 2840016292880 Sensor F119 Engine,” Higher Gov, archived November 17, 2024 at <https://archive.is/c5D2p>.

<sup>122</sup>“NSN 2840014842814 Sensor F119,” Higher Gov, archived November 17, 2024 at <https://archive.is/6HcaC>.

<sup>123</sup>“Contract FA860113P0377 Gastops,” Higher Gov, archived November 17, 2024 at <https://archive.is/7ON2K>.

### B. APPENDIX: CANADIAN SUPPLIERS OF F-35 PARTS

A list of crucial Canadian suppliers<sup>124</sup> of F-35 parts is included in Table 1.<sup>125</sup>

<b>Company</b>	<b>Headquarters</b>	<b>Parts Manufactured</b>
Apex	New Brunswick	Bracket structures for fuselage and wing
Avcorp Industries	British Columbia	Outboard wing assembly
Asco Aerospace	British Columbia	Various fuselage parts
CMC Electronics	Quebec	Various fuselage parts
Celestica	Ontario	PCBs for power and thermal management system
Composites Atlantic	Nova Scotia	Moldline skins
Gastops	Ontario	Fuel and blade health sensors
Handling Specialties	Ontario	Tools for wing assembly
Héroux-Devtek	Ontario/Quebec	Aluminum boxes and landing gear uplocks
ITL Circuits	Ontario	PCB for external lighting
Magellan Aerospace	Ontario	Horizontal tail fins and stabilizer assembly
NGRAIN	British Columbia	Software

Table 1: Canadian Companies with F-35 Subcontracts

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<sup>124</sup>Lockheed Martin, “Lockheed Martin Recognizes Canadian Suppliers for F-35 Lightning II,” Press release, May 30, 2013, <https://web.archive.org/web/20241204140508/https://skiesmag.com/press-releases/19041-lockheed-martin-recognizes-canadian-suppliers-for-f-35-light-html/>.

<sup>125</sup>Note: Avcorp makes parts solely for the F-35B variant, which is not flown by Israel.

### C. APPENDIX: COMPLETE ANALYSIS OF F-35 AIRSTRIKES IN THE OPT

#### A. May 11, 2021 airstrikes against the Taiba building and Hanadi office tower

On May 11, 2021 around 4:40 a.m., the top two floors of the Taiba residential building located near the al-Susi mosque in the Al Shati' Refugee Camp (northern Gaza Strip) were bombed by Israeli forces with no prior warning.<sup>126</sup> <sup>127</sup> The building comprised 13 apartments spread over 7 floors and spanned a total area of 300m<sup>2</sup>.<sup>128</sup> 2-3 blasts were reported.<sup>129</sup> <sup>130</sup>

The apartment on the seventh floor was completely destroyed in the attack. An apartment on the sixth floor below where the Subuh family resided was severely damaged due to the floor of the apartment above it collapsing. Walls from the sixth floor fell onto the street and nearby houses were damaged. Five members of the Subuh family were present in the apartment at the time of the attack and were buried alive under debris. 2 were killed in the process, elder Amira Abdel Fattah Subuh (58 years old) and her disabled son Abdul-Rahman Yusef Ali Subuh (19 years old) who suffered from cerebral palsy. The remaining three members of the Subuh family, Amira's two adult sons Baraa Subuh (37 years old) and Ali Subuh and Ali's wife Nasmah Subuh, survived the attack and dug themselves out of the rubble before the arrival of rescue workers.<sup>131</sup> It took more than an hour and a half for family members and rescue workers to locate Abdul-Rahman under the rubble; he was already dead by that time. At least two civilians suffered moderate to critical injuries in the attack for which they received treatment at Al Shifa hospital.<sup>132</sup>

Concerning this attack, the Israeli army said they targeted "a senior official of the armed wing of Hamas" according to Haaretz.<sup>133</sup> The Euro-Med Human Rights Monitor reported: "the Israeli army announced that it had targeted the home of a battalion commander. But field investigations confirm that no one was in the targeted flat during the bombing."<sup>134</sup> The absence of the alleged Hamas commander at the time of the attack was further confirmed

<sup>126</sup>"Military Fires Missile at Building, Killing Two Sixth-Floor Occupants," B'Tselem, May 11, 2021, [https://web.archive.org/web/20220525153248/https://wordsfailus.btselem.org/military-fires-missile-at-buildin](https://web.archive.org/web/20220525153248/https://wordsfailus.btselem.org/military-fires-missile-at-building-killing-two-sixth-floor-occupants/)g-killing-two-sixth-floor-occupants/.

<sup>127</sup>"Weekly Report on Israeli Human Rights Violations in the Occupied Palestinian Territory (11 – 19 May 2021)," Palestinian Centre for Human Rights, May 20, 2021, <https://web.archive.org/web/20240916123729/https://pchrfgaza.org/weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-11-19-may-2021/>.

<sup>128</sup>"International Community Must Address Root Causes, of Colonialism, Apartheid and de Facto Annexation Leading to Killing of 123 Palestinians and Injury of over 1,500 in an Eid of Israeli Terror," Al-Haq, May 13, 2021, <https://web.archive.org/web/20240724004641/https://www.alhaq.org/advocacy/18323.htm> l#\_ftn5.

<sup>129</sup>Ibid.

<sup>130</sup>"Dozens of victims in the Gaza Strip, including children and women," Al-Mizan Center for Human Rights, May 11, 2021, <https://archive.is/ctOVW>.

<sup>131</sup>"Military Fires Missile at Building, Killing Two Sixth-Floor Occupants."

<sup>132</sup>"Dozens of victims in the Gaza Strip, including children and women," Al-Mizan Center for Human Rights, May 11, 2021, <https://archive.is/ctOVW>.

<sup>133</sup>Jack Khoury, "Of the 13 Minors Killed by Israeli Military in Gaza, Six Died in Single Airstrike," *Haaretz*, May 11, 2021, <https://archive.is/FMKDi>.

<sup>134</sup>"Israel Collectively Punishes the Population in Gaza by Targeting Homes and Civilians," Euro-Med Human Rights Monitor, May 11, 2021, <https://web.archive.org/web/20231204003703/https://euromedmonitor.org/en/article/4366/Israel-collectively-punishes-the-population-in-Gaza-by-targeting-homes-and-civilians>.

in interviews with witnesses and survivors conducted by Israeli human rights organization B'Tselem.<sup>135</sup> All available reporting on the targeting of the Taiba building confirms the only casualties from this attack were located on the sixth floor of the apartment complex or in nearby residential buildings.<sup>136</sup>

On the same date, the Israeli Air Force shared a video containing aerial footage of an Israeli airstrike in an official tweet<sup>137</sup> and in an operations report<sup>138</sup> on the Israeli army's official website, with the label "an attack on the house of a Hamas battalion commander." Three explosions are visible in the video. The footage was analyzed in an investigation by Danwatch<sup>139</sup> that confirmed using satellite imagery the location of the targeted building at the following coordinates: 31°31'43.6"N, 34°26'47.8"E in Al Shati' refugee camp in the Northern Gaza Strip. These exact coordinates correspond to the location of the Taiba building geolocated in an investigation by Airwars.<sup>140</sup>



Figure 1: Tweet by Israeli Air Force

The translation of the tweet in Figure 1 is as follows:

<sup>135</sup>"Military Fires Missile at Building, Killing Two Sixth-Floor Occupants."

<sup>136</sup>"M21ISPT007 – May 11, 2021," Airwars, accessed November 30, 2024, <https://web.archive.org/web/20240614215602/https://airwars.org/civilian-casualties/m21ispt007-may-11-2021/>.

<sup>137</sup>Israeli Air Force (@IAFsite), "The home of a battalion commander in the Hamas terrorist organization, weapons production sites, and military compounds: The Air Force attacked over 130 terrorist targets and reinforcements of the Hamas and GAPF terrorist organizations in the Gaza Strip overnight," X, May 11, 2021, 12:37 a.m., <https://archive.ph/ZhTVN>.

<sup>138</sup>"Operation "Guardian of the Walls" - Summary 11.05," Israeli Defense Forces (idf.il), May 12, 2021, Archived at <https://sftp-canada.org/docs/F35/idf.pdf>.

<sup>139</sup>Nikolaj Houmann Mortensen, Emilie Ekeberg, and Charlotte Aagaard, "Kampfly Med Dansk Udstyr Har Deltaget I Bombeangreb, Som Dræbte 75 Børn I Gaza - Danwatch," Danwatch, accessed November 30, 2024, <https://web.archive.org/web/20241204211411/https://edu.danwatch.dk/undersoegelse/kampfly-med-dansk-udstyr-har-deltaget-i-bombeangreb-som-draebte-75-boern-i-gaza/>.

<sup>140</sup>"M21ISPT007 – May 11, 2021," Airwars.

The home of a battalion commander in the Hamas terrorist organization, weapons production sites, and military compounds: The Air Force attacked over 130 terrorist targets and reinforcements of the terrorist organizations Hamas and Palestinian Islamic Jihad in the Gaza Strip last night. For more details bit.ly/3y4mSU8



Figure 2: Image captured from the video shared by the Israeli Air Force showing the destruction of the top floors of the apartment building

The translation of the text in Figure 2 reads:

“Attacking the home of a battalion commander in the terrorist organization Hamas, 11.05.2021, 29th of Iyyar 5781”



Figure 3: Satellite analysis by Danwatch of the Israeli Air Force footage titled “Attacking the home of a battalion commander in the terrorist organization Hamas 11.05.2021”

An operations report<sup>141</sup> from the Israeli army describes their attacks on the 11 May 2021 in the Gaza strip:

<sup>141</sup> Israel Defense Forces (idf.il). “Operation “Guardian of the Walls” - Summary 11.05.” May 12, 2021. Archived at <https://sftp-canada.org/docs/F35/idf.pdf>.

“the IDF attacked over 130 terrorist targets in several waves of attacks during the night ... In the third wave of attacks, Hamas and [Palestinian Islamic Jihad] targets were attacked, including sites for the production of weapons and military compounds, and in one of them the house of a battalion commander in Hamas.”

