
The ICC's Arrest Warrants for Netanyahu and Gallant

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I. Introduction

On November 21, 2024, Pre-Trial Chamber I of the International Criminal Court (ICC) granted a request by the Court's prosecutor, Karim Khan, to issue arrest warrants for one Hamas terrorist, Mohammed Deif (who Israel reports has been killed), and two Israeli leaders, Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant.¹

The Pre-Trial Chamber's decision shattered the Court's norms and practices. This was the first time in the history of the ICC that arrest warrants were issued for the duly elected and appointed officials of a democratic country. It was the first time the ICC equated such officials with terrorists. This marked the first instance when the ICC issued arrest warrants for the leaders of a country that was the victim of an unprovoked massacre of its citizens and subsequently fought back to defend itself.

Importantly, the ICC lacked any factual or legal basis to issue the arrest warrants for Netanyahu and Gallant. By doing so anyway, the Court forever tarnished itself as an enabler of Palestinian lawfare against Israel.

II. The ICC Erred in Issuing Arrest Warrants for Netanyahu and Gallant

The Pre-Trial Chamber's decision to issue arrest warrants for Netanyahu and Gallant was deeply flawed for a number of reasons. First, the Court lacked jurisdiction to issue the arrest warrants, because Palestine explicitly waived jurisdiction over Israeli nationals in the Oslo Accords, which were legally binding when signed and remain legally binding today. Thus, Palestine cannot delegate jurisdiction to the Court pursuant to Article 12 of the Rome Statute, nor was there any other basis for the Court's jurisdiction. Second, even if jurisdiction existed, the Prosecutor's request for arrest warrants failed to satisfy the requirements of Article 58(1)(a) for "reasonable grounds."

We begin with an analysis of the Oslo Accords.

The Oslo Accords

The Oslo Accords Were Legally Binding when they Took Effect

The Oslo Accords, the result of arms-length, robust negotiations between Israel and the Palestine Liberation Organization (PLO), comprise several landmark documents signed between 1993 and 1995.²

In the first Oslo agreement, the September 13, 1993 *Declaration of Principles on Interim Self-Government Arrangements*, witnessed by the United States and the Russian Federation, Israel and the PLO solemnly agreed in writing, "to put an end to decades of confrontation and conflict, recognize their mutual legitimate and political rights, and strive to live in peaceful coexistence and mutual dignity and security and achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process."³

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1. The Court's decision was filed as a non-public document. The Court announced its decision in a press release the same day. *See* Press Release, International Criminal Court, "Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel's challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant" (Nov. 21, 2024), available at <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges>
 2. Mahmoud Abbas, the current President of the Palestinian Authority, served as the lead negotiator of the Accords from the Palestinian side alongside former PLO Chairman Yassir Arafat. In his memoir of the negotiations, Abbas recounted how the Palestinian delegation gave "attention to every word, sentence and expression. It was even necessary to scrutinize every comma and full stop so that we could eliminate the likelihood of fatal pitfalls occurring in the future." Mahmoud Abbas, THROUGH SECRET CHANNELS 161-62 (Garnet, 1995).
 3. UN Doc. A/48/486 S/26560, Declaration of Principles on Interim Self-Government Arrangements, Israel-Palestine Liberation Organization (Sept. 13, 1993).

The most significant document among the Oslo Accords is the September 28, 1995 *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip* (“the Oslo II Agreement”),⁴ in which the PLO explicitly agreed that the Palestinian Authority and the Palestinian National Council would not have criminal jurisdiction over Israeli nationals.⁵ The United States, Russia, the European Union, Egypt, Jordan and Norway formally witnessed the Oslo II Agreement. Israel and the PLO, together with the United States and the Russian Federation, submitted the Oslo II Agreement to the Secretary General of the United Nations, and requested it be made an official record of the General Assembly and the Security Council.⁶

Both Israel and the PLO had the legal capacity in 1993 and 1995 to enter into binding international agreements such as the Oslo Accords. Israel could enter a binding international agreement in its capacity as a State. The PLO, which was not a state, had gained acceptance globally as a national liberation movement as of 1993, and as such could be deemed a “partial subject of international law” with the legal capacity to sign binding international agreements.⁷

Although the Oslo Accords cannot be characterized as a “treaty” between States pursuant to Article 2(1)(a) of the 1969 Vienna Convention on the Law of Treaties, the Accords are nevertheless binding on both Israel and Palestine under international law.

