
REVIEW OF REPORTS OF FAMINE IN GAZA

A. *The IPC and FEWS NET*

1. The Integrated Food Security Phase Classification (“**IPC**”) is a classification system used to “*determine the severity and magnitude of acute and chronic food insecurity, and acute malnutrition situations in a country, according to internationally-recognised scientific standards*”.¹ It was originally developed in 2004 for use in Somalia by the Food Security and Nutrition Analysis Unit (“**FSNAU**”) of the UN’s Food and Agricultural Organization (“**FAO**”).
2. The IPC identifies five phases of food insecurity: Phase 1 (none/minimal), Phase 2 (Stressed), Phase 3 (Crisis), Phase 4 (Emergency) and Phase 5 (Catastrophe/Famine).² The criteria of these classifications and their assessment are defined in a detailed IPC Technical Manual³ and Special Additional Protocols.⁴ From the IPC perspective, “*‘famine’ is not a rhetorical, emotive term. Rather it is a scientific classification based on standards, evidence, and technical consensus*”.⁵
3. For a Phase 5 Famine classification, “*an area needs to have extreme critical levels of acute malnutrition and mortality*”.⁶ Mortality is assessed by reference to the Crude Death Rate (“**CDR**”) and/or the under-five death rate (“**U5DR**”), “*which is typically around twice that of the CDR*”.⁷ The CDR must be greater than 2 per 10,000 per day to meet the definition of a Famine.⁸ If the CDR is below this threshold, a U5DR greater than 4 per 10,000 per day can be used to classify a

¹ <https://www.ipcinfo.org/ipcinfo-website/ipc-overview-and-classification-system/en/>.

² https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/manual/IPC_Technical_Manual_3_Final.pdf, pp. 34-35.

³ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/manual/IPC_Technical_Manual_3_Final.pdf

⁴ <https://www.ipcinfo.org/ipc-manual-interactive/ipc-acute-food-insecurity-protocols/ipc-famine-classification-special-additional-protocols/en/>.

⁵ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Def_Meas.pdf

⁶ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/manual/IPC_Technical_Manual_3_Final.pdf, p. 37.

⁷ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/manual/IPC_Technical_Manual_3_Final.pdf, p. 39.

⁸ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/manual/IPC_Technical_Manual_3_Final.pdf, p. 35.

Famine if the 95% confidence interval for the CDR includes the threshold of 2 per 10,000 per day.⁹

4. For an assessment of Phase 4 (Emergency) classification to be made, the CDR must normally be between 1 and 1.99 per 10,000 per day.¹⁰ The CDR for Phase 3 (Crisis) is normally between 0.5 and 0.99 per 10,000 per day, and for Phase 2 (Stressed) or Phase 1 (Minimal), less than 0.5 per 10,000 per day.¹¹
5. Acute malnutrition can be assessed by Weight-for-Height Z-Score (WHZ) or Mid-Upper Arm Circumference (MUAC). These are discussed in Section H below (paragraphs 107 - 136).
6. The IPC has provided the table below, setting out the general profile of the elements for each Phase, and the detailed Acute Food Insecurity Reference Table on the following page.¹²

Figure 25: The IPC Reference Table – General profile of the elements for each Phase

		Phase 1 None/Minimal	Phase 2 Stressed	Phase 3 Crisis	Phase 4 Emergency	Phase 5 Catastrophe/ Famine
First-level outcome	Food consumption (focus on energy intake)	Adequate	Minimally adequate	Moderately inadequate	Very inadequate	Extremely inadequate
	Livelihood change (assets and strategies)	Sustainable	Stressed	Accelerated depletion	Extreme depletion	Near collapse of strategies and assets
Second-level outcome	Nutritional status	Minimal	Alert	Serious	Critical	Extreme critical
	Mortality	CDR: <0.5 / 10,000 / day	CDR: <0.5 / 10,000 / day	CDR: 0.5 - 0.99 / 10,000 / day	CDR: 1 - 1.99 / 10,000 / day or >2 x reference	CDR: >2 / 10,000 / day
Contributing factors	Food availability, access utilization and stability	Adequate	Borderline adequate	Inadequate	Very inadequate	Extremely inadequate
	Hazards and vulnerability	None or minimal effects	Stressed livelihoods and food consumption	Results in assets and food losses	Results in large food assets and food losses	Results in near complete collapse of livelihood assets

⁹ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/manual/IPC_Technical_Manual_3_Final.pdf, p. 86

¹⁰ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/manual/IPC_Technical_Manual_3_Final.pdf, pp. 35-37.

¹¹ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/manual/IPC_Technical_Manual_3_Final.pdf, p. 35.

¹² Both sourced from IPC Technical Manual 3 https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/manual/IPC_Technical_Manual_3_Final.pdf at pp. 35 and 37. © IPC 2021. Reproduction for commercial purposes is prohibited without written permission of IPC.

Figure 27: The IPC Acute Food Insecurity Reference Table (Tool 3)

Purpose: to guide convergence of evidence by using generally accepted international standards and cut-offs. The classification is intended to guide decision-making aiming at short-term improvements in food security.

Phase name and description	Phase 1 None/Minimal	Phase 2 Stressed	Phase 3 Crisis	Phase 4 Emergency	Phase 5 Catastrophe/ Famine	
	Households are able to meet essential food and non-food needs without engaging in atypical and unsustainable strategies to access food and income.	Households have minimally adequate food consumption but are unable to afford some essential non-food expenditures without engaging in stress-coping strategies.	Households either: • Have food consumption gaps that are reflected by high or above-usual acute malnutrition; or • Are marginally able to meet minimum food needs but only by depleting essential livelihood assets or through crisis-coping strategies.	Households either: • Have large food consumption gaps which are reflected in very high acute malnutrition and excess mortality; or • Are able to mitigate large food consumption gaps but only by employing emergency livelihood strategies and asset liquidation.	Households have an extreme lack of food and/or other basic needs even after full employment of coping strategies. Starvation, death, destitution and extremely critical acute malnutrition levels are evident. (For Famine Classification, an area needs to have extreme critical levels of acute malnutrition and mortality.)	
Priority response objectives	Action required to build resilience and for disaster risk reduction	Action required for disaster risk reduction and to protect livelihoods	Urgent action required to: Protect livelihoods and reduce food consumption gaps			
			Save lives and livelihoods		Revert/prevent widespread death and total collapse of livelihoods	
First-level outcomes refer to characteristics of food consumption and livelihood change. Thresholds that correspond as closely as possible to the Phase description are included for each indicator. Although cut-offs are based on applied research and presented as global reference, correlation between indicators is often somewhat limited and findings need to be contextualized. The area is classified in the most severe Phase that affects at least 20% of the population.						
Food security first-level outcomes	Food consumption (focus on energy intake)	Quantity: Adequate energy intake Dietary energy intake ¹ : Adequate (avg. 2,350 kcal pp/day) and stable Household Dietary Diversity Score ² : 5-12 food groups and stable Food Consumption Score ³ : Acceptable and stable Household Hunger Scale ⁴ : 0 (none) Reduced Coping Strategies Index ⁵ : 0-3 Household Economy Analysis ⁶ : No livelihood protection deficit Food Insecurity Experience Scale ⁷ : (FIES 30 days recall): < -0.58	Quantity: Minimally Adequate Dietary energy intake: Minimally adequate (avg. 2,100 kcal pp/day) Household Dietary Diversity Score: 5-FG but deterioration ≥1 FG from typical Food Consumption Score: Acceptable but deterioration from typical Household Hunger Scale: 1 (slight) Reduced Coping Strategies Index: 4-18 Household Economy Analysis: Small or moderate livelihood protection deficit <80% FIES: Between -0.58 and 0.36	Quantity: Moderately Inadequate – Moderate deficits Dietary energy intake: Food gap (below avg. 2,100 kcal pp/day) Household Dietary Diversity Score: 3-4 FG Food Consumption Score: Borderline Household Hunger Scale: 2-3 (moderate) Reduced Coping Strategies Index: ≥ 19 (non-defining characteristics (NDC) to differentiate P3, 4 and 5) Household Economy Analysis: Livelihood protection deficit ≥80%; or survival deficit <20% FIES: > 0.36 (NDC to differentiate between Phases 3, 4 and 5)	Quantity: Very Inadequate – Large deficits Dietary energy intake: Large food gap; well below 2,100 kcal pp/day Household Dietary Diversity Score: 0-2 FG (NDC to differentiate P4 and 5) Food Consumption Score: Poor (NDC to differentiate P4 and 5) Household Hunger Scale: 4 (severe) Reduced Coping Strategies Index: ≥ 19 (NDC to differentiate P3, 4 and 5) Household Economy Analysis: Survival deficit ≥20% but <50% FIES: > 0.36 (NDC to differentiate between Phases 3, 4 and 5)	Quantity: Extremely Inadequate – Very large deficits Dietary energy intake: Extreme food gap Household Dietary Diversity Score: 0-2 FG Food Consumption Score: Poor (NDC to differentiate P4 and 5) Household Hunger Scale: 5-6 (severe) Reduced Coping Strategies Index: ≥ 19 (NDC to differentiate P3, 4 and 5) Household Economy Analysis: Survival deficit ≥50% FIES: > 0.36 (NDC to differentiate between Phases 3, 4 and 5)
	Livelihood change (assets & strategies)	Livelihood change: Sustainable livelihood strategies and assets Livelihood coping strategies ⁸ : No stress, crisis or emergency coping observed.	Livelihood change: Stressed strategies and/or assets; reduced ability to invest in livelihoods Livelihood coping strategies: Stress strategies are the most severe strategies used by the household in the past 30 days	Livelihood change: Accelerated depletion/erosion of strategies and/or assets Livelihood coping strategies: Crisis strategies are the most severe strategies used by the household in the past 30 days	Livelihood change: Extreme depletion/ liquidation of strategies and assets Livelihood coping strategies: Emergency strategies are the most severe strategies used by the household in the past 30 days	Livelihood change: Near complete collapse of strategies and assets Livelihood coping strategies: Near exhaustion of coping capacity
Second-level outcomes refer to area-level estimations of nutritional status and mortality that are especially useful for identifying more severe phases when food gaps are expected to impact malnutrition and mortality. For both nutrition and mortality area outcomes, household food consumption deficits should be an explanatory factor in order for that evidence to be used in support of the classification.						
Food security second-level outcomes	Global Acute Malnutrition (GAM) based on Weight-for-Height Z-score (WHZ) ^a	Acceptable: <5%	Alert: 5-9.9%	Serious: 10-14.9% or > than usual	Critical: 15-29.9% or > much greater than usual	Extremely Critical: ≥30%
	Global Acute Malnutrition based on Mid-Upper Arm Circumference (MUAC) ^a	<5%	5-9.9%	10-14.9%	≥15%	
	Body Mass Index (BMI) <18.5 ^{a,b}	<5%	5-9.9%	10-19.9%, 1.5 x greater than baseline	20-39.9%	≥ 40%
	Mortality	Crude Death Rate ^c : <0.5/10,000/day Under-five Death Rate ^c : <1/10,000/day	Crude Death Rate: <0.5/10,000/day Under-five Death Rate: <1/10,000/day	Crude Death Rate: 0.5-0.99/10,000/day Under-five Death Rate: 1-1.99/10,000/day	Crude Death Rate: 1-1.99/10,000/day OR >2x reference Under-five Death Rate: 2-3.99/10,000/day	Crude Death Rate: ≥2/10,000/day Under-five Death Rate: ≥4/10,000/day
Food security contributing factors	For contributing factors, specific indicators and thresholds for different phases need to be determined and analysed according to the livelihood context; however, some general descriptions for contributing factors are provided below.					
	Food availability, access, utilization, and stability	Adequate to meet short-term food consumption requirements Safe water ^d ≥15 litres pp/day	Borderline adequate to meet food consumption requirements Safe water marginally ≥15 litres pp/day	Inadequate to meet food consumption requirements Safe water > 7.5 to 15 litres pp/day	Very inadequate to meet food consumption requirements Safe water >3 to <7.5 litres pp/day	Extremely inadequate to meet food consumption requirements Safe water ≤3 litres pp/day
	Hazards and vulnerability	None or minimal effects of hazards and vulnerability on livelihoods and food consumption.	Effects of hazards and vulnerability stress livelihoods and food consumption.	Effects of hazards and vulnerability result in loss of assets and/or significant food consumption deficits.	Effects of hazards and vulnerability result in large loss of livelihood assets and/or extreme food consumption deficits.	Effects of hazards and vulnerability result in near complete collapse of livelihood assets and/or near complete food consumption deficits.

