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13 UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION
16

17 ANTHROPIC PBC,
18 *Plaintiff,*
19
20 v.
21 U.S. DEPARTMENT OF WAR, *et al.,*
22 *Defendants.*

) Case No.: 3:26-cv-01996
)
) BRIEF OF *AMICI CURIAE* HUMAN RIGHTS
) AND TECHNOLOGY JUSTICE
) ORGANIZATIONS IN SUPPORT OF NEITHER
) PARTY

) Date:
) Time:
) Crtrm:
) Judge: Honorable Rita F. Lin

Complaint Filed: March 9, 2026

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1 **INTEREST OF AMICI CURIAE**

2 *Amici Curiae* are non-profit organizations focused on advancing and protecting the rights
3 guaranteed both in US and international law, including in the context of armed conflict and the use of
4 technology. *Amici* are: Abolitionist Law Center, Access Now, the Center for Constitutional Rights,
5 and Tech Justice Law. See Appendix for detailed descriptions of *Amici*.

6 **PRELIMINARY STATEMENT**

7 Defendants' retaliation against Anthropic for refusing to permit use of its products to support
8 lethal autonomous weapons and mass domestic surveillance must be considered within the broader
9 unlawfulness of the parties' collaboration. Plaintiff Anthropic objects to the Defendants' demand that
10 it permit the use of its "Claude" artificial intelligence ("AI") models for autonomous lethal warfare.
11 Anthropic argues convincingly that Claude cannot be used safely or reliably for such purpose. But
12 neither party acknowledges that Claude's semi-autonomous deployment is also unsafe and unreliable
13 in lethal warfare. And the use of Claude—or any other militarized, semi-autonomous AI—is not just
14 undesirable: as deployed by the Department of War, it is also illegal under both U.S. and international
15 law protecting civilians during warfare because it does not allow humans adequate time to evaluate
16 the lawfulness of the targets it selects.¹ Any decision on the requested temporary restraining order
17 should make clear that both the Department of War ("DOW") and Anthropic are constrained by these
18 most fundamental laws of war.²

19 **ARGUMENT**

20 "Humanity's fate cannot be left to an algorithm."

21 -United Nations Secretary-General António Guterres³

22
23 ¹ While this brief addresses AI-enabled international humanitarian law violations in armed conflict
24 abroad, *Amici* also have significant concerns about how Defendants deploy AI-enabled products
25 domestically and the legality of such uses for both U.S.- and non-U.S. persons; addressing such
26 concerns falls beyond the scope of this brief

26 ² *Amici* use the terms "laws of war" and "international humanitarian law" or "IHL" interchangeably
27 to describe the body of law applicable in the context of armed conflict. See International Committee
28 of the Red Cross ("ICRC"), *What Is International Humanitarian Law?* 1 (2022),
https://www.icrc.org/sites/default/files/document/file_list/what_is_ihl.pdf.

³ Press Release, Secretary-General, 'Humanity's Fate Cannot Be Left to Algorithm,' Warns
Secretary-General in Security Council Debate on Artificial Intelligence, U.N. Press Release

1 **I. Even Without Full Autonomy, Militarized AI Poses Catastrophic and Irreversible**
 2 **Human Rights Risks.**

3 Anthropic acknowledges that its AI model Claude cannot be safely used for fully autonomous
 4 lethal warfare. Compl. ¶¶1, 3, 76, See also id. ¶¶4, 87, 141-42. It does not take full autonomy,
 5 however, for militarized AI to pose grave risks to human life and welfare. AI increases the speed and
 6 scale of warfare far beyond human capabilities. It does so by dramatically accelerating the “kill
 7 chain,” a military term used to describe the process required to move from identifying a potential
 8 target as a combatant, and thus a permissible target under international humanitarian law, to tracking
 9 and eventually killing them.⁴ Traditionally, this process could take days or weeks; with the use of AI,
 10 the “kill chain” can be completed in mere seconds.⁵ And it can be executed simultaneously, a vast
 11 number of times, without being constrained by the number of human analysts or soldiers.⁶

12 This acceleration occurs because, as Anthropic acknowledges, AI models like Claude “enable
 13 collection and analysis of information at speeds and scales not previously contemplated[.]” Compl.
 14 ¶77. During armed conflict, this includes real-time data collection.⁷ The result is that militarized AI
 15 identifies potential enemy movements and predicts future threats before human analysts could react.⁸

16 _____
 17 SG/SM/22830 (Sep. 24, 2025),

18 https://press.un.org/en/2025/sgsm22830.doc.htm?_gl=1*y6m0kr*_ga*MTY3MjE5MDU0OC4xNzczMzQ4NjI0*_ga_TK9BQLSX7Z*czE3NzZmZmNTg2MTMkbzIkZzAkDE3NzZmZmNTg2MTMkajYwJGwwJGgw (“SG’s Statement on AI”).

