



**Updated Factual and Legal Findings:
The Emerging Role of Big Tech in State Sponsored Terror and
Oppression**

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Abolitionist Law Center is a 501(c)(3) nonprofit legal organization and community organizing project fighting to dismantle state and corporate violence through legal action, organizing and advocacy on the local, state, national, and international levels, and research and public education. For more information, visit abolitionistlawcenter.org.

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I. INTRODUCTION

1. Abolitionist Law Center made a submission on November 28th, 2024¹ to the United Nations Special Rapporteur on the occupied Palestinian territory in response to a call for input for the Special Rapporteur's report to the Human Rights Council 58th session.² The submission outlined the role of private entities, namely Amazon.com, Inc. (Amazon) and Google LLC (Google), in aiding and abetting Israel's genocide in Gaza and other unlawful acts of occupation, racial segregation, and apartheid. It focused principally on Amazon and Google's complicity through Project Nimbus, a contract to provide cloud services to the Israeli government, Ministry of Defense, Israel Defense Forces, and its partners and other affiliates.³ Since then, further information has been made public about the tech sector's lethal contributions to human rights atrocities – including war crimes and crimes against humanity – in Palestine.⁴
2. The facts set forth herein offer additional evidence – including recently revealed information from public reporting and during the course of our investigations – of Amazon and Google's complicity in Israel's commission of crimes against Palestinians. Additionally, this report supplements our latest UN submission with factual and legal analysis based on public reporting as to the role of other corporations in advancing human rights violations against Palestinians: Microsoft, Meta, and Elbit Systems. We raise additional concerns and call for further investigation regarding Palantir and OpenAI.
3. As outlined in further detail below, as the Israeli government is committing grave crimes against the people of Palestine.⁵ It is doing so with assistance from U.S.-based tech entities including through, for example, collecting data on Palestinians through invasive, unlawful

¹ Abolitionist Law Center, *Abolitionist Law Center's Submission to the United Nations Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967* (2024).

² *Call for Input for the Report of the Special Rapporteur on the Occupied Palestinian Territory to the Human Rights Council 58th Session, Deadline 30 November 2024*, United Nations Human Rights Office of the Commissioner, <https://www.ohchr.org/en/calls-for-input/2024/call-input-report-special-rapporteur-occupied-palestinian-territory-human> (last visited 3/14/2024).

³ Abolitionist Law Center, *supra* note 1.

⁴ *See, e.g.*, Yuval Abraham, *Leaked Documents Expose Deep Ties Between Israeli Army and Microsoft*, +972 Magazine (Jan. 23, 2025), <https://www.972mag.com/microsoft-azure-openai-israeli-army-cloud/>; Michael Biesecker et al., *As Israel Uses US-Made AI Models in War, Concerns Arise About Tech's Role in Who Lives and Who Dies*, AP News (Feb. 18, 2025, 4:06 AM) <https://apnews.com/article/israel-palestinians-ai-technology-737bc17af7b03e98c29cec4e15d0f108>; Harry Davies & Yuval Abraham, *Revealed: Israeli Military Creating ChatGPT-Like Tool Using Vast Collection of Palestinian Surveillance Data*, Guardian (Mar. 6, 2025, 7:00 AM), <https://www.theguardian.com/world/2025/mar/06/israel-military-ai-surveillance>.

⁵ *See, e.g.*, Legal Consequences Arising From the Policies and Practices of Israel in the Occupied Palestinian Territories, Including East Jerusalem, Advisory Opinion, 2024 I.C.J. 1, ¶229 (July 19); Indep. Int'l Comm'n Inquiry on Occupied Palestinian Territory, including East Jerusalem, *"More than a human can bear": Israel's systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023*, U.N. Doc. A/HRC/58/CPR.6 (Mar. 13, 2025).

means and subsequently using such data to surveil Palestinians, controlling the movement of Palestinians, and determining military attack targets.⁶ Over the last 19 months, the privatization of Israeli state sponsored terror has become increasingly clear in the context of effectuating crimes against the people of Palestine, from the maintenance of a racial hierarchy to the elimination of Palestinians in whole or part.⁷ While this report does not represent a comprehensive overview and analysis of the full spectrum of private entities – in the tech sector or otherwise – it does address in further detail Google, Amazon, Microsoft, Meta, and Elbit Systems’ role in providing advanced technological tools, resources, training, and assistance to the Israeli government and defense establishment critical for its commission of the most serious international crimes.⁸

II. ISRAEL’S VIOLATIONS OF INTERNATIONAL LAW

A. *Israel Maintains the Racial Supremacy of One Group Over Others through Systematic Human Rights Violations, Creating a System of Apartheid*

4. For decades, successive Israeli regimes have continued a brutal system of apartheid and belligerent military occupation against the people of Palestine. Israeli authorities’ crime of apartheid has been especially evident by subjecting Palestinians to unlawful killings, torture, arbitrary detention, segregation, restriction of movement, systemic dispossession of land, home demolitions, stripping of citizenship and permanent residency status, and forced displacement, among countless other violations.⁹ Apartheid is defined through four international treaties: customary international law,¹⁰ the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),¹¹ the International Convention on the Suppression and Punishment of the Crime of Apartheid (the Apartheid Convention),¹² and the Rome Statute.¹³ Israel is bound by ICERD and customary international law, while Palestine is bound by all four.¹⁴ However, the precise instrument that applies does not change the analysis of whether apartheid exists, since they provide

⁶ See Lama Fakhri & Omar Shakir, *Does Israel’s Treatment of Palestinian’s Rise to the Level of Apartheid?*, Los Angeles Times (Dec. 5, 2023), <https://www.latimes.com/opinion/story/2023-12-05/apartheid-israel-palestinians-gaza-west-bank-international-law>; Davies & Abraham, *supra* note 4.

⁷ Cf. Abraham, *supra* note 4.

⁸ See *infra* Section B.

⁹ Amnesty International, *Israel and the Occupied Palestinian Territory* (Apr. 23, 2024), <https://www.amnesty.org/en/location/middle-east-and-north-africa/middle-east/israel-and-the-occupied-palestinian-territory/report-israel-and-the-occupied-palestinian-territory/>.

¹⁰ Michael Lynk (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967), *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, Michael Lynk, A/HRC/49/87, ¶ 20 (Aug. 12, 2022).

¹¹ International Convention on the Elimination of All Forms of Racial Discrimination, art. 3, Dec. 21, 1965, T.I.A.S. No. 94-1120, 660 U.N.T.S. 195.

¹² International Convention on the Suppression and Punishment of Apartheid, July 18, 1976, 1015 U.N.T.S. 243.

¹³ Rome Statute of the International Criminal Court art. 7(1)(j), U.N. Doc. A/CONF.183/9* (July 17, 1998), 37 I.L.M. 999 (1998).

¹⁴ Lynk, *supra* note 10, at ¶28.

non-contradictory, harmonious definitions of apartheid.¹⁵ This report primarily relies on the Apartheid Convention to define and evaluate apartheid.

5. The Apartheid Convention defines the crime of apartheid as predicate inhumane acts “committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them.”¹⁶ Most relevant for purposes of this report, the Apartheid Convention lists the predicate inhumane acts of “measures ... denying to members of a racial group or groups basic human rights and freedoms” including “the right to freedom of movement and residence,” “the right to freedom of opinion and expression,” and “the right to freedom of peaceful assembly and association.”¹⁷
6. Under article 3 of the ICERD,¹⁸ the International Court of Justice found that there was racial apartheid in the occupied Palestinian territory.¹⁹ The UN Special Rapporteur notes that this definition is consistent with modern understandings of race as a socially constructed identity rather than an innate set of biological traits.²⁰ The main focus of international legal analysis is not on fixed identities but on “how these respective groups are *treated* because of their perceived identity and classification.”²¹ The distinction between Arab Palestinians and Jewish Israelis has been constructed by Israeli law, practices, and policies such that it may properly be called a racial distinction.²²
7. Numerous analyses of Israeli law and practices have found that Palestinians are living in a system of apartheid within Israel.²³ Israel explicitly aims to create and maintain a Jewish majority.²⁴ It effectuates this goal through a number of illegal means, including the

¹⁵ See *id.* at ¶31 (noting only the Apartheid Convention and Rome Statute provide definitions for apartheid, and while there are minor differences, they speak more to the primary concerns of the day rather than a substantively different view on what apartheid is)

¹⁶ Apartheid Convention, *supra* note 12 at art. II.

¹⁷ *Id.* at Art. II(c).

¹⁸ International Convention on the Elimination of All Forms of Racial Discrimination, *supra* note 11 at art.3.

¹⁹ Legal Consequences Arising From the Policies and Practices of Israel in the Occupied Palestinian Territories, Including East Jerusalem, Advisory Opinion, 2024 I.C.J. 1, ¶229 (July 19) (“The Court observes that Israel’s legislation and measures impose and serve to maintain a near-complete separation in the West Bank and East Jerusalem between the settler and Palestinian communities. For this reason, the Court considers that Israel’s legislation and measures constitute a breach of Article 3 of CERD”).

²⁰ Lynk, *supra* note 10, at ¶32.

²¹ *Id.* at ¶33.

²² *Id.*

²³ See Legal Consequences Arising From the Policies and Practices of Israel in the Occupied Palestinian Territories, Including East Jerusalem, 2024 I.C.J. 1 at ¶229; *A Regime of Jewish Supremacy from the River to the Sea: This is Apartheid*, B’Tselem (Jan. 12, 2021), <https://www.btselem.org/apartheid>; Omar Shakir, Human Rights Watch, *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution*, (2021); Lynk, *supra* note 10.

²⁴ See, e.g., Basic Law: Israel the Nation State of the Jewish People, 5578-2018, SH 2743 898 (Isr.), main.knesset.gov.il/Activity/Legislation/Documents/yesod18.pdf; City Planning Department, Report No. 4: The Proposed Plan and the Main Planning Policies Prepared for Jerusalem Municipality, 32 (2004),

expropriation of Palestinian land, fragmentation and segregation of Palestinian communities, discriminatory access to citizenship, the creation of hostile conditions that force Palestinians to leave their homes, the suspension of civil liberties, the denial of basic rights and freedoms, and persecution in the occupied Palestinian territory, including the repression of dissent, the intentional infliction of physical injuries, and killings.²⁵

8. One mechanism through which Israel effectuates its system of apartheid is the level of sheer control Israel maintains over Palestinians, including by enforcing draconian restrictions on freedom of movement. Previous analyses have discussed the Israeli military's imposition of checkpoints, roadblocks, trenches, and other barriers and structures' on Palestinian daily life – a facet of Israel's closure system that began in the mid-1990s within the occupied Palestinian territory, as well as between the occupied territory and Israel, “gradually subjecting millions of Palestinians who live in the West Bank, including East Jerusalem, and Gaza Strip to ever more stringent restrictions on movement based on their legal status.”²⁶ Furthermore, Israel maintains control of all entry and exit points in the West Bank, controlling all movement occurring between the West Bank and abroad, which can be banned – and oftentimes is by Israeli military and security forces – on the basis of ‘secret information’; this information is withheld from Palestinians themselves, preventing any challenges to the practice.²⁷
9. Similarly, Israel controls all movement into and out of the Gaza Strip.²⁸ To travel from the Gaza Strip to the West Bank is only permitted for urgent medical needs and to travel from the West Bank to the Gaza Strip requires a permit unless one is over 50-55 and can pass a background check.²⁹ Even in the most serious medical emergencies, travel by ambulance is delayed for hours on end, ultimately resulting in death.³⁰
10. Restrictions on Palestinians’ right to freedom of movement are powered in part by facial recognition technology which Palestinians have called “experiments.”³¹

https://www.alhaq.org/cached_uploads/download/alhaq_files/en/wp-content/uploads/2018/03/LocalOutlinePlanJerusalem2000.pdf.

²⁵ Fakih & Shakir, *supra* note 6; Amnesty International, *Israel's Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity*, at 12, 15-25, 32 (Feb. 1, 2022), <https://www.amnesty.org/en/wp-content/uploads/2022/02/MDE1551412022ENGLISH.pdf>.

²⁶ Amnesty, *Cruel System*, *supra* note 25 at 19-20.

²⁷ *Id.* at 20.

²⁸ *Id.*

²⁹ *Id.*

³⁰ “*Sometimes Patients Die: Barriers Facing Palestinian Ambulances Entering East Jerusalem*, Medical Aid for Palestinians (Nov. 24, 2017), <https://www.map.org.uk/news/archive/post/757-athe-aback-to-backa-process-is-hard-and-sometimes-patients-die-athe-barriers-facing-palestinian-ambulances>; Sophia Stamatopoulous-Robbins, *The Human Toll: Indirect Deaths from the War in Gaza and the West Bank, October 7, 2023 Forward*, Watson Institute for International & Public Affairs 1, 4 (2024).

³¹ Usaid Siddiqui, ‘*Chilling effect*’: *Israel's ongoing surveillance of Palestinians*, Al Jazeera (May 7, 2023), <https://www.aljazeera.com/news/2023/5/7/chilling-effect-israels-ongoing-surveillance-of-palestinians>.

11. Beyond violations on Palestinians’ freedom of movement, Israeli surveillance through big tech and data has eroded Palestinians’ right to privacy, with implications for other rights such as the freedom of opinion, expression, and association – whether it be online or offline.³² Within Jerusalem’s Old City and Sheikh Jarrah there is a visible camera every 2.5-5 meters.³³ Within the West Bank, cameras line the walls, security checkpoints, and cluster around buildings.³⁴ Israel also created a biometrics registry, subjecting Palestinians to intensive, violent surveillance at checkpoints, by gunpoint, and even – at times – in the middle of the night at people’s homes, significantly impacting the most basic, daily aspects of Palestinian life: According to one Palestinian resident, “Every time I see a camera, I feel anxious. Like you are always being treated as if you are a target.”³⁵ A Palestinian woman revealed in an interview that she sleeps in her hijab due to feeling the lack of privacy even at home.³⁶ Phone bugs are implanted in every phone that goes into the Gaza Strip so the military can monitor phone calls.³⁷ Israel also frequently uses new technology to facilitate the separation of Palestinians and Jewish Israelis and the monitoring of Palestinians.³⁸ ‘**Wolf Pack**’, for example, is a database with all available information on Palestinians from the OPT.³⁹ It includes information on where Palestinians live, the identity of their families, and if Israeli authorities wish to detain them for questioning.⁴⁰ Additional technology extends Wolf Pack’s reach: ‘**Blue Wolf**’ is an app which allows any member of the Israeli military to access the database from remote devices,⁴¹ while ‘**Red Wolf**’ scans Palestinians at checkpoints without their knowledge or consent to compare them with the available information on the database.⁴²

³² See *infra* Sec. II(D); Sophia Goodfriend, *The Expansion of Digital Surveillance in Jerusalem and Impact on Palestinians Rights*, 7amleh - The Arab Center for the Advancement of Social Media (2021) at 3, https://7amleh.org//storage/Digital%20Surveillance%20Jerusalem_7.11.pdf; See David Kaye (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression), Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, U.N. Doc. A/HRC/29/32 (May 22, 2015), <https://documents.un.org/doc/undoc/gen/g15/095/85/pdf/g1509585.pdf>; Special Rapporteur on the Right to Privacy, Report of the Special Rapporteur on the Right to Privacy, U.N. Doc. A/HRC/34/60 (Sept. 6, 2017), <https://docs.un.org/en/A/HRC/34/60>.