7. The acronym “IPC” is also used to refer to a global partnership of 19 organisations that is “*leading the development and implementation of the IPC at global, regional and country level.*”¹³ The IPC describes itself as a “*global authority on food security and nutrition analysis*”.¹⁴
8. The IPC has a Global Steering Committee (“**GSC**”) composed of senior officers representing its 19 partner organisations and a Global Support Unit (“**GSU**”), hosted at the FAO, which is described as the “*operational arm*” of the GSC.¹⁵
9. The IPC Famine Review Committee (“**FRC**”) is a committee comprising experts in nutrition, health and food security. It is activated when
 - (i) the country IPC Technical Working Group (“**TWG**”) concludes that at least one area is classified in IPC Phase 5 Famine or Famine Likely; or
 - (ii) there is a breakdown in technical consensus within the country’s IPC TWG regarding possible Famine classifications; or
 - (iii) the IPC Global Support Unit (“**GSU**”) acknowledges the presence of evidence above IPC Phase 5 thresholds and decides to activate a Famine Review; or
 - (iv) for similar reasons, an IPC Global Partner officially requests the IPC GSU to activate it.¹⁶
10. The FRC reviews data and analyses provided by IPC partners to determine whether the findings are credible and to see whether the data justifies a famine classification or a plausible famine classification. It then sets out an assessment of the current and projected food security situation.¹⁷
11. The Famine Early Warning Systems Network (**FEWS NET**) is a “*leading provider of early warning analysis on acute food insecurity around the world*” according to its website.¹⁸ It was established by the U.S. Agency for International Development (“**USAID**”) in 1985.¹⁹ However, information provided by it “*is not official U.S. Government information and does not represent the views or positions of [USAID] or the U.S. Government*”.²⁰
12. FEWS NET’s classification is “*IPC-compatible*” and its analysis “*follows key IPC protocols but does not necessarily reflect the consensus of national food security partners.*”²¹

¹³ <https://www.ipcinfo.org/ipcinfo-website/ipc-overview-and-classification-system/en/>.

¹⁴ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/communication_tools/brochures/IPC_Brochure_IPC_Governance_Structure.pdf

¹⁵ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/communication_tools/brochures/IPC_Brochure_IPC_Governance_Structure.pdf

¹⁶ <https://www.ungeneva.org/en/news-media/news/2024/03/91648/explainer-what-famine>.

¹⁷ <https://www.ungeneva.org/en/news-media/news/2024/03/91648/explainer-what-famine>; https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Committee_Review_Report_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf, p. 17.

¹⁸ <https://fews.net/>.

¹⁹ <https://fews.net/marking-40-years-fews-net>

²⁰ <https://fews.net/>.

²¹ <https://fews.net/>.

B. The Reports: outline

The early reports

13. FEWS NET issued its first “Gaza Strip Targeted Analysis” in response to the Israel-Hamas war on 28 November 2023 (the “**FEWS NET November 2023 Analysis**”).²² In it, FEWS NET explained that it

“does not have a presence in Gaza and does not cover Gaza through the standard mechanisms used for monitoring and projecting acute food insecurity in our reporting countries.”

14. FEWS NET also explained that the analysis was “*not IPC-compatible, as it was not developed with adherence to key IPC protocols*”. The analysis was intended to be “*used as a broader input to humanitarian decision-making*” and was based on “*available data from secondary sources*”.

15. The FEWS NET November 2023 Analysis concluded that

*“Acute malnutrition and hunger-related mortality levels are expected to rise over the next three months, with a faster pace of deterioration anticipated in the north.”*²³

16. On 11 December 2023, the FRC was activated by the GSU “*after acknowledging the presence of evidence above IPC Acute Food Insecurity (AFI) Phase 5 thresholds*”²⁴ in the Gaza Strip.

17. On 21 December 2023, the FRC released its first report on Famine in the Gaza Strip (the “**FRC December 2023 Report**”).²⁵ This recorded the FRC’s “*technical consensus that there is a Risk of Famine in the projection period through May 2024, if the current situation persists or worsens*”.²⁶

18. On the same day, FEWS NET issued its second Gaza Strip Targeted Analysis, with the same monitoring and reporting caveats as those issued in the first (the “**FEWS NET December 2023 Analysis**”). It concluded that

*“As of mid-December, while levels of acute malnutrition are likely rising, it is highly unlikely that levels have deteriorated to meet the emergency or famine thresholds.”*²⁷

²² <https://fews.net/sites/default/files/2023-12/Targeted-Analysis-Gaza-Strip-11282023.pdf>

²³ <https://fews.net/sites/default/files/2023-12/Targeted-Analysis-Gaza-Strip-11282023.pdf> p. 2

²⁴ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Report_Gaza.pdf, p. 1.

²⁵ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Report_Gaza.pdf.

²⁶ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Report_Gaza.pdf p. 11

²⁷ <https://fews.net/sites/default/files/2024-01/Targeted-Analysis-Gaza-Strip-20231221.pdf>, p. 2.

The March 2024 reports project imminent Famine in northern Gaza

19. In March 2024, the FRC conducted its second review, again activated by the GSU. This culminated in a second report published on 18 March 2024 (the “**FRC March 2024 Report**”),²⁸ which concluded that Famine was projected and imminent and was expected to become manifest in the northern part of the Gaza Strip (“**northern Gaza**”)²⁹ from mid-March 2024 to May 2024. A “Special Brief” was published by the IPC on the same date (the “**IPC March 2024 Special Brief**”)³⁰ and summarised in a “Special Snapshot” (the “**IPC March 2024 Special Snapshot**”).³¹
20. FEWS NET also released its third Gaza Strip Targeted Analysis on the same date, finding that “*Famine (IPC Phase 5) is imminent in northern Gaza, likely by May*” (the “**FEWS NET March 2024 Analysis**”).³² This analysis was described as “*IPC-compatible*”, but FEWS NET still noted that, given their lack of presence in Gaza, it was “*based on available data and information from secondary sources, including key informants and local organizations*”. FEWS NET also published a summary of this analysis, titled “*Gaza Strip Targeted Analysis in Brief*”.³³
21. The FRC and IPC March 2024 reports are discussed in Section C below (paragraphs 43 - 60).

May 2024: data in March reports challenged

22. On 24 May 2024, experts at the Israel Ministry of Health, Tel Aviv University, Ben Gurion University, Hebrew University of Jerusalem and the University of Haifa published a joint working paper (the “**Working Paper**”).³⁴ This contradicted key findings of the previous IPC reports and FEWS NET analyses and concluded provisionally that food delivered through crossings into the Gaza Strip between January and April 2024 provided a mean of 3,163 calories per person per day after allowing for 30% loss.³⁵ This was over 50% more calories than required by the

²⁸https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Committee_Review_Report_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf

²⁹ *i.e.*, the North Gaza and Gaza [City] Governorates: see https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Committee_Review_Report_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf p. 4. We use the term “North Gaza” to refer to the North Gaza governorate.

³⁰https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf

³¹https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Snapshot.pdf

³² https://fewsn.net/sites/default/files/2024-03/Gaza%20Targeted-Analysis-03182024-Final_0.pdf

³³ https://fewsn.net/sites/default/files/2024-03/Gaza-Targeted-Analysis-Brief-202403-Final_0.pdf

³⁴ <https://web.archive.org/web/20240524193842/https://biochem-food-nutrition.agri.huji.ac.il/sites/default/files/biochem-food-nutrition/files/preprint-nutritional-assessment-of-food-aid-delivered-to-gaza-via-israel-during-the-swords-of-iron-war.pdf>; <https://web.archive.org/web/20240524101554/https://www.timesofisrael.com/new-study-finds-food-supply-to-gaza-more-than-sufficient-for-populations-needs/>.

³⁵ <https://web.archive.org/web/20240524193842/https://biochem-food-nutrition.agri.huji.ac.il/sites/default/files/biochem-food-nutrition/files/preprint-nutritional-assessment-of-food-aid-delivered-to-gaza-via-israel-during-the-swords-of-iron-war.pdf> at p. 15. The draft paper has since been revised to cover the period January to July 2024 in which the authors conclude that food delivered to Gaza provided 2589 calories per person per day after adjusting for 30% loss:

Sphere guidelines for humanitarian food to conflict-affected populations, which set out a daily requirement of 2,100 calories per person, or 1898 calories per person when adjusted for the age distribution of the Gaza Strip population.³⁶

23. On 29 May 2024, the Israel Ministry of Foreign Affairs (“MFA”) publicly responded to the FRC March 2024 Report and the IPC March 2024 Special Brief with a separate analysis, entitled “*Transparency and Methodology Issues in the IPC Special Brief of 18 March 2024*” (the “**MFA May 2024 Analysis**”).³⁷ This showed that the March reports were based on inaccurate and incomplete data regarding the food supplies transferred into the Gaza Strip. The MFA May 2024 Analysis also criticised the

*“systematic and consistent effort to ignore two undeniable trends on the ground in Gaza between the first and second IPC reports (December – March): a significant decline in the war’s intensity and a significant increase in the humanitarian effort and the flow of aid. Any analysis or projection which ignore those trends is deeply misleading.”*³⁸

24. The Working Paper and the MFA May 2024 Analysis are discussed in Section C below (paragraphs 43 - 60) together with the FRC and IPC March reports.
25. FEWS NET published a fourth IPC-compatible analysis dated 31 May 2024 (the “**FEWS NET May 2024 Analysis**”), finding that it was “*possible, if not likely*” that Famine was ongoing in northern Gaza during April 2024 and that it was also possible that Famine in this area would persist “*if there is not a fundamental change in how food assistance is distributed and accessed after entering Gaza*”.³⁹ This analysis also assessed that southern Gaza would be brought into Phase 4 Emergency and Phase 5 Famine between May and July 2024.
26. However, on 4 June 2024 the FRC published a review (the “**FRC June 2024 Review**”) of an earlier version of the FEWS NET May 2024 Analysis, in which the FRS concluded that the “*The FRC does not find the FEWS NET analysis plausible for the current period*” and “*is unable to endorse the IPC Phase 5 (Famine) classification for the projection period*”⁴⁰. In finding that the FEWS NET May 2024 Analysis was based on inaccurate and incomplete data regarding food supplies transferred into the Gaza Strip, the FRC Review also undermined one of the main bases of the reports published on 18 March 2024, which had relied on similar data.

<https://biochem-food-nutrition.agri.huji.ac.il/sites/default/files/biochem-food-nutrition/files/pre-proof-food-supplied-to-gaza-during-seven-months-of-the-hamas-israel-war.pdf> at p. 22. The revised draft also assumes a higher total population (2,226,544 instead of 2,098,389).

³⁶ <https://web.archive.org/web/20240524193842/https://biochem-food-nutrition.agri.huji.ac.il/sites/default/files/biochem-food-nutrition/files/preprint-nutritional-assessment-of-food-aid-delivered-to-gaza-via-israel-during-the-swords-of-iron-war.pdf> at p. 13.

³⁷ <https://www.gov.il/en/pages/transparency-and-methodology-issues-in-the-ipc-special-brief-of-18-march-2024>.

³⁸ <https://www.gov.il/en/pages/transparency-and-methodology-issues-in-the-ipc-special-brief-of-18-march-2024>.

³⁹ https://fews.net/sites/default/files/2024-06/Gaza-Targeted-Analysis-Update-042024-Final_3.pdf.

⁴⁰ <https://www.un.org/unispal/document/famine-review-committee-ipc-4jun24/>, p. 1.

27. The FEWS NET May 2024 Analysis and the FRC's review are discussed in Section D below (paragraphs 61 - 69).

June – September 2024: further reports with conclusions not supported by data

28. On 25 June 2024, the FRC published its third report on Famine in Gaza (the “**FRC June 2024 Report**”),⁴¹ which contained an acute food insecurity analysis for 1 May - 15 June 2024 and a projection for 16 June - 30 September 2024. This FRC Report concluded that “*the available evidence does not indicate that Famine is currently occurring*” but found the “*risk of Famine plausible for all areas based on the assumptions set by the analysis team.*”⁴²
29. The IPC also published a “Special Snapshot” on 25 June 2024 (the “**IPC June 2024 Special Snapshot**”) which stated that “*A high risk of Famine persists across the whole Gaza Strip as long as conflict continues and humanitarian access is restricted*”.⁴³
30. On 10 July 2024, the IPC published a further Special Brief (the “**IPC July 2024 Special Brief**”).⁴⁴ Although published later, this Special Brief addressed the same period (May – September 2024) as the FRC June 2024 Report and the IPC June 2024 Special Snapshot. The Special Brief claimed that “*A high risk of Famine persists across the whole Gaza Strip as long as conflict continues, and humanitarian access is restricted.*”
31. FEWS NET published further acute food insecurity analyses for June, July and August 2024 (respectively, the “**FEWS NET June/July/August 2024 Analysis**”).⁴⁵ The last of these, “*based on conditions observed through August 31, 2024*”, claimed that “*Dire hunger will persist in Gaza unless urgent action increases humanitarian access and aid.*”⁴⁶
32. The MFA published a detailed analysis of the FRC June 2024 Report and the IPC July 2024 Special Brief on 3 September 2024, which it updated on 7 October 2024 (the “**MFA September 2024 Analysis**”).⁴⁷ The MFA's analysis found that the conclusions of the FRC June 2024 Report and the IPC July 2024 Special Brief were not supported by the data and considered that the FRC Report “*displays persistent neutrality, transparency and methodology failures*”.