Article 3 of the Vienna Convention on the Law of Treaties anticipated situations such as the Oslo Accords, in which international agreements might not rise to the level of a treaty but should still be viewed as legally binding on the parties. Article 3 provides:

The fact that the present Convention does not apply to international agreements concluded between States and other subjects of international law or between such other subjects of international law, or to international agreements not in written form, shall not affect: (a) the legal force of such agreements; (b) the application to them of any of the rules set forth in the present Convention to which they would be subject under international law independently of the Convention; (c) the application of the Convention to the relations of States as between themselves under international agreements to which other subjects of international law are also parties.⁸

The language of Article 3 applies directly to the Oslo Accords. The Accords were “international agreements concluded between States and other subjects of international law,” such as Israel and the PLO. Thus, the Accords are infused with legal force and are subject to the rules of the Vienna Convention and the rules of international law.

The most important such rule can be found in Article 26 of the Vienna Convention, embodying the customary international law principle of *pacta sunt servanda*: “[e]very treaty in force is binding upon the parties to it and must be performed by them in good faith.”

Therefore, under Article 3 of the Vienna Convention, the principle of *pacta sunt servanda* applies to the Oslo Accords.

The binding effect of the Oslo Accords has been recognized by international law scholars. For example,

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4. UNGA A/51/889, UNSC S/1997/357, *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip* (Sept. 28, 1995) (hereafter: the “Oslo II Agreement”).
 5. Article I.2 of the Oslo II Agreement provides that “the term ‘Council’ throughout this Agreement shall, pending the inauguration of the Council, be construed as meaning the Palestinian Authority.” As discussed *infra*, the 1995 Interim Agreement deprives the Council, and therefore also the Palestinian Authority, of criminal jurisdiction over Israeli nationals.
 6. Letter dated Dec. 27, 1995 from the Permanent Representatives of the Russian Federation and the United States of America to the United Nations addressed to the Secretary-General; Letter dated Dec. 28, 1995 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General; Letter dated Dec. 19, 1995 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General, available at <https://www.un.org/unispal/document/auto-insert-185434/>
 7. Peter Malanczuk, “Some Basic Aspects of the Agreements Between Israel and the PLO from the Perspective of International Law,” 7(4) *EUR. J. INT’L L.* 485, 489 (1996); see also Geoffrey R. Watson, *THE OSLO ACCORDS: INTERNATIONAL LAW AND THE ISRAELI-PALESTINIAN PEACE AGREEMENTS 101-02* (Oxford Univ. Press, 2000); see also Robbie Sabel, *INTERNATIONAL LAW AND THE ARAB-ISRAELI CONFLICT 272-75* (Cambridge Univ. Press, 2022) (“both Israel and the PLO intended the [Oslo Accords] to be a binding legal instrument.”).
 8. Vienna Convention on the Law of Treaties, Art. 3(a), May 23, 1969, 1155 U.N.T.S. 331.

Professor Geoffrey Watson, a leading commentator on the Oslo Accords, has argued that the Accords are legally binding on both Israel and the Palestinians: “Most of the Accords have the formal attributes of binding instruments; they are styled ‘agreements’ and ‘protocols,’ they are structured like treaties, and they contain mandatory rather than permissive language . . . It appears, then, that the Oslo Accords are legally binding international agreements.”⁹

In sum, because both parties had the legal capacity to enter into the Oslo Accords, and because the Accords constituted a valid and legally binding international agreement between the parties, Israel and the PLO, now the Palestinian Authority, were required by law to comply with the Accords at the time they took effect.

The Oslo Accords Remain Legally Binding Today

The Preamble to the Oslo II Agreement proclaims, “the peace process and the new era that it has created, as well as the new relationship established between the two Parties as described above, are irreversible.” Nevertheless, both parties have occasionally accused each other of breaching the Accords. The alleged breaches arguably could give rise to a claim by either party under Article 60(1) of the Vienna Convention to terminate or suspend the Oslo Accords in part or in full based on a “material breach” by the other party. Article 60(3) defines “material breach” as “(a) a repudiation of the treaty not sanctioned by the present Convention; or (b) the violation of a provision essential to the accomplishment of the object or purpose of the treaty.”