The Israeli army did not disclose in their report which weapon systems were used in the ‘third wave’ of overnight attacks in the Gaza Strip on that day, during which “the house of a battalion commander in Hamas” was targeted. However, they confirmed that, in a different wave of attacks around 6:36 p.m., a fleet of 80 fighter jets that included 8 F-35 fighter jets was deployed in a tactical attack over the Northern Gaza Strip.

“18:36 - An unusual attack in scope is carried out in the northern Gaza Strip, with the participation of about 80 fighter jets, including 8 Adir F-35 jets. All the launch pits of the Hamas battalions in the north of the Gaza Strip were attacked. “It is about 150 targets and weapons within the rocket launch array, and the destruction of 50-70 launch pits that have been buried in the ground in recent years,” noted IDF spokesman Brigadier General Hedi Zilberman.”

This was the attack on this day for which a specific weapon system was disclosed by the Israeli army. Concerning this wave of airstrikes, IDF spokesman Brigadier General Hedi Zilberman stated in an interview on Israel’s Channel 11:

“I want to say that our activity today is the furthest from tweezers there is. We also attacked this high-rise building that served as the headquarters of the terrorist organizations. We also attacked about a hundred launch pits in the northern Gaza Strip, 150 launch pits, in a very, very massive attack that is continuing at these moments ... I would call it anything but a tweezers operation. This is a very, very massive operation that shook Gaza City.”<sup>142</sup>

This confirms an intentional strategy of disproportionate indiscriminate attacks by the Israeli army against targets in the northern Gaza Strip on this day. This intentional strategy is further confirmed by the targeting of the 13-story Hanadi tower west of Gaza City with at least two airstrikes around 7:30 p.m. on that day following an Israeli evacuation order. The strikes on the Hanadi tower hit the base of the building and caused the collapse and complete destruction of the tower, costing millions of dollars worth of loss to the owner and anywhere from \$30,000 to \$150,000 worth of loss of property to businesses that were located in the tower<sup>143</sup> due to the alleged use of the tower for military research and development and intelligence by Hamas.<sup>144</sup> The airstrikes caused hundreds of thousands of dollars worth of

<sup>142</sup>Kan News (@kann\_news), “Statement of IDF Spokesperson Hedi Zilberman,” X, May 11, 2021, 1:52 p.m., <https://archive.ph/hEHZ4>. Archived at <https://drive.proton.me/urls/QQDGVAHP88#tiz6JEqpcuIY>.

<sup>143</sup>“Gaza: Israel’s May Airstrikes on High-Rises,” Human Rights Watch, August 23, 2021, <https://web.archive.org/web/20241126192248/https://www.hrw.org/news/2021/08/23/gaza-israels-may-airstrikes-high-rises>.

<sup>144</sup>“A Multi-Story Building Used by the Hamas Terror Organization,” Israeli Defense Forces, May 11, 2021, <https://web.archive.org/web/20240608230005/https://idfanc.activetrail.biz/ANC1105202103>.

damages to the nearby Gaza International Hotel and severe structural damage to the nearby Handouqa apartment building, rendering its 25 apartments uninhabitable.<sup>145</sup>

A testimony of Baraa Subuh, 29 years old, survivor of the attack that killed his brother 'Abd a-Rahman and his mother Amirah on the May 11, 2021 airstrikes against the Taiba building states:

"At around 4:30 A.M., my brother 'Ali went to the mosque to pray and my mother told me to go to bed. We went to our bedrooms but a few minutes later, before I'd fallen asleep, the house suddenly collapsed on top of me. The wardrobe fell on me, too, and the wall behind me fell out to the road. There was a lot of dust and I had trouble breathing. There was no power and the house was pitch black. I managed to pull myself out from under the debris and went to the room where my mother and 'Abd a-Rahman sleep. It was in ruins. I called out but couldn't see anyone. I started removing the debris to get them out. It was only then that I realized Israeli airplanes had bombed the house while we were in it. There was no warning before they fired."

An additional testimony of Mu'az Subuh, 29 years old, witness to the attack that killed his brother 'Abd a-Rahman and his mother Amirah states:

"In the morning, I prayed the dawn prayers and went to my mother's house. I got to their street around 4:30 A.M. When I was about 50 meters away from the building, I heard a very loud explosion. There were clouds of smoke and dust, and I heard people shouting. The building my mother and brothers lived in had been bombed ... I tried to get into the building, but people there stopped me because they were afraid of another strike. They suggested I wait for the ambulance and the Civil Defense crew ... I felt on the verge of a nervous breakdown. I was sure my family was dead. I saw the sixth and seventh floors had been completely demolished. They looked like one floor. I lost all hope that anyone in my family would make it out alive ... I called the neighbors to check on my brother 'Abd a-Rahman. He'd been under the ruins for more than an hour and I was sure he was dead, because he's disabled and it's hard for him to get around. Sometime later, 'Abd a-Rahman was also taken to the ER. The doctors examined him and pronounced him dead."

*B. August 5, 2022 airstrikes against the Palestine Tower and in the vicinity of the Abu Samra Mosque*

On Friday August 5, 2022 at approximately 4:15 p.m., the Israeli Air Force dropped a missile on a crowd of people<sup>146</sup> gathered outside Abu Samra Mosque on Al Mansoura street in the

<sup>145</sup>"Gaza: Israel's May Airstrikes on High-Rises," Human Rights Watch, August 23, 2021, <https://web.archive.org/web/20241126192248/https://www.hrw.org/news/2021/08/23/gaza-israels-may-airstrikes-high-rises>.

<sup>146</sup>"The Occupation Forces Launch a Series of Attacks on the Gaza Strip, Killing 10 Citizens, Including a Girl and a Woman, and Expecting 55 Wounded," Al-Mizan Center for Human Rights, May 8, 2022, <https://web.archive.org/web/20220805194044/http://www.mezan.org/post/33337/>.

Shujaiya eastern neighbourhood of Gaza City (*ibid.*) a few minutes before the afternoon 'Asr prayer.<sup>147</sup>

The airstrike killed at least 3 people: Alaa Abdallah Riyad Qaddoum (5 years old) who was playing on the street outside her house, her cousin Yousef Salman Mohammad Qaddoum (24 years old) who was riding a motorcycle with Alaa's father and the volunteer imam of the Abu Samra mosque Emad Abdul-Rahim Ibrahim Shallah (approx. 50 years old) who was sitting at the gate preparing for the call to prayer when a missile exploded nearby.<sup>148</sup>  
<sup>149</sup> Shrapnel from the explosion hit Alaa in her forehead, chest and right leg, killing her instantly.<sup>150</sup> <sup>151</sup> At least two people were critically injured: Alaa's brother Riyad Qaddoum (6 years old) who was also hit by shrapnel in the head, and their father Abdallah Qaddoum (30 years old) who received critical care following the attack.<sup>152</sup>

The Israeli army claims they targeted the motorcycle carrying Abdallah Qaddoum and his nephew Yousef Qaddoum as they were allegedly members of the military wing of Palestinian Islamic Jihad.<sup>153</sup>

Almost simultaneously at exactly 4:16 p.m.,<sup>154</sup> the Israeli Air Force bombed the fifth and sixth floors of Burj Falasteen (the Palestine Tower),<sup>155</sup> <sup>156</sup> <sup>157</sup> a high-rise residential and office tower in the Al-Rimal central neighbourhood of Gaza City,<sup>158</sup> killing Tayseer Mahmoud Mohammed al-Jabari (52 years old), a commander of Palestinian Islamic Jihad armed forces

<sup>147</sup>Hind Khoudary, "She Was Preparing for Pre-School": Five-Year-Old Palestinian Killed by Israeli Army Mourned in Gaza," Middle East Eye, August 6, 2022, <https://web.archive.org/web/20240807183723/https://www.middleeasteye.net/news/israel-gaza-five-year-old-palestinian-killed-family-mourn>.

<sup>148</sup>"Updated: Israeli Soldiers Kill Ten Palestinians, Injure 36, in Gaza," IMEMC News, August 5, 2022, <https://web.archive.org/web/20240424130719/https://imemc.org/article/israeli-soldiers-kill-ten-palestinian-in-gaza/>.

<sup>149</sup>"Palestinians Killed by Israeli Forces - Gaza Strip," B'Tselem, accessed November 29, 2024, <https://statistics.btselem.org/en/all-fatalities/by-date-of-incident/pal-by-israel-sec/gaza-strip?dateSensor=%21659668400000,1659830399000%22&section=overall%5C&tab=overview>.

<sup>150</sup>Hind Khoudary, "She Was Preparing for Pre-School": Five-Year-Old Palestinian Killed by Israeli Army Mourned in Gaza," Middle East Eye, August 6, 2022, <https://web.archive.org/web/20240807183723/https://www.middleeasteye.net/news/israel-gaza-five-year-old-palestinian-killed-family-mourn>.

<sup>151</sup>"Israel's Aggression on the Gaza Strip 5 – 7 August 2022 [56 Hours]," State of Palestine - Negotiation Affairs Department, August 11, 2022, <https://web.archive.org/web/20240413192947/https://www.nad.ps/en/media-room/media-briefs/israel%E2%80%99s-aggression-gaza-strip-5-%E2%80%93-7-august-2022-5-6-hours>.

<sup>152</sup>Khoudary, "She Was Preparing for Pre-School."

<sup>153</sup>B'Tselem, "Palestinians Killed by Israeli Forces - Gaza Strip."

<sup>154</sup>Emanuel Fabian, "Operation Breaking Dawn Was a Tactical Success, but Won't Be Last Round of Fighting," Times of Israel, August 8, 2022, <https://web.archive.org/web/20240809163707/https://www.timesofisrael.com/operation-breaking-dawn-was-a-tactical-success-but-wont-be-last-round-of-fighting/>.

<sup>155</sup>"Updated: Israeli Soldiers Kill Ten Palestinians, Injure 36, in Gaza," IMEMC News, August 5, 2022, <https://web.archive.org/web/20220805230142/https://imemc.org/article/israeli-soldiers-kill-ten-palestinian-in-gaza/>.

<sup>156</sup>"The Occupation Forces Launch a Series of Attacks on the Gaza Strip, Killing 10 Citizens, Including a Girl and a Woman, and Expecting 55 Wounded," Al-Mizan Center for Human Rights, May 8, 2022, <https://web.archive.org/web/20220805194044/http://www.mezan.org/post/33337/>.