⁴¹https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf.

⁴²https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf, pp. 2-3.

⁴³https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_MaySept2024_Special_Snapshot.pdf

⁴⁴https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Jun_Sep2024_Special_Brief.pdf

⁴⁵https://fews.net/search?f%5B0%5D=region%3A624&f%5B1%5D=report_type%3A39&f%5B2%5D=page_type%3Areport&sort_by=date

⁴⁶ https://fews.net/sites/default/files/2024-09/Targeted-Analysis-Gaza-202408_0.pdf

⁴⁷ <https://www.gov.il/en/pages/the-third-ipc-report-on-gaza-june-2024-3-sep-2024>;
https://www.gov.il/BlobFolder/news/the-third-ipc-report-on-gaza-june-2024-3-sep-2024/en/English_Swords_of_Iron_DOCUMENTS_IPC%20report%20on%20Gaza_v8.7.pdf

33. The FRC June 2024 Report and IPC July 2024 Special Brief are discussed in Section E below (paragraphs 70 - 87) together with the criticisms in the MFA September Analysis.

October–November 2024: reports flag risks based on worst case scenarios that do not materialise

34. On 17 October 2024, the IPC published a further “Special Snapshot” on the Gaza Strip (the “**IPC October 2024 Special Snapshot**”), which contained an Acute Food Insecurity (“**AFI**”) and Acute Malnutrition (“**AMN**”) analysis for September – October 2024 and a projection for November 2024 – April 2025.⁴⁸ The Special Snapshot concluded that “*the risk of Famine persists across the whole Gaza Strip*” and that there were “*growing concerns that this worst-case scenario may materialize.*” FEWS NET released a “Targeted Analysis Update” (the “**FEWS NET October 2024 Analysis**”) on the same day.⁴⁹
35. On 8 November 2024, the FRC issued an “Alert” (the “**FRC November 2024 Alert**”) to “*express concern about an imminent and substantial likelihood of famine occurring, due to the rapidly deteriorating situation in the Gaza Strip.*”⁵⁰ The FRC Alert stated that
- “it is already abundantly clear that the worst-case scenario developed by the analysis team is now playing out in areas of the northern Gaza Strip. It can therefore be assumed that starvation, malnutrition, and excess mortality due to malnutrition and disease, are rapidly increasing in these areas. Famine thresholds may have already been crossed or else will be in the near future.”*⁵¹
36. On the same date, the IPC published a further Special Brief (the “**IPC November 2024 Special Brief**”),⁵² stating: “*the risk of Famine persists across the whole Gaza Strip.*”
37. On 12 November 2024, FEWS NET also issued an “Alert” (the “**FEWS NET November 2024 Alert**”), warning that “*If food supplies remain blocked, then Famine (IPC Phase 5) will most likely occur in North Gaza.*”⁵³
38. The October and November reports are discussed in Section F below (paragraphs 88 - **Error! Reference source not found.**).

December 2024: erroneous FEWS NET report withdrawn

39. On 23 December 2024, FEWS NET published another Alert (the “**FEWS NET December 2024 Alert**”), stating that “*A Famine (IPC Phase 5) scenario continues*

⁴⁸https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Malnutrition_Sep2024_Apr2025_Special_Snapshot.pdf

⁴⁹<https://fews.net/middle-east-and-asia/gaza/targeted-analysis/october-2024>

⁵⁰https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_FRC_Alert_Gaza_Nov2024.pdf p.1

⁵¹https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_FRC_Alert_Gaza_Nov2024.pdf p.2

⁵²https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Malnutrition_Sep2024_Aug2025_Special_Brief.pdf

⁵³https://fews.net/sites/default/files/2024-11/Gaza_Alert_202410_1.pdf

to unfold in North Gaza Governorate”, but noting that the analysis was still subject to a “plausibility review” by the IPC.⁵⁴

40. Attention was immediately drawn to the fact that this Alert relied on outdated and inaccurate data, in particular that the civilian population still resident in North Gaza numbered 65,000 – 75,000, whereas it was in range of 7,000 – 15,000.⁵⁵ This obviously invalidated the assessment of the amount of food available per person in this area.
41. The Alert was taken down from the FEWS NET website “To address inaccuracies in the population data set”.⁵⁶ The FEWS NET website currently states: “The FEWS NET December 23 Alert is under further review and is expected to be re-released with updated data and analysis in January.”⁵⁷
42. Further comments are made about the FEWS NET December 2024 Alert in Section G below (paragraphs 98106).

C. The March 2024 reports: based on incorrect and incomplete data for supplies of food and water

43. The IPC Special Brief published on 18 March 2024 stated that Famine was imminent in northern Gaza and that 677,000 people in the Gaza Strip were already in the Phase 5 Catastrophe level of its food insecurity scale.⁵⁸ If this were correct, it would mean that at least 135 people were currently dying of starvation every day in March 2024. The Special Brief projected that 1,107,000 people would be in the Phase 5 Catastrophe level in the period from 16 March to 15 July 2024. If this had come to pass, at least 221 people would have been dying of starvation each day during this period.

Famine predictions not supported by mortality data

44. Neither the IPC Special Brief nor the FRC Report of March 2018 provided mortality figures to substantiate these claims. The IPC Special Brief recognised that “The analysis could not benefit from representative evidence of non-trauma mortality as intended by IPC Protocols”.⁵⁹ However, the FRC Report noted that the UN Office for the Coordination of Humanitarian Affairs (“OCHA”) had reported on 11 March 2024 that the death toll related to malnutrition had risen to 25 including 21

⁵⁴<https://web.archive.org/web/20241224064552/https://reliefweb.int/attachments/2a86032b-ccc7-454c-b50c-5c04cb5fa581/December%2023%2C%202024.pdf>

⁵⁵ <https://x.com/USAmbIsrael/status/1871492289841025472>

⁵⁶ <https://jewishinsider.com/2024/12/jack-lew-israel-gaza-aid-usaid/>

⁵⁷ <https://fews.net/gaza>

⁵⁸ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Committee_Review_Report_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf;
https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Committee_Review_Report_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf

⁵⁹ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf, p. 27.

children,⁶⁰ and on 15 March 2024 OCHA stated that 31 people, including 27 children, had died from malnutrition and dehydration in the Gaza Strip.⁶¹ Despite the discrepancy between the figure required for a conclusion that Famine is occurring in northern Gaza (about 60 people per day⁶²) and the OCHA statement that 31 people had died of malnutrition and dehydration in total by 15 March 2024, the UN World Food Programme (“WFP”) relied on this report when it stated on 3 May 2024 that there was a “*full-blown famine*” in northern Gaza.⁶³ However, subsequently, in June 2024, Arif Husain, Chief Economist and Director of Analysis, Planning and Performance at the WFP, admitted that the data standards for making famine assessments and projections had not been met.⁶⁴

45. In the absence of figures for non-trauma mortality, the FRC March 2024 Report claimed that Famine thresholds for acute food insecurity and acute malnutrition had been surpassed and would soon translate into death rates above the Famine thresholds, if they had not yet done so.⁶⁵ This assessment depended critically on the validity of the data regarding food insecurity and malnutrition. Flaws in malnutrition calculations throughout the Famine reports are discussed in paragraphs 107 - 136 below. The inadequacy of the data on which the FRC March 2024 Report was based is discussed in the following paragraphs.

Food insecurity assessment based on incorrect data

46. The IPC March 2024 Special Brief claimed that between 8 October 2023 and 9 March 2024 the number of food trucks into Gaza per day had decreased from an average of 150 trucks per day between January and September 2023 to an average of 60 trucks per day.⁶⁶ However, the actual pre-war number of food trucks per day was about 75, not 150, as claimed in the report.⁶⁷ Moreover, according to the Israeli Government Department for the Coordination of Government Activities in the Territories (“COGAT”), the number of food trucks increased significantly between November 2023 (average of 45 trucks per day) and March 2024 (average of 139 trucks per day).⁶⁸ Similarly, according to UNRWA, which provides partial information on the number of aid trucks entering the Gaza Strip, the average daily

⁶⁰https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Committee_Review_Report_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf, p. 10.

⁶¹ https://www.ochaopt.org/sites/default/files/Gaza_casualties_info-graphic_15_March_2024.pdf. It appears that the main cause of death in these cases was intestinal infections rather than lack of food or water: <https://www.telegraph.co.uk/global-health/terror-and-security/gaza-malnutrition-israel-war-famine-children/#:~:text=intestinal%20infections>

⁶² Based on 300,000 population at the date of the report: see <https://www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1156872/>.

⁶³ <https://www.timesofisrael.com/new-study-finds-food-supply-to-gaza-more-than-sufficient-for-populations-needs/#:~:text=According%20to%20the%20paper%2C%20the,in%20April%20to%204%2C580%20kcal.>

⁶⁴ <https://www.jns.org/un-official-admits-lack-of-data-indicating-famine-in-gaza-famine/>

⁶⁵ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Committee_Review_Report_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf, pp. 10-12.

⁶⁶ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf, p. 8.

⁶⁷ <https://www.camera.org/article/cnn-article-errs-and-misleads-on-gaza-humanitarian-aid/>

⁶⁸ <https://www.gov.il/en/pages/transparency-and-methodology-issues-in-the-ipc-special-brief-of-18-march-2024> Section 4; <https://x.com/cogatonline/status/1785647121015726186>.

rate of trucks carrying food into Gaza increased from 55 in November to 97 in January 2024, and then to 118 in March 2024.⁶⁹ This trend was not reflected in the IPC Special Brief or the FRC Report of March 2024.

47. The MFA May 2024 Analysis of the IPC March 2024 Special Brief and FRC March 2024 Report pointed to one of their fundamental problems, being the omission of data on food supplied to northern Gaza by the private sector. This information was omitted despite this food supply constituting most of the food provided to northern Gaza during the reporting period.⁷⁰ Whilst the FRC June 2024 Report (discussed below) acknowledged and referred to information from COGAT, the FRC March 2024 Report and Special Brief did not contain a single reference to COGAT or to information derived from COGAT. Indeed, there appears to be no reliance whatsoever in the FRC March 2024 Report on *any official Israeli information and data* (whether provided by COGAT or otherwise).
48. The MFA May 2024 Analysis also pointed to the failure to give references in the FRC March 2024 Special Brief to publicly available sources of the key figures and studies on which its conclusions were based.⁷¹ Indeed, the Special Brief appears to have deliberately omitted crucial evidence wholly at odds with its portrayal of famine and malnutrition. As observed in section 7 of the MFA May 2024 Analysis:

“the Special Brief states that its “analysis could not benefit from representative evidence of non-trauma mortality as intended by IPC Protocols.” The report fails to mention that on 3 March, just before the end of its analysis period, WHO cited in its [situation update](#) a Gaza MoH figure of 17 children claimed to have died of malnutrition. While this figure is questionable due to its source, the Analysis Team demonstrated full confidence in the Gaza MoH for fatality figures, epidemiological trends and other statistics. It therefore may seem like the decision not to cite that figure was made to avoid the choice between having to explain how the number of reported deaths is consistent with the report’s finding that Gaza has “the highest number of people ever recorded as facing catastrophic hunger by the IPC system” and having to admit that the Hamas-run MoH is an unreliable source. It therefore remains unknown on what basis the IPC claimed in its [summary](#) that there is an “upward trend in non-trauma mortality” which is “likely to accelerate”. It should be noted that a month later, on 2 April, the WHO update cited the number of “28 patients”, not children, who “reportedly died of malnutrition”. On 8 May, seven months into the war, the reported number was “31 patients”.”

⁶⁹ <https://www.gov.il/en/pages/transparency-and-methodology-issues-in-the-ipc-special-brief-of-18-march-2024> Section 4; https://data.humdata.org/dataset/state-of-palestine-gaza-aid-truck-data?force_layout=desktop.

⁷⁰ <https://www.gov.il/en/pages/transparency-and-methodology-issues-in-the-ipc-special-brief-of-18-march-2024> Section 6.

