

The Gaza Humanitarian Foundation: Accessory to Atrocities and a Subversion of Israel's Obligations as an Occupying Power

The Gaza Humanitarian Foundation (GHF), established in February 2025 with support from Israel and the United States, was intended to distribute humanitarian aid in the Gaza Strip amid an 11-week Israeli blockade that has driven over 80% of Gaza's 2.3 million residents toward famine, as reported by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in June 2025. However, GHF's operations have resulted in catastrophic civilian harm, with over 613 Palestinians killed and 4,200 injured at its aid distribution sites since May 2025, according to Gaza's Health Ministry and corroborated by independent witnesses. These incidents, occurring in militarized zones under Israeli control and involving armed private security contractors, have led over 170 humanitarian organizations, including Amnesty International and Doctors Without Borders, to denounce GHF as a "death trap" and a violation of international humanitarian law (IHL). This essay argues that GHF constitutes a terrorist organization and an accessory to war crimes, crimes against humanity, and genocide, while subverting IHL. It elaborates Israel's obligations as an occupying power in Gaza, which GHF undermines, and calls for competent authorities to designate, proscribe, and sanction GHF, and for the ICC Prosecutor to request arrest warrants for its officials and representatives from the Pre-Trial Chamber.

I. Israel's Obligations as an Occupying Power

Israel is recognized as an occupying power in the Gaza Strip, despite its 2005 withdrawal, due to its effective control over Gaza's borders, airspace, territorial waters, and essential services, as affirmed by the International Court of Justice (ICJ) in its 2004 Advisory Opinion on the Legal Consequences of the Construction of a Wall and subsequent UN reports. The 1907 Hague Regulations, 1949 Geneva Conventions, and 1977 Additional Protocol I outline Israel's obligations as an occupying power, which include:

- 1. Protection of Civilians:** Article 4 of the Fourth Geneva Convention (GCIV) defines protected persons as civilians under the control of an occupying power. Article 27 mandates that Israel ensure humane treatment, protecting Palestinians from violence and ensuring their safety. The systematic killings at GHF sites—59 in Khan Younis on 17 June 2025 and 37 near Rafah on 16 June 2025—violate this obligation, as Israel's coordination with GHF exposes civilians to lethal harm.
- 2. Humanitarian Access:** Article 55 of GCIV requires Israel to ensure the supply of food and medical supplies to the occupied population, while Article 59 mandates facilitat-

ing relief by impartial organizations. The 11-week blockade, causing famine-level hunger for 80% of Gazans (OCHA, June 2025), breaches this duty. By replacing the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) with GHF's four militarized sites, Israel obstructs safe aid delivery, contravening Article 8(c) of Additional Protocol I, which protects humanitarian operations.

3. **Prohibition of Collective Punishment:** Article 33 of GCIV prohibits collective punishment, including measures harming civilians for acts they did not commit. The blockade and GHF's deadly operations, which restrict aid and expose aid-seekers to violence, constitute collective punishment, as noted by the UN Special Rapporteur on the Right to Food in June 2025.
4. **Public Health and Welfare:** Article 56 of GCIV obliges Israel to maintain public health and hygiene, cooperating with local authorities to prevent starvation and disease. GHF's inadequate aid system, distributing unclear "meals" compared to UNRWA's comprehensive relief, exacerbates Gaza's famine crisis, violating this duty.
5. **Non-Discrimination and Neutrality:** IHL, including Common Article 3 of the Geneva Conventions, requires impartial treatment of civilians. GHF's alignment with Israeli security objectives—bypassing UN systems to counter alleged Hamas influence—undermines neutrality, violating the principles of impartiality and humanity in General Assembly Resolution 46/182 (1991).

Israel's failure to fulfill these obligations, compounded by its support for GHF, facilitates civilian harm and starvation, breaching IHL and enabling atrocities. GHF's operations, conducted under Israel's control as the occupying power, implicate both in violations of international law.

II. GHF as a Terrorist Organization

Terrorism, as defined by UN Security Council Resolution 1566 (2004), includes acts intended to cause death or serious bodily harm to civilians to intimidate a population or compel action, while the 1999 International Convention for the Suppression of the Financing of Terrorism (Article 2) covers acts provoking terror in the public. GHF's operations meet these criteria. Its four distribution sites, located in militarized zones, draw desperate civilians into areas where they face lethal force from Israeli soldiers or GHF's armed contractors. Reports document 613 deaths and 4,200 injuries, with incidents like 59 killings in Khan Younis and 37 near Rafah. A former contractor's testimony, cited by Amnesty International, alleges GHF guards fired on crowds, suggesting direct involvement. This pattern of violence, amidst Gaza's starvation crisis, intimidates Palestinians, deterring aid-seeking and reinforcing Israel's control, aligning with Resolution 1566's definition of terrorism.

III. Accessory to War Crimes

War crimes under Article 8 of the Rome Statute include willful killing and attacks on civilians during armed conflicts. Common Article 3 of the Geneva Conventions prohibits vio-

lence against civilians in non-international conflicts like Israel-Hamas. GHF's militarized sites, coordinated with Israeli forces, enable such violations. The UN Human Rights Office reports Israeli soldiers were allegedly ordered to shoot unarmed aid-seekers, per a Haaretz investigation, and GHF's failure to relocate sites despite 613 deaths suggests complicity. By facilitating attacks on civilians, GHF aids and abets war crimes under Article 25(3) (c) of the Rome Statute, which holds entities liable for knowingly assisting violations.