19 ⁴ See Peter Asaro, *On Banning Autonomous Weapon Systems: Human Rights, Automation, and the*
 20 *Dehumanization of Lethal Decision-making*, 94 Int’l Rev. Red Cross 687, 694 (2012),
 21 <https://international-review.icrc.org/sites/default/files/irrc-886-asaro.pdf>; see also U.N. Secretary-
 22 General, *Artificial Intelligence in the Military Domain and Its Implications for International Peace*
 23 *and Security*, ¶ 16-17, U.N. Doc A/80/78* (June 5, 2025), <https://docs.un.org/en/A/80/78> (describing
 concerns about military use of AI). On the issue of permissible targets under international
 humanitarian law, see *infra*, Sec. III.

24 ⁵ See Robert Booth & Dan Milmo, *Iran War Heralds Era of AI-Powered Bombing Quicker Than*
 25 *“Speed of Thought”*, The Guardian (Mar. 3, 2026),
 26 <https://www.theguardian.com/technology/2026/mar/03/iran-war-heralds-era-of-ai-powered-bombing-quicker-than-speed-of-thought>.

27 ⁶ *Id.*

28 ⁷ See Beyza Unal & Ulysse Richard, *Governance of Artificial Intelligence in the Military Domain*,
 U.N. Office for Disarmament Affairs 14 (2024), <https://unodaweb.unoda.org/public/2024-06/OP42.pdf>.

⁸ *Id.* at 4; see also Compl. ¶59, where Anthropic describes AI models’ “predictive power.”

1 It then recommends kills based on those predictions—all still operating at a speed faster than human
2 thought.⁹

3 In short, in the context of armed conflict, the use of AI enhances a military’s capacity to
4 deliver maximum death and destruction at a speed and scale beyond human capabilities – and beyond
5 the critical analysis needed to ensure compliance with the binding legal requirements of the principle
6 of distinction and the principle of proportionality.¹⁰ See Sec. III. This severely threatens compliance
7 with domestic or international law and human rights obligations, even if humans play some role in the
8 decision-making, because (1) keeping humans as final decision-makers does not effectively mitigate
9 the errors made by AI models; and (2) when governments exercise this capability without sufficient
10 respect for civilian life, as the DOW is currently doing, mass civilian death ensues.¹¹

11 **a. Human input does not sufficiently mitigate lethal AI mistakes.**

12 As Anthropic acknowledges, AI models such as Claude “are not perfect. Despite developers’
13 best efforts, models can ... confidently provid[e] incorrect information ... As a result, the outputs
14 may or may not be factually accurate[.]” Compl. ¶62. External research suggests that AI models err
15 on the side of violent escalation: a recent study found that leading models, including Anthropic’s
16 Claude Sonnet 4, opted to deploy nuclear strikes in 95% of simulated war game scenarios.¹² AI
17 models have also been shown to disproportionately err in ways that harm already marginalized or
18 vulnerable groups, such as racial minorities.¹³ These errors are devastating even when AI is not
19

20 ⁹ See Booth & Milmo, *supra* n. 5.

21 ¹⁰ See SG’s Statement on AI, *supra* n. 3. The ICRC identifies four fundamental principles of IHL:
22 humanity, distinction, proportionality and military necessity. See ICRC, Fundamental principles of
23 IHL, https://casebook.icrc.org/a_to_z/glossary/fundamental-principles-ihl. As set out herein, the
24 delegation of lethal targeting decisions is incompatible with full compliance with these principles.

25 ¹¹ See Press Release, *Office of the High Commissioner for Human Rights, UN Experts Denounce*
26 *Aggression on Iran and Lebanon, Warn of Devastating Regional Escalation*, U.N. Press Release
27 (Mar. 12, 2026), <https://www.ohchr.org/en/press-releases/2026/03/un-experts-denounce-aggression-iran-and-lebanon-warn-devastating-regional>; see *infra* Sec. II.

28 ¹² Chris Stokel-Walker, *AIs can’t stop recommending nuclear strikes in war game simulations*, *New*
29 *Scientist* (Feb. 25, 2026) <https://www.newscientist.com/article/2516885-ais-cant-stop-recommending-nuclear-strikes-in-war-game-simulations/>.

