
Analysis of the Human Rights Watch / Oxfam Allegations of “Israeli Forces’ Conduct in Gaza”

March 2024

NGO Monitor's mission is to provide information and analysis, promote accountability, and support discussion on the reports and activities of NGOs claiming to advance human rights and humanitarian agendas.

Introduction

As seen in the following report, the joint HRW-Oxfam document "[Israeli Forces' Conduct in Gaza - March 19, 2024](#)" (formally, a submission under National Security Memorandum 20, regarding compliance with requirements on the use of US military assistance) reflects a fundamental and consistent lack of rigor, credibility and verifiability.¹ Under the thin facade of analysis, HRW and Oxfam have published a prosecutorial diatribe that dispenses with the practice of presenting and weighing information from and perspectives of all the main actors and sources before reaching a conclusion.

Many of the claims of Israeli violations are ostensibly substantiated by "evidence" sourced to these same NGOs - 18 or 37 footnotes are self-references to previous HRW and Oxfam statements. These and the other references quote from the Gaza Health Ministry (GHM – controlled by Hamas); UN agencies including UNRWA, OCHA and the World Health Organization (WHO), which themselves lack credibility and which reference the same sources; unverifiable claims by anonymous "eyewitnesses" in Gaza; journalists and media platforms, such as Al Jazeera and CNN, which also cite UN agencies and anonymous "eyewitnesses"; and amorphous technical analyses. On this basis, HRW and Oxfam repeatedly claim to have "verified" various allegations regarding IDF responses to the October 7 atrocities, when in fact, no credible verification took place or was even possible. Contrasting and often more credible evidence is systematically erased, further highlighting the ideological and partisan objectives of this publication, in contrast to accurate and credible fact-finding.

Two of the central accusations in this document are the allegations that 1) Israel is deliberately and unjustifiably hampering the delivery of humanitarian and medical aid to Gaza - which HRW and Oxfam falsely declare to be an "unnecessarily complex inspection process" (Items 6 to 11 in appendix), thereby constituting "collective punishment,"² and 2) that the IDF's military actions in Gaza hospitals are arbitrary and unjustified. Notably, the "evidence" to support these allegations explicitly ignores numerous sources and facts constituting actual and monstrous war crimes committed by Hamas against Israeli civilians that do not fit this narrative - in particular, the massive diversion of aid, including for the construction of hundreds of kilometers of massive fortifications below [schools, residences, medical facilities](#), etc.; the

¹ The HRW-Oxfam document claims to focus on "Israeli Forces' Conduct in Gaza," under the category of "violations of international Humanitarian Law," but three of the seven cases focus on IDF responses to attacks by Hezbollah forces from Lebanon. In this report, we have not analyzed these items, but from a brief review, it is clear that the selective narrative and sourcing is the same as in the Gaza allegations.

² Examples: 1) "Depriving a population from access to water amounts to **collective punishment** of the civilian population, a war crime." 2) "... following the Hamas-led October 7 attacks in Israel, imposed **collective punishments** on the civilian population, deprived the civilian population of objects indispensable to its survival, and **used starvation of civilians as a weapon of war.**" (emphasis added)

large-scale exploitation of hospitals for terror; and the manufacture and use of tens of thousands of rockets and missiles that target Israeli civilians.³

In addition, assertions using the language of international humanitarian law (IHL) consist primarily of the authors' political opinions. In a number of instances, they "conclude" that a particular IDF strike took place for which they did not discern a military purpose, repeating the fiction that NGO staffers have access to the real-time battlefield information available to Israeli military commanders, as well as the ability to ascertain their decision making processes. Similarly, the use by NGO political advocates of terms such as "disproportionate force" is entirely subjective and lacking in consistent criteria.⁴

In examining this document, as well as previous reports and the record of partisan political advocacy activities of [HRW](#) and [Oxfam](#), it becomes clear that the objective of this document is to impede and disrupt cooperation between the US and Israel in counter-terrorism operations, particularly the brutal atrocities of October 7. Any citations from and references that give credibility to the allegations vilifying Israel, including in government documents, media platforms, and academic publications, would reinforce the unvirtuous circle of using unverifiable and politically motivated NGO claims as "evidence" to further defame and disrupt IDF responses to terror atrocities.