<sup>157</sup>"Israeli Warplanes Destroy Palestine Tower in Gaza," Palestine News and Info Agency, August 7, 2023, <https://web.archive.org/web/20240526095033/https://english.wafa.ps/Pages/Details/137983>.

<sup>158</sup>"Updated: Israeli Soldiers Kill Ten Palestinians, Injure 36, in Gaza," IMEMC News.

in Northern Gaza and the official target of the attack.<sup>159</sup> <sup>160</sup> <sup>161</sup> The bombing also killed Salama Muharab Abdallah Abed (38 years old), also a member of the military wing of Palestinian Islamic Jihad, injured 26 more people, 10 of them under the age of 18<sup>162</sup> and damaged many surrounding buildings, stores, and commercial facilities.<sup>163</sup> The Israeli army claims this specific airstrike was part of a larger attack from the Air Force against 10 Palestinian Islamic Jihad members who were allegedly en route to launch a military attack on the Gaza border.<sup>164</sup> A news segment broadcast on Israel's Channel 11 shows Lt. Col. Avishai, an Israeli Air Force F-35 pilot of the Golden Eagle Squadron stationed at Nevatim Air Base explaining his participation in the operation during which the Palestine Tower was hit:

“The squadron commander contacted us, we understood exactly what was needed from us and started working. At 4:15 p.m. we were already in the heart of the action.”<sup>165</sup>



Figure 4: Image captured from a recording of a Channel 11 news report showing a pilot of the Golden Squadron at the Nevatim Air Base standing in front of an F-35 fighter jet

The translation of Figure 4 reads:

<sup>159</sup>Ibid.

<sup>160</sup>Emanuel Fabian, “IDF Releases Footage of Airstrike That Killed PIJ Commander Tayseer Jabari,” Times of Israel, August 5, 2022, [https://web.archive.org/web/20221105083713/https://www.timesofisrael.com/liveblog\\_entry/idf-releases-footage-of-airstrike-that-killed-pij-commander-tayseer-jabari/](https://web.archive.org/web/20221105083713/https://www.timesofisrael.com/liveblog_entry/idf-releases-footage-of-airstrike-that-killed-pij-commander-tayseer-jabari/).

<sup>161</sup>Al-Mizan Center for Human Rights, “The Occupation Forces Launch a Series of Attacks on the Gaza Strip”

<sup>162</sup>“Palestinians Killed by Israeli Forces - Gaza Strip,” B’Tselem.

<sup>163</sup>“Updated: Israeli Soldiers Kill Ten Palestinians, Injure 36, in Gaza,” IMEMC News.

<sup>164</sup>Emanuel Fabian, “IDF Releases Footage of Airstrike That Killed PIJ Commander Tayseer Jabari.”

<sup>165</sup>Kan News, “From Friday’s Shabbat preparations to the attack that began the operation - F-35 pilots speak,” video, 3:50, Youtube, August 18, 2022, <https://drive.proton.me/urls/8X88C5K9MR#1CrAVoF6nZwN>

“At 16:15 we were already in the heart of the action. The Stealth Documentation | The pilots who bombed at dawn - and the Chief of Staff for an attack in a third country | Evening News”

The operation lasted 170 seconds in total<sup>166</sup> and was the first in a 66-hour “pre-emptive” military offensive against alleged Palestinian Islamic Jihad targets in Gaza.<sup>167</sup>

A total of 147 airstrikes were carried out by Israeli forces between August 5, and August 7, 2022.<sup>168</sup> <sup>169</sup> These airstrikes killed a total of 47 Palestinians including at least 22 civilians, of whom 17 children and 4 women,<sup>170</sup> partially damaged almost 1800 housing units and severely damaged or destroyed close to 100 units.<sup>171</sup>

#### *C. July 13, 2024 airstrikes against the Al-Mawasi ‘humanitarian zone’*

On July 13, 2024 between 10:00 and 10:30 a.m.<sup>172</sup> <sup>173</sup> [Note: Although Israeli military officials stated the attack took place around 10:30 a.m.,<sup>174</sup> the earliest video report about the attack was shared by the Palestine Red Crescent Society on X/Twitter at 10:17 a.m.<sup>175</sup> A witness testimony by an Al Jazeera journalist places the start of the attack around 10:00 a.m.<sup>176</sup> All reported times were converted to local.], the Israeli army attacked an overcrowded tent camp housing internally displaced Palestinians<sup>177</sup> within a residential compound near

<sup>166</sup>Emanuel Fabian, “Operation Breaking Dawn Was a Tactical Success, but Won’t Be Last Round of Fighting,” Times of Israel, August 8, 2022, <https://web.archive.org/web/20240809163707/https://www.timesofisrael.com/operation-breaking-dawn-was-a-tactical-success-but-wont-be-last-round-of-fighting/>.

<sup>167</sup>“Israel’s Indiscriminate and Disproportionate Attacks on Palestinian Civilians Violates International Humanitarian Law, Indicate War Crimes,” Al-Haq, August 8, 2022, [https://web.archive.org/web/20240518011412/https://www.alhaq.org/advocacy/20394.html#\\_ftn1](https://web.archive.org/web/20240518011412/https://www.alhaq.org/advocacy/20394.html#_ftn1).

<sup>168</sup>“Ceasefire between Israel, Palestinian Militants ‘Fragile’, Middle East Coordinator Tells Security Council, Urging All Parties to Uphold Truce, Safeguard Past Gains | UN Press,” United Nations, August 8, 2022, <https://web.archive.org/web/20240727164746/https://press.un.org/en/2022/sc14994.doc.htm>.

<sup>169</sup>“Israel, West Bank, and Gaza,” United States Department of State, 2022, <https://web.archive.org/web/20231201031426/https://www.state.gov/reports/country-reports-on-terrorism-2022/israel-west-bank-and-gaza/>.

<sup>170</sup>“Protection of Civilians Report | 2-15 August 2022,” United Nations Office for the Coordination of Humanitarian Affairs - occupied Palestinian territory, August 19, 2022, <https://web.archive.org/web/20241101134853/https://www.ochaopt.org/poc/2-15-august-2022>.

<sup>171</sup>“Gaza August 2022 Escalation,” Shelter Cluster Palestine, August 9, 2022, [https://web.archive.org/web/20240201205626/https://sheltercluster.s3.eu-central-1.amazonaws.com/public/docs/Escalation\\_on\\_Gaza%20August%202022\\_1.pdf?VersionId=qPDJ4En.YAUezHbGYNIVxpA3HIE2XSY2](https://web.archive.org/web/20240201205626/https://sheltercluster.s3.eu-central-1.amazonaws.com/public/docs/Escalation_on_Gaza%20August%202022_1.pdf?VersionId=qPDJ4En.YAUezHbGYNIVxpA3HIE2XSY2).

<sup>172</sup>Maram Humaid, “‘My Brothers, My Brothers’: Survivors Recall Chaos after Al-Mawasi Attacks,” Al Jazeera, July 16, 2024, <https://web.archive.org/web/20241121190443/https://www.aljazeera.com/features/2024/7/16/my-brothers-my-brothers-survivors-recall-chaos-after-al-mawasi-attacks>.

<sup>173</sup>Dov Lieber, Lara Seligman, and Fatima AbdulKarim, “To Target a Top Militant, Israel Rained down Eight Tons of Bombs,” The Wall Street Journal, July 16, 2024, <https://web.archive.org/web/20240716145657/https://www.wsj.com/world/middle-east/to-target-a-top-militant-israel-rained-down-eight-tons-of-bombs-d04ae17b>.

<sup>174</sup>Ibid.

<sup>175</sup>PRCS (@PalestineRCS), “The PRCS’s ambulance crews dealt with 102 injuries and 23 martyrs following the Israeli occupation’s targeting of internally displaced tents in the (Al-Nus) area in Muwasi Khan Yunis. Seventy of the injuries and 21 martyrs were transferred to the PRCS’s Al-Quds Field Hospital, and 22 injuries were transferred to #AlAmalHospital. #Gaza,” video, 1:27, X, July 13, 2024, <https://archive.ph/kyzyy>.

<sup>176</sup>Humaid, “‘My Brothers, My Brothers’: Survivors Recall Chaos after Al-Mawasi Attacks.”

<sup>177</sup>PRCS (@PalestineRCS), “The PRCS’s ambulance crews dealt with 102 injuries and 23 martyrs”

the Al-Nus junction<sup>178</sup> in the designated “humanitarian zone” of Al-Mawasi in Khan Younis, southern Gaza Strip.<sup>179</sup> The operation consisted of a series of at least 3<sup>180 181</sup> and up to 10 airstrikes in multiple stages<sup>182</sup> dropped from a squadron of at least 5 Israeli warplanes<sup>183</sup> followed by coordinated attacks by sniper drones.<sup>184</sup> The compound contained a villa surrounded by an olive grove with low buildings, sheds and tarps<sup>185 186</sup> where a tent camp, water source, market and soup kitchen had been set up to serve civilians internally displaced to the Al-Mawasi ‘humanitarian zone’<sup>187</sup> and was owned by family members of Hamas commander Rafaa’ Salameh according to senior Israeli officials.<sup>188</sup>

The first series of airstrikes completely destroyed the central villa and a water distillation unit located within the compound<sup>189 190</sup>, destroyed tents where civilians were sheltering,<sup>191</sup>

<sup>178</sup>“ISPT130724e – July 13, 2024,” Airwars, accessed November 30, 2024, <https://web.archive.org/web/20241004162440/https://airwars.org/civilian-casualties/ispt130724e-july-13-2024/>.

<sup>179</sup>Mersiha Gadzo, “Israel’s War on Gaza Updates: Israeli Strikes on Al-Mawasi Kill at Least 90,” Al Jazeera, July 13, 2024, <https://web.archive.org/web/20241203100409/https://www.aljazeera.com/news/livelog/2024/7/13/israel-war-on-gaza-live-dozens-of-bodies-recovered-after-massacre>.