³³ Safa, *Israeli is Using Surveillance Technologies to Subjugate and Target Palestinians*, Advox (Oct. 11, 2024), <https://advox.globalvoices.org/2024/10/11/israel-is-using-surveillance-technology-to-subjugate-and-target-palestinians/>.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ Mona Shtaya, *Nowhere to Hide: The Impact of Israel’s Surveillance Regime on Palestinians*, Middle East Institute (Apr. 27, 2022), <https://www.mei.edu/publications/nowhere-hide-impact-israels-digital-surveillance-regime-palestinians>

³⁸ Amnesty International, *Automated Apartheid: How Facial Recognition Fragments, Segregates, and Controls Palestinians in the OPT* (2023), <https://www.amnesty.org/en/documents/mde15/6701/2023/en/>.

³⁹ *Id.* at 41.

⁴⁰ Amnesty International, *Israel/OPT: Israeli Authorities are Using Facial Recognition Technology to Entrench Apartheid*, (May 2, 2023), <https://www.amnesty.org/en/latest/news/2023/05/israel-opt-israeli-authorities-are-using-facial-recognition-technology-to-entrench-apartheid/>.

⁴¹ Amnesty International, *supra* note 40, at 42.

⁴² *Id.* at 43.

B. *Israel Seeks to Destroy Palestinians, in Whole or in Part, Through Killing or Causing Serious Bodily or Mental Harm to Palestinians*

12. Genocide is defined by the Convention on the Prevention and Punishment of the Crime of Genocide as the commission of specific acts with intent to destroy, in whole or in part, a racial group, including acts of (a) killing members of the group, (b) causing serious bodily or mental harm to members of the group, (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group.⁴³
13. Since as early as October 7, 2023, Israeli officials – including officials at the highest level of government – offered repeated admissions declaring their intent to destroy the entire population of Gaza in whole or in part as it waged its latest military assault and genocidal campaign against the Palestinian people of Gaza.⁴⁴ The Prime Minister referred to the situation in Palestine as like Amalek, a biblical reference where Israelites were ordered to “[s]pare no one, but kill alike men and women, infants and sucklings, oxen and sheep, camels and asses.”⁴⁵ The President declared “It’s an entire nation out there that is responsible. It’s not true this rhetoric about civilians not aware not involved.”⁴⁶ Over the last 19 months, Israeli officials’ statements of intent to commit the crime of genocide have been met with specific underlying acts against the Palestinian people of Gaza, killing at least 54,607, causing the deaths of up to 186,000 if not more, injuring at least 125,341, and displacing 1.9 million people of the 2.1 million population in Gaza.⁴⁷
14. Meanwhile, the destruction to civilian infrastructure has been devastating, with over half of hospitals completely destroyed within a year and the remaining ones only partially functional.⁴⁸ Restrictions on humanitarian aid has left 96% of children in Gaza malnourished and 34 deaths within a two month period from the population at large due to

⁴³ Convention on the Prevention and Punishment of Crime of Genocide art. II, *opened for signature* Dec. 9, 1948, 102 Stat. 3045, 78 U.N.T.S. 277.

⁴⁴ See Abolitionist Law Center, *supra* note 1; Application Instituting Proceedings containing a Request for the Indication of Provisional Measures, Application of the Convention on the Prevention and Punishment of Genocide in the Gaza Strip (S. Afr. v. Isr.), 2023 I.C.J. Pleading 2, ¶ 101 (Dec. 29, 2023).

⁴⁵ *Id.*

⁴⁶ Application Instituting Proceedings containing a Request for the Indication of Provisional Measures, Application of the Convention on the Prevention and Punishment of Genocide in the Gaza Strip (S. Afr. v. Isr.), 2023 I.C.J. Pleading 2, ¶ 101 (Dec. 29, 2023).

⁴⁷ *Humanitarian Situation Update #294 | Gaza Strip*, United Nations Office for the Coordination of Humanitarian Affairs, (June 5, 2025), <https://www.ochaopt.org/content/humanitarian-situation-update-294-gaza-strip>; *UNRWA Situation Report #174 on the Humanitarian Crisis in the Gaza Strip and the West Bank, Including East Jerusalem*, United Nations Relief and Works Agency for Palestine Refugees in the Near East (June 7, 2025), <https://www.unrwa.org/resources/reports/unrwa-situation-report-174-situation-gaza-strip-and-west-bank-including-east-jerusalem>; Rasha Khatib, Martin McKee & Salim Yusuf, *Counting the Dead in Gaza: Difficult but Essential*, 404 *Lancet* 237 (2024).

⁴⁸ *Id.*

starvation.⁴⁹ Water access is also restricted and the sewage treatment facilities have all been destroyed.⁵⁰

15. In the West Bank, since October 7, settler and military violence, policing operations, and discriminatory policies targeting Palestinians have only intensified and increased in lethality.⁵¹ Hundreds of Palestinians were killed in militarized arrest raids and military zones and settlements only increased.⁵² At the same time, home demolitions increased to 1,763 buildings destroyed in a year (displacing 4,500 Palestinians)⁵³ and settler attacks on Palestinians and their property increased from an average of one attack per day in 2021 to an average of three a day during the first half of 2023, then raised again to five attacks per day after October 7.⁵⁴

C. *Corporate Responsibilities Under International Law*

16. Aiding and abetting is a crime recognized both under United States domestic law⁵⁵ and under international law.⁵⁶ Aiding and abetting consists of knowingly providing practical assistance or encouragement to the commission of a crime or violation of international law which has a substantial impact on the commission of that crime.⁵⁷ Those who aid and abet do not need to fulfill the intent requirements of a crime or violations (e.g. to aid and abet genocide, the aider and abettor does not need to intend to destroy a racial group in whole or part, they only need to know they are helping another commit a crime or human rights violation).⁵⁸
17. Corporations are also held to the UN Guiding Principles on Business and Human Rights (UNGPs), which require more than simply not aiding and abetting: corporations must prevent, mitigate, and remediate adverse human rights impacts that may result from their actions.⁵⁹ Specifically, the UNGPs impose responsibilities to “avoid causing or contributing to adverse human rights impacts;” to “seek to prevent or mitigate adverse

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Amnesty International, *supra* note 9.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Human Rights Watch, *Israel and Palestine: Events of 2023*, Human Rights Watch (last visited May 7, 2025), <https://www.hrw.org/world-report/2024/country-chapters/israel-and-palestine>.

⁵⁵ 18 USCS § 2.

⁵⁶ Rome Statute of the International Criminal Court, *supra* note 13 at Art. 25(3)(c)

⁵⁷ *See e.g.*, Prosecutor v. Taylor, Case No. SCSL-03-01-A, Judgment, ¶¶ 368, 371, 377 (Spec. Ct. for Sierra Leone Sept. 26, 2013); Prosecutor v. Furundzija, Case No. IT-95-17/1-T, Judgment, ¶ 245 (Int’l Crim. Trib. for the Former Yugoslavia Dec. 10, 1998); Prosecutor v. Tadić, Case No. IT-94-1-T, Judgment, ¶ 689 (Int’l Crim. Trib. for the Former Yugoslavia May 7, 1997); *Doe I v. Cisco Sys., Inc.*, 73 F.4th 700, 724 (9th Cir. 2023).

⁵⁸ *Doe I v. Cisco Syst., Inc.*, 73 F. 4th at 729 (United States has a circuit split on this issue, but the vast majority of international law agrees on the knowledge standard).

⁵⁹ United Nations Human Rights Office of the High Commissioner, *Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework*, principle 13 (2011).

human rights impacts;”⁶⁰ to “identify and assess any actual or potential adverse human rights impacts with which they may be involved,”⁶¹ and to “take the necessary steps to cease or prevent” adverse impacts they “cause[] or may cause.”⁶²

18. In Section III, we detail credible allegations that multiple big tech corporations are failing to abide by their obligations under the UNGPs and international law. Specifically, the corporations have been credibly implicated as providing substantial assistance to the Israeli government as it commits discrete predicate acts in furtherance of the crimes defined above: (1) apartheid, through suppression of the rights to freedom of movement and residence or freedom of opinion, expression, and association of Palestinian people throughout occupied Palestinian territory, and (2) genocide, through killing, causing serious bodily or mental harm, or deliberately inflicting conditions of life calculated to bring about the physical destruction in whole or in part of the Palestinian people of Gaza.

D. *Emerging Role of Technology in State Sponsored Terror and Oppression*

19. Globally, states have increasingly utilized advanced technologies and big data to surveil entire populations. As biometric identification, drone surveillance, cloud databases, and other technologies proliferate, governments use them to track, pick up, and catalog the movements, opinions, and actions of targeted communities, facilitating egregious crimes at home and abroad during peace or war.⁶³ In war, the emergence of advanced artificial intelligence, coupled with increased capacities for data storage, has allowed states to collect information, identify and retain lists of military targets, and strike, all with very little human decision-making.⁶⁴ This raises a host of ethical and legal issues, as these autonomous systems are known to mistakenly target civilians and civilian infrastructure at a high rate of error.⁶⁵
20. The Israeli government has long subjected Palestinians to “significant social control and monitoring.”⁶⁶ Oftentimes, this has taken physical form: raids, checkpoints, and

⁶⁰ *Id.*, principle 13.

⁶¹ *Id.*, principle 18.

⁶² *Id.*, commentary to principle 19.

⁶³ See, e.g., *Street Level Surveillance*, Electronic Frontier Foundation, <https://sls.eff.org/?language=ko>; *UAE: Mass Surveillance Threatens Rights, COP28 Outcome*, Human Rights Watch (Nov. 30, 2023), <https://www.hrw.org/news/2023/11/30/uae-mass-surveillance-threatens-rights-cop28-outcome>; Paul Mozur, Muye Xiao, & John Liu, *An Invisible Cage: How China is Policing the Future*, N. Y. Times (Jan. 25, 2022), <https://www.nytimes.com/2022/06/25/technology/china-surveillance-police.html>.

⁶⁴ See Kristian Humble, *War, Artificial Intelligence, and the Future of Conflict*, *Geo. J. Int'l Aff.* (July 12, 2024), <https://gjia.georgetown.edu/2024/07/12/war-artificial-intelligence-and-the-future-of-conflict/>.

⁶⁵ See Yasmeen Serhan, *How Israel Uses AI in Gaza— And What it Might Mean for the Future of Warfare*, *Time*, (Dec. 18, 2024), <https://time.com/7202584/gaza-ukraine-ai-warfare/>.

⁶⁶ Shtaya, *supra* note 37.

interrogations.⁶⁷ However, over the past 25 years, this regime has proliferated in a digitized and technologically-advanced manner.⁶⁸

21. Israel began widespread monitoring of Palestinians through CCTV in 2000, with the launch of “Mabat 2000,”⁶⁹ a “complex network of visible surveillance cameras in Jerusalem’s Old City,”⁷⁰ which quickly spread as the government appropriated millions for the purpose of increasing their presence.⁷¹ Endeavoring to collect as much information as possible about Palestinians, Israel developed database programs, including: “**Wolf Pack**” (a database holding “all available information on Palestinians from the OPT,” with photos, family and education information, and security ratings), “**Red Wolf**” (scanning the faces of Palestinians and adding them to a database without consent at checkpoints), “**White Wolf**” (an app for Israeli settlers to scan the ID cards of Palestinians seeking entry to settlements), and “**Blue Wolf**” (an app allowing Israeli forces to to access Wolf Pack data).⁷² Soldiers are incentivized to take photos of Palestinians for Wolf Pack, and face-scanning cameras exist in cities like Hebron.⁷³

E. *The Role of AI in Enabling Human Rights Violations in the Gaza Strip*

22. The massive data collections amassed by Israel’s surveillance apparatus, along with the acquisition of advanced artificial intelligence and cloud storage technologies, has been utilized by the Israeli military in its massacres of Palestinians for several years. Israel called its bombardment of Gaza in May 2021 the “first artificial intelligence” war.⁷⁴
23. Private tech corporations play a critical role in facilitating Israel’s genocide in Gaza.⁷⁵ Israel has taken the use of artificial intelligence in war to unprecedented levels in its genocide against Gaza, beginning in October 2023. The artificial-intelligence programs deployed against Gazans during this period include: “**Lavender**” (provides a “score” for individual Gazans based on an algorithmic assessment of likelihood of being involved in an armed group), “**The Gospel**” (creates target lists, including civilian structures, based on surveillance data), “**Where’s Daddy?**” (uses mobile-phone tracking to tell the military

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ “Mabat” means “gaze” in Hebrew.” *Id.*

⁷⁰ Cara Doris, *The Eyes of the Old City: ‘Mabat 2000’ Captures All*, *Jerusalem Post* (June 18, 2013), <https://www.jpost.com/national-news/the-eyes-of-the-old-city-mabat-2000-captures-all-316885>.

⁷¹ Shtaya, *supra* note 39.

⁷² *Id.*; Amnesty International, *supra* note 38.

⁷³ *Id.*

⁷⁴ Marwa Fatafta & Daniel Leuffer, *Artificial Genocidal Intelligence: how Israel is automating human rights abuses and war crimes*, Access Now (May 9, 2024), <https://www.accessnow.org/publication/artificial-genocidal-intelligence-israel-gaza/>.

⁷⁵ See Abraham, *supra* note 4. Note also that the UN has previously considered the role of corporations in contributing to human rights abuses in the Occupied Palestinian Territories, although it has not yet done so in the context of the recent genocide.

when targets reach specific locations, reportedly their homes), and a program which uses phone data to monitor evacuations in northern Gaza.⁷⁶ As these artificial-intelligence and machine-learning tools “rely on enormous quantities of data to produce outputs,” the surveillance data Israel has been collecting for decades is essential to the genocidal effort.⁷⁷

24. The intimate partnership between the Israeli defense establishment and U.S.-based cloud service providers – notably Amazon Web Services, Google, and Microsoft – has equipped Israel with the resources and expertise to not only meet the demands of, but “upgrade” and accelerate, its military assault and genocidal campaign in Gaza.⁷⁸ In other words, were Israel to rely solely on internal Israeli servers, it would lack “very significant operational effectiveness” and thus be unable to use – and store – as much intelligence information as it can by using cloud companies.⁷⁹ This has been affirmed by Israeli army leadership themselves: Col. Racheli Dembinsky, commander of the Israeli army’s Center of Computing and Information Systems Unit, revealed that by late October 2023, beginning with the Israeli military’s ground invasion of Gaza, “the army’s systems were overwhelmed and ‘resources were exhausted.’”⁸⁰ Accordingly, the army turned to civilian cloud providers and “has become increasingly dependent” on them “for operational activity in Gaza.”⁸¹ Military officials have called AI a “game changer” in finding targets faster. One intelligence officer reported that AI had been used to help pinpoint “all targets in the past three years.”⁸²

25. As further outlined in Section III, these artificial-intelligence tools are enabled by public cloud technology and artificial intelligence systems made possible by U.S.-based tech companies Amazon Web Services, Google, and Microsoft – the reliance on which expanded exponentially since the start of the genocide. In addition to public cloud technology and artificial intelligence systems, other tech programs provided by Elbit Systems and Meta, have also been used by the Israeli defense establishment to further advance Israel’s crimes.