⁷¹ <https://www.gov.il/en/pages/transparency-and-methodology-issues-in-the-ipc-special-brief-of-18-march-2024> Section 5

49. The conclusions of the Working Paper published on 24 May 2024 also disputed the findings in the IPC March 2024 Special Brief and the FRC March 2024 Report. The authors of the Working Paper

*“analyzed the food shipments delivered into the Gaza Strip by land between January to April 2024, as recorded by COGAT. These records list the date of shipment, the consignee, the weight and the content of trucks entering Gaza via the Nitzana and Kerem Shalom crossing points. Unlike the data posted by United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) 5, the COGAT data lists the gross weight of each consignment and its content. Also, it includes data of aid delivered from multiple sources and not only UN agencies, such as national and private sector donations.”*⁷²

50. They calculated that

*“The mean energy availability across 4 months was 3,163 kcal per capita per day, after adjusting for packaging and other non-food weight. Protein availability amounted to 103.7 gr per capita per day, with a mean of 13% of the energy intake. Mean fat availability was 29.5gr per capita per day (3.7% of daily kcal), and mean iron availability was 16.7 mg per capita per day (Table 3).”*⁷³

51. They concluded:⁷⁴

“The quantity and quality of food delivered to Gaza have steadily improved and diversified since January 2024. The food supply contains sufficient energy and protein for the population’s needs. Further studies should investigate food supply distribution and population access to humanitarian aid. Supporting these efforts with reliable data is vital to continue to improve results.”

Alleged deficiency of water supply based on missing data

52. With regard to water supply to Gaza, the IPC March 2024 Special Brief claimed that *“in February 2024, the water produced from all the water sources in Gaza accounted for only 5.7 percent of the pre-escalation production values.”*⁷⁵ However, the figure of 5.7% originated from an OCHA ‘Flash Update #120’ dated 16 February 2024,⁷⁶ which in turn relied on the minutes of a meeting of the State of Palestine National water, sanitation and hygiene (“WASH”) Cluster, that took place

⁷² <https://web.archive.org/web/20240524193842/https://biochem-food-nutrition.agri.huji.ac.il/sites/default/files/biochem-food-nutrition/files/preprint-nutritional-assessment-of-food-aid-delivered-to-gaza-via-israel-during-the-swords-of-iron-war.pdf>, p. 4.

⁷³ <https://web.archive.org/web/20240524193842/https://biochem-food-nutrition.agri.huji.ac.il/sites/default/files/biochem-food-nutrition/files/preprint-nutritional-assessment-of-food-aid-delivered-to-gaza-via-israel-during-the-swords-of-iron-war.pdf>, p. 12.

⁷⁴ <https://web.archive.org/web/20240524193842/https://biochem-food-nutrition.agri.huji.ac.il/sites/default/files/biochem-food-nutrition/files/preprint-nutritional-assessment-of-food-aid-delivered-to-gaza-via-israel-during-the-swords-of-iron-war.pdf>, p. 2;
<https://web.archive.org/web/20240524101554/https://www.timesofisrael.com/new-study-finds-food-supply-to-gaza-more-than-sufficient-for-populations-needs/>.

⁷⁵ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf, p. 20.

⁷⁶ <https://www.unocha.org/attachments/3b70375f-0807-46a6-93b8-7804153a1e55/OCHA%20Pt%20Flash%20Update%2023120%202024.02.16.pdf>.

on 7 February 2024 (the “**7 February Minutes**”).⁷⁷ The figure of 5.7% was the ratio between the daily average production from all water sources for that week, namely 21,570 cubic metres, and the total potential water production for that week, namely 374,800 cubic metres.

53. The figure of 21,570 cubic metres translated to less than 10 litres per person and would have corresponded to the IPC Phase 3 “Crisis” (but not IPC Phase 5 “Famine”). However, in the third row of the table relied on in the 7 February Minutes, labelled “*Municipal sources*”, which are responsible for 68 percent of the potential water supply, no figure appears. Instead, it is stated: “*No data available*”. In other words, the figure of 21,570 cubic metres did not take into account municipal sources and was therefore a substantial underestimate of the actual water production in the Gaza Strip.
54. The next weekly minutes of the State of Palestine National WASH Cluster meeting dated 14 February 2024,⁷⁸ contained the phrase “*partially available information*” in the row labelled “*Municipal sources*”, which brought the total known daily water supply to over 34,000 cubic metres, translating to 14.5 litres per person.
55. In the following weekly minutes, dated 21 February 2024,⁷⁹ the reported daily supply from municipal sources almost tripled, bringing the total water supply to about 58,000 cubic metres, or 26 litres per person.
56. Finally, in the minutes dated 6 March 2024,⁸⁰ the total water supply was about 52,000 cubic metres, or 23 litres per person - well within the IPC Phase 1 range.
57. All this information was available to the IPC and FRC when putting together the IPC March 2024 Special Brief and FRC March 2024 Report, yet they claimed that “*this analysis factors in all data and information available up to 10 March 2024*”.⁸¹ They appear to have reported only the partial data that was available in the beginning of February 2024 and ignored the more complete information that was published on several occasions afterwards.

Impact of the March reports

58. In its Provisional Measures Order of 28 March 2024, the International Court of Justice (the “**ICJ**”) expressly noted the IPC Special Brief of 18 March 2024 and quoted its (incorrect) finding that “*Famine is imminent in the northern governorates and projected to occur anytime between mid-March and May 2024*”.⁸²

⁷⁷ <https://drive.google.com/drive/folders/1oC2nyOzHloDiUU430B3LQirRG2dhp7fl>.

⁷⁸ <https://drive.google.com/drive/folders/1oC2nyOzHloDiUU430B3LQirRG2dhp7fl>.

⁷⁹ <https://drive.google.com/drive/folders/1oC2nyOzHloDiUU430B3LQirRG2dhp7fl>.

⁸⁰ <https://drive.google.com/drive/folders/1oC2nyOzHloDiUU430B3LQirRG2dhp7fl>.

⁸¹ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf, p. 1;

https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Committee_Review_Report_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf p.5.

⁸² <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240328-ord-01-00-en.pdf> at para. 19.

59. In his public statement of 20 May 2024 announcing that he was filing applications for warrants for the arrest of the Israeli Prime Minister and Defence Minister,⁸³ the Prosecutor of the International Criminal Court (the “ICC”) claimed that

“Famine is present in some areas of Gaza and is imminent in other areas. As UN Secretary-General António Guterres warned more than two months ago, ‘1.1 million people in Gaza are facing catastrophic hunger – the highest number of people ever recorded – anywhere, anytime’”.

60. These allegations appear to have been based on the Famine reports published on 18 March 2024, the same date as the UN Secretary General posted the comment to which the ICC Prosecutor referred.⁸⁴ However, those reports were based on incorrect figures for food and water supplies and were superseded by the FRC Review of 4 June 2024⁸⁵ and subsequently by the FRC Report of 25 June 2024⁸⁶ discussed below.

D. The FEWS NET May 2024 Analysis and its rejection by the FRC June 2024 Review: flaws of the March 2024 reports exposed

61. FEWS NET produced a further analysis dated 31 May 2024.⁸⁷ As published, it stated that FEWS NET found it “possible, if not likely, that all three IPC thresholds for Famine (food consumption, acute malnutrition, and mortality) were met or surpassed in northern Gaza in April [2024].” FEWS NET also assessed that it was possible that Famine would “persist through at least July if there is not a fundamental change in how food assistance is distributed and accessed after entering Gaza.” FEWS NET assessed southern Gaza as currently in IPC Phase 3, but that it would be brought into IPC Phase 4 and Phase 5 between May and July 2024. FEWS NET added that it had initially concluded that the most likely scenario was that Famine (IPC Phase 5) was occurring in northern Gaza during April 2024 but the FRC had found that this was not plausible.⁸⁸
62. Four days later the FRC published the FRC June 2024 Review,⁸⁹ which found that FEWS NET’s original version of its May 2024 Analysis⁹⁰ had been based on

⁸³ <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>

⁸⁴ <https://x.com/antonioguterres/status/1769827656940278191>. The post quotes from remarks of the UN Secretary-General at a press encounter on 15 March 2024 referring to the report that was about to be published: <https://www.un.org/sg/en/content/sg/speeches/2024-03-15/secretary-generals-remarks-press-encounter-gaza>.

⁸⁵ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/documents/IPC_Famine_Review_Committee_Report_FEWS_NET_Gaza_4June2024.pdf.

⁸⁶ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf.

⁸⁷ https://fews.net/sites/default/files/2024-06/Gaza-Targeted-Analysis-Update-042024-Final_3.pdf

⁸⁸ https://fews.net/sites/default/files/2024-06/Gaza-Targeted-Analysis-Update-042024-Final_3.pdf p. 2.

⁸⁹ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/documents/IPC_Famine_Review_Committee_Report_FEWS_NET_Gaza_4June2024.pdf

⁹⁰ We have not been able to find this document on any public website, but it is clear from the FRC June 2024 Review that it differed from the FEWS NET May 2024 Analysis as published.

significant under-reporting of foodstuffs entering the Gaza Strip. Given the repetition in that original version of similar deficiencies as in the FEWS NET March 2024 Analysis, the FRC June 2024 Review's findings essentially nullified the reliability and conclusions of both FEWS NET analyses. The FRC June 2024 Review also effectively confirmed important criticisms made by the MFA in its May 2024 Analysis⁹¹ of the IPC March 2024 Special Brief and the FRC March 2024 Report.

63. First, the FRC June 2024 Review highlighted two major omissions in the original version of the FEWS NET Analysis of food in Gaza: FEWS NET “*excludes the contribution of commercial and/or privately contracted deliveries*” as well as “*the contribution of WFP [World Food Program] deliveries to bakeries in northern Gaza.*”⁹² Without including these sources in its analysis, FEWS NET had concluded that Gazans were only receiving 59-63% of their caloric needs in April 2024. Based on the FRC's review of all food sources, however, the FRC June 2024 Review estimated that people in northern Gaza were receiving 109% of their caloric needs according to conservative estimates and 157% of these needs according to a higher estimate.⁹³

64. Second, even the lower estimates in the FEWS NET Analysis suggested

*“1) that there was a significant increase in food availability from February to March to April, and 2) that nearly 100% of daily kilocalorie requirements were available for the estimated population of 300,000 people [in the northern part of the Gaza Strip] in April, even using conservative calculations.”*⁹⁴

65. Third, the FRC June 2024 Review raised a number of concerns with the methods by which the calculation of food availability in northern Gaza was carried out by FEWS NET. The FRC concluded that the predictions for deaths caused by malnutrition or dehydration “*are not supported by the available evidence for the current period of analysis.*”⁹⁵ The reason for that was partly because there was significantly more food and water delivered to Gaza in April 2024 than in March 2024, and partly because not enough was known about Gaza's death count. As the FRC said, “*there remains considerable uncertainty about the death toll in northern Gaza during this period, particularly for non-trauma mortality.*”⁹⁶

⁹¹ <https://www.gov.il/en/pages/transparency-and-methodology-issues-in-the-ipc-special-brief-of-18-march-2024>

⁹² https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/documents/IPC_Famine_Review_Committee_Report_FEWS_NET_Gaza_4June2024.pdf, p. 4.

⁹³ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/documents/IPC_Famine_Review_Committee_Report_FEWS_NET_Gaza_4June2024.pdf, Annex 1 p. 10.

⁹⁴ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/documents/IPC_Famine_Review_Committee_Report_FEWS_NET_Gaza_4June2024.pdf, p. 5.

⁹⁵ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/documents/IPC_Famine_Review_Committee_Report_FEWS_NET_Gaza_4June2024.pdf, p. 6.

⁹⁶ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/documents/IPC_Famine_Review_Committee_Report_FEWS_NET_Gaza_4June2024.pdf, p. 6.

66. Fourth, the FRC June 2024 Review noted that the overall number of trucks entering Gaza and the overall total of available food used in the FEWS NET Analysis were significantly lower than reported by other sources.⁹⁷
67. Finally, it appears from the findings of the FRC June 2024 Review that FEWS NET had relied on multiple layers of assumptions and inferences to address the major gaps in publicly available evidence, including direct and indirect evidence for food consumption and livelihood change, nutritional status and mortality, causing erroneous conclusions to be reached.
68. The FRC June 2024 Review re-analysed the situation in northern Gaza, where the conditions were alleged to have been the most severe. The FRC concluded that it did not find the claims about IPC Phase 5 “Famine” plausible in the context of the current situation as of the end of April 2024. Since the FEWS NET analysis was not plausible for the current period, the FRC could not endorse the FEWS NET projection for May-July 2024, but noted that it was in line with the FRC’s own projection in March 2024 that had not yet been updated.⁹⁸
69. As stated above, the main defects of the original version of the FEWS NET May 2024 Analysis identified in the FRC June 2024 Review were also present in the FEWS Net March 2024 Analysis, the IPC March 2024 Special Brief and the FRC March 2024 Report. Each of these reports was effectively contradicted by the findings of the FRC June 2024 Review.