<sup>180</sup>Humaid, “‘My Brothers, My Brothers!’: Survivors Recall Chaos after Al-Mawasi Attacks.”

<sup>181</sup>Avichay Adraee (@AvichayAdraee), “After making an intelligence check: The IDF and the General Security Service eliminated the so-called, Muhammad al-Dhaif, commander of the Hamas terrorist wing,” X, August 1, 2024, 8:27 a.m., <https://archive.ph/ldI96>.

<sup>182</sup>Gadzo, “Israel’s War on Gaza Updates: Israeli Strikes on Al-Mawasi Kill at Least 90.”

<sup>183</sup>Lucy Clarke-Billings, “IDF Says Senior Hamas Commander Rafa Salama Killed in Israeli Air Strike,” BBC, July 14, 2024, <https://web.archive.org/web/20241202135717/https://www.bbc.com/news/articles/cyx50e65wk6o>.

<sup>184</sup>Gadzo, “Israel’s War on Gaza Updates: Israeli Strikes on Al-Mawasi Kill at Least 90.”

<sup>185</sup>Israel Defense Forces (@IDF), “In a joint IDF and ISA activity based on precise intelligence, the IDF’s Southern Command and the IAF carried out a strike in an area where two senior Hamas terrorists and additional terrorists hid among civilians,” X, July 13, 2024, 7:53 a.m., <https://archive.ph/Lm2Me>.

<sup>186</sup>Emanuel Fabian, “IDF Waited Weeks to Strike Salameh’s Compound in Hope Deif Would Visit — Report,” Times of Israel, July 15, 2024, <https://web.archive.org/web/20240829121637/https://www.timeofsrael.com/idf-waited-weeks-to-strike-salamehs-compound-in-hope-deif-would-visit-report/>.

<sup>187</sup>Dov Lieber, Lara Seligman, and Fatima AbdulKarim, “To Target a Top Militant, Israel Rained down Eight Tons of Bombs,” The Wall Street Journal, July 16, 2024, <https://web.archive.org/web/20240716145657/https://www.wsj.com/world/middle-east/to-target-a-top-militant-israel-rained-down-eight-tons-of-bombs-d04ae17b>.

<sup>188</sup>Fabian, “IDF Waited Weeks to Strike Salameh’s Compound”

<sup>189</sup>Riley Mellen, “Israel Struck Twice in Its Attack on Al-Mawasi, Videos and Photos Show,” The New York Times, July 14, 2024, <https://web.archive.org/web/20241123105522/https://www.nytimes.com/2024/07/14/world/middleeast/israel-mawasi-strike-vehicles.html>.

<sup>190</sup>“At Least 90 Killed in Israeli Attack on Al-Mawasi ‘Safe Zone’ in South Gaza,” Al Jazeera, July 13, 2024, <https://web.archive.org/web/20241203015451/https://www.aljazeera.com/news/2024/7/13/at-least-50-killed-in-israeli-strike-on-al-mawasi-safe-zone-in-south-gaza>.

<sup>191</sup>Maram Humaid, “‘My Brothers, My Brothers!’: Survivors Recall Chaos after Al-Mawasi Attacks,” Al Jazeera, July 16, 2024, <https://web.archive.org/web/20241121190443/https://www.aljazeera.com/features/2024/7/16/my-brothers-my-brothers-survivors-recall-chaos-after-al-mawasi-attacks>.

left behind a massive crater<sup>192</sup> and caused clouds of dust large enough to cover the entire area.<sup>193</sup> <sup>194</sup>

Emergency response trucks arriving at the site of the initial strikes were targeted on a street outside the residential compound in another airstrike with a smaller missile, damaging at least one vehicle with shrapnel and killing three Palestinian Civil Defense workers: Muhammad Musa Hamad, Ahmed Hamouda and Bilal Ramadan Farhan.<sup>195</sup> <sup>196</sup> <sup>197</sup> <sup>198</sup> At least six Civil Defense workers were injured in this specific strike, three of them critically.<sup>199</sup>

By the evening of July 13, 2024, the Gaza Health Ministry reported at least 90 deaths from Israeli airstrikes on the residential compound—half of them women and children—and at least 289 people injured, dozens of them women and children.<sup>200</sup> The official count of casualties rose to 141 killed and 400 injured the next day.<sup>201</sup> An assessment by Airwars<sup>202</sup> identified 57 civilians killed in the attack, including one journalist, eleven women and four children from obituaries posted on social media, and estimated the total death toll to be as high as 150. Seven additional victims were confirmed to have been killed in images reviewed by Airwars but suffered injuries so severe their remains were unidentifiable.<sup>203</sup> Many of the victims—including children—were torn into pieces or had lost at least one limb immediately after the first wave of explosions.<sup>204</sup> <sup>205</sup> <sup>206</sup> The nearby Nasser Medical Complex which was already severely understaffed and lacked critical equipment due to the extended war and

<sup>192</sup>“‘No Safe Place’: Gazans Race to Collect Wounded after Israeli Strike,” France 24, July 13, 2024, <https://web.archive.org/web/20240718044104/https://www.france24.com/en/live-news/20240713-no-safe-place-gazans-race-to-collect-wounded-after-israeli-strike>.

<sup>193</sup>Avichay Adraee (@AvichayAdraee), “After making an intelligence check: The IDF and the General Security Service eliminated the so-called, Muhammad al-Dhaif, commander of the Hamas terrorist wing,” X, August 1, 2024, 8:27 a.m., <https://archive.ph/lDl96>.

<sup>194</sup>Humaid, “‘My Brothers, My Brothers!’: Survivors Recall Chaos after Al-Mawasi Attacks.”

<sup>195</sup>Mellen, “Israel Struck Twice in Its Attack on Al-Mawasi, Videos and Photos Show.”

<sup>196</sup>“Israeli Forces ‘Directly Targeted’ Civil Defence Teams in Mawasi: Journalist,” Middle East Eye, July 13, 2024, <https://web.archive.org/web/20241126215734/https://www.middleeasteye.net/live-blog/live-blog-update/israeli-forces-directly-targeted-civil-defence-teams-al-mawasi>.

<sup>197</sup>Gadzo, “Israel’s War on Gaza Updates: Israeli Strikes on Al-Mawasi Kill at Least 90.”

<sup>198</sup>“ISPT130724e – July 13, 2024,” Airwars, accessed November 30, 2024, <https://web.archive.org/web/20241004162440/https://airwars.org/civilian-casualties/ispt130724e-july-13-2024/>.

<sup>199</sup>Gadzo, “Israel’s War on Gaza Updates: Israeli Strikes on Al-Mawasi Kill at Least 90.”

<sup>200</sup>Lucy Clarke-Billings, “IDF Says Senior Hamas Commander Rafa Salama Killed in Israeli Air Strike,” BBC, July 14, 2024, <https://web.archive.org/web/20241202135717/https://www.bbc.com/news/articles/cyx50e65wk6o>.

<sup>201</sup>Ibid.

<sup>202</sup>“ISPT130724e – July 13, 2024,” Airwars, accessed November 30, 2024, <https://web.archive.org/web/20241004162440/https://airwars.org/civilian-casualties/ispt130724e-july-13-2024/>.

<sup>203</sup>Ibid.

<sup>204</sup>Nidal Al-Mughrabi, Hatem Khaled, and Maayan Lubell, “Gaza Officials Say 90 Palestinians Killed as Israel Targets Hamas Military Chief,” Reuters, July 14, 2024, <https://web.archive.org/web/20241114185653/https://www.reuters.com/world/middle-east/dozens-palestinians-killed-or-wounded-israeli-attack-khan-younis-hamas-says-2024-07-13/>.

<sup>205</sup>Ahmed Aziz, “Al-Mawasi Attack: ‘People Were Torn into Pieces, Most of Them Women and Children,’” Middle East Eye, September 10, 2024, <https://web.archive.org/web/20241127032315/https://www.middleeasteye.net/news/al-mawasi-attack-people-were-torn-pieces-most-them-women-and-children>.

<sup>206</sup>Maram Humaid, “‘My Brothers, My Brothers!’: Survivors Recall Chaos after Al-Mawasi Attacks,” Al Jazeera, July 16, 2024, <https://web.archive.org/web/20241121190443/https://www.aljazeera.com/features/2024/7/16/my-brothers-my-brothers-survivors-recall-chaos-after-al-mawasi-attacks>.

siege on Gaza<sup>207</sup> received most of the injured from this attack and was quickly overwhelmed by the massive number of casualties to the point of no longer being able to function.<sup>208 209</sup>

A survivor of these airstrikes called Sheikh Youssef who was sheltering in the Al-Mawasi ‘humanitarian zone’ after being displaced from Gaza City testified to Reuters:

“I left the tent and looked around, all the tents were knocked down, body parts, bodies everywhere, elderly women thrown on the floor, young children in pieces.”<sup>210</sup>

Another survivor called Umm Mahmoud who had been sheltering in Al-Mawasi for nine months told Middle East Eye:

“We heard about five explosions that felt like an earthquake in the area. It was dark, we were all sleeping, and the children came out crying. The people were torn into pieces, most of them women and children.”<sup>211</sup>

Another survivor of the attack, 36 year-old Badee’ Daa’our, who was sheltering in the tent camp with his wife and four children described the attack to Al Jazeera:

“The plumes of fire were only 50 metres away ... My tent was destroyed, and several nearby tents were set on fire ... I saw people who were buried alive under the sand due to the intensity of the bombing. People gathered to pull them out. Some were alive, some were killed or injured ... Blood was everywhere, shreds of dead bodies were on the ground, kids covered in blood ... I saw many mothers and fathers running and screaming desperately for their lost children. Many of them found their kids shattered into pieces in the attack.”<sup>212</sup>

Waad Abu Zaher, a 30 year-old reporter for Al Jazeera who was walking on a busy street in Al-Mawasi when the camp was attacked on July 13, 2024 witnessed multiple cases of victims whose bodies were torn to pieces, including children. She told Al Jazeera:

“Israel not only forced us to live in tents unsuitable for human life, but also pursued us here with bombs and missiles ... I was running around, surrounded by corpses, blood, [scattered] pots of [the] children who had lined up at the food kitchen, and gallons of water ... I saw people carrying a young man with a

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<sup>207</sup>“Supply Shortages and Patient Influxes Push Nasser Hospital to Breaking Point,” Doctors Without Borders - U.S.A, July 5, 2024, <https://web.archive.org/web/20241120120410/https://www.doctorswithoutborders.org/latest/supply-shortages-and-patient-influxes-push-nasser-hospital-breaking-point>.