⁷⁶ *Questions and Answers: Israeli Military’s Use of Digital Tools in Gaza*, Human Rights Watch (Sept. 10, 2024), <https://www.hrw.org/news/2024/09/10/questions-and-answers-israeli-militarys-use-digital-tools-gaza>.

⁷⁷ *Id.*

⁷⁸ See Abraham, *supra* note 4.

⁷⁹ See *id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² Biesecker et al, *supra* note 4.

III. ISRAEL'S RELIANCE ON U.S.-BASED TECH CORPORATIONS DURING ITS COMMISSION OF GRAVE HUMAN RIGHTS VIOLATIONS, WAR CRIMES, AND CRIMES AGAINST HUMANITY

A. *Project Nimbus: AWS and Google's Complicity in Perpetuating Israel's Crimes*

1. Findings in Abolitionist Law Center's Submission to the United Nations Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967

26. Google, LLC ("Google") is a software company and subsidiary of Alphabet, Inc. Google opened an office in Israel in 2006, and since then has acquired multiple Israeli start-ups.⁸³ Amazon is the parent company to Amazon Web Services (AWS), a purveyor of cloud technology.⁸⁴ AWS began building out its infrastructure in Israel in 2013.⁸⁵

27. Project Nimbus is a contract worth at least \$1.2 billion for AWS and Google to provide cloud computing services to the Israeli military and government from 2021 through at least 2028.⁸⁶ It provides access to data storage and processing power on demand, as well as artificial intelligence, machine learning, data analysis, and other tools produced by AWS and Google.⁸⁷

28. As described above, *supra* Section II, Israel had already been using products such as facial recognition and artificial intelligence to create systems for surveillance of Palestinians termed "automated apartheid" and relied on AI-designated targets for military strikes.⁸⁸ Project Nimbus made these kinds of products available at a new and massive scale. It has been credited by the Israel National Cyber Directorate with playing a significant part in the Israeli military's 'victory' since October 7, 2023.⁸⁹

⁸³ Sam Sheard, *Execs from Facebook, Google, and Microsoft Explain Why they Use Israel for Their R&D*, Bus. Insider (Oct. 6, 2016, 12:30 AM), <https://www.businessinsider.com/facebook-google-microsoft-israel-rd-2016-10>; Dominic Preston & Jess Weatherbed, *Google Acquires Cybersecurity Firm Wiz for \$32 Billion*, The Verge (Mar. 18, 2025), <https://www.theverge.com/google/24198766/google-acquires-wiz-cloud-cybersecurity-32-billion>.

⁸⁴ *About AWS*, AWS, https://aws.amazon.com/about-aws/?nc2=h_header (last visited 3/13/2025).

⁸⁵ Channy Yun, *Now Open – AWS Israel (Tel Aviv) Region*, AWS New Blog (Aug. 1, 2023), <https://aws.amazon.com/blogs/aws/now-open-aws-israel-tel-aviv-region/>.

⁸⁶ Shoshanna Solomon, *Israel Signs Deal for Cloud Services with Google, Amazon*, The Times of Israel (May 24, 2021), <https://www.timesofisrael.com/israel-signs-deal-for-cloud-services-with-google-amazon/>.

⁸⁷ *See What is Cloud Computing?*, Amazon Web Service (last visited Nov. 26, 2024); *What is Cloud Computing?*, Google Cloud (last visited Nov. 26, 2024); Sam Biddle, *Documents Reveal Advanced AI Tools Google is Selling to Israel*, The Intercept (July 24, 2022), <https://theintercept.com/2022/07/24/google-israel-artificial-intelligence-project-nimbus/>.

⁸⁸ *See* Amnesty International, *supra* note 38.

⁸⁹ *"We Have No Choice - The Cloud is the Future"*, People and Computers Israel (Feb. 29, 2024) (automatic translation using Google Translate), <https://www.pc.co.il/featured/404442/>.

29. AWS servers store information on Gaza’s population collected through mass surveillance for the Israeli Military Intelligence Directorate.⁹⁰ AWS Israel caters to the Israeli defense establishment through specialized trainings, events, and even some employees, who describe themselves as “defense” technicians.⁹¹
30. Subsequent to Project Nimbus and well after the onset of the genocide, Google signed an additional contract to provide consulting services for the Israeli Ministry of Defense’s customized interface to Google Cloud and to assist it with architecture design, implementation guidance, and automation.⁹² Google had previously disabled real-time crowding data in Google Maps immediately preceding the IDF’s ground invasion of Gaza on October 27, 2023, reportedly at the request of the IDF.⁹³ Additionally, Israel’s military intelligence unit has integrated Google Photos’ built-in facial recognition technology to surveil and arrest Palestinians in Gaza since at least March 2024.⁹⁴
31. Outside the military, Project Nimbus has helped other Israeli agencies in perpetuating apartheid and illegal occupation. For Amazon, this included providing cloud computing services and Business Intelligence software to the Population, Immigration, and Border Authority, which maintains a “Biometric Program for Foreigners” and has been criticized for “illegally storing ... millions of low-resolution photos.”⁹⁵ It has also stored data for the

⁹⁰ Yuval Abraham, ‘Order from Amazon’: How Tech Giants Are Storing Mass Data for Israel’s War, +972 Magazine (Aug. 4, 2024) (cleaned up), <https://www.972mag.com/cloud-israeli-army-gaza-amazon-google-microsoft/>.

⁹¹ LinkedIn Post of Omri Holzman, Defense Team Lead at AWS (July 20, 2022), https://www.linkedin.com/posts/omriholzman_cloud-aws-aiml-activity-6955560090124849153-gDq5?utm_source=share&utm_medium=member_desktop; LinkedIn Post by Omri Holzman, Defense Team Lead at AWS (July 12, 2023), https://www.linkedin.com/posts/omriholzman_aws-aws-natsec-activity-7084777815513964544-hEBj?utm_source=share&utm_medium=member_desktop; LinkedIn Profile of Alex Pulver, Principal Solutions Architect at AWS (last visited Nov. 25, 2024), <https://www.linkedin.com/in/alexpulver/>; LinkedIn Post of Avi Klepper, Account Manager, Defense at AWS (July 12, 2023), https://www.linkedin.com/posts/activity-7084807409017233408-plxJ/?utm_source=share&utm_medium=member_desktop.

⁹² Billy Perrigo, *Exclusive: Google Contract Shows Deal With Israel Defense Ministry*, TIME (Apr. 12, 2024), <https://time.com/6966102/google-contract-israel-defense-ministry-gaza-war/>.

⁹³ Marissa Newman, *Google Maps Disables Live Traffic Data in Israel, Gaza at Military Request*, Bloomberg (Oct. 23, 2024), <https://www.bloomberg.com/news/articles/2023-10-23/google-disables-live-traffic-in-israel-gaza-at-military-request>; Wafaa Shurafa, Bassem Mroue & Josef Federman, *Israel Steps Up Air and Ground Attacks in Gaza and Cuts Off the Territory’s Communication*, AP News (Oct. 28, 2023), <https://apnews.com/article/israel-palestinians-gaza-airstrikes-region-e41b5b12e8cdf9db62395314d9a782b6>.

⁹⁴ Sheera Frenkel, *Israel Deploys Expansive Facial Recognition Program in Gaza*, New York Times (March 27, 2024), <https://www.nytimes.com/2024/03/27/technology/israel-facial-recognition-gaza.html>.

⁹⁵ See Ness Technologies, Nimbus Cloud Me In, <https://www.ness-tech.co.il/nimbus>; AWS Summit Tel Aviv 2024 - Transforming Business Outcomes Through Data Analytics and Gen BI (DGT205), AWS Events (July 3, 2024), <https://www.youtube.com/watch?v=uObKUZuhTyA>; Marissa Newman, *Israel Illegally Storing Millions of People’s Photos, Audit Says*, Bloomberg News (May 16, 2023), <https://www.bloomberg.com/news/articles/2023-05-16/israel-illegally-storing-millions-of-people-s-photos-audit-says?embedded-checkout=true>; Israel National Cyber Directorate: Identity and Biometric Applications Unit, *Facial Recognition in Israel’s Public Places: Policy Principles & A Call for Regulation*, 6 (July 2021),

Survey of Israel and potentially the Israel Land Authority, accelerating the seizure of land within the Occupied territory and its subsequent discriminatory zoning.⁹⁶ Google has provided services and products to the Israel Antiquities Authority,⁹⁷ which regularly conduct excavations in occupied Palestinian territory.⁹⁸ It also hosts Mekorot's management software;⁹⁹ Mekorot officials have announced plans to “upload[] all of its operational and managerial data onto the Google Cloud and, from there, operate all of Google's tools.”¹⁰⁰ Mekorot is the administrative body through which Israel exploits the natural resource of water in the Occupied Palestinian territory;¹⁰¹ exploitation of natural resources was an element in the ICJ's finding that Israel maintained an illegal occupation and apartheid under Article 3 of CERD.¹⁰²

32. Amazon and Google took the aforementioned actions despite having notice of the human rights violations the companies were enabling. Employees have protested, documented, and provided written communications to company executives drawing attention to these matters,¹⁰³ while shareholders submitted formal proposals calling for investigations into

https://www.gov.il/BlobFolder/generalpage/face_recognition/en/Facial%20Recognition%20in%20Public%20Places%20-%20INCD.pdf

⁹⁶ *The Maps on the Ground: The National Mapping Service Moves to the Cloud*, People and Computers Israel (Oct. 26, 2022), <https://www.pc.co.il/news/373243/>; Charmaine Chua et al., *Amazon's Investments in Israel Reveal Complicity in Settlements and Military Operations*, The Nation (June 22, 2021), <https://www.thenation.com/article/economy/amazon-prime-day-israel/>.

⁹⁷ *Following the Lost Treasure (In the Depths of the Computer)*, Israel Antiquities Authority (June 6, 2024) (automatically translated using Google translate), <https://kotarot.iaa.org.il/-/האבדור-האוצר-האבוד-06/2024/סיפור-החודש-במעמקי-המזרח>; Israel Antiquities Authority: Preserving the Past for Future Generations with AI and Cloud-Based Data, Google Cloud Blog, <https://cloud.google.com/customers/israel-antiquities-authority?hl=en>.

⁹⁸ *The IAA Lead Excavation in Area C in Possible Violation of International Law*, Emek Shaveh (May 16, 2024), <https://emekshaveh.org/en/iaa-excavates-in-wbank/>; *Underground Jerusalem: The excavation of Tunnels, Channels, and Underground Spaces in the Historic Basin*, Emek Shaveh (Oct. 28, 2015), <https://emekshaveh.org/en/underground-jerusalem-the-excavation-of-tunnels-channels-and-underground-spaces-in-the-historic-basin/>; *Archaeological Activities in Politically Sensitive Areas in Jerusalem's Historic Basin*, Emek Shaveh (Oct. 28, 2015), <https://emekshaveh.org/en/archaeological-activities-in-politically-sensitive-areas-in-jeruselems-historic-basin-2>.

⁹⁹ Adiel Eithan Mustaki & Meir Orbach, *Google to Offer Mekorot Technology in its Marketplace*, Calcalist Tech (Apr. 7, 2024), https://www.calcalistech.com/ctechnews/article/bken54gea?utm_source=calcalistech.com&utm_medium=Share&utm_campaign=facebook&utm_term=bken54gea&utm_content=Article%20Top. For Mekorot as a required Project Nimbus service purchaser, see translation of Appendix B to October 2023 version of Project Nimbus tender available through Sam Biddle, *Israeli Weapons Firms Required to Buy Cloud Services from Google and Amazon*, The Intercept (May 1, 2024), <https://theintercept.com/2024/05/01/google-amazon-nimbus-israel-weapons-arms-gaza/>, at <https://www.documentcloud.org/documents/24630178-intercept-translation-of-appendix-b-of-project-nimbus-tender-document/>.

¹⁰⁰ Anat Yaffe, *Mekorot: Investing in Innovation to Secure the Water Sector in Emergencies*, Haaretz (June 23, 2024), <https://www.haaretz.com/haaretz-labels/2024-06-23/ty-article-labels/mekorot-investing-in-innovation-to-secure-the-water-sector-in-emergencies/00000190-4498-d91c-abba-ef9805100000>.

¹⁰¹ *Legal Consequences Arising From the Policies and Practices of Israel in the Occupied Palestinian Territories, Including East Jerusalem*, Advisory Opinion, 2024 I.C.J. 1, ¶127 (July 19).

¹⁰² *Id.* at ¶ 127-130, 133, 229.

¹⁰³ *No Tech for Apartheid Campaign*, *Open Letter: Google Workers Condemn Internal Culture of Hate, Abuse, and Retaliation*, Medium (Nov. 8, 2023), <https://medium.com/@notechforapartheid/googleopenletter-868f0c4477db>;

how Israel’s system violation of Palestinian human rights implicated the companies.¹⁰⁴ Shareholder proposals were ultimately rejected after the boards of directors of Alphabet and Amazon recommended votes against such actions.¹⁰⁵

2. New Information Since the Abolitionist Law Center Submission on Google and AWS’s Complicity in Apartheid and Genocide

33. When concerns were raised early on about the potential for the technology and services provided by Project Nimbus to enable crimes against Palestinians, Google affirmatively represented to multiple news outlets that the Israeli government’s access to Google technology through Project Nimbus was bound by the Google Terms of Service and Acceptable Use Policy.¹⁰⁶ Google Cloud’s generally applicable terms of service prohibit using the services for “high risk activities” that would reasonably be expected to lead to “death, serious harm, or injury.”¹⁰⁷ However, reporting has revealed that the Nimbus contract is subject to neither Google nor Amazon Terms of Service; rather, the contractual framework governing Project Nimbus appears to have allowed the Israeli government to unilaterally impose “adjusted” terms of service, the particulars of which remain unknown.¹⁰⁸ Furthermore, an email from one of Google’s lawyers came to light, noting that the Israel government would have the “unilateral right to impose contract changes” and that Google would retain almost no power to sue for damages based on permitted uses breaches.¹⁰⁹
34. Israel’s military surveillance agency has created a chatbot-like large language model (LLM), similar to Chat-GPT, capable of “answering questions about the people it is monitoring and providing insights into the massive volumes of surveillance data it collects.”¹¹⁰ Google employees brought their technical expertise to reservist duty with the IDF, helping to train this Chat-GPT like program on Arabic with Palestinian and Lebanese

Zoë Schiffer, *Hundreds of Amazon Employees Call for Jeff Bezos and Andy Jassy to Support Palestine*, The Verge (May 25, 2021), <https://www.theverge.com/2021/5/25/22453784/amazon-employees-support-palestine-sever-business-contracts>; Zoë Schiffer, *Google Employees Call for Company to Support Palestinians and Protect Anti-Zionist Speech*, The Verge (May 18, 2021), <https://www.theverge.com/2021/5/18/22441236/jewish-google-employees-support-palestine-letter-anti-zionism-israel>; Caroline Haskins, *Google Workers Protest Cloud Contract with Israel’s Government*, Wired (Apr. 16, 2024), <https://www.wired.com/story/google-no-tech-for-apartheid-project-nimbus-israel-gaza-protest/>.