¹³ Ashwini K.P. (Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination,
30 *Xenophobia and Related Intolerance*), *Contemporary Forms of Racism, Racial Discrimination,*
31 *Xenophobia, and Related Intolerance*, ¶¶ 13-18, U.N. Doc. A/HRC/56/68 (June 3, 2024),

1 deployed autonomously. Both scientific studies and the already-visible impacts of militarized AI belie
2 the suggestion that human supervisors meaningfully or sufficiently mitigate AI's lethal errors.

3 First, studies have repeatedly demonstrated that humans fall victim to “automation bias” —
4 people supervising AI systems are prone to accept AI-generated recommendations, even when these
5 recommendations are wrong.¹⁴ More fundamentally, in the context of warfare, verifying AI
6 recommendations is in tension with militaries’ purpose in employing these automated systems.
7 Indeed, the militarization of AI reflects a principle the DOW succinctly stated in its AI strategy:
8 “speed wins.”¹⁵ But meaningful human oversight of AI decision-making requires slowing down.

9 When AI systems synthesize terabytes of data across multiple streams to instantaneously
10 recommend an attack, a human generally cannot make a split-second correction.¹⁶ In most cases, it
11 will not be obvious whether Claude is correctly identifying a military target, let alone one that
12 minimizes civilian damage in accord with the laws of war, or whether it is “confidently providing
13 incorrect information.” Compl. ¶62. Ensuring Claude has not recommended an attack that will only,
14 or disproportionately, kill civilians would require human review of the underlying intelligence that
15 led Claude to make its recommendation. But if officers stop to review and evaluate the data
16 themselves, they must compromise on their fundamental purpose in militarizing AI as the DOW itself
17 has explained it: to maximize the speed of the kill chain.

18
19 <https://docs.un.org/en/A/HRC/56/68>; see also G.A. Res. 79/239 at 2 (Dec. 24, 2024),
<https://docs.un.org/en/a/res/79/239> (expressing concern about algorithmic bias in military AI).

20 ¹⁴ ICRC, *Submission to the United Nations Secretary-General on Artificial Intelligence in the*
Military Domain 5 (2025), [https://www.icrc.org/sites/default/files/2025-](https://www.icrc.org/sites/default/files/2025-04/ICRC_Report_Submission_to_UNSG_on_AI_in_Military_domain.pdf)
21 [04/ICRC_Report_Submission_to_UNSG_on_AI_in](https://www.icrc.org/sites/default/files/2025-04/ICRC_Report_Submission_to_UNSG_on_AI_in_Military_domain.pdf)
[Military_domain.pdf](https://www.icrc.org/sites/default/files/2025-04/ICRC_Report_Submission_to_UNSG_on_AI_in_Military_domain.pdf) (“ICRC AI Submission”). In one study, researchers found that 39 of 40
22 participants followed faulty automated recommendations, even when they had the ability to
23 independently verify their accuracy. Caroline Orr Bueno, *The Pentagon-Anthropoc Feud is Quietly*
Obscuring the Real Fight over Military AI, Fast Company (Mar. 5, 2026),
24 [https://www.fastcompany.com/91502340/the-pentagon-anthropoc-feud-is-quietly-obscuring-the-real-](https://www.fastcompany.com/91502340/the-pentagon-anthropoc-feud-is-quietly-obscuring-the-real-fight-over-military-ai)
[fight-over-military-ai](https://www.fastcompany.com/91502340/the-pentagon-anthropoc-feud-is-quietly-obscuring-the-real-fight-over-military-ai).

25 ¹⁵ Dep’t of War, *Artificial Intelligence Strategy for the Department of War* (2026),
26 [https://media.defense.gov/2026/Jan/12/2003855671/-1/-1/0/ARTIFICIAL-INTELLIGENCE-](https://media.defense.gov/2026/Jan/12/2003855671/-1/-1/0/ARTIFICIAL-INTELLIGENCE-STRATEGY-FOR-THE-DEPARTMENT-OF-WAR.PDF)
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27 ¹⁶ 1 Terabyte of data can hold “the contents of about one million books.” Scott Shane et al., *Trove of*
28 *Stolen Data Is Said to Include Top Secret U.S. Hacking Tools*, The New York Times (Oct. 19, 2016),
<https://www.nytimes.com/2016/10/20/us/harold-martin-nsa.html>.