<sup>208</sup>Clarke-Billings, “IDF Says Senior Hamas Commander Rafa Salama Killed”

<sup>209</sup>“Health Officials at Nasser Medical Complex in Khan Younis Say Hospital No Longer Functioning,” Times of Israel, July 13, 2024, [https://web.archive.org/web/20240726162346/https://www.timesofisrael.com/liveblog\\_entry/health-officials-at-nasser-medical-complex-in-khan-younis-say-hospital-no-longer-functioning/](https://web.archive.org/web/20240726162346/https://www.timesofisrael.com/liveblog_entry/health-officials-at-nasser-medical-complex-in-khan-younis-say-hospital-no-longer-functioning/).

<sup>210</sup>Al-Mughrabi, Khaled, and Lubell, “Gaza Officials Say 90 Palestinians Killed as Israel Targets Hamas Military Chief.”

<sup>211</sup>Aziz, “Al-Mawasi Attack: ‘People Were Torn into Pieces, Most of Them Women and Children.’”

<sup>212</sup>Maram Humaid, “‘My Brothers, My Brothers!’: Survivors Recall Chaos after Al-Mawasi Attacks,” Al Jazeera, July 16, 2024, <https://web.archive.org/web/20241121190443/https://www.aljazeera.com/features/2024/7/16/my-brothers-my-brothers-survivors-recall-chaos-after-al-mawasi-attacks>.

shattered leg, and another young man running behind them with an amputated leg, screaming, 'I found his leg,' ... I saw a pregnant woman lying on the ground, bleeding from between her legs, next to an injured child whose arm was gone."<sup>213</sup>

The Israeli army announced immediately following the airstrikes that it had been targeting "two senior Hamas terrorists [...] [hiding] among civilians";<sup>214</sup> the identity of the targets was made public in an Israeli Army Radio broadcast later that day as Mohammed Deif, commander of the military wing of Hamas and Rafaa' Salameh, commander of the Khan Younis brigade of the armed group.<sup>215</sup>

Hamas stated regarding Israel's announcement that they targeted of Deif and Salameh: "these false claims are merely a cover-up for the scale of the horrific massacre."<sup>216</sup> Israel's PM Benjamin Netanyahu stated in a press conference that evening that Salameh and Deif's deaths remained unconfirmed at the time and stated:

"At midnight last night, when the [Israeli Security Agency] Director presented me with the details of the operation, I wanted to know three things: First of all, I wanted to know that, according to the intelligence, there were no hostages around them. Second, I wanted to know the scope of the collateral damage. Third, I asked about the type of munitions. When I received satisfactory answers, I approved the action"<sup>217</sup>

On July 14th 2024, the Israeli army, Israeli Security Agency and Hamas officials confirmed the death of Rafaa' Salameh.<sup>218</sup> On August 1st 2024, the Israeli army stated that it had confirmation Deif was killed in the July 13, 2024 aerial attack on Al-Mawasi.<sup>219</sup> On August 15, 2024 Hamas leader Osama Hamdan stated that Deif was still alive after the attack.<sup>220</sup> No evidence of Mohammed Deif being dead or alive was provided by Hamas or by the Israeli

<sup>213</sup>Ibid.

<sup>214</sup>Israel Defense Forces (@IDF), "In a joint IDF and ISA activity based on precise intelligence, the IDF's Southern Command and the IAF carried out a strike in an area where two senior Hamas terrorists and additional terrorists hid among civilians," X, July 13, 2024, 7:53 a.m., <https://archive.ph/Lm2Me>.

<sup>215</sup>"Hamas: The Occupation's Allegations of Targeting the Leaders of Khan Yunis Are False to Cover up the Massacre," Al Jazeera ([aljazeera.net](http://aljazeera.net)), July 13, 2024, <https://web.archive.org/web/20240727023810/https://www.aljazeera.net/news/2024/7/13/> - - - - .

<sup>216</sup>Mohamed Jahjouh, "90 Killed in Gaza in Israeli Attack Targeting Hamas Commander," AP News, July 13, 2024, <https://web.archive.org/web/20241126015540/https://apnews.com/article/israel-palestinians-hamas-war-news-07-13-2024-83bc4de7ed25b317c7871fd5c0999ad1>.

<sup>217</sup>Prime Minister's Office, "Statement by PM Netanyahu," press conference, July 13, 2024, <https://web.archive.org/web/20240716152148/https://www.gov.il/en/pages/event-press130724>.

<sup>218</sup>Yonah Jeremy Bob, "Rafa'a Salameh, Hamas Khan Yunis Chief, Was Eliminated by IDF," The Jerusalem Post, July 14, 2024, <https://web.archive.org/web/20241006084504/https://www.jpost.com/israel-hamas-war/article-810203>.

<sup>219</sup>Israel Arabic (@IsraelArabic), "Urgent – The IDF officially declares that it has liquidated the so-called Mohammed Deif," X, August 1, 2024, 8:45 a.m., <https://archive.ph/uatom>.

<sup>220</sup>Qamar Gaza (@sameh2655014316), "Hamas leader Osama Hamdan denies the occupation's allegations of assassinating Mohammed Deif, Chief of Staff of the Qassam Brigades, and confirms that he is fine," X, August 15, 2024, 1:08 p.m., archived August 16, 2024 at <https://archive.is/MYSsM>



Figure 5: Aerial images of the residential compound targeted on July 13, 2024 taken before and after the attack shared by the Israeli army on social media platforms

army at any point since the attack<sup>221</sup> such that an arrest warrant against Deif was issued by the International Criminal Court on November 21st 2024.<sup>222</sup>

The attack on July 13, was carried out with no prior warning to civilians sheltering in the area<sup>223 224</sup> and followed weeks of surveillance by the Israeli Security Agency in hopes Mohammed Deif would visit his associate Rafaa' Salameh in the compound.<sup>225</sup>

Aerial images (shown in Figure 5) showing the residential compound before and after the attack released by the Israeli army<sup>226</sup> were analyzed by The New York Times who concluded based on the 60-ft (18 meter) diameter of the crater resulting from the attack that 2,000 lb bombs were used by the Israeli army.<sup>227</sup> An analysis of the same images by the Australian

<sup>221</sup>"ISPT130724e – July 13, 2024," Airwars, accessed November 30, 2024, <https://web.archive.org/web/20241004162440/https://airwars.org/civilian-casualties/ispt130724e-july-13-2024/>.

<sup>222</sup>International Criminal Court, "Situation in the State of Palestine: ICC Pre-Trial Chamber I issues warrant of arrest for Mohammed Diab Ibrahim Al-Masri (Deif)," press release, November 21, 2024, <https://web.archive.org/web/20241203070934/https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-issues-warrant-arrest-mohammed-diab-ibrahim>.

<sup>223</sup>Ronen Bergman et al., "Israel Targets Architect of Oct. 7 Attacks in Airstrike," The New York Times, July 13, 2024, <https://web.archive.org/web/20241007162322/https://www.nytimes.com/live/2024/07/13/world/israel-gaza-war-hamas>.

<sup>224</sup>Wafaa Shurafa and Melanie Lidman, "Hamas Says Gaza Cease-Fire Talks Haven't Paused and Claims Military Chief Survived Israeli Strike," AP News, July 14, 2024, <https://web.archive.org/web/20241120114800/https://apnews.com/article/israel-palestinians-gaza-war-hamas-07-14-24-news-728bb0842141ba246456422ebf93deb0>.

<sup>225</sup>Isabel Kershner et al., "Israel Says Airstrike Killed Top Hamas Deputy but Shadowy Commander's Fate Unclear," The New York Times, July 14, 2024, <https://archive.ph/vf9gK>.

<sup>226</sup>Israel Defense Forces (@IDF), "In a joint IDF and ISA activity based on precise intelligence, the IDF's Southern Command and the IAF carried out a strike in an area where two senior Hamas terrorists and additional terrorists hid among civilians," X, July 13, 2024, 7:53 a.m., <https://archive.ph/Lm2Me>.

<sup>227</sup>Riley Mellen, "Israel Struck Twice in Its Attack on Al-Mawasi, Videos and Photos Show," The New York Times, July 14, 2024, <https://web.archive.org/web/20241121190443/https://www.nytimes.com/2024/07/14/world/middleeast/israel-mawasi-strike-vehicles.htmls>.

company Ammunition Research Services reached the same conclusion, estimating that at least 3 such bombs were dropped on the compound.<sup>228</sup>

A different set of satellite images of the compound was examined by a retired senior targeting professional in the U.S. Air Force who also concluded that multiple 2,000 lb bombs were used in the attack.<sup>229</sup> Israeli security sources told the Wall Street Journal the compound was hit with 8 separate 2,000 lb bombs.<sup>230</sup>

Images of a bomb fragment retrieved at the site of the attack were identified as part of a precision-guided system (“JDAM”)<sup>231</sup> designed to fit over 500-lb and 2,000 lb air-delivered bombs.<sup>232</sup> 2,000 lb bombs have a lethal fragmentation radius of 400 yards (366 meters)<sup>233</sup> The 2,000 lb bombs in Israel’s military arsenal are marketed as “M-84” and when fitted with a JDAM kit, are known as “GBU-31” bombs<sup>234</sup> and when used with a precision-guided system as in this attack, “can rupture lungs, burst sinus cavities and tear off limbs hundreds of feet from the blast site, according to trauma physicians” and “generates an 8,500-degree fireball, gouges a 20-foot crater as it displaces 10,000 pounds of dirt and rock and generates enough wind to knock down walls blocks away and hurl metal fragments a mile or more.”<sup>235</sup>

Israel’s Minister of Defense Yoav Gallant shared a photo taken during a visit to the Nevatim Air Base on July 14, 2024 of himself giving a speech in front of an F-35 fighter jet and framed by two Israeli Air Force Pilots in a tweet highlighting the pilots’ participation “in the attack on the senior officials in the Khan Younis area.”<sup>236</sup>

The translation of Figure 6 states:

“This morning at the air force base in Nevatim together with the fighter pilots and the technical teams that participated in the attack on the senior officials in the Khan Younis area. We continue to erode Hamas and dismantle its capabilities.