¹⁰⁴ Notice of 2024 Annual Meeting of Shareholders & Proxy Statement, Amazon.com, Inc., p. 37-38 (May 22, 2024); Alphabet Inc. Proxy Statement, Alphabet, Inc., p. 104 (Apr. 22, 2022).

¹⁰⁵ Greg Bensinger, *Amazon.com Investors Reject All 14 Outside Proposals at Meeting*, Reuters (May 22, 2024). At the time, the Abolitionist Law Center had been unable to locate any evidence that a report was produced for Google.

¹⁰⁶ Sam Biddle, *Documents Contradict Google’s Claims about its Project Nimbus Contract with Israel*, Intercept (Dec. 2, 2024), <https://theintercept.com/2024/12/02/google-project-nimbus-ai-israel/>.

¹⁰⁷ *Id.*; see also *Google Cloud Terms of Service*, Google Cloud (last visited June 7, 2025), <https://cloud.google.com/terms>.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ Davies & Abraham, *supra* note 4.

dialects in order to develop a more comprehensive surveillance system in Palestine.¹¹¹ Models such as this subject civilians to intensive surveillance by non-human eyes with high error rates, that determine whether the Israeli military will take action against them.¹¹²

35. Further, leaked documents revealed Google employees were working to expand the Israeli Ministry of Defenses’ access to AI services following October 7, 2023, including the Vertex AI development platform and Gemini AI chatbot.¹¹³ An employee warned that if Google did not provide such access, AWS would.¹¹⁴ This came at the same time as a veritable ‘AI-arms race’ was occurring among major tech companies, as all competed to see who would be the top provider of AI to Israel during its “artificial intelligence war.”¹¹⁵
36. In May of 2025, the Business & Human Rights Resource Centre reached out to both Google and Amazon, among other tech companies described in further detail below, for comment regarding their links to “war crimes complicity amid Israel’s war in Gaza.” To date, neither company has provided a response.¹¹⁶

B. Microsoft’s Complicity in Perpetuating Israel’s Crimes

1. Profile Overview

37. Microsoft is a software development company headquartered in Redmond, Washington.¹¹⁷ Microsoft produces a range of technology products including hardware, such as the Xbox gaming device, and software, such as the Windows desktop operating system and Microsoft Office suite of applications.¹¹⁸ It enjoys a global market capitalization of over \$3.5 trillion as of June 9, 2025.¹¹⁹

¹¹¹ Google commented that “the work its employees do as reservists was ‘not connected’ to the company.” *Id.*

¹¹² *Id.*

¹¹³ Gerrit de Vynck, *Google Rushed to Sell AI Tools to Israel’s Military after Hamas Attack*, Wash. Post (Jan. 21, 2025), <https://www.washingtonpost.com/technology/2025/01/21/google-ai-israel-war-hamas-attack-gaza/>.

¹¹⁴ *Id.*

¹¹⁵ *See id.*; Fatafta & Leuffer, *supra* note 74.

¹¹⁶ Business & Human Rights Resource Centre, *Big Tech Companies Face Allegations of War Crimes Complicity Amid Israel’s War in Gaza* (May 5, 2025), <https://www.business-humanrights.org/en/latest-news/big-tech-companies-allegedly-complicit-in-war-crimes-amid-israels-war-in-gaza-incl-company-responses/>.

¹¹⁷ *Microsoft*, LinkedIn, <https://www.linkedin.com/company/microsoft/> (last visited June 7, 2025); *Facts About Microsoft*, Microsoft, <https://news.microsoft.com/facts-about-microsoft/> (last visited June 7, 2025).

¹¹⁸ *See All About Xbox: History & When to Expect the New Xbox*, Asurion (2025), <https://www.asurion.com/connect/tech-tips/xbox-history-new-tt/> (Microsoft launched the original Xbox in 2001); Michael Swengel, *Why Microsoft Windows Dominates the PC Market - For Now*, Medium (Feb. 19, 2024), <https://medium.com/@michaelswengel/why-microsoft-windows-dominates-the-pc-market-for-now-e5a2b010ee89> (Microsoft Windows accounted for 73% of the worldwide desktop operating system market share, as of January 2024); *Looking Back at 10 Years of Microsoft 365 Making History*, Microsoft (Jan. 11, 2023), <https://www.microsoft.com/en-us/microsoft-365-life-hacks/stories/looking-back-ten-years-microsoft-365>

¹¹⁹ *Microsoft Corporation Common Stock*, Nasdaq (last visited June 9, 2025), <https://www.nasdaq.com/market-activity/stocks/msft>

38. In 2010, Microsoft launched a cloud computing platform called Microsoft Azure.¹²⁰ Similar to Google Cloud or Amazon Web Services, it offers clients the ability to rent data storage space and processing capacity.¹²¹ Microsoft Azure also offers several AI services, some produced by Microsoft itself and some produced by third-party companies like OpenAI.¹²²
39. Prior to Project Nimbus, Microsoft had been the primary provider of cloud services to multiple Israeli ministries; as described further below, it maintains significant connections to Israeli government clients.¹²³ Israeli Prime Minister Benjamin Netanyahu described the relationship between Israel and Microsoft as a “marriage made in heaven” in 2016.¹²⁴

2. Complicity in Apartheid

40. Microsoft Azure provides the platform through which the Israeli Civil Administration runs its “AI Munaseq” application to manage permits for Palestinians in the Occupied Territory to work, buy things, visit family, and meet legal and medical needs.¹²⁵ It also enabled scheduling appointments to issue biometric cards that Palestinians need to cross Israeli checkpoints.¹²⁶ These cards require everything from their name to their phone’s IP address, as well as access to the camera and storage of mobile devices and consent to have the data extracted, stored, and shared by the Israeli military.¹²⁷ AI-Munaseq, and the Israeli permit regime more generally, severely restrict the Palestinian people’s rights to freedom of movement and residence in violation of the Apartheid Convention, Article II(c).¹²⁸

¹²⁰ *What is Azure?* Microsoft (2025; last visited June 4, 2025), <https://azure.microsoft.com/en-us/resources/cloud-computing-dictionary/what-is-azure#:~:text=Microsoft%20Azure%2C%20launched%20in%202010,with%20maintaining%20on%2Dpremises%20infrastructure.>

¹²¹ *Id.*

¹²² *Id.*; see also *What is Azure OpenAI in Azure AI Foundry Models?* Microsoft Learn (Apr. 16, 2025), <https://learn.microsoft.com/en-us/azure/ai-services/openai/overview>.

¹²³ Michael Sainato, *Microsoft Workers Fired Over Gaza Vigil Say Company ‘Crumbled Under Pressure,’* Guardian (Nov. 2, 2024), <https://www.theguardian.com/us-news/2024/nov/02/microsoft-workers-fired-gaza-vigil>.

¹²⁴ Arutz Sheva Staff, *Israel and Microsoft ‘A Marriage Made in Heaven,’* Israel National News (Feb. 26, 2016), <https://www.israelnationalnews.com/news/208568>.

¹²⁵ *Microsoft, Who Profits* (Apr. 26, 2024), <https://www.whoprofits.org/companies/company/7371?microsoft>.

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Cf.* Apartheid Convention article II(a)(ii), II(c), *supra* note 12. For analysis of the permit system in the context of Israel’s apartheid, see, e.g., 2024 I.C.J. 1 (July 19, 2024), ¶¶192-97 (concluding residence permit system constitutes prohibited discrimination), ¶¶198-206 (analyzing permits among restrictions on freedom of movement); Human Rights Watch, *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution* (Apr. 27, 2021), 16-18 (describing permits in restrictions on residence and nationality), 172-76 (describing permit regime as restriction on freedom of movement), <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>; Amnesty International, *Israel’s Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity* (Feb. 1, 2022), at 19-20 (analyzing permits in West Bank, including East Jerusalem, and Gaza as restrictions on movement),

41. While Mekorot is a “required” Project Nimbus customer and has announced plans to deepen its relationship with Google Cloud,¹²⁹ it currently appears to rely in large part on technology produced by Microsoft. Mekorot has described a “key collaboration with Microsoft ... underway since 2019”¹³⁰ and has collaborated with Microsoft “to develop a cloud for water sector statistical data.”¹³¹ As described above, Mekorot is the administrative body through which Israel exploits the natural resource of water in the Occupied Palestinian territory in violation of international law.¹³²

3. Complicity in Genocide

42. Microsoft has long partnered with the Israeli Ministry of Defense, entering into Foreign Military sales agreements as early as 2002.¹³³ In addition to the services and resources Microsoft provides directly, Microsoft also enables the Israeli Military to use other software, services, and apps from other companies, including Elbit Systems and OpenAI (both discussed *infra*).¹³⁴ Microsoft hardware is also incorporated into Israeli weapons, such as the integration of Microsoft Xbox controllers into Carmel tanks.¹³⁵

<https://www.amnesty.org/en/latest/campaigns/2022/02/israels-system-of-apartheid/>; Al-Haq, *Israeli Apartheid: A Tool of Zionist Settler Colonialism* (2022), 114-16 (describing permit regime as restriction on freedom of movement), 145-49 (describing impact of permit system on access to healthcare), https://www.alhaq.org/cached_uploads/download/2022/12/22/israeli-apartheid-web-final-1-page-view-1671712165.pdf B’Tselem, *A Regime of Jewish Supremacy for the Jordan River to the Mediterranean Sea: This is Apartheid* (Jan. 12, 2021), at 5-6 (describing permit regime as restriction on freedom of movement).

¹²⁹ *Supra* ¶ 31, notes 99-100.

¹³⁰ Mekorot, *2021 ESG Report*, 28 (2022), https://www.mekorot-int.com/wp-content/uploads/2023/12/Mekorot21_ESG_Eng_300Dpi_%D7%A0%D7%92%D7%99%D7%A9-1.pdf; Mekorot, *2022 ESG Report*, 34 (2023), https://www.mekorot-int.com/wp-content/uploads/2023/12/Mekorot22_ESG_Eng_20.12_Accessible.pdf.

¹³¹ Adiel Eithan Mustaki & Meir Orbach, *Google to Offer Mekorot Technology in its Marketplace*, Calcalist Tech (Apr. 7, 2024), <https://www.calcalistech.com/ctechnews/article/bken54gea>; see also LinkedIn Post of Mekorot (Apr. 8, 2024) (“The collaboration with Google follows another Mekorot breakthrough with global technology giants after its agreement with Microsoft six months ago to create a cloud statistical data system for a range of parties in the water, science, environment, and academic fields”), https://www.linkedin.com/posts/mekorot_google-to-offer-mekorot-technology-in-its-activity-7183088333290430464--TWg/.

¹³² Legal Consequences Arising From the Policies and Practices of Israel in the Occupied Palestinian Territories, Including East Jerusalem, Advisory Opinion, 2024 I.C.J. 1, ¶127-130, 133, 229 (July 19).

¹³³ *Microsoft*, Investigate: American Friends Service Committee (Jan. 29, 2025), <https://investigate.afsc.org/company/microsoft>.

¹³⁴ No Azure for Apartheid, *A Marriage Made in Hell: An Introduction to Microsoft’s Complicity in Apartheid and Genocide*, No Tech for Apartheid Campaign (May 21, 2024), <https://medium.com/@notechforapartheid/a-marriage-made-in-hell-an-introduction-to-microsofts-complicity-in-apartheid-and-genocide-d7dfad65a196>; Abraham, *supra* note 4.

¹³⁵ Leore Dayan & Noah Smith, *A New Israeli Tank Features Xbox Controllers, AI honed by ‘StarCraft II’ and ‘Doom,’* Washington Post (July 28, 2020), <https://www.washingtonpost.com/video-games/2020/07/28/new-israeli-tank-features-xbox-controllers-ai-honed-by-starcraft-ii-doom/>.

43. Since October 7th, 2023, Microsoft has dramatically increased its services to the Israeli military, jumping seven fold from September to October 2023.¹³⁶ By March of 2024, use of AI services was between 64 and 200 times higher than the period leading up to October 7th.¹³⁷ The amount of data stored on Microsoft servers doubled between October 2023 and July 2024, coming out to over 13.6 petabytes, enough data to store every book in the Library of Congress 350 times.¹³⁸ About a third of the purchases were for systems isolated from the internet and public networks, potentially indicative of operational purposes (e.g. combat and intelligence) rather than logistical or bureaucratic purposes.¹³⁹
44. The Israeli military has reportedly used Microsoft Azure cloud services to “compile information gathered through mass surveillance,” including transcription and translation of phone calls, texts, and audio messages.¹⁴⁰ Officials also use it to search for terms and patterns within large amounts of text.¹⁴¹
45. Microsoft Azure provides “communications and messaging” services to the Israeli Air Force’s Ofek Unit, which manages the “target bank,” a database of potential targets for lethal airstrikes.¹⁴² It also provides cloud services and support to Unit 81 within the technological arm of the Military Intelligence Directorate’s Special Operations Division, which manufactures surveillance equipment for the Israeli intelligence community, and provides unspecified services to the Matspen Unit, which develops operational and combat support systems; the Military Advocate General’s Corps, which prosecutes Palestinians in the occupied territories; and the Sapir Unit, which maintains Information and Communication Technology infrastructure.¹⁴³
46. The Israeli Defense Ministry has spent millions of dollars on “engineering support and consultancy” with Microsoft experts since October of 2023.¹⁴⁴ Microsoft has additionally provided free training courses for members of the Israeli military.¹⁴⁵

¹³⁶ Abraham, *supra* note 4.

¹³⁷ Reports conflict on the magnitude of the increase between October 2023 and March 2024. For 200-fold increase compared to the week prior to October 7, *see* Biesecker et al, *supra* note 4; for 64-fold increase compared to the month prior to October 7, *see* Abraham, *supra* note 4.

¹³⁸ Biesecker et al., *supra* note 4.

¹³⁹ Abraham, *supra* note 4.

¹⁴⁰ Biesecker et al, *supra* note 4.

¹⁴¹ *Id.*

¹⁴² Abraham, *supra* note 4; Harry Davies & Yuval Abraham, *Revealed: Microsoft Deepened Ties with Israeli Military to Provide Tech Support During Gaza War*, *The Guardian* (Jan. 23, 2025), <https://www.theguardian.com/world/2025/jan/23/israeli-military-gaza-war-microsoft>.

¹⁴³ Abraham, *supra* note 4.

¹⁴⁴ Ryan Grim & Waqas Ahmed, *The Israeli Military is One of Microsoft’s Top AI Clients, Linked Documents Reveal*, *Drop Site News* (Jan. 23, 2025), <https://www.dropsitenews.com/p/microsoft-azure-israel-top-customer-ai-cloud>.

¹⁴⁵ *Microsoft, Who Profits*, *supra* note 125..