HRW's Pseudo-Methodology

As highlighted in the appendix, HRW-Oxfam's submission relies very heavily on unreliable and fundamentally biased sources, including the "Gaza Health Ministry - GHM" (controlled by Hamas); UN agencies such as UNRWA, UNICEF, OCHA and the World Health Organization (WHO), which themselves lack credibility and reference the same sources⁵; unverifiable claims by anonymous "eyewitnesses" in

³ See Gerald M. Steinberg, [Documenting the Enablers of Hamas War Crimes: UN Agencies, Government Aid Programs and NGOs](#), BESA Center Perspectives Paper No. 2,257, January 21, 2024

⁴ HRW and Oxfam claim to "have observed or documented that the Israeli authorities have carried out indiscriminate and disproportionate attacks in violation of international humanitarian law..." However, proportionality can only be assessed through knowledge of expected outcomes as perceived by decision makers at the time of the attack; essential information in this regard is possessed solely by the Israeli army and cannot possibly be known by an NGO. Without access to detailed intelligence regarding Israeli targeting and damage assessments, HRW and Oxfam lack the capability to assess "proportionality." See ["HRW Does Not and Cannot Know Details of Gaza Airstrikes: Pseudo-reports as Propaganda"](#), NGO Monitor. August 30, 2021

⁵ On the lack of credibility of UNRWA and links to Hamas, see, for example, a *Wall Street Journal* [report](#) that 23% of UNRWA's male employees had ties to Hamas and the [UN Watch report](#) on the Telegram group of 3,000 UNRWA

Gaza; other political advocacy NGOs such as the Norwegian Refugee Council (NRC⁶); journalists who also attribute claims to anonymous "eyewitnesses"; or amorphous and anonymous technical "open source" analysis of images and videos.

In addition, publicly available information that does not support the objective of condemning IDF actions is blatantly omitted, including media publications and investigations. The IDF and Israeli government [posted](#) numerous images, video material, and [humanitarian aid data](#), which is not anonymous and, *prima facie*, at least as credible and verifiable as the sources relied upon by HRW and Oxfam. Social media posts purportedly from Gaza also provide material that contradicts this narrative, but are also systematically ignored by HRW and Oxfam.

Information made public by the US government is also omitted, as illustrated in the report's version of an IDF strike on an ambulance, described as "unlawfully disproportionate", in which the Biden administration [confirmed](#) that the ambulance was used by Hamas, which "tried to sneak its fighters out of the Gaza Strip," in contrast to the HRW-Oxfam version (see appendix, Item 1.) Similarly, in repeating the accusation (Item 3 in appendix) "that Israeli forces' use of explosive weapons with wide-area affects in populated areas of Gaza raises significant concerns over Israel's compliance", the HRW-Oxfam report parrots assertions in three media sources that are based on claims by "expert" Marc Garlasco, a former HRW employee who resigned following a scandal.⁷

Case study: Erasing Hamas' use of medical infrastructure for military purposes - Al-Shifa Hospital

The biased reporting and analysis in HRW-Oxfam submission is highlighted by the blatant and systematic erasure of overwhelming evidence regarding the use by Hamas of Al-Shifa Hospital and other ostensibly

teachers in Gaza "replete with posts celebrating the Hamas massacre of October 7th minutes after it began, praising the murderers and rapists as 'heroes,' glorifying the 'education' the terrorists received, gleefully sharing photos of dead or captured Israelis and urging the execution of hostages...".

⁶ On NRC's lack of credibility and systematic bias, see ["Norwegian Refugee Council Activities after the October 7 Pogrom."](#) NGO Monitor, October 30, 2023

⁷ David Adesnik and Mark Montgomery, ["The Big Lies About Israel's Big Bombs: How media created a fictional 'war-crime' narrative"](#), *Commentary Magazine*, April 2024; John Spencer, ["Israel Implemented More Measures to Prevent Civilian Casualties Than Any Other Nation in History"](#), *Newsweek*, January 31, 2024

medical facilities in Gaza for command and control centers, reinforced terror tunnels, weapons storage, and hiding kidnapped and tortured hostages.