<sup>228</sup>Emilie Ekeberg, “Major Civilian Casualties: Danish-Equipped Fighter Jets behind Bloody Attack in Gaza,” Danwatch, September 1, 2024, <https://web.archive.org/web/20241122195108/https://danwatch.dk/en/major-civilian-casualties-danish-equipped-fighter-jets-behind-bloody-attack-in-gaza/>.

<sup>229</sup>Dov Lieber, Lara Seligman, and Fatima AbdulKarim, “To Target a Top Militant, Israel Rained down Eight Tons of Bombs,” The Wall Street Journal, July 16, 2024, <https://web.archive.org/web/20240816172703/https://www.wsj.com/world/middle-east/to-target-a-top-militant-israel-rained-down-eight-tons-of-bombs-d04ae17b>.

<sup>230</sup>Ibid.

<sup>231</sup>“OSMP620,” Open Source Munitions Project, July 13, 2024, <https://web.archive.org/web/20241127051239/https://osmp.ngo/osmp620/>.

<sup>232</sup>Ryan Hansen, “JDAM Continues to Be Warfighter’s Weapon of Choice,” United States Air Force, March 17, 2006, <https://web.archive.org/web/20240110220639/https://www.af.mil/News/Article-Display/Article/131623/jdam-continues-to-be-warfighters-weapon-of-choice/>.

<sup>233</sup>“The Israeli Arsenal Deployed against Gaza during Operation Cast Lead,” Journal of Palestine Studies 38, no. 3 (2009): 175–91, <https://web.archive.org/web/20240515012024/https://www.tandfonline.com/doi/abs/10.1525/jps.2009.XXXVIII.3.175>.

<sup>234</sup>“Yemen: U.S. Bombs Used in Deadliest Market Strike,” Human Rights Watch, April 7, 2016, <https://web.archive.org/web/20241203023713/https://www.hrw.org/news/2016/04/08/yemen-us-bombs-used-deadliest-market-strike>.

<sup>235</sup>U.N. Human Rights Council, “Report of the Detailed Findings of the Independent Commission of Inquiry Established pursuant to Human Rights Council Resolution S-21/1,” UN Human Rights Office, June 23, 2015, [https://web.archive.org/web/20241009042348/https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoIGaza/A\\_HRC\\_CRP\\_4.doc](https://web.archive.org/web/20241009042348/https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoIGaza/A_HRC_CRP_4.doc).

<sup>236</sup>Yoav Gallant (@yoavgallant), “This morning at the Air Force base in Nevatim, together with the fighter pilots and technical teams who participated in the attack on the senior officials in the Khan Yunis area,” X, July 14, 2024, 11:13 a.m., <https://archive.ph/hWCJi>.



Figure 6: Fig. G. Tweet shared by Yoav Gallant showing his visit to F-35 pilots at the Nevatim air base

In all places and at all ranks - from the most senior terrorist to the junior, we will continue to eliminate all those who rose up to kill us on 7.10.”

The Israeli Army further confirmed that F-35 jet fighters took part in airstrikes on Khan Younis on July 13, 2024 in a written response to Danwatch.<sup>237</sup>

A similar attack was repeated against the Al-Mawasi ‘humanitarian zone’ on 10 September 2024 where “people were torn to pieces, most of them women and children” in at least five airstrikes that caused massive craters.<sup>238</sup> These attacks occurred as part of the 2023-2024 war on Gaza following the October 7, 2023 attack against Israel during which nearly 20,000 Palestinian civilians were killed and more than 11,000 injured by explosive weapons delivered by the Israeli army.<sup>239</sup>

<sup>237</sup>Emilie Ekeberg, “Major Civilian Casualties: Danish-Equipped Fighter Jets behind Bloody Attack in Gaza,” Danwatch, September 1, 2024, <https://web.archive.org/web/20241122195108/https://danwatch.dk/en/major-civilian-casualties-danish-equipped-fighter-jets-behind-bloody-attack-in-gaza/>.

<sup>238</sup>Ruwaida Kamal Amer and Mahmoud Mushtata, “‘People Torn to Pieces’ in Israeli Airstrike on Gaza Tent Camp,” +972 Magazine, September 12, 2024, <https://web.archive.org/web/20241008053235/https://www.972mag.com/al-mawasi-safe-zone-airstrike-gaza/>.

<sup>239</sup>“Occupied Palestinian Territories: AOAV Explosive Violence Data on Harm to Civilians,” Action on Armed Violence, September 23, 2024, <https://web.archive.org/web/20241204151454/https://aoav.org.uk/2024/oPt-casualty-monitor/>.

#### D. APPENDIX: LEGAL ANALYSIS

A legal analysis based on the facts established in Appendix C regarding each of the confirmed and likely F-35 airstrikes in Gaza is provided in Tables 2, 3, 4, 5, and 6.

*A. Table 2: May 11, 2021 airstrikes against Hanadi office tower*

Analysis of the facts	Identified violation of the law	Type of violation	Source of law
The airstrikes targeted the foundations of the 13-story Hanadi office tower <sup>240</sup> due to the alleged use of offices in the tower by Hamas for military research and development and intelligence, <sup>241</sup> intentionally destroying the entire tower and all its contents and causing severe foreseeable damage to nearby commercial and residential buildings, including a 25-unit apartment building that was made entirely uninhabitable by the collapse of the targeted tower. <sup>242</sup>	Breach of the principle of proportionality	Violation of IHL War crime	Additional Protocol I, 1977, Art. 51(5)(b) Rome Statute, 1998, Art. 8(2)(b)(iv)
See above	Indiscriminate attack	Violation of IHL	Additional Protocol I, 1977, Art. 51(4)(b) and Art. 51(4)(c)

<sup>240</sup>“Gaza: Israel’s May Airstrikes on High-Rises,” Human Rights Watch, August 23, 2021, <https://web.archive.org/web/20241126192248/https://www.hrw.org/news/2021/08/23/gaza-israels-may-airstrikes-high-rises>.

<sup>241</sup>“A Multi-Story Building Used by the Hamas Terror Organization,” Israeli Defense Forces, May 11, 2021, <https://web.archive.org/web/20240608230005/https://idfanc.activetrail.biz/ANC1105202103>.

<sup>242</sup>“Gaza: Israel’s May Airstrikes on High-Rises,” Human Rights Watch.

Analysis of the facts	Identified violation of the law	Type of violation	Source of law
The destroyed tower was worth millions of dollars and housed businesses that lost tens of thousands of dollars worth of property <sup>243</sup>	Arbitrary destruction of property	Human rights violation	Universal Declaration of Human Rights, 1948, Art. 17.2

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<sup>243</sup>Ibid.

*B. Table 3: May 11, 2021 airstrikes against Taiba building*

Analysis of the facts	Identified violation of the law	Type of violation	Source of law
The airstrikes targeted and completely destroyed an apartment <sup>244</sup> where a Hamas battalion commander allegedly resided <sup>245</sup> but was absent from at the time of the attack. <sup>246</sup> <sup>247</sup> The apartment in itself held no apparent military value.	Intentional attack against a civilian object	War crime	Rome Statute, 1998, Art. 8(2)(b)(ii)
See above	Destruction of the enemy's property	War crime	Rome Statute, 1998, Art. 8(2)(b)(xiii)

<sup>244</sup>“Weekly Report on Israeli Human Rights Violations in the Occupied Palestinian Territory (11 – 19 May 2021),” Palestinian Centre for Human Rights, May 20, 2021, <https://web.archive.org/web/20240916123729/https://pchrgaza.org/weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-11-19-may-2021/>.

<sup>245</sup>Israeli Air Force (@IAFsite), “The home of a battalion commander in the Hamas terrorist organization, weapons production sites, and military compounds: The Air Force attacked over 130 terrorist targets and reinforcements of the Hamas and GAPF terrorist organizations in the Gaza Strip overnight,” X, May 11, 2021, 12:37 a.m., <https://archive.ph/ZhTVN>.

<sup>246</sup>“Israel Collectively Punishes the Population in Gaza by Targeting Homes and Civilians,” Euro-Med Human Rights Monitor, May 11, 2021, <https://web.archive.org/web/20231204003703/https://euromedmonitor.org/en/article/4366/Israel-collectively-punishes-the-population-in-Gaza-by-targeting-homes-and-civilians>.

<sup>247</sup>“Military Fires Missile at Building, Killing Two Sixth-Floor Occupants,” B’Tselem, May 11, 2021, <https://web.archive.org/web/20220525153248/https://wordsfailus.btselem.org/military-fires-missile-at-building-killing-two-sixth-floor-occupants/>.

Analysis of the facts	Identified violation of the law	Type of violation	Source of law
<p>The airstrikes used an explosive force sufficient to completely collapse the targeted apartment,<sup>248</sup> <sup>249</sup> severely damage the unit below and cause lethal harm to residents outside of the targeted apartment. The attack was carried out before dawn and without warning<sup>250</sup> on a densely populated building,<sup>251</sup> causing foreseeable harm to civilian objects and civilians and could not distinguish between the alleged Hamas battalion commander and his residence.<sup>252</sup></p>	<p>Breach of the principle of proportionality</p>	<p>Violation of IHL; War crime</p>	<p>Additional Protocol I, 1977, Art. 51(5)(b); Rome Statute, 1998, Art. 8(2)(b)(iv)</p>
<p>See above</p>	<p>Indiscriminate attack</p>	<p>Violation of IHL</p>	<p>Additional Protocol I, 1977, Art. 51(4)(b) and Art. 51(4)(c)</p>

<sup>248</sup>“Israel Collectively Punishes the Population in Gaza by Targeting Homes and Civilians,” Euro-Med Human Rights Monitor, May 11, 2021, <https://web.archive.org/web/20231204003703/https://euromedmonitor.org/en/article/4366/Israel-collectively-punishes-the-population-in-Gaza-by-targeting-homes-and-civilians>.