47. Microsoft Azure employees provide substantial support to Israeli intelligence officials.¹⁴⁶ Microsoft Azure employees reportedly work within Israeli military units in order to provide on-demand technological support.¹⁴⁷ An Israeli intelligence officer stated that Microsoft Azure employees were so embedded as to be “people who are already working with the unit,” like soldiers.¹⁴⁸ Microsoft’s global Azure support team responded to around 130 direct requests from the Israeli Military between October 2023 and August 2024.¹⁴⁹ Around this time, half of Microsoft consulting service’s revenue came from the Israeli military.¹⁵⁰
48. In May of 2025, the Business & Human Rights Resource Centre reached out to Microsoft for comment regarding their links to “war crimes complicity amid Israel’s war in Gaza.”¹⁵¹ Microsoft did not respond directly to the Business & Human Rights Resource Centre’s request for comment.¹⁵²
49. On May 15, 2025, Microsoft issued a public statement claiming that it had conducted “an internal review and engaged an external firm to undertake additional fact-finding,” and announced it had “found no evidence to date that Microsoft’s Azure and AI technologies have been used to target or harm people in the conflict in Gaza.”¹⁵³ The statement admitted providing multiple technological services to the Israeli Ministry of Defense, including “software, professional services, Azure cloud services, and Azure AI services, including translation,” as well as “occasionally ... special access to our technologies beyond the terms of our commercial agreements.” It noted that because “Microsoft does not have visibility into how customers use our software on their own servers or other devices ... By definition, our reviews do not cover these situations.”¹⁵⁴
50. A UN Special Committee has urgently called to “[h]old business entities fully accountable” for their “provision of digital products and services and/or engagement in technology transfer and facilitation (including artificial intelligence) or links to value chains (including algorithmic-based decisionmaking)” implicated in Israel’s violations of international law since October 7, 2023, which it has found “consistent with the characteristics of genocide.”¹⁵⁵ At a minimum, Microsoft’s acknowledged inability to investigate the full application of their transferred technology, and their continued provision of the technology,

¹⁴⁶ Abraham, *supra* note 4.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ Biesecker et al, *supra* note 4.

¹⁵⁰ *Id.*

¹⁵¹ Business & Human Rights Resource Centre, *supra* note 116.

¹⁵² *Id.*

¹⁵³ Microsoft, *Microsoft Statement of the Issues Relating to Technology Services in Israel and Gaza* (May 15, 2025), <https://blogs.microsoft.com/on-the-issues/2025/05/15/statement-technology-israel-gaza/>.

¹⁵⁴ *Id.*

¹⁵⁵ Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, United Nations General Assembly, U.N. Doc. A/79/363 (Sep. 20, 2024), ¶¶ 11, 69, 71(h).

constitutes a failure under the UNGPs to “prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services... even if they have not contributed to those impacts,” and to “identify and assess any actual *or potential* adverse human rights impacts with which they may be involved.”¹⁵⁶ “where a business enterprise causes *or may cause* an adverse human rights impact, it should take the necessary steps to cease or prevent the impact.”¹⁵⁷

4. Public Response and Suppression of Worker Activism

51. In May of 2024, Microsoft workers publicly launched an organization called No Azure for Apartheid (NOAA) to “expose and condemn the specific technologies complicit in the ongoing apartheid and genocide in Gaza, the West Bank, and Palestine as a whole.”¹⁵⁸ NOAA built on the guiding mission, principles, and vision of No Tech for Apartheid’s coalition of Google and Amazon workers.¹⁵⁹
52. NOAA published an extensive analysis of Microsoft’s complicity in violations of Palestinian human rights,¹⁶⁰ and circulated a petition among Microsoft workers demanding termination of all Azure contracts and partnerships with the Israeli military and government; disclosure of all ties to the Israeli military and a transparent and independent audit; a public call for a ceasefire; and protection of pro-Palestinian employees.¹⁶¹ As of June 8, 2025, the petition has 1,927 signatures.¹⁶²
53. NOAA has publicized and protested Microsoft’s listing of Friends of the IDF and organizations supporting illegal settlements in the West Bank for donation-matching eligibility on the company’s internal charitable platform,¹⁶³ as well as Microsoft’s sponsorship of the conference ‘I Love Mamram,’ celebrating the 65th anniversary of the Israeli military’s Center of Computing and Information Systems unit.¹⁶⁴

¹⁵⁶ UN Guiding Principles on Business and Human Rights, *supra* note 59; principles 13, 18 (emphasis added).

¹⁵⁷ *Id.*, commentary to principle 19 (emphasis added).

¹⁵⁸ No Azure for Apartheid, *supra* note 134.

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ No Azure for Apartheid, *No Azure for Apartheid Petition* (May 15, 2024),

<https://noazureforapartheid.com/petition/> (last visited June 8, 2025).

¹⁶² *Id.*

¹⁶³ Murtaza Hussain, *Microsoft Encourages Employee Donations to Illegal West Bank Settlements, While Barring UNRWA*, DropSite News (Aug. 6, 2024), <https://www.dropsitenews.com/p/microsoft-employee-match-occupied-west-bank>; Ashley Stewart, ‘The Most Taboo Topic I’ve Ever Seen:’ Inside Microsoft’s War Over the War in Gaza, Business Insider (Nov. 28, 2023), <https://www.businessinsider.com/microsoft-war-over-israel-hamas-gaza-war-satya-nadella-2023-11>; No Azure for Apartheid, *Friends of the IDF Now Back on Benevity*, Instagram (Sep. 25, 2024), https://www.instagram.com/applesagainstapartheid/p/DAWmMpuy2OJ/?hl=en&img_index=1

¹⁶⁴ Murtaza Hussain, *Microsoft’s CEO for Israel to Appear at Event Celebrating Israeli Military AI*, DropSite News (Sep. 27, 2024), <https://www.dropsitenews.com/p/microsofts-ceo-for-israel-to-appear>; No Azure for Apartheid, *Microsoft <3 Genocide*, Instagram (Sep. 26, 2024), https://www.instagram.com/noazureforapartheid/p/DAZ3wJUNY2R/?hl=en&img_index=1

54. Microsoft has continuously attempted to suppress dissent among its workers by censoring their speech and terminating their employment. In October of 2024, Microsoft fired two workers who organized a vigil for Palestinians killed in Gaza.¹⁶⁵ In December of 2024, NOAA reported that Microsoft had deleted the internal ‘No Azure for Apartheid’ website while leaving multiple other political websites of its employees untouched.¹⁶⁶ In April of 2025, Microsoft fired two employees who had protested at the company’s 50th anniversary celebration.¹⁶⁷
55. Microsoft was officially added to the Boycott, Divestment, and Sanctions (BDS) movement’s list of priority boycott targets in early April of 2025.¹⁶⁸
56. Within a week of issuing its Statement of the Issues Relating to Technology Services in Israel and Gaza in May of 2025,¹⁶⁹ Microsoft employees reported that the company had “quietly implemented a policy blocking employee emails containing the words ‘Palestine,’ ‘Gaza,’ or ‘genocide’ on its internal Exchange servers.”¹⁷⁰ Microsoft then fired yet another employee for protesting a company event.¹⁷¹

¹⁶⁵ Matt O’Brien, *Microsoft Fires Employees Who Organized Vigil for Palestinians Killed in Gaza*, AP News (Oct. 25, 2024), <https://apnews.com/article/microsoft-fired-workers-israel-palestinians-gaza-72de6fe1f35db9398e3b6785203c6bbf>

¹⁶⁶ No Azure for Apartheid, *Microsoft Took Down Our Employee No Azure for Apartheid Website*, Instagram (Dec. 12, 2024), <https://www.instagram.com/p/DDfZIEDhcKi/>

¹⁶⁷ No Azure for Apartheid & Ibtihal Aboussad, *‘Why I Disrupted Microsoft’s 50th Anniversary Celebration,’ A Letter by Ibtihal Aboussad*, Medium (Apr. 6, 2025), <https://medium.com/@noazureforapartheid/why-i-disrupted-microsofts-50th-anniversary-celebration-a-letter-by-ibtihal-aboussad-e47683574698>; No Azure for Apartheid & Vaniya Agrawal, *‘Why I’m Leaving Microsoft - Our Moral Responsibility,’ A Letter by Vaniya Agrawal*, Medium (Apr. 6, 2025), <https://medium.com/@noazureforapartheid/why-im-leaving-microsoft-our-moral-responsibility-a-letter-by-vaniya-agrawal-3cbfe25dc1e2>; Hayden Field, *Microsoft Terminates Jobs of Engineers Who Protested Use of AI Products by Israel’s Military*, CNBC (Apr. 7, 2025), <https://www.cnbc.com/2025/04/07/microsoft-fires-engineers-who-protested-during-anniversary-celebration.html#:~:text=Microsoft%20terminated%20the%20employment%20of,also%20terminated%20her%20role%20Monday>

¹⁶⁸ BDS Movement, *Microsoft*, <https://bdsmovement.net/microsoft> (last visited June 9, 2025); Ryan Grim, *BDS Calls for Boycott of Microsoft Game Pass, Minecraft, New Xbox Consoles*, Drop Site News (Apr. 3, 2025), <https://www.dropsitenews.com/p/bds-calls-for-boycott-of-microsoft>

¹⁶⁹ *Supra* note 153.

¹⁷⁰ Waqas Ahmed & Murtaza Hussain, *Microsoft Bans the Word ‘Palestine’ in Internal Emails*, DropSite News (May 21, 2025), <https://www.dropsitenews.com/p/microsoft-word-palestine-banned-internal-email-gaza>

¹⁷¹ No Azure for Apartheid & Joe Lopez, *‘My Statement on the Issues Relating to Technology Services in Israel and Gaza,’ a Letter by Joe Lopez*, Medium (May 19, 2025), <https://medium.com/@noazureforapartheid/my-statement-on-the-issues-relating-to-technology-services-in-israel-and-gaza-a-letter-by-joe-d6b954c38526>; No Tech for Apartheid, *Breaking: Microsoft Fires Joe Lopez for Disrupting Satya Nadella During Microsoft Build Keynote; Bans the Word ‘Palestine’ in All Company E-Mails*, Instagram (May 22, 2025), https://www.instagram.com/p/DJ8LJcZRnfc/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA==.

57. Microsoft’s active steps to suppress worker organizing raise concerns under domestic labor law that are beyond the scope of this report.¹⁷² Under the UNGPs, Microsoft’s suppression of worker activism appears to be actively foreclosing “meaningful consultation with ... relevant stakeholders” and stymying efforts to “identify and assess ... actual or potential adverse human rights impacts.”¹⁷³

C. *Elbit Systems’ Complicity in Perpetuating Israel’s Crimes*

1. Profile Overview

58. Elbit Systems is “an international high technology company engaged in a wide range of programs throughout the world, primarily in the defense and homeland security arenas.”¹⁷⁴ It is Israel’s largest weapons manufacturer.¹⁷⁵ Over the past four years, Elbit Systems has remained in the top thirty most profitable arms producers in the world, and has been in the top fifty since 2006.¹⁷⁶

59. Unlike other companies within Israel’s domestic military-industrial complex, such as Rafael Advanced Defense Systems, Elbit Systems is privately rather than state owned.¹⁷⁷ Elbit is incorporated and principally headquartered in Haifa, Israel,¹⁷⁸ but has a wholly-owned American subsidiary, Elbit Systems of America, headquartered in Fort Worth, Texas.¹⁷⁹

¹⁷² *But see, e.g.*, 29 U.S.C.A. § 158(a)(1) (it is an unfair labor practice to “interfere with, restrain, or coerce employees in the exercise of the rights guaranteed” under the National Labor Relations Act); *Home Depot USA, Inc. and Antonio Morales Jr.*, 373 NLRB 25 (2024) (finding political messaging at work protected activity under NLRA); *Meyers Industries*, 281 NLRB 882, 887 (1986) (*Meyers II*), *aff’d. sub nom. Prill v. NLRB*, 835 F.2d 1481 (D.C. Cir. 1987), *cert. denied* 487 U.S. 1205 (1988) (finding protected “concerted activity” where “employees seek to initiate or to induce or to prepare for group action, as well as individual employees bringing truly group complaints to the attention of management”); *Medeco Sec. Locks, Inc. v. NLRB.*, 142 F.3d 733, 746 (4th Cir. 1998) (NLRB protects “activities that do not involve unions or collective bargaining” provided they are “concerted” and “for the purpose of mutual aid or protection.”).

¹⁷³ UN Guiding Principles on Business and Human Rights, *supra* note 59; principle 18; *see also* principle 20 (“tracking” of the “effectiveness of [a business enterprise’s response to adverse human rights impacts] should ... draw on feedback from both internal and external sources, including affected stakeholders”).

¹⁷⁴ *Business Overview*, Elbit Systems, <https://elbitsystems.com/about-us-introduction/> (last visited June 7, 2025).

¹⁷⁵ *Elbit Systems LTD*, Investigate: American Friends Service Committee (Oct. 3, 2024), <https://investigate.info/company/elbit-systems>.

¹⁷⁶ Xiao Liang et al., *The SIPRI Top 100 Arms-Producing And Military Services Companies, 2022*, 9 (2023); Excel Document Comparing Arms Sales Over 20 Years, <https://www.sipri.org/databases/armsindustry> (see excel document linked on the middle of the page titled “Data for the SIPRI Top 100 for 2002–23 (Excel)”).

¹⁷⁷ *Israel Science and Technology: Defense Sector*, Jewish Virtual Library, https://www.jewishvirtuallibrary.org/israeli-defense-industry#google_vignette (last visited June 7, 2025).

¹⁷⁸ *Contact Us*, Elbit Systems (last visited April 21, 2025), <https://www.elbitsystems.com/contact-us>.

¹⁷⁹ *Company History*, Elbit Systems (last visited April 21, 2025), <https://www.elbitamerica.com/history#:~:text=1993%20%7C%20Elbit%20America%27s%20First%20Contract,plamt%20from%20another%20defense%20contractor>.

60. Elbit Systems' American subsidiary "acts as a purchasing agent for [Elbit's] Foreign Military Financing (FMF) and Foreign Military Sales (FMS) programs."¹⁸⁰ Foreign Military Sales allow the United States government to sell defense articles and services to foreign countries and international organizations.¹⁸¹
61. Stock for the Israel-based parent Elbit Systems trades publicly on the Nasdaq Stock Exchange, and enjoys a global market capitalization of over \$18 billion as of June 9, 2025.¹⁸² Institutional investors in Elbit Systems include Vanguard and Invesco,¹⁸³ among several other major American investment firms.¹⁸⁴
62. Elbit Systems has a history of collaboration with American universities, including Stanford University¹⁸⁵ and the Massachusetts Institute of Technology (MIT). After a months-long campaign by the MIT student movement and the Boston branch of BDS, MIT's Industrial Liaison Programs cut ties with Elbit in April of 2025.¹⁸⁶

2. Complicity in Apartheid

63. From 2002 to the present day, Elbit Systems has been a primary provider of biometric surveillance at borders and checkpoints between Israel, Gaza, and the West Bank.¹⁸⁷ These border surveillance systems infringe upon the Palestinian people's rights to freedom of movement and residence, furthering a system of separate reserves and ghettos throughout the occupied West Bank and Gaza Strip in violation of the Apartheid Convention Article II(c)-(d).¹⁸⁸

¹⁸⁰ *U.S. Foreign Aid to Israel*, Congressional Research Service (March 1, 2023), 4, <https://www.congress.gov/crs-product/RL33222>

¹⁸¹ *Defense Trade and Arms Transfers: Foreign Military Sales*, Defense Security Cooperation Agency <https://www.dsca.mil/Programs/Defense-Trade-and-Arms-Transfers/Foreign-Military-Sales> (last visited Apr. 24, 2025).