IV. Accessory to Crimes Against Humanity

Crimes against humanity, per Article 7 of the Rome Statute, include murder, extermination, and inhumane acts as part of a widespread or systematic attack against civilians with knowledge of the attack. The 613 deaths across GHF sites constitute a systematic attack, given their recurrence and scale. By operating in lethal zones and replacing UNRWA's safe system, GHF knowingly facilitates murder (Article 7(1)(a)) and inhumane acts (Article 7(1)(k)). The UN's warning of "extermination" by starvation (Article 7(1)(b)) links GHF's role in Gaza's 80% famine risk to these crimes, as it exacerbates conditions of suffering.

V. Accessory to Genocide

The 1948 Genocide Convention defines genocide as acts with intent to destroy, in whole or in part, a protected group, including killing (Article II(a)) or inflicting conditions calculated to cause physical destruction (Article II(c)). Complicity arises from aiding such acts with knowledge (Article III(e)). GHF's operations, enabling 613 deaths and starvation amidst an 80% famine risk, contribute to conditions destroying Palestinians. The ICJ's 2024 ruling on plausible genocide in Gaza strengthens this claim. By luring civilians to deadly sites and undermining aid, GHF aids genocidal acts, making it an accessory under Article III(e).

VI. GHF as a Death Trap and Subversion of IHL

GHF's model is a death trap, subverting IHL's mandates for safe, neutral aid delivery (Geneva Conventions, Common Article 3; Additional Protocol II, Article 18). Unlike UNRWA's 400 safe distribution points, GHF's four militarized sites create chaotic rushes, exposing civilians to snipers and armed contractors. Reports of shootings, including 59 deaths in Khan Younis and 37 near Rafah, alongside NGO criticisms and X posts labeling GHF a "kill zone," underscore this lethal design. By aligning with Israel's security objectives to bypass UN systems and counter alleged Hamas influence, GHF violates the neutrality and impartiality principles of General Assembly Resolution 46/182 (1991). This subversion transforms humanitarian aid into a mechanism of control and harm, undermining Israel's legal duties and international humanitarian principles.

VII. GHF's Legal Collapse in Switzerland

The Gaza Humanitarian Foundation's lack of transparency and institutional legitimacy was further confirmed when the Swiss Federal Supervisory Authority for Foundations (ESA) initiated liquidation proceedings against GHF's Geneva-registered branch on July 2, 2025. The ESA cited multiple violations of Swiss foundation law, including: - No Swiss-based board

member with signing authority, - Fewer than three legally required board members, - No Swiss bank account or valid address, - Absence of an accredited auditing body.

GHF admitted its Swiss branch was a non-operational contingency entity that never conducted activities in Switzerland and acknowledged that it was operationally based in the U.S. (Delaware). The ESA published a 30-day dissolution notice in the Swiss Official Gazette of Commerce. In May 2025, **TRIAL International**, a Geneva-based legal NGO, submitted two formal filings requesting investigations into whether GHF's operations violated Swiss law and international humanitarian law, citing lack of neutrality and impartiality.

GHF's structural non-compliance abolishes any presumption of good faith. Under international humanitarian law and Swiss regulatory regimes, **organizational legitimacy**—evidenced by transparent governance, local oversight, and accountability—is a prerequisite for lawful humanitarian operations. GHF's total failure to meet these standards supports a rebuttable presumption that it is a bad-faith or state-instrumental entity intended to subvert neutral aid delivery.

VIII. Call to Action

1. Designation, Proscription, and Sanctions by Competent Authorities

- **UN General Assembly:** Invoking Resolution 377A ("Uniting for Peace"), the UNGA should reconvene Emergency Special Session 10 to declare GHF a terrorist organization and push for asset freezes, travel bans, and a funding ban—requiring a two-thirds majority, which is within reach given support for Gaza ceasefire efforts.
- **National Governments:** States—particularly within the Arab League, African Union, and Global South—should individually designate GHF as a terrorist entity under domestic anti-terror laws, freeze its assets, and prohibit collaboration. Precedents include unilateral designations of ISIL-linked entities.
- **Regional Bodies:** The EU, Arab League, and African Union should leverage their sanctions mechanisms, emulating measures like EU restrictions on North Korea post-2022 UNSC veto.

2. Criminal Accountability at the ICC

The ICC Prosecutor should request arrest warrants per Article 58 of the Rome Statute for GHF's leadership, board members, and security contractors connected to lethal aid-site operations. Grounds include:

- **Article 25(3)(c):** Aiding and abetting war crimes,
- **Article 7:** Crimes against humanity,
- **Article 6 + Genocide Convention Article III(e):** Complicity in genocide.

Palestine's ICC membership since 2015 establishes jurisdiction over Gaza. A June 2025 UN Human Rights Council resolution urging investigation of aid-site casualties provides further grounds for prosecutorial action.

Conclusion

As Gaza's occupying power, Israel is bound by the Hague Regulations, Geneva Conventions, and Additional Protocol I to protect civilians, ensure humanitarian access, and prevent collective punishment. GHF's operations—under Israeli coordination—have caused over 613 deaths and contributed to famine-level hunger affecting over 80% of Gazans. These actions constitute terrorism (UNSC Resolution 1566), war crimes (Rome Statute Article 8), crimes against humanity (Article 7), and genocide (Genocide Convention Article II). GHF's legal collapse in Switzerland further dismantles any narrative of legitimacy. The international community must act decisively: GHF must be designated, proscribed, sanctioned, and its leaders held criminally accountable. Restoring UNRWA's central humanitarian role is vital to protect Gaza's civilians and uphold international law.