<sup>249</sup>“Military Fires Missile at Building, Killing Two Sixth-Floor Occupants,” B’Tselem, May 11, 2021, <https://web.archive.org/web/20220525153248/https://wordsfailus.btselem.org/military-fires-missile-at-building-killing-two-sixth-floor-occupants/>.

<sup>250</sup>Ibid.

<sup>251</sup>“International Community Must Address Root Causes, of Colonialism, Apartheid and de Facto Annexation Leading to Killing of 123 Palestinians and Injury of over 1,500 in an Eid of Israeli Terror,” Al-Haq, May 13, 2021, <https://web.archive.org/web/20240724004641/https://www.alhaq.org/advocacy/18323.htm> l#\_ftn5.

<sup>252</sup>Ibid.

Analysis of the facts	Identified violation of the law	Type of violation	Source of law
The airstrikes completely destroyed an apartment where a Hamas battalion commander allegedly resided but was absent from at the time of targeting. <sup>253</sup> <sup>254</sup> The strikes also destroyed the ceiling, walls and furniture of an apartment one floor below where uninvolved civilians resided <sup>255</sup>	Arbitrary destruction of property	Human rights violation	Universal Declaration of Human Rights, 1948, Art. 17.2
The airstrikes caused the collapse of the floor of the targeted apartment on five civilian residents of the apartment below, crushing them underneath debris, killing two and critically injuring two more. <sup>256</sup>	Killing and maiming	Human rights violation	Universal Declaration of Human Rights, 1948, Art. 3

<sup>253</sup>“Israel Collectively Punishes the Population in Gaza by Targeting Homes and Civilians,” Euro-Med Human Rights Monitor, May 11, 2021, <https://web.archive.org/web/20231204003703/https://euromedmonitor.org/en/article/4366/Israel-collectively-punishes-the-population-in-Gaza-by-targeting-homes-and-civilians>.

<sup>254</sup>“Military Fires Missile at Building, Killing Two Sixth-Floor Occupants,” B’Tselem, May 11, 2021, <https://web.archive.org/web/20220525153248/https://wordsfailus.btselem.org/military-fires-missile-at-building-killing-two-sixth-floor-occupants/>.

<sup>255</sup>Ibid.

<sup>256</sup>Ibid.

C. Table 4: August 5, 2022 airstrike in the vicinity of the Abu Samra Mosque

Analysis of the facts	Identified violation of the law	Type of violation	Source of law
<p>The airstrike targeted 2 alleged members of Palestinian Islamic Jihad riding a motorcycle as they passed<sup>257</sup> a crowd of people gathered outside a mosque in Gaza City<sup>258</sup> a few minutes before the afternoon prayer time on a Friday.<sup>259</sup> The Israeli army claimed the targets were on their way to launch an attack on the Gaza border.<sup>260</sup> <sup>261</sup> A missile<sup>262</sup> was fired against the alleged combatants at an arbitrary time and place where the use of explosive weapons would foreseeably cause maximum harm to civilians.</p>	<p>Breach of the principle of proportionality</p>	<p>Violation of IHL War crime</p>	<p>Additional Protocol I, 1977, Art. 51(5)(b)  Rome Statute, 1998, Art. 8(2)(b)(iv)</p>
<p>See above</p>	<p>Indiscriminate attack</p>	<p>Violation of IHL</p>	<p>Additional Protocol I, 1977, Art. 51(4)(b) and Art. 51(4)(c)</p>

<sup>257</sup>“Palestinians Killed by Israeli Forces - Gaza Strip,” B’Tselem, accessed November 29, 2024, <https://statistics.btselem.org/en/all-fatalities/by-date-of-incident/pal-by-israel-sec/gaza-strip?dateSensor=%21659668400000,1659830399000%22&section=overall%5C&tab=overview>.

<sup>258</sup>“The Occupation Forces Launch a Series of Attacks on the Gaza Strip, Killing 10 Citizens, Including a Girl and a Woman, and Expecting 55 Wounded,” Al-Mizan Center for Human Rights, May 8, 2022, <https://web.archive.org/web/20220805194044/http://www.mezan.org/post/33337/>.

<sup>259</sup>Hind Khoudary, “‘She Was Preparing for Pre-School’: Five-Year-Old Palestinian Killed by Israeli Army Mourned in Gaza,” Middle East Eye, August 6, 2022, <https://web.archive.org/web/20241204212019/https://www.middleeasteye.net/news/israel-gaza-five-year-old-palestinian-killed-family-mourn>.

<sup>260</sup>Emanuel Fabian, “IDF Releases Footage of Airstrike That Killed PIJ Commander Tayseer Jabari,” Times of Israel, August 5, 2022, [https://web.archive.org/web/20221105083713/https://www.timesofisrael.com/liveblog\\_entry/idf-releases-footage-of-airstrike-that-killed-pij-commander-tayseer-jabari/](https://web.archive.org/web/20221105083713/https://www.timesofisrael.com/liveblog_entry/idf-releases-footage-of-airstrike-that-killed-pij-commander-tayseer-jabari/).

<sup>261</sup>“Palestinians Killed by Israeli Forces - Gaza Strip,” B’Tselem.

<sup>262</sup>“The Occupation Forces Launch a Series of Attacks on the Gaza Strip” Al-Mizan Center for Human Rights.

<b>Analysis of the facts</b>	<b>Identified violation of the law</b>	<b>Type of violation</b>	<b>Source of law</b>
Shrapnel from the explosion hit a 5 year-old girl in the head, chest and leg, killing her instantly and hit her 6 year-old brother in the head causing critical injuries. The explosion also killed a muezzin sitting at the gate of the mosque. <sup>263</sup>	Killing and maiming	Human rights violation	Universal Declaration of Human Rights, 1948, Art. 3
The explosion killed a 5 year-old girl.	Killing of children	Human rights violation	Convention on the Rights of the Child, 1990, Art. 6

<sup>263</sup>Hind Khoudary, "'She Was Preparing for Pre-School': Five-Year-Old Palestinian Killed by Israeli Army Mourned in Gaza," Middle East Eye, August 6, 2022, <https://web.archive.org/web/20241204212019/https://www.middleeasteye.net/news/israel-gaza-five-year-old-palestinian-killed-family-mourn>.

D. *Table 5: August 5, 2022 airstrikes against the Palestine Tower*

Analysis of the facts	Identified violation of the law	Type of violation	Source of law
<p>The airstrikes targeted an apartment in the Palestine Tower, a high-rise residential and commercial building in central Gaza city where a military commander and another member the armed wing of Palestinian Islamic Jihad were located.<sup>264</sup> <sup>265</sup> The attack caused foreseeable damage to surrounding commercial units<sup>266</sup> and buildings and injured 10 children<sup>267</sup></p>	<p>Indiscriminate attack</p>	<p>Violation of IHL</p>	<p>Additional Protocol I, 1977, Art. 51(4)(b) and Art. 51(4)(c)</p>

<sup>264</sup>“Updated: Israeli Soldiers Kill Ten Palestinians, Injure 36, in Gaza,” IMEMC News, August 5, 2022, <https://web.archive.org/web/20220805230142/https://imemc.org/article/israeli-soldiers-kill-ten-palestinians-in-gaza/>.

<sup>265</sup>Emanuel Fabian, “IDF Releases Footage of Airstrike That Killed PIJ Commander Tayseer Jabari,” Times of Israel, August 5, 2022, [https://web.archive.org/web/20221105083713/https://www.timesofisrael.com/liveblog\\_entry/idf-releases-footage-of-airstrike-that-killed-pij-commander-tayseer-jabari/](https://web.archive.org/web/20221105083713/https://www.timesofisrael.com/liveblog_entry/idf-releases-footage-of-airstrike-that-killed-pij-commander-tayseer-jabari/).

<sup>266</sup>“Updated: Israeli Soldiers Kill Ten Palestinians, Injure 36, in Gaza,” IMEMC News, August 5, 2022, <https://web.archive.org/web/20240418222722/https://imemc.org/article/israeli-soldiers-kill-ten-palestinians-in-gaza/>.

<sup>267</sup>“Palestinians Killed by Israeli Forces - Gaza Strip,” B’Tselem, accessed November 29, 2024, <https://statistics.btselem.org/en/all-fatalities/by-date-of-incident/pal-by-israel-sec/gaza-strip?dateSensor=%21659668400000,1659830399000%22&section=overall%5C&tab=overview>.

E. Table 6: July 13, 2024 airstrikes against the Al-Mawasi 'humanitarian zone'

Analysis of the facts	Identified violation of the law	Type of violation	Source of law
<p>The first series of airstrikes destroyed a water source, a food distribution site, a market and a surrounding tent camp necessary to the survival of hundreds of displaced civilians in a 'humanitarian zone' living in already inadequate conditions.<sup>268</sup> Emergency response services arriving at the camp to recover casualties from this first wave of strikes were subsequently precisely targeted in another airstrike,<sup>269</sup> <sup>270</sup> that killed three emergency response workers and injured at least six others <sup>271</sup> <sup>272</sup></p>	<p>Extermination as part of a widespread and systematic attack against the civilian population</p>	<p>Crime against humanity</p>	<p>Rome Statute, 1998, Art. 7(1)(b)</p>

<sup>268</sup>Dov Lieber, Lara Seligman, and Fatima AbdulKarim, "To Target a Top Militant, Israel Rained down Eight Tons of Bombs," The Wall Street Journal, July 16, 2024, <https://web.archive.org/web/20240919070932/https://www.wsj.com/world/middle-east/to-target-a-top-militant-israel-rained-down-eight-tons-of-bombs-d04ac17b>.

<sup>269</sup>Riley Mellen, "Israel Struck Twice in Its Attack on Al-Mawasi, Videos and Photos Show," The New York Times, July 14, 2024, <https://web.archive.org/web/20241123105522/https://www.nytimes.com/2024/07/14/world/middleeast/israel-mawasi-strike-vehicles.html>.

<sup>270</sup>"Israeli Forces 'Directly Targeted' Civil Defence Teams in Mawasi: Journalist," Middle East Eye, July 13, 2024, <https://web.archive.org/web/20241126215734/https://www.middleeasteye.net/live-blog/live-blog-update/israeli-forces-directly-targeted-civil-defence-teams-al-mawasi>.