¹⁸² *Elbit Systems Ltd. Ordinary Shares (ESLT)*, Nasdaq (last visited June 9, 2025), <https://www.nasdaq.com/market-activity/stocks/eslt>.

¹⁸³ Vanguard Group, Inc. owned 1.92% and Invesco Ltd. owned 0.71% of all Elbit Systems shares as of March 31, 2025. *Elbit Systems Ltd.: Major Holders.*, Yahoo! Finance (last visited June 7, 2025), <https://ca.finance.yahoo.com/quote/ESLT.TA/holders/>.

¹⁸⁴ *Elbit Systems Ltd. Ordinary Shares (ESLT) Institutional Holdings*, Nasdaq (last visited June 7, 2025), https://www.nasdaq.com/market-activity/stocks/eslt/institutional-holdings?page=1&rows_per_page=10.

¹⁸⁵ *Elbit America Partners To Produce Next-Gen Night Vision Through DARPA*, Elbit Systems of America (Apr. 11, 2022), <https://www.elbitamerica.com/news/elbit-america-partners-to-produce-next-gen-night-vision-through-darpa>

¹⁸⁶ Molly Farrar, *Pro-Palestine Students Claim Victory After Israeli Weapons Manufacturer Leaves MIT Program*, Boston Globe (May 1, 2025), <https://www.boston.com/news/local-news/2025/05/01/pro-palestine-students-claim-victory-after-israeli-weapons-manufacturer-leaves-mit-program/>.

¹⁸⁷ *Stop Elbit Systems*, Stop the Wall: Palestinian Grassroots Anti-Apartheid Campaign, <https://stopthewall.org/stop-elbit/> (last visited Apr. 24, 2025); *Elbit Systems LTD*, *supra* note 175.

¹⁸⁸ Cf. Apartheid Convention Article II(c)-(d), *supra* note 12. For analysis of the Gaza blockade and restrictions in the West Bank as a restriction on freedom of movement furthering apartheid, see Human Rights Watch, *A Threshold Crossed*, *supra* note 128 at 135, 172-74 (on restriction of movement around Gaza), 184 (on separate reserves and ghettos); Amnesty, *Cruel System*, *supra* note 128 at 95-98 (on restriction of movement in Gaza and West Bank),

64. Elbit Systems was the primary contractor Israel engaged to help build ‘smart walls,’ providing electronic detection systems and related surveillance technologies¹⁸⁹ on the borders between Israel and Gaza.¹⁹⁰ In 2021, it provided ‘smart’ sensors for the wall around the Gaza Strip and helped build a web of cameras, radars, and motion sensors surrounding the Gaza Strip.¹⁹¹ Elbit produces a range of surveillance technologies implemented at borders and in illegal settlements, including ‘intrusion detection systems,’ LORROS surveillance cameras that specialize in comprehensive long-range monitoring, and an interface called ‘Torch’ which allows many surveillance systems to be monitored at the same time.¹⁹² Elbit also produces unmanned, autonomous combat vehicles by modifying Ford F-350 trucks, which the Israeli military deployed to patrol the Gaza border with 360-degree cameras in 2016¹⁹³ and armed with remotely controlled weapons in 2017.¹⁹⁴
65. In 2009, Norway’s Finance Ministry divested its holdings in Elbit Systems from the country’s global pension-fund portfolio due to “the company’s integral involvement in Israel’s construction of a separation barrier on occupied territory” in the West Bank.¹⁹⁵

3. Complicity in Genocide

66. Since October 7, 2023, Elbit Systems “experienced a material[ly] increased demand for its products and solutions from the Israel Ministry of Defense.”¹⁹⁶

170-74 (on Gaza blockade); Al-Haq, *Israeli Apartheid*, supra note 128 at 114-120 (on restrictions of movement generally and the Gaza blockade); B’Tselem, *This is Apartheid*, supra note 128 at 5-6 (on restriction of movement around Gaza and West Bank).

¹⁸⁹ *Elbit Systems LTD*, supra note 175.

¹⁹⁰ *Walls and Checkpoints in Palestine*, Investigate: American Friends Service Committee <https://investigate.info/tags/wall-and-checkpoints-palestine> (last visited Apr. 24, 2025).

¹⁹¹ *Elbit Systems LTD*, supra note 175.

¹⁹² *Statement Regarding the Acquisition of Elbit Technology by the Philippines*, BDS (Aug. 25, 2014), <https://www.bdsmovement.net/news/statement-regarding-acquisition-elbit-technology-philippines>; *Stop Elbit Systems*, Stop the Wall: Palestinian Grassroots Anti-Apartheid Campaign, <https://stopthewall.org/stop-elbit/> (last visited Apr. 24, 2025); *Torch-X Mounted*, Elbit Systems, <https://www.elbitsystems.com/networked-warfare/joint-land/battle-management-systems/torch-x-mounted> (last visited Apr. 25, 2025); *LORROS*, Elbit Systems, <https://www.elbitsystems.com/homeland-security-hls/observation-surveillance-detection/eo-systems/lorros> (last visited Apr. 25, 2025); *Elbit Systems*, supra note 177.

¹⁹³ Ami Rojkes Dombé, *The Challenge: Mission Intelligence for UGVs*, Israel Defense (Aug. 18, 2017), <https://www.israeldefense.co.il/en/node/30764>; *Walls and Checkpoints*, supra note 190.

¹⁹⁴ *Ford Motor Company*, Who Profits Research Center (last visited June 4, 2025), <https://www.whoprofits.org/companies/company/3658>.

¹⁹⁵ Elizabeth Adams, *Norway’s Pension Fund Drops Israel’s Elbit*, Wall Street Journal (Sep. 3, 2009), <https://www.wsj.com/articles/SB125197496278482849>

¹⁹⁶ Elbit Systems Ltd., *Elbit Systems Reports Third Quarter 2024 Results*, PR Newswire (Nov. 19, 2024), <https://www.prnewswire.com/il/news-releases/elbit-systems-reports-third-quarter-2024-results-302309659.html>

67. Elbit Systems supplies the Israeli military with weapons including but not limited to bombs, missiles, drones, and ammunition.¹⁹⁷ These weapons include the Elbit MPR 500 multi purpose bombs, which are designed to be used for “densely populated urban warfare” and to have a “high kill probability”, and the Hermes 450 drone, a drone with surveillance and combative purposes that was used by the Israeli military in an April 2024 attack on World Central Kitchen which killed seven aid workers, among many others.¹⁹⁸ In August 2024 alone, the Israeli Ministry of Defense bought at least \$340 million in ammunition from Elbit Systems.¹⁹⁹
68. Elbit has also supplied components, making technological enhancements to other weapons, such as display screens and warning systems for vehicles including tanks and warships.²⁰⁰ It has made integral components and weapons systems for the Israeli military’s fighter aircrafts: Lockheed Martin F-16s are supplied with Elbit digital systems, many of which were specifically designed for the Israeli military.²⁰¹
69. Elbit provides the Israeli military with education and weapons training.²⁰² In 2023, Elbit won a \$107 million contract to make and deliver a Main Battle Tank simulation and training center and a \$180 million to build and run a new training center for the F-16 fighter jets for the Israeli military.²⁰³ Since 2002, it has provided the Israeli Air Force training aircrafts.²⁰⁴
70. Elbit Systems of America has continued to produce weapons for the IDF, such as the SIGMA mobile canon artillery system, since the onset of the genocide in Gaza.²⁰⁵ In October of 2024, it advertised its SIGMA system with the tagline “lessons learned in Ukraine and Israel inform requirements for a mobile howitzer.”²⁰⁶

¹⁹⁷ *Elbit Systems LTD, supra* note 175.

¹⁹⁸ *Id.*

¹⁹⁹ *Elbit Systems Awarded a Contract of Approximately \$340 Million for the Supply of Ammunition to the Israeli Ministry of Defense*, Elbit System (Aug. 1, 2024), <https://www.elbitsystems.com/news/elbit-systems-awarded-contract-approximately-340-million-supply-ammunition-israeli-ministry>

²⁰⁰ *Elbit Systems LTD, supra* note 175.

²⁰¹ *Id.*

²⁰² *Id.*

²⁰³ *Id.*

²⁰⁴ *Id.*

²⁰⁵ Amy Hartley, *Elbit America Officially Opens Newest Facility in South Carolina*, Elbit Systems of America (May 8, 2023), <https://www.elbitamerica.com/news/elbit-america-officially-opens-newest-facility-in-south-carolina>

²⁰⁶ Amy Hartley, *Elbit Systems Perspective: Filling the Gaps in Mobile Artillery*, Elbit Systems of America (Oct. 16, 2024), <https://www.elbitamerica.com/news/elbit-america-perspective-filling-the-gaps-in-mobile-artillery>

D. *Meta's Complicity in Perpetuating Israel's Crimes*

1. Profile Overview

71. Meta Platforms, Inc. is the parent company of mass communication tools Facebook, WhatsApp, and Instagram.²⁰⁷ It is incorporated in Delaware and headquartered in Menlo Park, California.²⁰⁸ Meta has a global market capitalization of over \$1.7 trillion as of June 9, 2025.²⁰⁹ It was 24th on the Forbes list of the world's largest companies in 2024.²¹⁰

2. Complicity in Apartheid

72. Meta has enabled systemic discrimination against Palestinians by the Israeli government by helping the suppression of the freedom of opinion and expression on digital platforms. The Apartheid Convention prohibits limitations on the right of freedom of opinion and expression and peaceful assembly and association as a measure calculated to prevent a racial group or groups from participation in the political, social, economic, and cultural life of a country.²¹¹ Human rights groups have extensively documented Israel's systemic abridgement of Palestinian rights to opinion, expression, and association in concluding that Israel is committing apartheid against Palestinians.²¹²

73. Meta has a history of actively suppressing and censoring Palestinians' speech, as well as protests and other forms of expression critical of Israel's actions in Palestine in the U.S. and abroad.²¹³ Meta and its agents have suppressed Palestinian speech both independently and in active collaboration with Israeli officials, as reflected in company policies and practices, the implementation of partnerships between Meta and Israeli officials, staffing decisions, and content moderation decisions.²¹⁴

²⁰⁷ Mathew DiLallo, What Does Meta Own?, *The Motley Fool* (Aug. 9, 2024), <https://www.fool.com/investing/how-to-invest/stocks/what-does-meta-own/>.

²⁰⁸ Meta Platforms, Inc., *Form 10-K 2024*, <https://d18rn0p25nwr6d.cloudfront.net/CIK-0001326801/a8eb8302-b52c-4db5-964f-a2d796c05f4b.pdf>

²⁰⁹ *Meta Platforms, Inc.*, Nasdaq (last visited June 9, 2025), <https://www.nasdaq.com/market-activity/stocks/meta>

²¹⁰ Andrea Murphy & Matt Schiffrin, *The Global 2000 2024*, *Forbes* (June 6, 2024), <https://www.forbes.com/lists/global2000/>

²¹¹ Apartheid Convention, *supra* note 12, Article II(c).

²¹² See *supra* note 34; for analysis of Israel's systematic suppression of Palestinian freedom of opinion and expression contributing to findings of apartheid, see Paige Collings & Jillian C. York, *Digital Apartheid in Gaza: Unjust Content Moderation at the Request of Israel's Cyber Unit*, Electronic Frontier Foundation Deeplinks Blog (July 26, 2024), <https://www.eff.org/deeplinks/2024/07/digital-apartheid-gaza-unjust-content-moderation-request-israels-cyber-unit>; Human Rights Watch, *A Threshold Crossed*, *supra* note 128 at 193-95; Amnesty International, *Israel's Apartheid*, *supra* note 128 at 108-13; Al-Haq, *Israeli Apartheid*, *supra* note 128 at 125-27.

²¹³ Deborah Brown & Rasha Younes, Human Rights Watch, *Meta's Broken Promises: Systemic Censorship of Palestine Content on Instagram and Facebook* (2023), <https://www.hrw.org/report/2023/12/21/metabroken-promises/systemic-censorship-palestine-content-instagram-and>.

²¹⁴ Eric Sype, *The Meta-Israel Nexus: Silencing Palestinian Voices in the Digital Landscape*, Ass'n for Progressive Commc'ns (Oct. 25, 2024), <https://www.apc.org/en/blog/meta-israel-nexus-silencing-palestinian-voices-digital>

74. In 2015, the State Attorney’s Office in Israel founded a ‘Cyber Unit’ to issue voluntary take-down requests to social media companies, with the effect of suppressing Palestinian content.²¹⁵ While Meta has no obligation to comply with these requests, it complied with over 90% of requests in 2019 and in the weeks after October 2023.²¹⁶ In 2016, Facebook representatives met with Israeli officials directly to discuss how they would monitor content for “incitement” by Palestinians.²¹⁷
75. Meta retained the firm Business for Social Responsibility (BSR) to conduct a review of its policies and practices during Israel’s May 2021 assault on Gaza. BSR concluded that “Meta’s actions in May 2021 appear to have had an adverse human rights impact ... on the rights of Palestinian users to freedom of expression, freedom of assembly, political participation, and non-discrimination.”²¹⁸
76. Human Rights Watch’s analysis found that Facebook had “wrongfully removed and suppressed content by Palestinians and their supporters, including about human rights abuses carried out in Israel and Palestine during the May 2021 hostilities.”²¹⁹ Posts that contained no mentions of violence or hatred – including a post that Palestinians should never concede their rights, a post with a photograph of a building identifying it as a Palestinian home struck by Israeli missiles and post of a political cartoon stating Palestinians were oppressed and not engaged in a religious war– were taken down under the guise of containing “hate” speech or symbols.²²⁰ While these posts were later reinstated after an appeal process, HRW concluded that “[e]ven when social media companies reinstate wrongly suppressed material, the error impedes the flow of information concerning human rights at critical moments.”²²¹

landscape; Sam Biddle, *Meta’s Israel Policy Chief Tried to Suppress Pro-Palestinian Instagram Posts*, Intercept (Oct. 21, 2024), <https://theintercept.com/2024/10/21/instagram-israel-palestine-censorship-sjp/>.

²¹⁵ Syde, *supra* note 214.

²¹⁶ *Id.*; Luke Goldstein, *How a Secretive Cyber Unit Censors Palestinians*, Prospect (July 12, 2021), <https://prospect.org/world/how-secretive-cyber-unit-censors-palestinians/>; see also *Facebook and Palestinians: Biased or Neutral Content Moderation Policies?*, 7 *Amleh - the Arab Center for the Advancement of Social Media* (Oct. 2018), <https://7amleh.org/wp-content/uploads/2018/10/booklet-final2-1.pdf>

²¹⁷ Associated Press in Jerusalem, *Facebook and Israel to Monitor Posts that Incite Violence*, Guardian (Sept. 12, 2016), https://www.theguardian.com/technology/2016/sep/12/facebook-israel-monitor-posts-incite-violence-social-media?CMP=tw_t_gu.

²¹⁸ *Human Rights Due Diligence of Meta’s Impacts in Israel and Palestine in May 2021: Insights and Recommendations*, Business for Social Responsibility (Sept. 2022), 4, https://www.bsr.org/reports/BSR_Meta_Human_Rights_Israel_Palestine_English.pdf

²¹⁹ *Israel/Palestine: Facebook Censors Discussion of Rights Issue*, Human Rights Watch (Oct. 8, 2021), <https://www.hrw.org/news/2021/10/08/israel/palestine-facebook-censors-discussion-rights-issues>.