E. FRC June 2024 Report and IPC July 2024 Special Brief – conclusions not supported by data

70. The FRC subsequently published its own report on the Gaza Strip on 25 June 2024 (the FRC June 2024 Report).⁹⁹ It classified both the current and the projected situation in all parts of Gaza as Phase 4 “Emergency”, rather than Phase 5 “Famine”. However, the data reported in this FRC Report do not appear to justify classifications higher than Phase 3 (Crisis).
71. The two key parameters for classification in the higher IPC Phases are the rates of non-trauma related mortality and of acute malnutrition among children. Neither of these met the Phase 5 “Famine” threshold or even the Phase 4 “Emergency” threshold. The values in the FRC June 2024 Report imply that the situation should have been classified at the highest as Phase 3 “Crisis”, and more plausibly as Phase 2 “Stressed” or Phase 1 “none/minimal”.

⁹⁷https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/documents/IPC_Famine_Review_Committee_Report_FEWS_NET_Gaza_4June2024.pdf, p. 4.

⁹⁸https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/documents/IPC_Famine_Review_Committee_Report_FEWS_NET_Gaza_4June2024.pdf, p. 1, Table 1.

⁹⁹https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf

72. The IPC Technical Manual, in its overview of the IPC Special Additional Protocols, which were “*adopted to ensure the technical rigour, neutrality and quality of analysis*”,¹⁰⁰ states that only non-trauma deaths should be included in the calculation of the CDR value.¹⁰¹ The FRC June 2024 Report referred to a survey of 1104 households conducted by the WFP between the start of 2024 and the end of April,¹⁰² which provided estimates of non-trauma related mortality.¹⁰³ However, in the Report itself, only the ‘all-cause’ (trauma and non-trauma related) mortality statistics were shared, even though the WFP and FRC were in possession of non-trauma mortality figures.¹⁰⁴ Nevertheless, even the all-cause mortality statistics, which showed a CDR of 0.55 deaths/10,000/day (95% Confidence Interval (“CI”) 0.31, 0.96) and a U5DR of 0.72 (95% CI 0.23, 2.26), indicated that the situation in the Gaza Strip was very far from the Famine threshold. In fact the all-cause CDR was at the lower end of the range for non-trauma CDR in Phase 3 (0.5 – 0.99 deaths/10,000/day). Thus, the probable non-trauma related mortality rates were indicative, at most, of IPC Phase 3, and more likely of Phase 2 or 1 (CDR <0.5 deaths/10,000/day).
73. The FRC June 2024 Report also contained tables of results of malnutrition screenings of children under the age of five carried out in April and May 2024. The last column showed IPC classifications that would be consistent with the results of each survey. Neither Phase 4 (Emergency) nor Phase 5 (Catastrophe/Famine) appeared there at all - the highest phase was Phase 3 and most of the results indicated Phase 1 or Phase 2.¹⁰⁵ Most of the results, as well as area-wise averages, were close to the baseline 4% prevalence rate in Gaza before the war.¹⁰⁶
74. Moreover, key IPC metrics indicated a very clear trend of improvement with time. The Food Consumption Score (“FCS”) in the northern governorates steadily improved since March 2024, and in the rest of the Gaza Strip since December

¹⁰⁰ <https://www.ipcinfo.org/ipc-manual-interactive/ipc-acute-food-insecurity-protocols/ipc-famine-classification-special-additional-protocols/en/>.

¹⁰¹ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/manual/IPC_Technical_Manual_3_Final.pdf, pp. 85-86.

¹⁰² https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf, pp. 8, 31.

¹⁰³ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf, p. 19.

¹⁰⁴ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf, p. 19: “1,104 household interviews were conducted, and data was collected on 5,707 individuals with a total of 767,281 days at risk. 42 deaths were recorded which yielded an all-cause CDR of 0.55 (95% CI 0.31, 0.96) deaths/10,000/day and an all-cause U5DR of 0.72 (95% CI 0.23, 2.26) deaths/10,000/day. Exclusion of deaths caused by violence resulted in lower estimated death rates, confirming that there was no evidence from the CATI surveys that the Famine thresholds for mortality had been breached during the current analysis period.”

¹⁰⁵ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf, pp. 45 and 50-51.

¹⁰⁶ Global Nutrition Cluster, *Nutrition Vulnerability and Situation Analysis / Gaza*, February 2024 p.4 <https://www.nutritioncluster.net/sites/nutritioncluster.com/files/2024-02/GAZA-Nutrition-vulnerability-and-SitAn-v7.pdf>

2023.¹⁰⁷ In fact, by May 2024, its values were actually better than before the war.¹⁰⁸ Two other key indicators, the Reduced Coping Strategy Index (“rCSI”) and Households Hunger Scale distribution (“HHS”), showed a similar trend of significant improvement from January 2024 onwards.¹⁰⁹

High risk of famine asserted but not substantiated and does not materialise

75. Despite the evidence summarised above, the Executive Summary of the FRC June 2024 Report nevertheless stated:

“The FRC finds the risk of Famine plausible for all areas, based on the assumptions set by the analysis team. A high risk of Famine persists as long as conflict continues, and humanitarian access is restricted.”

This conclusion appears to be based on speculation that things “*can change very quickly*” so that “*it remains possible that Famine thresholds could be surpassed at any time*” whilst the conflict continues.¹¹⁰

76. Then, in contradiction to the actual evidence, the final paragraph of the Executive Summary concluded “*The situation in Gaza is catastrophic, there is a high and sustained risk of Famine across the whole Gaza Strip.*”¹¹¹ Its own (incorrectly elevated) finding, that the projection for the period to end September 2024 of Phase 4 (“Emergency”) and not Phase 5 (“Catastrophe/Famine”) was plausible, was ignored and replaced by an unexplained and unsupported claim of a “*high and sustained risk of Famine*”. The body of the FRC June 2024 Report itself showed that these assessments of increasing threat were not based on the actual conditions in the Gaza Strip, but merely on the *possibility* that the situation would deteriorate if the hostilities were not brought to an end.

77. The IPC Technical Manual makes provision for “Famine Likely” classifications:

*“Famine Likely classifications can be performed when evidence requirements for a Famine classification are not met but there is at least R₁ (+ or -) direct evidence on outcomes, or other evidence as described in Figure 62 and detailed below.”*¹¹²

However, the Manual also makes clear that:¹¹³

¹⁰⁷ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf, pp. 14-15.

¹⁰⁸ World Food Programme, *WFP Palestine Country Brief September 2022*, https://un.org/unispal/wp-content/uploads/2022/10/WFPCBSEPT22_181022.pdf; Zlochin, Mark, X, <https://x.com/MarkZlochin/status/1806030415918145552>.

¹⁰⁹ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf, p. 15.

¹¹⁰ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf, p. 3.

¹¹¹ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf, p. 3.

¹¹² https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/manual/IPC_Technical_Manual_3_Final.pdf, p. 86.

¹¹³ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/manual/IPC_Technical_Manual_3_Final.pdf, p. 88.

“All current, projected or inferred evidence needs to be at or above Famine thresholds for Famine or Famine Likely classifications (i.e. at least 20 percent of households with extreme food gaps, at least 30 percent of children acutely malnourished identified through GAM based on WHZ, and in the absence of GAM based on WHZ, at least 15 percent of children acutely malnourished identified through GAM based on MUAC for Famine Likely classifications; and a CDR of at least two deaths per 10,000 per day, or a U5DR of at least four deaths per 10,000 per day). For a projection of famine, the current situation can still be below famine thresholds, but through a critical analysis, it is concluded that the condition will pass the famine cut-offs in the projection period.”

78. Thus, to qualify for the “Famine Likely” classification, the same CDR or U5DR rates must be exceeded, although their assessment can be based on less rigorous evidence, such as household surveys and hospital records.
79. However, there was nothing in the FRC June 2024 Report that enabled the FRC properly to conclude that Famine was Likely in accordance with the IPC Technical Manual classification, because there was no evidence referred to in this Report which supported a claim that the mortality rate or child malnutrition rate in any part of the Gaza Strip exceeded the specified rates or would exceed it. Rather, the Report noted that:¹¹⁴

“42 deaths were recorded [in the survey] which yielded an all-cause CDR of 0.55 (95% CI 0.31, 0.96) deaths/10,000/day and an all-cause U5DR of 0.72 (95% CI 0.23, 2.26) deaths/10,000/day. Exclusion of deaths caused by violence resulted in lower estimated death rates, confirming that there was no evidence from the CATI surveys that the Famine thresholds for mortality had been breached during the current analysis period.

During the second review conducted by the FRC in March, there was an alarming and rapid increase in the number of deaths being reported due to malnutrition and dehydration by mainstream and social media sources. From the end of March, the rate of these reports slowed substantially. This is viewed as supporting evidence and is consistent with MOH reporting and WFP CATI survey results that indicate relatively lower death rates during the current analysis period.

Taken together, these data allow for a reasonable level of certainty that non-trauma CDR and U5DR were below Famine thresholds during the current analysis period.”

80. It should also be noted that only 32 patients in total were reported as having actually died of malnutrition in the Gaza Strip between 7 October 2023 and 6 June 2024, and this was only 4 more since 2 April 2024.¹¹⁵ The malnutrition data is discussed further in section H below (paragraphs 107 - 136).

¹¹⁴ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf, p. 19.

¹¹⁵ https://www.emro.who.int/images/stories/Sitrep_-_issue_33.pdf?ua=1&ua=1;

81. For the projected period, the FRC also endorsed the Analysis Team's (elevated) classification for each of the three areas of the Gaza Strip as being Phase 4.¹¹⁶ However, the FRC then concluded that it *"finds the risk of Famine to be plausible based on the assumptions set by the analysis team"*.¹¹⁷
82. This was not a classification of Famine Likely, as permitted by the IPC Technical Manual and Special Additional Protocols if the evidence is not entirely satisfactory. Nor was it any other classification recognised in the IPC Technical Manual or Special Additional Protocols. The methodology on which this asserted "risk" was assessed was not disclosed in the FRC June 2024 Report, nor was the probability of it materialising stated.
83. However, the subsequently published IPC July 2024 Special Brief summarised the position as follows:¹¹⁸

"As per the IPC tools and technical guidance, an IPC statement on the risk of Famine differs from a Famine classification. While a projected Famine classification is based on the most likely scenario, the risk of Famine refers to the worst-case scenario that has a reasonable and realistic chance of happening. The risk of Famine is only a statement and not a classification and was designed to complement the standard IPC projections of the most likely scenario by providing insights of a potential Famine if prospects evolve in a manner worse than anticipated. The elements considered when developing the worst-case scenario, which could reasonably occur, are described below."

This statement was then followed by a table setting out primary drivers and secondary drivers for each of three parts into which the Gaza Strip was divided.

84. The technical guidance to which the Special Brief refers is set out in an IPC guidance note dated March 2023.¹¹⁹
85. Since an IPC *"risk of Famine"* statement refers to the worst-case scenario that has a reasonable and realistic chance of happening, but not the most likely scenario, the phrase *"high risk of Famine"* in an IPC document appears to be an oxymoron. If it refers to the worst-case scenario that is reasonable and realistic, it cannot constitute a *"high risk"*. Assuming the authors of the FRC June 2024 Report and IPC July 2024 Special Brief intended to use the phrase *"risk of Famine"* in accordance with the IPC technical guidance, the insertion of the epithet "high" is misleading and has

https://www.emro.who.int/images/stories/Sitrep_-_issue_27.pdf?ua=1 and see the comments in the MFA September 2024 Analysis https://www.gov.il/BlobFolder/news/the-third-ipc-report-on-gaza-june-2024-3-sep-2024/en/English_Swords_of_Iron_DOCUMENTS_IPC%20report%20on%20Gaza_v8.7.pdf at p.13

¹¹⁶ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf, p. 22.

¹¹⁷ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf, pp. 22-23.

¹¹⁸ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Jun_Sept2024_Special_Brief.pdf at p. 36

¹¹⁹ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Guidance_Note_on_Risk_of_Famine.pdf

no doubt misled people who are not familiar with IPC specifications.¹²⁰ In any case, it is evident from subsequent data and reports that the worst-case scenario that was hypothesised did not materialise.

Criticism in the MFA September 2024 Analysis

86. The MFA September 2024 Analysis¹²¹ of the FRC June 2024 Report and the IPC July 2024 Special Brief identified numerous instances in which data was misreported and misrepresented in these documents, in addition to the points already made above. According to this Analysis, both the mortality data and the latest malnutrition data were indicative of IPC phase 1 in all parts of the Gaza Strip.¹²² However, the FRC reached its conclusions at odds with the data by ignoring or misrepresenting the direct outcome indicators¹²³ and by relying on other, circumstantial indicators that had no clear linkage to IPC phase classifications and/or were derived from unreliable or undisclosed sources.¹²⁴ Amongst other points, the MFA Analysis observed that:

- (1) Data on the quantity and calorific value of food entering the Gaza Strip were ignored in the FRC June Report and the IPC July 2024 Brief, now that the MFA and Israeli researchers had shown these were more than sufficient when all of the supplies were counted.¹²⁵
- (2) Previous IPC reports on Gaza had relied heavily on Computer Assisted Telephone Interviews (CATI). By contrast, the IPC phase classifications given in the FRC June 2024 Report and IPC July 2024 Special Brief were wholly inconsistent with the CATI data.¹²⁶

87. The MFA September 2024 Analysis concluded:

“The accumulation of unique and problematic practices in the IPC reports on Gaza since December 2023 point to a systemic failure by the FRC to ensure compliance with the most basic IPC standards and principles when it comes to this situation.