1 In practice, the pace of AI-enabled warfare has demonstrated that militaries are more often
 2 simply deferring to AI's directions. Indeed, in the U.S.-Israeli war in Iran, discussed below, reporting
 3 has indicated that bombing is proceeding "*quicker than 'the speed of thought,'*" creating "**fears**
 4 **human -decision-makers could be sidelined.**"¹⁷ One expert observed that "[t]he advantage is in the
 5 speed of decision-making"; as a result, even though human decision makers remain looped in, they
 6 have "a much narrower time band ... to evaluate the [AI's] recommendation."¹⁸ In Israel's military
 7 assault on Gaza, which relied extensively on AI,¹⁹ human soldiers were technically responsible for
 8 evaluating AI-selected targets, but they spent just seconds on the task—sometimes, the only review of
 9 the AI output was confirming a target was male.²⁰

10 Thus, merely adding human oversight does not solve the risk of Anthropic's probability-
 11 driven AI model providing a "wrong answer" with lethal—and unlawful—consequences. And
 12 because the scale of AI-enabled military assaults are so immense, these lethal errors add up. It is not
 13 enough to say that Claude might "only" incorrectly recommend the targeting of civilians in a small
 14 percentage of cases; every rubber-stamped recommendation is a violation of the law, and because of
 15 the sheer number of recommendations Claude makes, Anthropic is potentially facilitating mass war
 16 crimes, or even crimes against humanity.

17 **b. AI's ability to facilitate war crimes and other grave international law violations.**

18 Even when AI models work exactly as intended, they vastly escalate the threat posed by
 19 governments that disregard international humanitarian and human rights law. In general, the speed
 20 and reasoning capabilities of AI models discourage militaries from making their own evaluation of
 21 the proportionality and potential civilian impact of attacks, among other legal requirements. The AI
 22 targeting system currently used by DOW, which Anthropic acknowledges at Compl. ¶¶2, 8, 125 relies
 23 on Claude, reportedly generates its own explanation of the legal grounds for each recommended
 24

25 ¹⁷ See *supra* Booth & Milmo, *supra* n. 5.

26 ¹⁸ *Id.*

27 ¹⁹ Elizabeth Dwoskin, *Israel Built an 'AI factory' for War. It Unleashed it In Gaza*, Washington Post
 (Dec. 29, 2024), <https://www.washingtonpost.com/technology/2024/12/29/ai-israel-war-gaza-idf/>.

28 ²⁰ 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/>.

1 airstrike.²¹ This feature invites the U.S. military to attack without independent human consideration
2 of a strike's impact on civilians or its legitimacy under IHL. See Section III. This abdication of the
3 DOW's responsibility to assess the impact of its strikes has already led to the commission of war
4 crimes in Iran.²² See Section II.

5 Moreover, as AI escalates governments' capacity for warfare, it escalates governments'
6 capacity for war crimes and other atrocities. For example, in Gaza, Israel extensively used AI to
7 generate unprecedented numbers of "targets," enabling a military campaign on Palestinians that
8 international bodies, a U.S. federal court, and human rights watchdogs have repeatedly concluded is
9 or plausibly may constitute genocide.²³ Further, militaries are increasingly hiding behind the
10 malleability of AI to disguise international criminal law violations as apparently neutral outputs of a
11 technical system, thereby masking their own role and circumventing accountability. This strategy was
12 used by Israel to devastating effect on the population of Gaza. After October 7, 2023, the country's
13 military reportedly lowered the threshold for designating someone a "militant" so that their AI
14 programs would produce more targets to bomb, leading to kill lists containing Palestinians who
15 would have been treated as civilians prior to the assault.²⁴ Accordingly, even when AI is not fully
16 autonomous, it can threaten human lives and human rights on a mass scale.

17 **II. The Department of War and Anthropic Are Jointly Engaged in War Crimes.**

18
19

20 ²¹ See Booth & Milmo, *supra* n. 5.

21 ²² See ICRC AI Submission, *supra* n. 14 (noting that individuals remain accountable for determining
22 the lawfulness of attacks).

23 ²³ See, e.g., ICJ, Application of the Convention on the Prevention and Punishment of the Crime of
23 Genocide in the Gaza Strip (S.A. v. Israel), Order, (26 Jan. 2024), [https://www.icj-
24 cij.org/node/203447](https://www.icj-cij.org/node/203447), 54, 78; Independent International Commission of Inquiry on the occupied
25 Palestinian territory, including East Jerusalem, and Israel, *Legal analysis of the conduct of Israel in
26 Gaza pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide*, U.N.
27 Doc. A/HRC/60/CRP.3 (2025); *Defense for Children International-Palestine v. Biden*, 714 F. Supp.
28 3d 1160, 1163 (N.D. Cal. 2024). On Israel's use of AI, see Dwoskin, *supra* n. 19.