²²⁰ *Id.*

²²¹ *Id.*

77. Following October 7, 2023, Palestinian newsrooms saw a decrease of about 77% in user engagement.²²² Meta reportedly shut down the Facebook page for the independent Palestinian Quds News Network and the popular Instagram account Let’s Talk Palestine and Facebook account 24M by the end of October 2023.²²³
78. 7amleh, the Arab Center for the Advancement of Social Media, and 7or, Palestine Observatory of Digital Rights Violations, documented 1,551 “censorship-related digital rights violations” between October 7, 2023 and December 2024, of which 69% were reported on Meta’s Facebook or Instagram.²²⁴ After reviewing leaked documents and publicly available engagement data, the BBC concluded that Instagram and Facebook had subjected Palestinian news outlets to strict moderation and “severely restricted the ability of Palestinian news outlets to reach an audience during the Israel-Gaza war.”²²⁵ Human Rights Watch documented over “1,050 takedowns and other suppression of content” on Instagram and Facebook regarding Israel and Palestine between October 7, 2023 and November 28, 2023, and found that all but one “involved peaceful content in support of Palestine;” the other was in support of Israel.²²⁶
79. This corresponds with individual experiences of users – for example, a Facebook user posted “How can anyone justify supporting the killing of babies and innocent civilians...”, and the post was removed for “bullying and harassment.”²²⁷ Another posted on Instagram “Israel bombs the Baptist Hospital in Gaza City killing over 500...” along with a picture of a dead child in Gaza, and had the post removed for “violence and incitement.”²²⁸ Others have noted the “social media blackout of Palestinian accounts.”²²⁹
80. Meta and its subsidiary companies have actively contributed to the suppression of Palestinian freedom of opinion and expression through social media censorship in the context of apartheid. They have maintained these policies and practices despite notice from

²²² Sype, *supra* note 214; Ahmed Nour et al., *How Facebook Restricted News in the Palestinian Territories*, BBC (Dec. 17, 2024), <https://www.bbc.com/news/articles/c786wlxz4jgo>.

²²³ Web Desk, *Quds News Network Claims Meta has Removed Its Facebook Page*, Aaj English TV (Oct. 14, 2023), <https://english.aaj.tv/news/30337019/quds-news-network-claims-meta-has-removed-its-facebook-page>; Hibaq Farah, *Pro-Palestinian Instagram Account Locked by Meta for ‘Security Reasons,’* Guardian (Oct. 26, 2023), <https://www.theguardian.com/technology/2023/oct/26/pro-palestinian-instagram-account-locked-by-meta-for-security-reasons>.

²²⁴ *Erased and Suppressed: Palestinian Testimonies of Meta’s Censorship*, 7amleh - the Arab Center for the Advancement of Social Media (Dec. 2024), <https://7amleh.org/storage/meta/Erased%20and%20Suppressed%20-1812.pdf>

²²⁵ Nour et al., *supra* note 222.

²²⁶ Brown & Younes, *supra* note 213.

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ Luke Goldstein, *How a Secretive Cyber Unit Censors Palestinians*, American Prospect (July 12, 2021), <https://prospect.org/world/how-secretive-cyber-unit-censors-palestinians/>.

human rights investigators and consultants as to the adverse human rights impacts to which they were contributing.

3. Complicity in Genocide

81. Meta’s publicly posted policies prohibit advertisements which promote the sale or use of weapons.²³⁰ Contrary to these policies, Meta’s platforms have hosted paid advertisements to solicit funds to purchase military equipment for the Israeli army, including assault rifle lasers and advanced drones.²³¹ The U.S. based group Eko found over 98 Facebook advertisements allowed to run against Facebook policy to raise money for Israeli army equipment, “including advanced thermal drones, assault rifle sights, armor and helmets.”²³²
82. Like Google, Meta employees have assisted with building Israel’s LLM, helping to facilitate even deeper surveillance and intensifying military control over Palestinian populations.²³³
83. Meta has been implicated in allowing its data to be used for targeting people within Palestine for lethal attacks.²³⁴ The AI programming for Lavender reportedly included information gathered from WhatsApp as an input for determining whether a person was a candidate for military action.²³⁵ As outlined above, Lavender is a program that processes large amounts of data in order to generate lists of potential targets for military strikes.²³⁶ Lavender is taught to identify characteristics of suspected Hamas and Palestinian Islamic Jihad operatives, and then searches for those characteristics in the general population.²³⁷ Lavender is used in conjunction with the AI program “Where’s Daddy?” to track the movements of suspected individuals and to complete bombings when they had gone home.²³⁸ In practice, Lavender frequently adds people erroneously to the kill lists,

²³⁰ *Weapons, Ammunition or Explosives: Policy Details*, Meta Transparency Center, <https://transparency.meta.com/policies/ad-standards/restricted-goods-services/weapons-ammunitions-explosives#> (last visited June 7, 2025).

²³¹ Areeb Ullah, *Facebook Hosted Adverts for Israeli Army and Lawmakers*, Middle East Eye (Dec. 20, 2024), <https://www.middleeasteye.net/news/facebook-hosted-adverts-fundraising-israeli-army-and-lawmakers>.

²³² Meta Profiting from Far-Right Genocidal Narratives and Fundraising for Israeli Military Equipment, EKO 1, 2 (2024), https://aks3.eko.org/pdf/Israel_Meta_Ads_Brief.pdf.

²³³ Davies & Abraham, *supra* note 4.

²³⁴ See Yuval Abraham, *‘Lavender’: The AI Machine Directing Israel’s Bombing Spree in Gaza*, +972 Magazine (Apr. 3, 2024), <https://www.972mag.com/lavender-ai-israeli-army-gaza/>.

²³⁵ *Id.*; see also OPT/I: *WhatsApp Allegedly Used to Target Palestinians Through Israel’s Lavender AI System*, Business & Human Rights Resource Centre (Apr. 20, 2024), <https://www.business-humanrights.org/en/latest-news/opti-whatsapp-allegedly-used-to-target-palestinians-through-israels-lavender-ai-system/>; *Sada Social Calls for Immediate Investigations Into Meta’s Leak of WhatsApp Users’ Data to the Israeli Military*, Sada Social (May 18, 2024), <https://sada.social/post/sd-soshal-ydaao-l-thkyk-aaagl-ofory-ltsryb-myta-byanat-mstkhdm-y-oatsab-l-alysh-alsrayly>

²³⁶ Abraham, *supra* note 234.

²³⁷ *Id.*

²³⁸ *Id.*

reportedly one in every ten, and receives little human oversight to compensate.²³⁹ These killings, occurring within the context of an illegal occupation, constitute an unlawful use of force and thus a violation of Article 8 *bis* of the Rome Statute and an act of aggression.²⁴⁰

84. WhatsApp executives were warned by employees of the risk that governments were bypassing their encryption to surveil the app’s users in or around March of 2024.²⁴¹ Security personnel and other Meta employees described the risks posed by WhatsApp’s vulnerabilities and suggested several avenues for due diligence and improved security measures.²⁴² Meta does not appear to have implemented any of the suggested measures, and has published no official security advisories or risk disclosures responsive to these concerns.²⁴³

IV. RECOMMENDED FOR FURTHER INVESTIGATIONS

A. *Palantir*

1. Profile Overview

85. Palantir Technologies is an American data-analytics company headquartered in Denver, Colorado, with a global market capitalization of over \$311 billion as of June 9, 2025.²⁴⁴ It builds “platforms for integrating, managing, and securing data” above which it “layer[s] applications for fully interactive human-driven, machine-assisted analysis.”²⁴⁵ Palantir has long provided large-scale projects to militaries, including the United States military.²⁴⁶ It has been called “the AI arms dealer of the 21st century.”²⁴⁷

²³⁹ *Id.*

²⁴⁰ *Cf.* 2024 I.C.J. 1, *supra* note 19 at ¶¶ 155-156; Rome Statute of the International Criminal Court, *supra* note 13 at art. 8 *bis*. *See also* Ihsan Adel, *Rethinking International Law after Gaza Symposium: Unlawful Occupation as Ongoing Aggression – Rethinking Legal Responses in the Context of Palestine*, Law for Palestine (Nov. 15, 2024), <https://law4palestine.org/rethinking-international-law-after-gaza-symposium-unlawful-occupation-as-ongoing-aggression-rethinking-legal-responses-in-the-context-of-palestine/>.

²⁴¹ Sam Biddle, *This Undisclosed WhatsApp Vulnerability Lets Governments See Who You Message*, The Intercept (May 22, 2024), <https://theintercept.com/2024/05/22/whatsapp-security-vulnerability-meta-israel-palestine/>.

²⁴² *Id.*; *see also* Letter to Mark Zuckerberg and Leadership, Meta Stop Censoring Palestine (last visited June 7, 2025), <https://metastopcensoringpalestine.com/>.

²⁴³ *WhatsApp Security Advisories*, WhatsApp (last visited April 21, 2025),

https://www.whatsapp.com/security/advisories?lang=en_US. WhatsApp’s only security disclosure in 2025 regarded a “spoofing issue in WhatsApp for Windows”, and it published no official security disclosures or advisories in 2024.

²⁴⁴ Palantir Technologies Inc., *Form 10-K 2024*,

<https://www.sec.gov/ix?doc=/Archives/edgar/data/0001321655/000132165525000022/pltr-20241231.htm>; *Palantir Technologies Inc. Class A Common Stock (PLTR)*, Nasdaq (last visited June 9, 2025),

<https://www.nasdaq.com/market-activity/stocks/pltr>

²⁴⁵ *Why We’re Here*, Palantir, <https://www.palantir.com/about/> (last visited June 8, 2025).

²⁴⁶ *Palantir for the U.S. Army*, Palantir, <https://www.palantir.com/offerings/defense/army/> (last visited June 8, 2025).

²⁴⁷ Vera Bergengruen, *How Tech Giants Turned Ukraine Into an AI War Lab*, Time (Feb. 8, 2024), <https://time.com/6691662/ai-ukraine-war-palantir/>.

86. CEO Alex Karp has stated on several occasions that his company is dedicated to maintaining the military supremacy of “the West” and its values.²⁴⁸ He has further claimed that Palantir “only supplies its products to Western allies.”²⁴⁹

87. Palantir advertises four flagship software platforms:

- i. “Gotham,” an AI-driven operating system meant to handle sensitive government data and provide targeting information. Palantir markets Gotham as providing “AI-driven combat superiority” by integrating target identification and target effector pairing.²⁵⁰ It allows customers to access satellites around the world for real-time information on potential targets in, as advertised, an “AI-powered kill chain.”²⁵¹
- ii. “Foundry,” Palantir’s data operations platform. It integrates and analyzes customer data to provide operational decision-making based on artificial intelligence.²⁵² Among other uses, Foundry is deployed by government actors in defense contexts.²⁵³
- iii. “Apollo,” which monitors and secures the software used by clients across various platforms. It “allows commercial and government software providers to securely scale and maintain their applications” from various locations.²⁵⁴
- iv. “AIP,” which integrates AI technology with Palantir’s other products to form a coherent operating system and facilitate real-time analytics for “mission-critical applications,”²⁵⁵ including “defense and military organizations.”²⁵⁶

²⁴⁸ Jack McCordick, *Alex Karp’s War for the West*, New Republic (Feb. 28, 2025), <https://newrepublic.com/article/191786/alex-karps-war-west-palantir>.

²⁴⁹ Alex Koller, *Palantir CEO says his Outspoken Pro-Israel Views have Caused Employees to Leave Company*, CNBC (Mar. 13, 2024), <https://www.cnbc.com/2024/03/13/palantir-ceo-says-outspoken-pro-israel-views-led-employees-to-leave-.html>.

²⁵⁰ *Gotham*, Palantir, <https://www.palantir.com/platforms/gotham/> (last visited June 8, 2025).

²⁵¹ *Id.*

²⁵² *Palantir Foundry*, Palantir, <https://www.palantir.com/platforms/foundry/> (last visited June 8, 2025).

²⁵³ See, e.g., Palantir, *Empowering the Warfighter: Palantir’s Partnership with Microsoft*, Medium (Feb. 25, 2025), <https://blog.palantir.com/empowering-the-warfighter-palantirs-partnership-with-microsoft-820255fa04a5>

²⁵⁴ *What is Apollo?*, Palantir, <https://www.palantir.com/platforms/apollo/product/> (last visited June 8, 2025).

²⁵⁵ *AIP Overview*, Palantir, <https://www.palantir.com/docs/foundry/aip/overview> (last visited June 8, 2025).

²⁵⁶ *AIP for Defense*, Palantir, <https://www.palantir.com/platforms/aip/defense/> (last visited June 8, 2025).

2. Ties to the Israeli Military and Defense Apparatus

88. Palantir openly supplies its military technologies to the Israeli Defense Forces and accelerated this partnership after the beginning of the genocide in October 2023. Palantir executives announced a “strategic partnership” with the Israeli Ministry of Defense “in support of war-related missions” on January 12, 2024.²⁵⁷ Palantir’s products have reportedly “been in great demand in Israel” since the beginning of the genocide,²⁵⁸ and Karp has stated that Palantir was “on the ground and . . . involved in operationally crucial operations in Israel” “within weeks” of October 7.²⁵⁹ Palantir’s manager in Israel has stated that “the demand for our products skyrocketed dramatically” after October 7, and the company works primarily “with the Israeli security system.”²⁶⁰
89. While the specific technologies Palantir provides to Israel have not been disclosed, multiple commentators have noted that its platforms bear a strong resemblance to programs reportedly used by the IDF in Gaza, such as Where’s Daddy.²⁶¹
90. Palantir has also developed similar technologies—such as Maven and TITAN—for the United States military and immigration enforcement apparatus, and has sent technologies to other American clients, like Ukraine.²⁶² Amnesty International has reported a “high risk that Palantir is contributing to serious human rights violations of migrants and asylum-seekers by the U.S. government” through its contracts with the United States Department of Homeland Security and Immigration and Customs Enforcement.²⁶³

²⁵⁷ Marissa Newman, *Thiel’s Palantir, Israel Agree Strategic Partnership for Battle Tech*, Bloomberg (Jan. 12, 2024), <https://www.bloomberg.com/news/articles/2024-01-12/palantir-israel-agree-to-strategic-partnership-for-battle-tech>.

²⁵⁸ *Id.*

²⁵⁹ Koller, *supra* note 249.

²⁶⁰ Itai Zehorai, *The Data Queen: Meet the Israeli Ambassador of Wall Street’s Fastest-Growing Company*, Forbes Israel (Nov. 9, 2024), <https://forbes.co.il/e/the-data-queen-meet-the-israeli-ambassador-of-wall-streets-fastest-growing-company/>.

²⁶¹ See Abraham, *supra* note 234; *Palantir Technologies Inc.*, Investigate: American Friends Service Committee (Feb. 5, 2025), https://investigate.afsc.org/company/palantir-technologies?gad_source=1&gclid=Cj0KCQiA4rK8BhD7ARIsAFe5LXJyezLWizciIx2vdZLa2z5Ufofe9TEpg-DjyESEupTyTSjhyLE01r4aAkmqEALw_wcB; James Bamford, *How US Intelligence and an American Company Feed Israel’s Killing Machine in Gaza*, Nation (Apr. 12, 2024), <https://www.thenation.com/article/world/nsa-palantir-israel-gaza-ai/>.