¹²⁰ See e.g. <https://www.bbc.co.uk/news/articles/cv22g81djdvo>

¹²¹ https://www.gov.il/en/pages/the-third-ipc-report-on-gaza-june-2024-3-sep-2024/en/English_Swords_of_Iron_DOCUMENTS_IPC%20report%20on%20Gaza_v8.7.pdf

¹²² https://www.gov.il/BlobFolder/news/the-third-ipc-report-on-gaza-june-2024-3-sep-2024/en/English_Swords_of_Iron_DOCUMENTS_IPC%20report%20on%20Gaza_v8.7.pdf p. 2, Table 1 and pp. 12-13

¹²³ https://www.gov.il/BlobFolder/news/the-third-ipc-report-on-gaza-june-2024-3-sep-2024/en/English_Swords_of_Iron_DOCUMENTS_IPC%20report%20on%20Gaza_v8.7.pdf pp. 3 and 5-14.

¹²⁴ https://www.gov.il/BlobFolder/news/the-third-ipc-report-on-gaza-june-2024-3-sep-2024/en/English_Swords_of_Iron_DOCUMENTS_IPC%20report%20on%20Gaza_v8.7.pdf pp. 3 and 14-22. Some of these matters could be more robustly described as inaccurate and irrelevant prejudice.

¹²⁵ https://www.gov.il/BlobFolder/news/the-third-ipc-report-on-gaza-june-2024-3-sep-2024/en/English_Swords_of_Iron_DOCUMENTS_IPC%20report%20on%20Gaza_v8.7.pdf pp. 5-6 and see paras. 46 - 51 and 61 - 69 above.

¹²⁶ https://www.gov.il/BlobFolder/news/the-third-ipc-report-on-gaza-june-2024-3-sep-2024/en/English_Swords_of_Iron_DOCUMENTS_IPC%20report%20on%20Gaza_v8.7.pdf pp. 6-9

The expressly biased descriptions of events, coupled with the lack of transparency throughout the process – from the identity of the organizations in the Analysis Team, through the details of the "non-TWG analysis process," to the extensive reliance on sources that are factually or methodologically flawed – raises serious doubts regarding the neutrality and impartiality of the IPC reports on Gaza, and hence on their credibility.

... Sadly, after three reports, it is clear by now that the IPC has been providing a highly misleading picture of reality and projections which are divorced from the actual trends on the ground.

The pattern emerging raises concern that at least some of the organizations involved in the IPC have instrumentalized the analysis process for their campaign to force Israel into an unconditional ceasefire, without the release of its hostages or the removal of Hamas' genocidal threat. ... The skewed IPC reports on Gaza thus became the primary "evidence" for the libel that Israel has a policy of intentionally starving Gaza's population, making it appear as a plausible accusation in the public, political and academic discourses, as well as in the highest institutions of international law. That is not robust humanitarian advocacy, but a dangerous and irresponsible, even if unintentional, fueling of hate."

F. October and November 2024 reports emphasise risk of Famine that does not materialise

88. The IPC Special Snapshot of 17 October 2024¹²⁷ assessed both the current situation in September-October 2024 and the projected situation in November 2024-April 2025 as IPC Phase 4 for acute food insecurity and IPC Phase 3 for acute malnutrition. The projections were based on what the IPC considered would be the most likely scenario, in which the Erez and Rafah crossing would remain open, but the decrease in humanitarian supplies in the first half of October would continue.
89. The Special Snapshot also stated that the whole Gaza Strip faced a risk of Famine in the projected period under a worst-case scenario which the IPC considered had a reasonable chance of occurring, namely: an intensification of Israeli military action in all parts of the Gaza Strip; a complete halt of all commercial trucks and a near halt of humanitarian assistance in North Gaza and Gaza City; and a decrease of the (inaccurately described) trickle of assistance from the Kerem Shalom crossing to nearly zero, resulting in a breakdown in law and order.
90. The Special Snapshot did not provide any actual mortality or malnutrition data.
91. FEWS NET issued a "Targeted Analysis Update" on the same date,¹²⁸ assessing the current situation and projected situation to the end of December as Phase 4. It

¹²⁷ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Malnutrition_Sep2024_Apr2025_Special_Snapshot.pdf

¹²⁸ https://fews.net/sites/default/files/2024-11/Targeted-Analysis-Gaza-Strip-202410_1.pdf

assumed that the Erez crossings would remain closed and that commercial supplies through the Kerem Shalom crossing would be severely restricted. As in the case of the IPC Special Snapshot, the FEWS NET analysis did not contain mortality or malnutrition data supporting Phase 4 classification.

92. The IPC issued a further Special Brief on 8 November 2024.¹²⁹ This again assessed the current and projected situation to 30 April 2025 as Phase 4 throughout the Gaza Strip. It further stated that *“The risk of Famine between November 2024 and April 2025 persists as long as conflict continues, and humanitarian access is restricted.”*
93. The Special Brief did not contain mortality data. It stated that MUAC data indicated IPC Phase 3 malnutrition throughout the Gaza Strip,¹³⁰ but did not include any details in the report. However, the sources listed at the end of the report identified MUAC data from screenings in August and September 2024 that are not consistent with Phase 3 classification, as discussed in paragraphs 107-128 - 132 below.
94. The FRC issued an “Alert”¹³¹ on the same date as the Special Brief. This claimed that there was a rapid deterioration in food availability and access and continued:

*“The developments outlined above indicate the need for a new IPC analysis. However, it is already abundantly clear that the worst-case scenario developed by the analysis team is now playing out in areas of the northern Gaza Strip. **It can therefore be assumed that starvation, malnutrition, and excess mortality due to malnutrition and disease, are rapidly increasing in these areas. Famine thresholds may have already been crossed or else will be in the near future.***

Our previous analysis and report from June 2024, shows that food security and malnutrition can deteriorate, and also recover, swiftly in response to the amount of food supplies that are permitted to enter the Gaza Strip and can also be distributed.” [Emphasis in the original document]

95. FEWS NET also issued a “Gaza Strip Food Security Alert” on 12 November 2024, claiming that *“A Famine (IPC Phase 5) scenario is unfolding amid the near-total blockade of food supply flows into North Gaza governorate”* and *“In the rest of Gaza, the risk of Famine (IPC Phase 5) remains very credible and restricted food supply flows”*.¹³²

Fundamental flaws of the reports in October and November 2024

96. All assessments of the current position in the reports in October and November 2024 had similar deficiencies to those of the FRC June 2024 Report and the IPC July 2024 Special Brief discussed in Section E above (paragraphs 70 - 87). The reports did not provide any mortality data or any malnutrition data beyond a general

¹²⁹https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Malnutrition_Sept2024_Aug2025_Special_Brief.pdf

¹³⁰https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Malnutrition_Sept2024_Aug2025_Special_Brief.pdf at p.30.

¹³¹https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_FRC_Alert_Gaza_Nov2024.pdf

¹³²https://fews.net/sites/default/files/2024-11/Gaza_Alert_202410_1.pdf

claim that MUAC data met the condition for Phase 3 classification (which, however, was not supported by the source identified in the November Special Brief). The reports classified the current situation as Phase 4 without data showing that the essential criteria for Phase 4 were met. Instead, they referred to unreliable allegations about other factors that have no clear relationship to the required criteria. This does not appear to be a valid scientific process as envisaged in the IPC's mission.

97. In addition to the flaws described in the previous paragraph, the projections of a continuation of Phase 4 and statements of risk of Phase 5 Famine in the reports in October and November 2024 were based on predictions that did not materialise, in particular that humanitarian aid would decrease. The reverse happened.

G. False information and withdrawal of the FEWS NET December Alert

98. The FEWS NET December Alert claimed that

*“Israel’s near-total blockade of humanitarian and commercial food supplies to besieged areas of North Gaza Governorate... has been in place for nearly 80 days. ... In the absence of a change to Israeli policy on the entry of food and nutrition supplies to this area, FEWS NET expects non-trauma mortality levels will pass the Famine (IPC Phase 5) threshold between January and March 2025, with at least 2-15 people dying per day.”*¹³³

99. It continued:

*“If the food supply remains cut off from North Gaza Governorate, the combination of starvation and disease would most likely push non-trauma mortality above 2 people/10,000/day between January and March, meeting the third criterion for Famine (IPC Phase 5).”*¹³⁴

100. Additionally, it stated:

*“In Gaza Governorate, FEWS NET’s analysis of humanitarian truck manifest data suggests available food assistance that entered the north via Erez West could only cover up to 75-80 percent of the population’s needs in November, and humanitarian access requests to pick up and transport this food to Gaza City have been frequently denied or impeded by Israeli authorities.”*¹³⁵

101. The IPC reliability scores of the evidence used by FEWS NET in this Alert ranged primarily from R0 to R1+, with only two pieces of evidence classified as R2. According to the IPC Technical Manual, this means that the evidence relied on

¹³³<https://web.archive.org/web/20241224064552/https://reliefweb.int/attachments/2a86032b-cec7-454c-b50c-5c04cb5fa581/December%2023%2C%202024.pdf>, p. 1.

¹³⁴<https://web.archive.org/web/20241224064552/https://reliefweb.int/attachments/2a86032b-cec7-454c-b50c-5c04cb5fa581/December%2023%2C%202024.pdf>, p. 2.

¹³⁵<https://web.archive.org/web/20241224064552/https://reliefweb.int/attachments/2a86032b-cec7-454c-b50c-5c04cb5fa581/December%2023%2C%202024.pdf>, p. 3.

ranges from not reliable at all (R0) to “somewhat reliable” (R1+), with two pieces of evidence classified as “reliable” (R2).¹³⁶

102. The Alert was based on an out-of-date figure for the number of people remaining in North Gaza. It stated that *“As of November 16, OCHA estimated 65,000-75,000 people remained in North Gaza Governorate, including civilians who have been unable to or prevented from evacuating”*, but noted that UNRWA had suggested that the remaining population might be as low as 10,000-15,000.¹³⁷

103. A footnote explained:

“According to the Integrated Food Security Phase Classification (IPC) protocols, any geographic unit of analysis can be classified in Famine (IPC Phase 5), provided that the population being analyzed amounts to at least 10,000 people. Between December 1-15, satellite imagery analysis suggests there are 1,085 new tents in Gaza Governorate; under the assumption each tent can hold 8-10 people, this suggests at least 8,680-10,850 people have left North Gaza since November 16. As a result, the population remaining in North Gaza at the time of publication is likely lower than the last published estimate of 65,000-75,000 people, but well over 10,000 people.”

104. On the day the Alert was released, US Ambassador to Israel, Jacob Lew, issued a statement¹³⁸ explaining that:

“The report issued today on Gaza by FEWS NET relies on data that is outdated and inaccurate. We have worked closely with the Government of Israel and the UN to provide greater access to the North Governorate, and it is now apparent that the civilian population in that part of Gaza is in the range of 7,000-15,000, not 65,000-75,000 which is the basis of this report. COGAT estimates the population in this area is between 5,000 and 9,000. UNRWA estimates the population is between 10,000-15,000. At a time when inaccurate information is causing confusion and accusations, it is irresponsible to issue a report like this. We work day and night with the UN and our Israeli partners to meet humanitarian needs – which are great – and relying on inaccurate data is irresponsible.”

105. Additionally, the allegation that Israel had imposed a near-total blockade on North Gaza for 80 days appears to be incorrect. According to a media report on 9 November 2024,¹³⁹

“[Israeli] Officials said that since the beginning of October, 713 aid trucks had entered northern Gaza via the Erez West Crossing. ...

¹³⁶<https://www.ipcinfo.org/ipcinfo-website/resources/ipc-manual/en/>

¹³⁷<https://web.archive.org/web/20241224064552/https://reliefweb.int/attachments/2a86032b-cec7-454c-b50c-5c04cb5fa581/December%2023%2C%202024.pdf>, p. 1.

¹³⁸https://x.com/usambisrael/status/1871492289841025472?s=48&t=W7WFYIKXMT_TfwqdMauz_g

¹³⁹<https://www.timesofisrael.com/israel-rejects-biased-warning-of-famine-in-gaza-says-aid-trucks-enter-war-torn-towns/>

On Saturday, the IDF said it had delivered 11 humanitarian aid trucks to Jabalia and Beit Hanoun in the northern Gaza Strip two days earlier. The aid delivery was the first to reach the Strip's far north since Israel launched renewed operations in the area a month ago, after Hamas forces regrouped there.