Significantly, however, neither side has invoked Article 60 or otherwise abrogated the Oslo Accords as of the present date. Notwithstanding Palestinian Authority President Mahmoud Abbas’s recent public criticism of the Oslo Accords (which he negotiated on behalf of the PLO), “the Protocol Concerning Legal Affairs remains applicable and Israeli nationals continue to be immune from prosecution in Palestinian courts, even for crimes committed on Palestinian territory.”¹⁰ Moreover, “[s]ince neither side has to date renounced the Oslo Accords and succeeding instruments, they remain in effect.”¹¹

Indeed, despite the respective claims of breach, both Israel and the Palestinian Authority continue to fulfil the Oslo Accords on a daily basis in the West Bank. For example, notwithstanding recent pronouncements to the contrary, the reality on the ground is that the Palestinian Authority maintains security cooperation with Israel based on the Oslo framework.¹² Moreover, both sides continue abiding by the allocation of governance and authority

over Areas A, B and C of the West Bank, including the jurisdictional provisions.

Nevertheless, even if one or both parties were to invoke Article 60(1) of the Vienna Convention and suspend or terminate the Oslo Accords now, Article 70 of the Convention provides that it would not affect Israel’s rights “created through the execution of the treaty prior to its termination,” such as the Palestinian waiver of criminal jurisdiction over Israeli nationals in the Oslo II Agreement, more fully discussed below.¹³

Therefore, the Oslo Accords remain legally binding as to the ICC’s issuance of the arrest warrants.

Palestine Could Not Delegate Jurisdiction Over Israeli Nationals to the Court

The decision to issue the arrest warrants is devoid of any serious discussion regarding the Court’s jurisdiction. On February 5, 2021, in its majority ruling on territorial jurisdiction in the Situation in Palestine, Pre-Trial Chamber I found that the Court’s territorial jurisdiction in the Situation extends to the “territories occupied by

9. Watson, *supra* note 7, at 101-02.

10. Monique Cormier, *THE JURISDICTION OF THE INTERNATIONAL CRIMINAL COURT OVER NATIONALS OF NON-STATES PARTIES* 111 (Cambridge Univ. Press, 2020).

11. Malcolm Shaw, *INTERNATIONAL LAW* 216 (Cambridge Univ. Press, 9th ed. 2021). Arab commentators view Abbas’s statements (in response to the Abraham Accords) proclaiming the “end of Israeli-Palestinian agreements” as merely symbolic and made for domestic consumption, with no substantive steps taken and no legal impact; *see also* Khalil E. Jahshan, Yousef Munayyer, Jonathan Kuttab, and Imad K. Harb, “Abbas’s Declaration: The Oslo Accords are Now Dead and Buried,” *ARAB CENTER*, Washington DC (May 20, 2020), available at <https://arabcenterdc.org/resource/abbass-declaration-the-oslo-accords-are-now-dead-and-buried/>

12. Ariel Oseran, “Analysis: Israeli-Palestinian Security Coordination Continues in West Bank, Despite Tensions,” *I24 NEWS* (Feb. 26, 2023), available at <https://www.i24news.tv/en/news/israel/defense/1677263977-analysis-israeli-palestinian-security-coordination-continues-in-west-bank>

13. Eyal Benvenisti, “The Israeli-Palestinian Declaration of Principles: A Framework for Future Settlement,” *4 EUR. J. INT’L. L.* 542, 545 (1993) (analyzing the 1993 Declaration of Principles, but equally applicable to the Oslo II Agreement).

Israel since 1967, namely Gaza and the West Bank, including East Jerusalem.” The Court, however, did not rule on, and explicitly left open the jurisdictional issues relating to the Oslo Accords. It stated:

When the Prosecutor submits an application for the issuance of a warrant of arrest or summons to appear under article 58 of the Statute, or if a State or a suspect submits a challenge under article 19(2) of the Statute, the Chamber will be in a position to examine further questions of jurisdiction which may arise at that point in time.¹⁴

Nevertheless, after Israel submitted such a jurisdictional challenge, the Court summarily denied it, noting that “States are not entitled under the Statute to challenge jurisdiction of the Court on the basis of Article 19 prior to the issuance of a warrant of arrest or a summons.”¹⁵

Article 19(1) of the Rome Statute provides, in part, that “[t]he Court shall satisfy itself that it has jurisdiction in any case brought before it.” Pre-Trial Chambers have consistently relied upon Article 19(1) to hold that an initial determination as to whether the case falls within the jurisdiction of the Court is a prerequisite for the issuance of warrants of arrest.¹⁶