The [videos released](#) by the IDF and media [reports](#) reinforce the evidence of this exploitation that has been provided for nearly fifteen years, including from journalists, doctors, and Israeli and American officials. [A senior American aid official](#) acknowledged that this information was well known, and a Dutch journalist [posted](#): "I have been to the Al Shifa Hospital several times as a reporter during the Israel-Gaza war in 2014 and also afterward. ... It is a vast complex. I have personally seen Hamas fighters there. Everyone in Gaza including UN staff knows about the dual use of these facilities." The same journalist posted photographs taken secretly of "uniformed Hamas fighters (in blue) sitting cautiously next to the entrance where ambulances arrive." These sources, which are far more diverse and credible than the ones relied upon by HRW and Oxfam, have publicly acknowledged the existence of Hamas' headquarters under Al-Shifa Hospital.⁸

By demonstrably stripping away this evidence, HRW and Oxfam's submission asserts that their "investigations" found no evidence to "justify depriving the hospitals of their protected status under international humanitarian law." In sourcing this conclusion, the NGOs refer to a November 14 HRW [statement](#) "Unlawful Israeli Hospital Strikes" declaring that Israel's claims that "Hamas uses hospitals as terror infrastructures" were "contested," that they were unable "to corroborate them," and had not "seen

⁸ See also John Spencer, "[Hospitals Are Protected Under International Law. But They Cannot be 'Off Limits'](#)," Newsweek, February 20, 2024

any information that would justify attacks on Gaza hospitals." The same statement repeated, without any caveat, unverifiable testimony from anonymous Palestinians who communicated with HRW "by phone."

Summary:

As this and other examples clearly highlight, under the facade of professional analysis, the HRW-Oxfam publication is a partisan prosecutorial document, lacking methodological rigor and credibility. The factual claims are unverifiable, and evidence as well as sources that contradict the political objectives are blatantly and systematically erased.

Authors: Professor Gerald Steinberg, President of NGO Monitor and Vincent Chebat, Senior Researcher at NGO Monitor

Appendix:

	Allegation	Footnote	Sources and methodology
1	<p>"Human Rights Watch documented a strike by Israeli forces on a marked ambulance outside al-Shifa Hospital on November 3, 2023, which reportedly killed 15 people and injured 60.^[1] Israeli authorities said they intentionally struck the ambulance, contending that it was being used to transport able-bodied fighters. Human Rights Watch investigated these claims and did not find any evidence that the ambulance was being used for military purposes. Furthermore, the high number of civilian casualties caused by the strike suggest that it was unlawfully disproportionate even if the ambulance was being used for military purposes."</p>	<p>1.HRW-"Gaza: Israeli Ambulance Strike Apparently Unlawful," November 7, 2023 (NGO self-reference)</p>	<p>"Video footage and photographs taken shortly after the strike and verified by Human Rights Watch"</p> <p>"Human Rights Watch interviewed one [anonymous] witness to the strike and verified videos and photographs of the damaged ambulance and surrounding area taken after the strike...These videos and photographs, uploaded to social media or captured by journalists from media companies"</p> <p>"Gaza's Health Ministry reported that 15 people were killed and 60 injured in the strike."</p> <p>"The director of the al-Quds hospital, which is under Palestinian Red Crescent Society auspices, told Human Rights Watch that the Israeli military provided no warning prior to the strike."</p> <p>"Ali Jadallah, a photographer [with Anadolu Agency], told Human Rights Watch by phone that he saw a missile hit directly in front of an ambulance that was driving toward al-Shifa hospital's emergency department entrance."</p>
2	<p>"Human Rights Watch documented strikes on or near several major hospitals between October 7 and November 7, including the Turkish-Palestinian Friendship Hospital, the Indonesian Hospital, and the</p>	<p>2. HRW news release-"Gaza: Unlawful Israeli Hospital Strikes Worsen Health Crisis," November 14, 2023 (NGO</p>	<p>"The World Health Organization (WHO) has reported that at least 521 people, including 16 medical workers, have been killed ... The United Nations found as of</p>