<sup>271</sup>Mersiha Gadzo, "Israel's War on Gaza Updates: Israeli Strikes on Al-Mawasi Kill at Least 90," Al Jazeera, July 13, 2024, <https://web.archive.org/web/20241203100409/https://www.aljazeera.com/news/live-blog/2024/7/13/israel-war-on-gaza-live-dozens-of-bodies-recovered-after-massacre>.

<sup>272</sup>"ISPT130724e – July 13, 2024," Airwars, accessed November 30, 2024, <https://web.archive.org/web/20241004162440/https://airwars.org/civilian-casualties/ispt130724e-july-13-2024/>.

Analysis of the facts	Identified violation of the law	Type of violation	Source of law
Emergency response trucks arriving at the camp to recover casualties from the first wave of airstrikes were subsequently precisely targeted in another airstrike <sup>273</sup> and damaged by shrapnel <sup>275</sup> despite not being used for any military purpose.	Intentional attack against a civilian object	War crime	Rome Statute, 1998, Art. 8(2)(b)(ii)
See above	Violence aimed at spreading terror	Violation of IHL	Additional Protocol I, 1977, Art. 51(2)

<sup>273</sup>“Israeli Forces ‘Directly Targeted’ Civil Defence Teams in Mawasi: Journalist,” Middle East Eye, July 13, 2024, <https://web.archive.org/web/20241126215734/https://www.middleeasteye.net/live-blog/live-blog-update/israeli-forces-directly-targeted-civil-defence-teams-al-mawasi>.

<sup>274</sup>Riley Mellen, “Israel Struck Twice in Its Attack on Al-Mawasi, Videos and Photos Show,” The New York Times, July 14, 2024, <https://web.archive.org/web/20241117074831/https://www.nytimes.com/2024/07/14/world/middleeast/israel-mawasi-strike-vehicles.html>.

<sup>275</sup>Ibid.

Analysis of the facts	Identified violation of the law	Type of violation	Source of law
<p>The series of airstrikes targeted two senior commanders of the military wing of Hamas.<sup>276</sup> Israeli forces waited for evidence suggesting that one of the commanders, Mohammed Deif, may be present in the residential compound<sup>277</sup> before authorizing the attack but could not confirm he was indeed killed in the airstrikes after they were carried out.<sup>278</sup> Israeli forces evaluated the expected harm to civilians and civilian objects<sup>279</sup> from the use of at least three 2,000 lb bombs<sup>280</sup> unable to distinguish between combatants and civilians over a lethal effect area spanning hundreds of meters<sup>281 282</sup> over a residential compound housing hundreds of internally displaced people in an overcrowded tent camp<sup>283</sup> as well as infrastructure essential to maintaining their survival<sup>284</sup> and carried out the attack nonetheless. No prior warning was given to civilians.<sup>285 286</sup> The attack foreseeably caused massive numbers of civilian casualties and massive destruction of civilian infrastructure.</p>	<p>Breach of the principle of proportionality</p>	<p>Violation of IHL War crime</p>	<p>Additional Protocol I, 1977, Art. 51(5)(b) Rome Statute, 1998, Art. 8(2)(b)(iv)</p>

<sup>276</sup> Israel Defense Forces (@IDF), “In a joint IDF and ISA activity based on precise intelligence, the IDF’s Southern Command and the IAF carried out a strike in an area where two senior Hamas terrorists and additional terrorists hid among civilians,” X, July 13, 2024, 7:53 a.m., <https://archive.ph/Lm2Me>.

<sup>277</sup> Emanuel Fabian, “IDF Waited Weeks to Strike Salameh’s Compound in Hope Deif Would Visit — Report,” Times of Israel, July 15, 2024, <https://web.archive.org/web/20240829121637/https://www.timesofisrael.com/idf-waited-weeks-to-strike-salamehs-compound-in-hope-deif-would-visit-report/>.

<sup>278</sup> Prime Minister’s Office, “Statement by PM Netanyahu,” July 13, 2024, <https://archive.ph/9sYmI>.

Analysis of the facts	Identified violation of the law	Type of violation	Source of law
See above	Indiscriminate attack	Violation of IHL	Additional Protocol I, 1977, Art. 51(4)(b) and Art. 51(4)(c)

<sup>279</sup>Ibid.

<sup>280</sup>Emilie Ekeberg, Charlotte Aagaard, “Major Civilian Casualties: Danish-Equipped Fighter Jets behind Bloody Attack in Gaza,” Danwatch, September 1, 2024, <https://web.archive.org/web/20241204210808/https://danwatch.dk/en/major-civilian-casualties-danish-equipped-fighter-jets-behind-bloody-attack-in-gaza/>.

<sup>281</sup>U.N. Human Rights Council, “Report of the Detailed Findings of the Independent Commission of Inquiry Established pursuant to Human Rights Council Resolution S-21/1,” UN Human Rights Office, June 23, 2015, [https://web.archive.org/web/20241124072440/https://www.ohchr.org/sites/default/files/Documents/HR\\_Bodies/HRCouncil/CoIGaza/A\\_HRC\\_CRP\\_4.doc](https://web.archive.org/web/20241124072440/https://www.ohchr.org/sites/default/files/Documents/HR_Bodies/HRCouncil/CoIGaza/A_HRC_CRP_4.doc).

<sup>282</sup>“The Israeli Arsenal Deployed against Gaza during Operation Cast Lead,” Journal of Palestine Studies 38, no. 3 (2009): 175–91, <https://web.archive.org/web/20240515012024/https://www.tandfonline.com/doi/abs/10.1525/jps.2009.XXXVIII.3.175>.

<sup>283</sup>PRCS (@PalestineRCS), “The PRCS’s ambulance crews dealt with 102 injuries and 23 martyrs following the Israeli occupation’s targeting of internally displaced tents in the (Al-Nus) area in Muwasi Khan Yunis. Seventy of the injuries and 21 martyrs were transferred to the PRCS’s Al-Quds Field Hospital, and 22 injuries were transferred to #AlAmalHospital. #Gaza,” video, 1:27, X, July 13, 2024, <https://archive.ph/kyzyy>.

<sup>284</sup>Lieber, Seligman, and AbdulKarim, “To Target a Top Militant, Israel Rained down Eight Tons of Bombs.”, <https://web.archive.org/web/20241212231702/https://www.wsj.com/world/middle-east/to-target-a-top-militant-israel-rained-down-eight-tons-of-bombs-d04ae17b>.

<sup>285</sup>Ronen Bergman et al., “Israel Targets Architect of Oct. 7 Attacks in Airstrike,” The New York Times, July 13, 2024, <https://web.archive.org/web/20241210060653/https://www.nytimes.com/live/2024/07/13/world/israel-gaza-war-hamas>.

<sup>286</sup>Wafaa Shurafa and Melanie Lidman, “Hamas Says Gaza Cease-Fire Talks Haven’t Paused and Claims Military Chief Survived Israeli Strike,” AP News, July 14, 2024, <https://web.archive.org/web/20241120114800/https://apnews.com/article/israel-palestinians-gaza-war-hamas-07-14-24-news-728bb0842141ba246456422ebf93deb0>.

Analysis of the facts	Identified violation of the law	Type of violation	Source of law
<p>Explosive munitions used in these airstrikes killed at least 141 people,<sup>287</sup> of whom 57 were confirmed to be civilians,<sup>288</sup> tearing many of them to pieces or severing their limbs.<sup>289</sup> <sup>290</sup> <sup>291</sup> At least 300 people were injured in the strikes.<sup>292</sup></p>	Killing and maiming	Human rights violation	Universal Declaration of Human Rights, 1948, Art. 3
<p>The airstrikes likely killed dozens of children.<sup>293</sup> At least four children were identified by name as victims of the attack.<sup>294</sup></p>	Killing of children	Human rights violation	Convention on the Rights of the Child, 1990, Art. 6

<sup>287</sup> Lucy Clarke-Billings and Tom McArthur, “Hamas-Run Health Ministry Says 90 Killed in Gaza Strike Targeting Mohammed Deif,” BBC, July 14, 2024, <https://web.archive.org/web/20241203062900/https://www.bbc.com/news/articles/cyx0qdkn45eo>.

<sup>288</sup> “ISPT130724e – July 13, 2024,” Airwars, accessed November 30, 2024, <https://archive.ph/bn27n>.

<sup>289</sup> Nidal Al-Mughrabi, Hatem Khaled, and Maayan Lubell, “Gaza Officials Say 90 Palestinians Killed as Israel Targets Hamas Military Chief,” Reuters, July 14, 2024, <https://archive.ph/iCfN6>.

<sup>290</sup> Ahmed Aziz, “Al-Mawasi Attack: ‘People Were Torn into Pieces, Most of Them Women and Children,’” Middle East Eye, September 10, 2024, <https://web.archive.org/web/20241127032315/https://www.middleeasteye.net/news/al-mawasi-attack-people-were-torn-pieces-most-them-women-and-children>.

<sup>291</sup> Maram Humaid, “‘My Brothers, My Brothers’: Survivors Recall Chaos after Al-Mawasi Attacks,” Al Jazeera, July 16, 2024, <https://web.archive.org/web/20241121190443/https://www.aljazeera.com/features/2024/7/16/my-brothers-my-brothers-survivors-recall-chaos-after-al-mawasi-attacks>.

<sup>292</sup> “ISPT130724e – July 13, 2024,” Airwars, accessed November 30, 2024, <https://web.archive.org/web/20241004162440/https://airwars.org/civilian-casualties/ispt130724e-july-13-2024/>.

<sup>293</sup> Lucy Clarke-Billings, “IDF Says Senior Hamas Commander Rafa Salama Killed in Israeli Air Strike,” BBC, July 14, 2024, <https://web.archive.org/web/20241202135717/https://www.bbc.com/news/articles/cyx50e65wk6o>.

<sup>294</sup> “ISPT130724e – July 13, 2024,” Airwars, accessed November 30, 2024, <https://web.archive.org/web/20241004162440/https://airwars.org/civilian-casualties/ispt130724e-july-13-2024/>.

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