In the past month, aid has continuously reached other areas of northern Gaza, including Gaza City, according to the military...

Several hundred people are estimated to remain in Jabalia, and a few thousand more in other towns in the area.

The army said it has been working to evacuate the civilian population from towns north of Gaza City in order to operate against Hamas there without harming innocents."

106. The major error regarding the number of people remaining in North Gaza clearly falsified computations as to the food available per person in that area. As stated in paragraph 41 above, the Alert was rapidly withdrawn. Although the FEWS NET website states "*The FEWS NET December 23 Alert is under further review and is expected to be re-released with updated data and analysis in January*",¹⁴⁰ no revised report has been published.

H. Misleading malnutrition comparisons

Metrics of malnutrition

107. The prevalence of General Acute Malnutrition ("**GAM**") can be calculated through the use of different metrics: one of these is the "*weight-for-height Z-score*" ("**WHZ**"); another is the "*mid-upper arm circumference*" ("**MUAC**"). These metrics are different,¹⁴¹ as is recognised in the IPC classification criteria.¹⁴²
108. These metrics are normally used in relation to children between 6 months and 5 years old. Since children grow, for MUAC data to be comparable they should evenly cover the same age range or be weighted to take age differences into account.
109. An increase in acute malnutrition over time can be calculated by comparing two WHZ figures with one another or two MUAC figures with one another after weighting if they relate to different age groups. However, comparing a WHZ figure with a MUAC figure is erroneous, as is comparing a figure for one age group with a figure for a different age group. Yet FEWS NET and the IPC did both of these to conclude that acute malnutrition amongst children under five in Gaza had increased tenfold since before the war and to found future projections and alerts.

¹⁴⁰ <https://fews.net/middle-east-and-asia/gaza>

¹⁴¹ <https://pmc.ncbi.nlm.nih.gov/articles/PMC8530741/>

¹⁴² https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/manual/IPC_Technical_Manual_3_Final.pdf p.

FEWS NET's mistake

110. The FEWS NET November 2023 Analysis noted that

“Data from the 2019/2020 assessment indicated an acute malnutrition prevalence of 0.8 percent among children under five.”¹⁴³

The FEWS NET December 2023 Analysis explained that the 0.8 percent figure was calculated according to the WHZ metric:

“Prior to the onset of conflict, available acute malnutrition data collected by Palestinian authorities and UNICEF in 2019/2020 indicated a prevalence of 0.8 percent among children under five years of age in Gaza, which was within Acceptable (≤ 5 percent) levels based on the WHO Global Acute Malnutrition threshold using weight-for-height z-score.”¹⁴⁴

111. However, the FEWS NET December 2023 Analysis then concluded:

“In early December, the oPT Nutrition Cluster estimated that the incidence of acute malnutrition is now 3 percent among children under five.”¹⁴⁵

112. The FEWS NET March 2024 Analysis explained where the 3 percent figure came from.¹⁴⁶

*“In North Gaza governorate, the Nutrition Cluster assessment observed a proxy Global Acute Malnutrition (GAM) by MUAC-for-Age prevalence of 15.6 percent [CI: 13.9-17.5] among 1,539 children; a subsequent partner assessment of 1,323 children ages 6-23 months found the proxy GAM by MUAC-for-Age jumped to 29.25 percent [CI: 26.86-31.76] in February. While collected data does not precisely graft onto IPC classifications – given sampling of children 6-23 months old as opposed to 6-59 months old – data can still be considered as a proxy area-level prevalence that is broadly indicative of Critical or Extremely Critical (GAM by MUAC ≥ 15 percent) levels of malnutrition based on IPC thresholds. **Although an imperfect comparison given different methodologies used, indicatively this suggests a mean estimate nearly 10 times higher than in November (3 percent) and over 35 times higher than the 2019/2020 baseline (0.8 percent).**” [emphasis added]*

113. The footnote to this paragraph stated:

“The February 2024 assessment used the MUAC data while the 2019/2020 data used Weight-for-Height (WFH) Z-scores, and the November projections were not specified but based on the 2019/2020 figures, so these are assumed to be using WFH as well.” [emphasis added]

¹⁴³<https://fews.net/middle-east-and-asia/gaza/targeted-analysis/november-2023>

¹⁴⁴<https://fews.net/middle-east-and-asia/gaza/targeted-analysis/december-2023>

¹⁴⁵<https://fews.net/middle-east-and-asia/gaza/targeted-analysis/december-2023>

¹⁴⁶https://fews.net/sites/default/files/2024-03/Gaza%20Targeted-Analysis-03182024-Final_0.pdf, p. 15.

114. In other words,

(1) FEWS NET assumed that the 3% figure estimated in December 2023 was in respect of WFH metrics, despite the fact that it derived from a Nutrition Cluster infographic published in December 2023, which did not specify how the calculation had been done, and

(2) FEWS NET then compared the MUAC results from February 2024 with the assumed WFH result from December 2023 and the WFH results from 2019/2020 to reach the conclusion that acute malnutrition was 35 times higher than in 2019/2020 and ten times higher than in December 2023. This was an erroneous calculation comparing two different metrics.

115. In reality, the MUAC rate in the Gaza Strip prior to October 2023 was 4%, i.e. 4% of children aged 6-59 months had a MUAC of less than 125 mm.¹⁴⁷

Analysis of data in the IPC March 2024 Special Brief assumes wrong baseline

116. The IPC March 2024 Special Brief analysed MUAC data from a number of locations on different dates between mid-January and early March 2024.¹⁴⁸ The analysis correctly included a weighting of data to take into account different age ranges of the subjects. It broke down the data in North Gaza into two periods, the first from 14-31 January and the second from 1-29 February. It is apparent from the data that the two North Gaza Groups were the same as those considered in the FEWS NET Analysis of the same date.

117. The Special Brief also identified whether the groups of children were sick or not. Most of the groups were “Not sick”; one in Rafah had “Some sick”; and another in Rafah was “Mostly sick”. Both groups in North Gaza were described as “Not sick”, but in the case of the February group this was followed by a question mark. The possibility that this group consisted of or disproportionately comprised sick children would be consistent with reported comments made by Col. Dr Hussam Abu Safiya, Head of Paediatrics at the Kamal Adwan Hospital.¹⁴⁹

118. The Special Brief estimated the prevalence of GAM by MUAC in North Gaza at 1% prior to 7 October 2023, which it said was consistent with previous studies.¹⁵⁰

¹⁴⁷<https://www.nutritioncluster.net/sites/nutritioncluster.com/files/2024-02/GAZA-Nutrition-vulnerability-and-SitAn-v7.pdf>, p. 4; <https://x.com/MarkZlochin/status/1802738098876358836>.

¹⁴⁸https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf at pp. 25-26 and 30

¹⁴⁹<https://www.telegraph.co.uk/global-health/terror-and-security/gaza-malnutrition-israel-war-famine-children/#:~:text=intestinal%20infections>. It should also be noted that Dr Hussam Abu Safiya is a Colonel in the Gaza Strip’s Military Medical Services and glorified the Hamas attack on Israel on 7 October 2023: see

<https://x.com/efischberger/status/1872625254788722784?s=46&t=0tGIZqNMzOtqCgRJ4LV6Ow>.

Information provided under his control might not be reliable.

¹⁵⁰https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf at p. 30. The footnote reference in the Special Brief is incorrect but comparison with a similar passage at p. 8 of the FRC March Report indicates that it was intended to cite Assaf, Al Sabbah and Al-Jawadleh, “Analysis of the nutritional status in the Palestinian territory: a review study” Front. Nutr., 18 July 2023 Volume 10 - 2023 <https://doi.org/10.3389/fnut.2023.120609>.

It perceived a sharp upward trend from this starting point through the range of 6.44 – 8.81% (between 95% confidence limits) in the North Gaza January group to the range of 11.76-16.10% in the North Gaza February group. The upper confidence limit of the North Gaza February group data was just above the threshold of 15% for IPC Phase 4 or Phase 5 classification.¹⁵¹

119. The IPC relied heavily on this perceived trend in projecting Phase 5 Famine in the period 16 March – 15 July 2024.¹⁵²

“According to the most likely scenario, both North Gaza and Gaza Governorates are classified in IPC Phase 5 (Famine) with reasonable evidence, with 70% (around 210,000 people) of the population in IPC Phase 5 (Catastrophe). ... The famine threshold for household acute food insecurity has already been far exceeded and, given the latest data showing a steeply increasing trend in cases of acute malnutrition, it is highly likely that the famine threshold for acute malnutrition has also been exceeded. In North Gaza, acute malnutrition (by Mid-Upper Arm Circumference - MUAC) moved from a pre-escalation estimated of 1 percent to 6.8 – 9.1 percent in January and 12.4 to 16.5 percent in February (weighted for children 6-59). Acute malnutrition (by MUAC) among children 6-23 months old increased in the same period from 16.2 percent to 29.2 percent. The upward trend in non-trauma mortality is also expected to accelerate, resulting in all famine thresholds likely to be passed imminently.” [Emphasis in the original document]

120. As explained in Section C above (paragraphs 43 to 60), the IPC’s conclusion on food insecurity in its March Special Brief relied on incorrect and incomplete data regarding food supplies, as was subsequently recognised in the FRC June 2024 Review, following the Working Paper published on 24 May 2024 and the MFA’s Analysis published on 29 May 2024. In addition, the trend in non-trauma mortality was not based on any actual mortality data, but inferred from the perceived trend in malnutrition data. Thus, apart from the discredited food supply figures, the IPC’s conclusion that famine was imminent in North Gaza was effectively based on the perceived trend in acute malnutrition data.
121. The FRC March Report similarly based its projection of Phase 5 Famine in North Gaza on the perceived trend in child malnutrition assessed by MUAC,¹⁵³ referring to the same data as provided in the IPC Special Brief.

However, that article does not in fact support the statement that under 5 malnutrition was 1% in the Gaza Strip, whether assessed on the basis of WFH or MUAC.

¹⁵¹ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/manual/IPC_Technical_Manual_3_Final.pdf p. 37

¹⁵² https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf at p. 2, and see also pp. 29-30.

¹⁵³ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Committee_Review_Report_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf at pp. 2, 8-9

122. However, in view of the incorrect starting point and in the light of the subsequent data discussed in paragraphs 125 - 127 below, the perceived trend appears to be a misperception, resulting in incorrect predictions that did not materialise.
123. Nevertheless, as observed in paragraphs 58 - 60 above, projections and risk assessments in the March reports, based on the misperceived trend in acute malnutrition data, were relied on by the ICJ, the UN Secretary General and subsequently by the ICC Prosecutor.

New data in May 2024: which figures are anomalous?

124. The FEWS NET May 2024 Analysis again compared MUAC calculations with WFH calculations:

*“As detailed in past reporting, screening data collected by Global Nutrition Cluster partners among 1,323 children aged 6-23 months in North Gaza governorate showed a sharp increase in the proxy global acute malnutrition (GAM) prevalence to 29.25 percent (95% CI: 28.86-31.76) **based on Mid-Upper Arm Circumference (MUAC) by the end of February**; a subsequent Nutrition Cluster update based on data collected through early March adjusted that figure further upward, with a MUAC-for-age prevalence of 30.76 percent GAM (95% CI: 28.34-33.3) and 4.46 percent SAM (95% CI: 3.47-5.71). Despite the caveat that these data were collected from children 6-23 months old as opposed to the SMART survey standard of 6-59 months old, **the evidence is particularly compelling given the very low baseline levels of malnourishment (0.8 percent GAM)**; in other words, there is more certainty that the key driver of acute malnutrition is hunger and its interaction with disease.” [emphasis added]*

125. However, the FEWS NET June 2024 Analysis then found that only 1 percent of children were now facing Acute Malnutrition in North Gaza, based on completed MUAC metrics from screening from 12 to 25 May. This was indicative of “Acceptable” levels of malnutrition and Phase 1 in the IPC classification. Given that this considerably differed from its previous analysis of acute malnutrition levels in February 2024 being 35 times higher than before the war, it explained the May data as anomalous:

“the available data are likely not representative of the population due to selection bias. It is highly likely that acute malnutrition prevalence is higher than 1 percent among the total population of children under five in northern Gaza. Capacity to collect nutrition screening data has improved but remains very limited, with MUAC measurements collected from centers that provide vaccination, supplementary feeding, and/or other health services.”¹⁵⁴

126. The FRC June 2024 Report gave a similar explanation.¹⁵⁵

¹⁵⁴<https://fews.net/sites/default/files/2024-07/Targeted-Analysis-Gaza-202406.pdf>, p. 11.