Because Israel is not a party to the Rome Statute and has not consented to this Court’s jurisdiction regarding the Situation in Palestine, absent a UN Security Council referral, the only way for the Court to obtain jurisdiction over Israeli nationals pursuant to Article 12 of the Rome Statute would be through a valid delegation of such jurisdiction from the State of Palestine.¹⁷

For the delegation of powers to be valid, the delegating state must possess the jurisdiction that it purports to delegate. As the Court held in the *Myanmar* case, “the drafters of the Statute intended to allow the Court to exercise its jurisdiction pursuant to article 12(2)(a) of the Statute *in the same circumstances in which States Parties would be allowed to assert jurisdiction over such crimes under their legal systems*”¹⁸ [emphasis added].

Palestine, however, does not have jurisdiction over Israeli nationals for acts alleged to have been committed in the Gaza Strip because Palestine explicitly waived jurisdiction over Israeli nationals in two separate provisions of the Oslo II agreement: first, Article XVII.2.c provides, in pertinent part: “the territorial and functional jurisdiction of the [Palestinian] Council will apply to all persons, *except for Israelis*, unless otherwise provided

in this Agreement” [emphasis added]. Second, Article I.2.b of Annex IV (Protocol Concerning Legal Affairs) provides that “Israel has *sole* criminal jurisdiction over . . . offenses committed in the Territory [West Bank and Gaza Strip] by Israelis” [emphasis added].

Palestine therefore lacks jurisdiction over any alleged crimes committed by Netanyahu and Gallant in the Gaza Strip. Thus, Palestine could not delegate to the ICC jurisdiction which Palestine did not possess in the first instance.¹⁹

14. ICC-01/18-143, Pre-Trial Chamber I, Decision on the Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine, ¶ 131 (Feb. 5, 2021).
15. ICC-01/18, Pre-Trial Chamber I, Decision on Israel’s challenge to the jurisdiction of the Court pursuant to article 12(2) of the Rome Statute (Nov. 21, 2024).
16. The Prosecutor v. Ahmad Harun, ICC-02/05-01/07-1-Corr, Pre-Trial Chamber I, Decision on the Prosecution Application under Article 58(7) of the Statute, ¶ 13 (April 27, 2007); *see also, e.g.*, The Prosecutor v. Thomas Lubanga Dyilo, ICC-01/04-01/06-1-Corr-Red, Pre-Trial Chamber I, Decision on the Prosecutor’s Application for a warrant of arrest, Article 58, ¶ 18 (Feb. 10, 2006); *see also* reclassified as public, para. 18; ICC-01/11-12; Pre-Trial Chamber I, Decision on the Prosecutor’s Application Pursuant to Article 58 as to Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Alsenussi, public, ¶ 6-10 (June 27, 2011).
17. Most scholarly commentators view the Court’s jurisdiction over nationals of non-consenting and/or non-party states under Article 12 of the Rome Statute as based on the delegation theory, under which State parties to the Rome Statute may delegate to the Court jurisdiction they otherwise possess over crimes committed by nationals of non-state parties. *See* Cormier, *supra* note 10, at 36-70; *see also* Todd Buchwald, “International Criminal Court and the Question of Palestine’s Statehood: Part II,” JUSTSECURITY (Jan. 23, 2020), available at <https://www.justsecurity.org/68227/international-criminal-court-and-the-question-of-palestines-statehood-part-ii/> (“It has been taken as fundamental that the Court operates on the basis of jurisdiction that only States can delegate.”)
18. ICC-RoC46(3)-01/18-37, Decision on the Prosecution’s Request for a Ruling on Jurisdiction under Article 19(3) of the Statute, ¶ 70 (Sept. 6, 2018).
19. Cormier concedes that Palestine cannot delegate jurisdiction to the Court so long as Palestine remains bound by the Oslo Accords. *See* Cormier, *supra* note 10, at 111.

Absent jurisdiction based on a valid delegation or UN Security Council referral, no other provision of the Rome Statute confers jurisdiction on the ICC over Israeli nationals. In particular, the Statute cannot be construed to permit jurisdiction over nationals of non-State parties based on the theory of “universal jurisdiction.” Scholars have noted that doing so would disregard the careful balance between State sovereignty and the limitations on the Court’s jurisdiction reflected in Articles 12, 13, 17 and 53 of the Statute.²⁰

Even if the Court Had Jurisdiction, it Should Not Have Issued the Arrest Warrants

Article 58(1)(a) of the Rome Statute provides that arrest warrants can only be issued when the Court is satisfied that “there are *reasonable grounds* to believe that the person has committed a crime within the jurisdiction of the Court” [italics added].