	<p>International Eye Care Center.[2] Human Rights Watch found with respect to the cases it investigated no evidence that would justify depriving the hospitals of their protected status under international humanitarian law"</p>	<p>self-reference)</p>	<p>November 10</p> <p>Doctors [anonymous] told Human Rights Watch that ...</p> <p>"Human Rights Watch investigated attacks on or near Human Rights Watch spoke by phone with two [anonymous] displaced people ... and 16 [anonymous] healthcare workers and hospital officials in Gaza ... as well as WHO databases."</p> <p>"The Israeli military on October 27 claimed that " Hamas uses hospitals as terror infrastructures,"... These claims are contested. Human Rights Watch has not been able to corroborate them, nor seen any information that would justify attacks on Gaza hospitals.</p>
<p>3</p>	<p>"Human Rights Watch and Oxfam believe that Israeli forces' use of explosive weapons with wide-area affects in populated areas of Gaza raises significant concerns over Israel's compliance with the international humanitarian law principles of distinction and proportionality. ... [10] ... According to the <i>Washington Post</i>, Israeli forces dropped over 22,000 US-origin munitions on Gaza during the first 45 days of the hostilities....."[11] [12]</p>	<p>10. <i>Washington Post</i>- "Unguided 'dumb bombs' used in almost half of Israeli strikes on Gaza." December 14, 2023</p> <p>11. <i>Washington Post</i>-"Biden's arming of Israel faces backlash as Gaza's civilian toll grows." December 9, 2023</p> <p>12. <i>New York Times</i>: "A Times Investigation Tracked Israel's Use of One of Its Most Destructive Bombs in South Gaza"</p>	<p>.... The rest were what are known as "dumb bombs," said two people familiar with the assessment who spoke on the condition of anonymity to discuss the matter."</p> <p>"The use of so many unguided bombs, first reported by CNN, is a concern among humanitarian groups and others amid growing calls inside and outside the United States for Washington to condition any further military aid to Israel on the immediate reduction of civilian deaths."</p>

		December 21, 2023	
4	<p>"On October 9, 2023, Yoav Gallant, Israel's Minister of Defense, stated, "We are imposing a complete siege on [Gaza]. No electricity, no food, no water, no fuel – everything is closed. "[13] That evening, Israeli authorities cut off all water entering Gaza On the day of the Hamas-led attacks on Israel, October 7, Israel cut the electricity that it supplies to Gaza... [14] The only power plant in Gaza ran out of fuel reserves by October 11.[15] According to the Office for the Coordination of Humanitarian Affairs, as of February 16, water production in Gaza stood at just 5.7% of what it was before the current hostilities.[16] The lack of potable water, as well the damage and destruction of sewage and wastewater infrastructure,[17] has led to the outbreak of diseases, ... 18] ... cases of severe dehydration.[19] ... International humanitarian law requires Israel, as the occupying power in Gaza, ... "</p>	<p>14. UN OCHA-"Electricity in the Gaza Strip"</p> <p>15. CNN- "Gaza's sole power station stops working as fuel runs out, after Israel orders 'complete' blockade." October 11, 2023</p> <p>16. UN OCHA- Hostilities in the Gaza Strip and Israel Flash Update #120, February 16, 2024</p> <p>17. ARIJ (Palestinian political NGO)- "Explainer: Water Supply & Fuel Relationship in The Gaza Strip *14 November 2023*"</p> <p>18. WHO- "Risk of disease spread soars in Gaza as health facilities, water and sanitation systems disrupted," November 8, 2023</p> <p>19. Al Jazeera-"Six children die of malnutrition in Gaza hospitals: Health Ministry," February 28, 2024</p>	<p>WASH cluster of political NGOs (Save the Children, Oxfam, WeWorld GVC, ACF, Islamic Relief.....)</p> <p>-Gaza Ministry of Health</p> <p>-NRC</p> <p>-Project Hope, operating a clinic in Deir el-Balah in central Gaza</p> <p>-MSF</p>
5	<p>Following the Hamas-led attacks in Israel on October 7, Oxfam documented that the Israeli government has systematically restricted humanitarian aid and entry and exit of commercial goods to Gaza.[22] On</p>	<p>22. Oxfam- "Starvation as weapon of war being used against Gaza civilians,"October 25, 2023</p>	