¹⁵⁵https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Review_Committee_Report_Gaza_June2024.pdf at pp. 17-19

127. Neither FEWS NET nor the FRC addressed the possibility that the February data in North Gaza might have been anomalous. Since the baseline prevalence of under-5 malnutrition assessed through MUAC prior to October 2023 was 4%, which increased in North Gaza to 6.44-8.81% (after weighting) in January 2024, then to 11.76-16.10% in February 2024, and then fell back to 1% in May 2024, it is the February data that appear anomalous. The possibility that the subjects of the February measurements (or a disproportionate number of them) were sick (see paragraph 117 above) might be consistent with this hypothesis.

Phase 3 classification in November 2024 unexplained

128. The IPC November 2024 Special Brief stated:¹⁵⁶

“Acute Malnutrition is at serious levels (IPC AMN Phase 3), ten times higher than before the escalation of the hostilities.”

This was again based on the incorrect assumption that the prevalence of acute malnutrition measured by MUAC was 1% prior to October 2023, whereas it was in fact 4%.

129. The data on which the Phase 3 classification was based were not included in the Special Brief, but the list of sources identified at the end of the Special Brief included *“SMART initiative, Gaza MUAC Screening Analysis, [A]ugust and September 2024, presented to the Nutrition Cluster partners on 29 Sept, 2024”*. This presentation can be accessed on the Internet. It shows a weighted mean MUAC rate for children of 6-59 months of approximately 2% in North Gaza and 5% in the rest of the Gaza Strip.¹⁵⁷
130. In accordance with the IPC Standard, a rate less than 5% is indicative of Phase 1 and a rate of 5-9.9% is indicative of Phase 2. The data in the presentation therefore indicated Phase 1 in North Gaza and was at the lower end of the range for Phase 2 in the rest of Gaza (where most of the population were now living).
131. Moreover, at 5% prevalence, the data outside North Gaza was only marginally higher than prior to the war.¹⁵⁸ Comparing the pre-war MUAC value of 4% with post-war weighted MUAC values of between 2% and 5% indicates a marginally higher acute malnutrition rate as compared to pre-war levels, not one that is *“ten times higher”*.
132. The November 2024 Special Brief predicted that *“Among children aged 6 to 59 months, an estimated 60,000 cases of acute malnutrition, of which 12,000 severe*

¹⁵⁶https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Malnutrition_Sept2024_Aug2025_Special_Brief.pdf, p. 2.

¹⁵⁷ https://docs.google.com/presentation/d/1abrF4B6J2dPmnsaM9x-by5_op4wAkyN0/edit, particularly slides 15 and 16

¹⁵⁸ <https://x.com/MarkZlochin/status/1802738098876358836>;
https://docs.google.com/presentation/d/1abrF4B6J2dPmnsaM9x-by5_op4wAkyN0/edit#slide=id.p25;
<https://www.nutritioncluster.net/sites/nutritioncluster.com/files/2024-02/GAZA-Nutrition-vulnerability-and-SitAn-v7.pdf>, p. 4.

*cases, are expected between September 2024 and August 2025.”*¹⁵⁹ This appears to have been mainly based on an expectation of decreasing supplies of humanitarian aid which did not occur, as discussed above.¹⁶⁰ However, the perception that malnutrition rates had shot up earlier may have contributed to this assessment.

Summary of this section

133. FEWS NET and IPC reports wrongly assumed that the prevalence of acute malnutrition assessed by MUAC in Gaza prior to October 2023 was 0.8% or 1%, whereas it was 4%.
134. Based on this incorrect assumption, these reports
 - (1) wrongly asserted that there had been a ten-fold increase in acute malnutrition in Gaza since the start of the war; and
 - (2) perceived a sharper increase in acute malnutrition than indicated by the data and relied on this perception in projections and risk assessments.
135. Acute malnutrition data has not supported IPC classification above Phase 3 for any part of the Gaza Strip at any time since 7 October 2023, with the possible exception of one cohort in North Gaza in February 2024 based on its upper 95% confidence limit. However, when the correct pre-war figure and subsequent MUAC data are taken into account, the data for the North Gaza February 2024 cohort may be anomalous, possibly because the subjects or a disproportionate number of them were sick.
136. In general, prevalence of acute malnutrition based on MUAC data in the Gaza Strip has been only marginally above the pre-war rate of 4%.

I. Overall Conclusions and Recommendations

137. There has been no Famine, as defined by the IPC, in the Gaza Strip since October 2023. Acute malnutrition levels are only marginally higher than pre-war figures.
138. IPC and FEWS NET Reports in March 2024 projected an imminent Famine in North Gaza and considered that there was a risk of Famine in the whole of the Gaza Strip. However, these assessments were based on incomplete and inaccurate information, and the feared Famine did not occur.
139. In particular, the March reports

¹⁵⁹https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Malnutrition_Sep2024_Aug2025_Special_Brief.pdf, p. 1. A similar prediction had been made in the IPC October 2024 Special Snapshot:
https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Malnutrition_Sep2024_Apr2025_Special_Snapshot.pdf

¹⁶⁰ See paras 97 - **Error! Reference source not found.**

- (1) overlooked significant sources of supply of food and water; and
 - (2) relied on a perception of rapidly increasing child malnutrition that was influenced by an erroneous baseline and a single set of possibly anomalous data.
140. No reliance should be placed on the March 2024 reports in any legal proceedings or otherwise. Regrettably, UN Secretary General Antonio Guterres relied on them in a statement made to journalist and in a post on X in March 2024, and ICC Prosecutor Karim Khan KC relied in turn on that statement as a ground for seeking arrest warrants against Israeli leaders in May 2024. The ICJ also cited the March 2024 IPC Special Brief in its Provisional Measures Order of 28 March 2024.
141. These and subsequent reports have repeatedly assessed the situation in the Gaza Strip or parts of it as IPC Phase 4 (Emergency), when the data does not justify a classification higher than Phase 3 (Crisis). There is no relevant mortality data. Data on acute malnutrition has not supported classification higher than Phase 3, with the exception of a single group in North Gaza in February 2024, which may have been anomalous. Total food supplies have been more than sufficient.
142. Each IPC Special Brief has predicted a significant increase in the percentage of the Gazan population that would be classified at Phase 4 and Phase 5 in the projection period. Yet, according to the IPC's own subsequent assessments in the next Special Briefs, the opposite occurred in each case:
- (1) On 18 March 2024¹⁶¹ the IPC assessed that 30% of the population was at Phase 5 and predicted this would increase to 50% in the period 16 March – 15 July 2024. On 10 July 2024¹⁶² the IPC assessed that the proportion at Phase 5 had decreased to 15% between 1 May and 15 June 2024.
 - (2) The IPC then predicted that the proportion at Phase 5 would increase from 15% to 22% between 16 June and 30 September 2024. On 8 November 2024,¹⁶³ the IPC assessed that the proportion at Phase 5 had decreased to 6% in the period 1 September to 31 October 2024.
 - (3) On 18 March 2024 the IPC assessed that 69% of the population was at Phases 4 or 5 and predicted this would increase to 88% in the period 16 March – 15 July 2024. On 10 July 2024 the IPC assessed that the proportion at Phases 4 or 5 had decreased to 44% between 1 May and 15 June 2024.
 - (4) The IPC then predicted that the proportion at Phases 4 or 5 would increase from 44% to 55% between 16 June and 30 September 2024. On 8 November

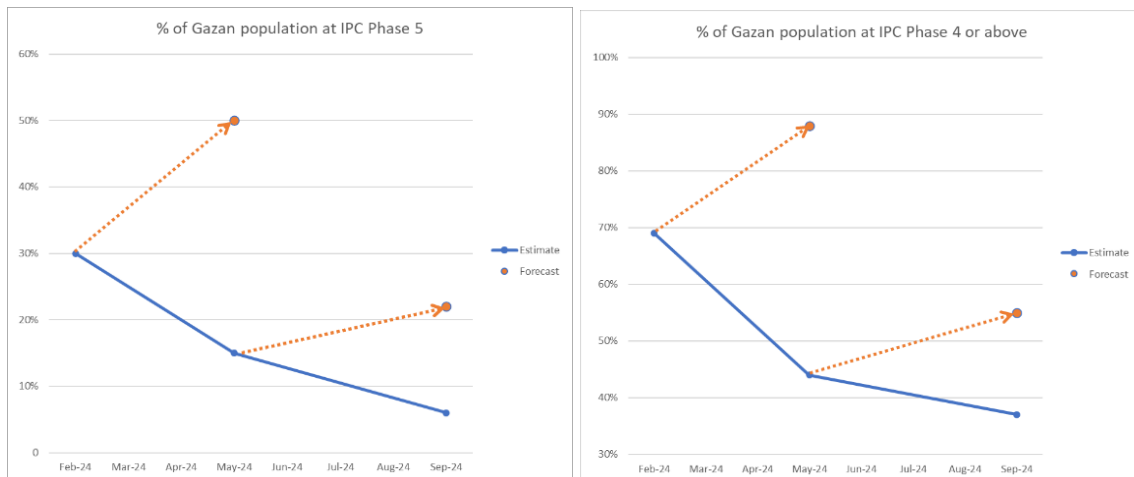
¹⁶¹https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf

¹⁶²https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Jun_Sept2024_Special_Brief.pdf

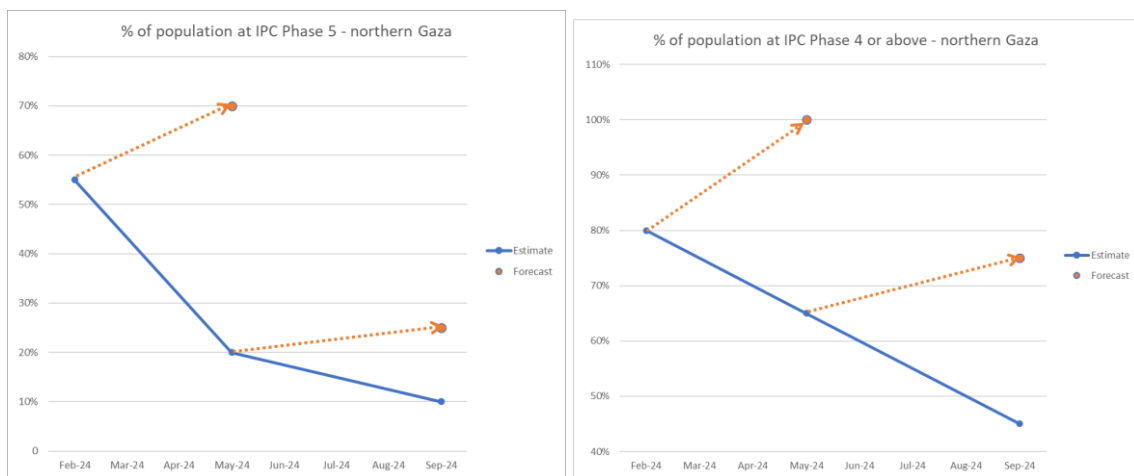
¹⁶³https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Malnutrition_Sept2024_Aug2025_Special_Brief.pdf

2024, the IPC assessed that the proportion at Phases 4 or 5 had decreased to 37% in the period 1 September to 31 October 2024.

The above data is set out graphically below, with the continuous blue lines showing the IPC's assessments for the current periods and the dotted lines showing its projections for the period ahead.¹⁶⁴



The same applies to the position in Northern Gaza:



143. An FRC Alert on 8 November 2024 claimed “*There is a strong likelihood that famine is imminent in areas within the northern Gaza Strip*” and that “*Immediate action, within days not weeks, is required ... to avert and alleviate this catastrophic situation*”. No such famine has materialised.

144. There has been a pattern of overestimation and misrepresentation in famine reports concerning Gaza. Key issues include:

- Reliance on incomplete or inaccurate data
- Inconsistent application of methodological standards

¹⁶⁴ Graphs prepared and posted by Dr Mark Zloch in at <https://x.com/MarkZloch/status/1847653016482062635>

- Failure to adequately revise projections in light of new data
 - Potential bias in interpretation and presentation of findings
145. These errors have led to an exaggerated portrayal of the food security situation in Gaza, which has been used to influence international opinion and policy. While the humanitarian situation in Gaza is undoubtedly serious, the evidence does not support claims of famine or emergency as defined by the IPC.
146. While the humanitarian situation in Gaza requires attention and aid, the claims of famine and emergency appear to have been overstated based on the available evidence. Future assessments should strive for greater accuracy and objectivity to ensure that international responses are proportionate and based on factual realities.
147. We recommend:
- Greater transparency in data collection and analysis methods used in famine reports.
 - Independent review of IPC and FEWS NET methodologies and their application in conflict zones.
 - Clearer communication of the differences between current assessments, projections, and worst-case scenarios.
 - Increased scrutiny of famine reports by courts, policy makers and media before using them as a basis for decision-making or reporting.

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27 January 2025

With particular thanks also to Dr Mark Zlochin for his posts on X which drew attention to many of the points set out above and for further explanations and assistance.