The ICC Prosecutor issued a public statement on May 20, 2024, presenting the alleged factual basis for seeking arrest warrants against Netanyahu and Gallant. For example, the Prosecutor asserted, apparently based on United Nations information published in March 2024, that Netanyahu and Gallant have used “Starvation of civilians [in Gaza] as a method of warfare...”²¹ However, two weeks *after* the Prosecutor requested the issuance of arrest warrants, the United Nations reversed its conclusion in an updated report acknowledging the widespread availability of food in the Gaza Strip, while continuing to call for close monitoring of the situation.²² Significantly, the Prosecutor failed to bring this new information to the Court’s attention. Nor has the Court considered the impact on the welfare of civilians in Gaza of Hamas’s well-documented actions in stealing food deliveries and killing aid workers.²³

The Prosecutor’s other allegations of war crimes and crimes against humanity generally involve unverified claims that Netanyahu and Gallant are deliberately targeting civilians in Gaza. There is no evidence supporting these claims.²⁴ While Israel goes to great lengths to avoid civilian casualties, Hamas deliberately uses civilians as human shields, placing them in harm’s way as the key to its longstanding strategic doctrine. The power of Hamas’s strategy of exploiting Western values by increasing the death toll in Gaza reverberates in the Court’s decision.²⁵

While every loss of innocent life is tragic, the facts do not support the ICC’s conclusion. Armies fighting defensive wars against terrorists in urban environments generally inflict a civilian to militant casualty ratio of

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20. Olympia Bekou and Robert Cryer, “The International Criminal Court and Universal Jurisdiction: A Close Encounter?” 56(1) INT’L & COMP. L. Q. 49, 49-68 (2007) (drafters of the Rome Statute carefully balanced the Court’s jurisdiction against State sovereignty, and therefore did not intend to confer universal jurisdiction).
 21. Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine (May 20, 2024), available at <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>. Although the prosecutor did not specifically cite the March 2024 United Nations report, it is reasonable to infer he was referring to that report.
 22. “Famine Review Committee: Review of the Famine Early Warning Systems Network (FEWS NET) IPC-Compatible Analysis for the Northern Governorates of the Gaza Strip,” IPC (June 4, 2024), available at https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/documents/IPC_Famine_Review_Committee_Report_FEWS_NET_Gaza_4June2024.pdf
 23. Ephraim D. Tepler and Itamar Marcus, “Fatah: Hamas kills aid workers and steals food for itself,” PMW (April 21, 2024), available at <https://palwatch.org/page/35086> (quoting report from Fatah/PLO-run Awdah TV); *see also* TOI Staff, “Gaza Aid Truck Stolen by Gunmen and Looted as Convoys Start Crossing from Israel,” TIMES OF ISRAEL (Dec. 17, 2023), available at <https://www.timesofisrael.com/gaza-aid-trucks-stolen-by-gunmen-and-looted-as-convoys-start-crossing-from-israel/>; *see also* Gianluca Pacchiani, “Video Shows Gunmen Stealing from Aid Trucks Shooting at Gaza Civilians,” TIMES OF ISRAEL (Dec. 5, 2023), available at https://www.timesofisrael.com/liveblog_entry/video-shows-gunmen-stealing-from-aid-trucks-shooting-at-gaza-civilians/
 24. Netanyahu addressed these allegations in his July 24, 2024 speech to a joint session of the United States Congress: “The IDF has dropped millions of flyers, sent millions of text messages, made hundreds of thousands of phone calls to get Palestinian civilians out of harm’s way. But at the same time, Hamas does everything in its power to put Palestinian civilians in harm’s way.” *See* “We’re protecting you: Full text of Netanyahu’s address to Congress,” TIMES OF ISRAEL (July 25, 2024), available at <https://www.timesofisrael.com/were-protecting-you-full-text-of-netanyahus-address-to-congress/>
 25. *See, e.g.*, “Hamas official says group ‘well aware’ of consequences of attack on Israel, Palestinian liberation comes with ‘sacrifices’,” ARAB NEWS (Oct. 20, 2023), available at <https://www.arabnews.com/node/2394966/middle-east>; *see also* NATO Strategic Communications