	October 9, Israel imposed a “total siege” on Gaza, ... [23]	<p>NGO self-reference</p> <p>23. ABC news-“Rafah border crossing endured 4 bombings from Israel, Egypt says,” October 17, 2023</p>	
6	Once Israel opened the Rafah Crossing—and eventually the Kerem Shalom Crossing—Israel erected an arbitrary and unnecessarily complex inspection process [24] This inspection scheme has resulted in mass congestion and long queues [25]	<p>24-25. Oxfam briefing-“Inflicting Unprecedented Suffering and Destruction: Seven ways the government of Israel is deliberately blocking and/or undermining the international humanitarian response in the Gaza Strip, March 18, 2024”</p> <p>NGO self-reference</p>	
7	Based on Oxfam’s analysis, Israel’s inspection process further restricts humanitarian aid through labeling some humanitarian items as “dual use,” When a single item aboard a humanitarian convoy is deemed “dual use” by Israeli authorities, often the truck is forced to exit the queue, reload the truck, and then enter the inspection line again—which can take 20 days.[26]	<p>26. Oxfam briefing-“Inflicting Unprecedented Suffering and Destruction: Seven ways the government of Israel is deliberately blocking and/or undermining the international humanitarian response in the Gaza Strip,” March 18, 2024</p> <p>HRW- “Israeli Authorities’ Cutting of Water Leading to Public Health Crisis in Gaza,” November 16, 2023</p>	NGO self-reference
8	The lack of fuel that has been allowed into the Gaza Strip, in the context of the electricity cutoff, has rendered nearly all of Gaza’s water infrastructure useless. The lack of water has led to significant increases in cases of disease and illnesses, including diarrhea and Hepatitis A, as well	27. HRW- “Israel’s Unlawful Blockade of Gaza Sparks Women’s Rights Crisis,” October 24, 2023	NGO self-reference, in which water issues are marginal

	as dehydration.[27]		
9	This arbitrary process results in severe restrictions on the volume of humanitarian aid reaching the population of Gaza. Oxfam found that from October 8 to October 25—when the Rafah Crossing was opened—only 2% of food shipments reached Gaza as compared to the level of imports before October 7.[28]	28. Oxfam- “Starvation as weapon of war being used against Gaza civilians,” October 25, 2023	“The international agency analyzed UN data...”
10	Though the volume of humanitarian aid entering Gaza has increased since October, Oxfam and Human Rights Watch have found that it has still fallen well below the quantities of aid necessary to address the humanitarian crisis there. [29] [30] Human Rights Watch concluded that[31]	29. CNN- “Why only a trickle of aid is getting into Gaza,” February 11, 2024 30. Time- “Human Rights Watch Accuses Israel of Blocking Aid to Gaza,” February 26, 2024 31. HRW- “Israel Not Complying with World Court Order in Genocide Case,” February 26, 2024	“Humanitarian workers cannot move safely across the strip. UN trucks carrying aid have repeatedly come under Israeli fire, according to UNRWA.” “On Friday, the World Food Programme ...” “Last week, the World Food Programme said...” “According to data published by OCHA and UNRWA, ...” “On February 19, UNICEF found ...” On February 22, Save the Children said...
11	The siege is preventing sufficient medicine from entering Gaza ...[32] The Israeli authorities have systematically prevented aid These restrictions included: failures to guarantee safe passage (failure to deconflict); failure to open additional routes to northern Gaza; excessive delays; and outright denial of access by the Israeli military.[33]	32. HRW press release- “Gaza Blockade Puts People with Diabetes at Risk,” December 15, 2023 33. Oxfam briefing- “Inflicting Unprecedented Suffering and Destruction: Seven ways the	HRW press release quoting Gaza “eyewitnesses” and “experts.” Oxfam briefing, citing other Oxfam posts, GMH, WHO, CNN, Al Jazeera, UNOCHA, NRC etc.

		<p>government of Israel is deliberately blocking and/or undermining the international humanitarian response in the Gaza Strip,"March 18, 2024</p>	<p>NGO self-reference</p>
<p>12</p>	<p>Due to the foregoing reasons, Oxfam and Human Rights Watch have both concluded that the Israeli government is using starvation of civilians as a weapon of war in Gaza, which is a war crime.[36] In restricting humanitarian access, Israeli authorities are deliberately depriving Palestinian civilians ... [37]</p>	<p>36. Oxfam- "Starvation as weapon of war being used against Gaza civilians," October 25, 2023</p> <p>37. HRW press release- "Israel: Starvation Used as Weapon of War in Gaza," December 18, 2023</p> <p>NGO self-references</p>	<p>HRW press release: "Human Rights Watch interviewed 11 displaced Palestinians in Gaza between November 24 and December 4."</p> <p>"The United Nations World Food Programme (WFP) reported ..."</p> <p>On November 3, the Norwegian Refugee Council announced that Gaza ...</p> <p>Scott Paul, a senior humanitarian policy adviser for Oxfam America, told the Associated Press..</p> <p>On November 28, the Palestine Food Security Sector, ... reported</p>