²⁶² See Serhan, *supra* note 65; Morgan Gress Johnson, *Army Selects Palantir to Deliver TITAN Next Generation Deep Sensing Capability in Prototype Maturation Phase*, Palantir [Investor Relations] (Mar. 6, 2024), <https://investors.palantir.com/news-details/2024/Army-Selects-Palantir-to-Deliver-TITAN-Next-Generation-Deep-Sensing-Capability-in-Prototype-Maturation-Phase/>; Jon Harper, *Palantir Lands \$480M Army Contract for a Maven Smart System Prototype*, Defense Scoop (May 29, 2024), <https://defensescoop.com/2024/05/29/palantir-480-million-army-contract-maven-smart-system-artificial-intelligence>.

²⁶³ *Failing to Do Right: The Urgent Need for Palantir to Respect Human Rights*, Amnesty International (2020), https://www.amnestyusa.org/wp-content/uploads/2020/09/Amnest-International-Palantir-Briefing-Report-092520_Final.pdf. The Investor Alliance for Human Rights has documented similar concerns and provided guidance for investors on responsible engagement with Palantir. *Human Rights Risks Briefing: Palantir Technologies* –

91. Since October 7, Palantir has taken several symbolic steps to demonstrate its support for Israel’s genocide. It held a board meeting in Tel Aviv “in solidarity” with Israel;²⁶⁴ purchased a full-page advertisement in the New York Times, with the message that it “stands with Israel;”²⁶⁵ and set aside 180 jobs for pro-Israel students fearful of demonstrations in support of Palestine on college campuses.²⁶⁶
92. Palantir was already providing predictive surveillance technologies to Israel before October 7 and the beginning of the genocide. In 2017, Israeli newspaper Haaretz reported that Palantir provided “predictive systems used for intelligence at Israeli security organizations” and raised concerns over the systems’ high error rate.²⁶⁷ In discussing new contracts with Israel subsequent to October 7, Alex Karp stated that Palantir had “begun supplying different products than [it] supplied before.”²⁶⁸
93. In October of 2024, Norwegian investment firm Storebrand Asset Management publicly divested its holdings in Palantir due to “its sales of products and services to Israel for use in the occupied Palestinian territories ... including AI-based predictive policing systems” in the West Bank and Gaza.²⁶⁹
94. In May of 2025, the Business & Human Rights Resource Centre reached out to Palantir for comment regarding its links to “complicity in war crimes amid Israel’s war in Gaza.”²⁷⁰ Palantir published a response describing their general “approach to human rights due diligence and respecting international humanitarian law,” and expressly denying that they were either “the developer of the ‘Gospel’” or “involved with the ‘Lavender’ database used

Palantir’s Exposure to Human Rights Risks and Engagement Guidance for Investors, Investor Alliance for Human Rights (Nov. 2019), https://investorsforhumanrights.org/sites/default/files/attachments/2019-11/FINAL%20Investor%20Alliance_Human%20Rights%20Risk%20Briefing%20-%20Palantir.pdf; *Supplemental Risk Briefing: Palantir Technologies, Inc.*, Investor Alliance for Human Rights (Aug. 2020), https://investorsforhumanrights.org/sites/default/files/attachments/2020-09/PalantirSupplementalRiskBriefingFINAL9-9-20_1.pdf

²⁶⁴ See Newman, *supra* note 257.

²⁶⁵ Koller, *supra* note 249.

²⁶⁶ Eric J. Savitz, *Palantir offers 180 Jobs to Students Fearful of Staying in School Amid Anti-Semitism*, Barron’s (Dec. 7, 2023), <https://www.barrons.com/articles/palantir-jobs-students-anti-semitism-bf4cd172>.

²⁶⁷ Orr Hirschauge & Hagar Shezaf, *How Israel Jails Palestinians Because They Fit the ‘Terrorist Profile,’* Haaretz (May 31, 2017), <https://www.haaretz.com/israel-news/2017-05-31/ty-article-magazine/.premium/israel-jails-palestinians-who-fit-terrorist-profile/0000017f-f85f-d044-adff-fbff5c8a0000>.

²⁶⁸ Kelley Beaucar Vlahos, *Peter Thiel: ‘I Defer to Israel,’* Responsible Statecraft (Jul. 23, 2024), <https://responsiblestatecraft.org/peter-thiel-israel-palantir/>.

²⁶⁹ Stefania Spezzati & Gwladys Fouche, *Thiel’s Palantir Dumped by Norwegian Investor Over Work for Israel*, Reuters (Oct. 25, 2024), <https://www.reuters.com/technology/thiels-palantir-dumped-by-norwegian-investor-over-work-israel-2024-10-25/>.

²⁷⁰ Business & Human Rights Resource Centre, *supra* note 116.

by the IDF for targeting cross-referencing.”²⁷¹ Palantir did note it was “proud to support Israeli defense and national security missions in other programs and contexts.”²⁷² Palantir did not comment on other programs reportedly in use by Israel, including “Where’s Daddy,” or specify the programs and contexts in which their products were used.

95. The precise applications of Palantir’s technologies within the Israeli military or other ministries remains unknown. However, both Google Cloud and AWS make Palantir’s Foundry easily available for purchase to Israeli government ministries through their respective Project Nimbus “government digital marketplaces.”²⁷³

B. *OpenAI*

1. Profile Overview

96. OpenAI is an American artificial intelligence company founded in 2015. It is most well-known for its development of the Large Language Model (LLM) Chat-GPT. Unlike other companies listed here, OpenAI is not a publicly traded company; it is principally organized as a non-profit, with a “capped profit” LLC subsidiary.²⁷⁴

97. Microsoft exerts considerable influence over OpenAI, with multiple investments since 2019 totaling at least \$13 billion.²⁷⁵ Both Microsoft and OpenAI deny that the considerable investments constitute an ownership stake, and assert that Microsoft is simply entitled to profit-sharing under a confidential agreement.²⁷⁶

²⁷¹ *Palantir Response to Allegations Over its Complicity in War Crimes Amid Israel’s War in Gaza*, Business & Human Rights Resource Centre (Apr. 21, 2025), <https://www.business-humanrights.org/en/latest-news/palantir-response-to-the-allegations-over-its-complicity-in-war-crimes-amid-israels-war-in-gaza/>.

²⁷² *Id.*

²⁷³ For the list of services available to Israeli ministries for purchase and integration with AWS and Google Cloud platforms through Project Nimbus “government digital marketplaces,” see 5 רשימת השירותים המאושרים לרכישה ברובד 5 עודכן ביום 6.5.2025, (List of services approved for purchase in Tier 5 updated on (6.5.2025), Israeli Ministry of Finance (last visited June 6, 2025), <https://docs.google.com/spreadsheets/d/1tVqGbXrEadyMokvq1qL--85RiAVHF-uQ/edit?gid=1288882207#gid=1288882207>. For inclusion of IDF and Ministry of Defense as required purchasers of Project Nimbus services, see Biddle, *supra* note 99. For further description of the “government digital marketplaces,” see LinkedIn Post by Omri Nezer, Director of Technology Infrastructure and ‘Project Nimbus’ Department, Israeli Government Procurement Administration (June 19, 2024), https://www.linkedin.com/posts/omri-nezer_nimbus-innovation-israelitech-activity-7209210651016052736-EOhz

²⁷⁴ OpenAI, *Our Structure* (last visited May 7, 2025), <https://openai.com/our-structure/>.

²⁷⁵ OpenAI, *OpenAI and Microsoft Extend Partnership* (Jan. 23, 2023), <https://openai.com/index/openai-and-microsoft-extend-partnership/>.

²⁷⁶ Todd Bishop, *Microsoft’s Financial Disclosures Show How OpenAI is Fueling Growth - and Taking a Toll on Profits*, GeekWire (Oct. 30, 2024), <https://www.geekwire.com/2024/microsofts-financial-disclosures-show-how-openai-is-fueling-growth-and-taking-a-toll-on-profits/>; *Microsoft Says it Does Not Own Any Portion of OpenAI*, Reuters (Dec. 8, 2024), <https://www.reuters.com/technology/microsoft-says-it-does-not-own-any-portion-openai-2023-12-08/>; OpenAI, *Our Structure* (last visited May 7, 2025), <https://openai.com/our-structure>.

98. Technologically, Microsoft and OpenAI are deeply intertwined. OpenAI depends on Microsoft's Azure as its "exclusive cloud provider;" Microsoft uses OpenAI's LLM technology for its Copilot AI application²⁷⁷ and actively markets OpenAI technologies available for purchase alongside its Azure cloud platform.²⁷⁸

2. Ties to the Israeli Military and Defense Apparatus

99. Pursuant to their close relationship, Microsoft appears to have coordinated the Israeli military's access to OpenAI technologies since the onset of the genocide. According to *Guardian* reporting, Microsoft facilitated the provision of OpenAI's GPT-4 model to the Israeli military around the time it was developing its "Chat-GPT like" model for surveillance of Palestinians.²⁷⁹ In 2024, OpenAI's technologies reportedly accounted for "a quarter of the [Israeli] military's consumption of machine learning tools provided by Microsoft."²⁸⁰

100. OpenAI deleted language from its generally-applicable terms of use prohibiting military applications of their technology in January of 2024,²⁸¹ precisely the time that "the Israeli military's consumption of the Azure OpenAI suite of products began to spike."²⁸² While OpenAI denied a direct partnership with the IDF when approached for comment,²⁸³ Microsoft has been actively marketing its OpenAI services through Microsoft Azure as a "paradigm shift for defense and intelligence missions," particularly "for processing synthetic satellite imagery and terrain maps" or "synthesizing speech and text for language translation."²⁸⁴

V. CONCLUSION & RECOMMENDATIONS

101. For decades, Israeli authorities have carried out the crime of apartheid against the people of Palestine through, among innumerable other violations, unlawful killings, torture, arbitrary detention, segregation, restriction of movement, systemic dispossession of land, home demolitions, stripping of citizenship and permanent residency status, and forced displacement. In its latest military assault and campaign against Palestinians, the

²⁷⁷ Berber Jin & Corrie Driebsuch, *The \$14 Billion Question Dividing OpenAI and Microsoft*, Wall Street Journal (Oct. 18, 2024), <https://www.wsj.com/tech/ai/the-14-billion-question-dividing-openai-and-microsoft-71cf7d37e>.

²⁷⁸ Microsoft, *Azure OpenAI in Foundry Models* (last visited June 7, 2025), <https://azure.microsoft.com/en-us/products/ai-services/openai-service>.

²⁷⁹ Davies & Abraham, *supra* note 142; Davies & Abraham, *supra* note 4.

²⁸⁰ *Id.*

²⁸¹ Sam Biddle, *OpenAI Quietly Deletes Ban on Using ChatGPT for "Military and Warfare,"* The Intercept (Jan. 12, 2024), <https://theintercept.com/2024/01/12/open-ai-military-ban-chatgpt/>.

²⁸² Davies & Abraham, *supra* note 142.

²⁸³ *Id.*

²⁸⁴ Jonathon Beesley, *Informing Defense Missions with Microsoft Azure OpenAI Service*, Microsoft Blog (May 13, 2024), <https://www.microsoft.com/en-us/industry/blog/government/defense-and-intelligence/2024/05/13/informing-defense-missions-with-microsoft-azure-openai-service/>.

Israeli government has been clear and consistent in declaring and carrying out its genocidal intent through mass killing, mass displacement, decimation of the life-sustaining civilian infrastructure, torture, and related predicate acts of the crime of genocide since October 2023.

102. As the Israeli government continues to commit the most egregious crimes against the people of Palestine, it is doing so with the assistance of – and participation from – U.S.-based tech entities through, namely: the discriminatory classification of people to maintain a racial hierarchy; the unlawful, constant tracking and surveillance of their whereabouts and movement; invasive storage of data, suppression of the rights to opinion, expression, and association; and the generation of military attack targets – or “kill lists.”
103. Journalists, workers, and human rights organizations have documented grave allegations against Google, Amazon, Microsoft, Elbit Systems, Meta, and Palantir for complicity in the privatization of Israeli state sponsored terror in the context of effectuating crimes against the people of Palestine, from the maintenance of a racial hierarchy to the elimination of Palestinians in whole or part.
104. Each of the above companies claims to follow the United Nations Guiding Principles on Business and Human Rights.²⁸⁵ Accordingly, each has a responsibility to “avoid causing or contributing to adverse human rights impacts;” to “seek to prevent or mitigate adverse human rights impacts;”²⁸⁶ to “identify and assess any actual or potential adverse human rights impacts with which they may be involved,”²⁸⁷ and to “take the necessary steps to cease or prevent” adverse impacts they “cause[] or may cause.”²⁸⁸ Each is failing to do so.

²⁸⁵ Google, *Human Rights* (last visited May 26, 2025), <https://about.google/company-info/human-rights/>; Amazon, *Global Human Rights Principles* (last visited May 26, 2025), <https://sustainability.aboutamazon.com/human-rights/principles>; Microsoft, *Microsoft Global Human Rights Statement* (last visited May 26, 2025), <https://www.microsoft.com/en-us/corporate-responsibility/human-rights-statement>; Elbit Systems, *Human Rights Statement* (May 2021), <https://www.elbitsystems.com/sites/default/files/2025-02/human-rights-statement-may-24-2021.pdf>, *Ethics and Conduct* (last visited May 26, 2025), <https://www.elbitsystems.com/ethics-conduct>; Meta, *Corporate Human Rights Policy* (last visited May 26, 2025), <https://about.fb.com/wp-content/uploads/2021/03/Facebooks-Corporate-Human-Rights-Policy.pdf>; Palantir, *Palantir Human Rights Policy* (last visited May 26, 2025), https://www.palantir.com/assets/xrfr7uokpv1b/29IHCTisO8v2pofVMrxtnX/7e91f4f393074f69ae047d01eaeabce/Palantir_Human_Rights_Policy.pdf.

²⁸⁶ UN Guiding Principles on Business and Human Rights, *supra* note 59; principle 13.

²⁸⁷ *Id.*, principle 18.

²⁸⁸ *Id.*, commentary to principle 19.

105. We therefore recommend the following:
- a. Request **investors and shareholders** of Google, Amazon, Microsoft, Elbit Systems, Meta, and/or Palantir:
 - i. Identify whether any investments include ownership in shares of the above-listed companies;
 - ii. Engage the above listed companies or encourage intermediaries with holdings in the above listed companies to assess the adverse human rights impacts of their operations, programs, products, and services;
 - iii. Exercise leverage through shareholder dialogue or investor letters, calling on the above listed companies to honor their UNGP obligations and identify, prevent, and mitigate adverse human rights impacts; and/or
 - iv. Divest from the above listed companies.
 - b. Request **the Special Rapporteur on the Situation of Human Rights in Palestinian Territories Occupied Since 1967** and the **Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories** to:
 - i. Solicit comment from the above-listed companies regarding their efforts to abide by their duties to identify, assess, prevent, and mitigate adverse human rights impacts in the occupied Palestinian territory linked to their operations, programs, products, and services.