9:1.²⁶ Israel's civilian to terrorist casualty ratio is between 1 to 2 civilians for every terrorist killed,²⁷ meaning Israel's extensive efforts to avoid civilian deaths have resulted in a far lower civilian to terrorist casualty ratio than in other conflicts.²⁸ Indeed, the Chair of Urban Warfare Studies at the Modern War Institute at the United States Military Academy has stated that "Israel has implemented more precautions to prevent civilian harm than any military in history – above and beyond what international law requires."²⁹

The facts therefore negate any support for the issuance of arrest warrants for Netanyahu and Gallant based on alleged war crimes and crimes against humanity, yet Pre-Trial Chamber I saw fit to do so anyway.

III. Conclusion

The ICC's decision to issue arrest warrants for Netanyahu and Gallant ignored the evidence and disregarded the law. Pre-Trial Chamber I's decision reflects the Court's anti-Israel bias and its eagerness to advance the Palestinian campaign lawfare against Israel. But the Court's decision will not advance the cause of peace. To the contrary, as Netanyahu said in his July 24, 2024 speech to the United States Congress, "the war in Gaza could end tomorrow if Hamas surrenders, disarms and returns all the hostages."³⁰ ■

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Centre of Excellence, "Hybrid Threats: Hamas' Use of Human Shields in Gaza" (June 6, 2019), available at https://stratcomcoe.org/pdfjs/?file=/publications/download/hamas_human_shields.pdf?zoom=page-fit; see also NATO Strategic Communications Centre of Excellence, "Hamas' Use of Human Shields in Gaza" (Sept. 20, 2014), available at https://stratcomcoe.org/cuploads/pfiles/hamas_human_shields.pdf

26. UN Security Council Meeting SC/14904, Ninety Per Cent of War-Time Casualties Are Civilians, Speakers Stress, Pressing Security Council to Fulfil Responsibility, Protect Innocent People in Conflicts (May 25, 2022), available at <https://press.un.org/en/2022/sc14904.doc.htm>. In the 2016-2017 Battle of Mosul, for example, 10,000 civilians were killed compared to roughly 4,000 ISIS terrorists. Susannah George, Qassim Abdul-Zhara, Maggie Michael and Lori Hinnant, "Mosul is a graveyard: Final IS battle kills 9,000 civilians," AP (Dec. 21, 2017), available at <https://apnews.com/article/middle-east-only-on-ap-islamic-state-group-bbea7094fb954838a2fdc11278d65460>; see also Mosul Study Group, "What the battle for Mosul teaches the force," No 17-24 (Sept. 2017), available at <https://www.armyupress.army.mil/Portals/7/Primer-on-Urban-Operation/Documents/Mosul-Public-Release1.pdf>
27. Ben Wolfgang, "Israel's war against Hamas posts lower civilian-to-combatant death ratio than other urban battles," WASHINGTON TIMES (April 18, 2024), available at <https://www.washingtontimes.com/news/2024/apr/18/israels-war-against-hamas-posts-lower-civilian-to-/>; see also "Hostilities in the Gaza Strip and Israel - reported impact | Day 217," OCHA (May 10, 2024), available at <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-217>; see also Shlomo Cohen and Yaacov Samet, "The genocide claim against Israel doesn't add up," THE TIMES OF ISRAEL (June 2, 2024), available at <https://www.timesofisrael.com/the-genocide-claim-against-israel-doesnt-add-up/>
28. Martin Sherman, "Misplaced moral outrage on civilian casualties," JNS (April 11, 2024), available at <https://www.jns.org/misplaced-moral-outrage-on-civilian-casualties/#:~:text=Likewise%2C%20Kemp%20praised%20the%20IDF,in%20general%20is%201%3A9%E2%80%94> (Col. Richard Kemp, former commander of British forces in Afghanistan, stating the average combatant-to-civilian death ratio in urban warfare is 1:9).
29. John Spencer, "Israel Has Created a New Standard for Urban Warfare. Why Will No One Admit It?" NEWSWEEK (March 25, 2024), available at <https://www.newsweek.com/israel-has-created-new-standard-urban-warfare-why-will-no-one-admit-it-opinion-1883286>
30. *Supra* note 24.