²⁴ One military source revealed to a journalist that "[a]t its peak, the system managed to generate
37,000 people as potential human targets." "But the numbers changed all the time... There were
times when a Hamas operative was defined more broadly, and then the machine started bringing us
all kinds of civil defense personnel, police officers ..." See Abraham, *supra* n. 20.

1 The threat of militarized AI is not theoretical: Anthropic and the Department of War are
2 already jointly committing war crimes at the time of this filing. On February 28, 2026, the United
3 States and Israel unleashed “Operation Epic Fury” on Iran, aided by highly advanced artificial
4 intelligence tools. Within the first hour, the United States struck the Shajarah Tayyebah elementary
5 school—an all-girls primary school in southern Iran—with a Tomahawk missile and killed 175
6 people, most of them children.²⁵ By the second week, President Trump threatened collective
7 punishment, stating “[u]nder serious consideration for complete destruction and certain death,
8 because of Iran’s bad behavior, are areas and groups of people that were not considered for targeting
9 up until this moment in time[.]”²⁶ Since then, U.S.-Israeli attacks on civilians and civilian
10 infrastructure have continued ruthlessly and indiscriminately. As of March 13, the U.S. announced
11 that jointly, alongside Israel, the two states have struck over 15,000 “enemy targets,” killing over
12 1,400—at least 1,200 of whom are estimated to be civilians—and injuring over 18,500 more.²⁷ Over
13 24,000 civilian units have been targeted or damaged, including health facilities, schools, and
14 residential and business units.²⁸ The bombing of oil refineries has subjected entire cities to acidic
15 rainfall exposing their populations to the risk of chemical burns and serious lung damage.²⁹ And as
16 U.S.-Israeli forces continue attacks in Iran, Israeli forces have expanded their assault to Lebanon. As
17 of March, 12, 2023, in Lebanon over 680 people have been killed, including nearly 100 children, and
18

19 ²⁵ Julian E. Barnes et. al., *U.S. at Fault in Strike on School in Iran, Preliminary Inquiry Says*, The
20 New York Times (Mar. 11, 2026), <https://www.nytimes.com/2026/03/11/us/politics/iran-school-missile-strike.html>.

21 ²⁶ Donald J. Trump, Truth Social (Mar. 7, 2026),
22 <https://truthsocial.com/@realDonaldTrump/posts/116187586876366061>.

23 ²⁷ Press Briefing, U.S. Dep’t of War, Secretary of War Pete Hegseth and Chairman of the Joint
24 Chiefs Air Force Gen. Dan Caine Hold a Press Briefing (Mar. 13, 2026),
<https://www.war.gov/News/Transcripts/Transcript/Article/4434484/secretary-of-war-pete-hegseth-and-chairman-of-the-joint-chiefs-air-force-gen-da/>; *In maps: 14 days of attacks in Iran and the Middle East*, BBC (Mar. 13, 2026) <https://www.bbc.com/news/articles/c4g0pnnj8xyo>.

25 ²⁸ Middle East Eye, *More than 24,000 civilian units damaged in Iran, Red Crescent Says* (Mar. 13,
26 2026), <https://www.middleeasteye.net/live-blog/live-blog-update/more-24000-civilian-units-damaged-iran-red-crescent-says>.

27 ²⁹ Anurag Rao & Mariano Zafra, *Strikes create toxic clouds over Tehran*, Reuters (Mar. 10, 2026)
28 <https://www.reuters.com/graphics/IRAN-CRISIS/MAPS/znpnmelervl/2026-03-10/strikes-create-toxic-clouds-over-tehran/>.

1 more than 800,000 displaced including 11,600 pregnant.³⁰ These acts—which include willful killing
2 of civilians and willful infliction of serious bodily injury to civilians—constitute war crimes, as
3 defined in U.S. federal law. 18 U.S.C. § 2441 and grave breaches of the Fourth Geneva Convention.
4 See Section III.

5 Anthropic’s Claude is so deeply embedded in the U.S. military’s Maven Smart System
6 (“Maven”) that Defendants DOW and Secretary Peter Hegseth demanded Anthropic provide up to six
7 months of services to DOW even after Anthropic was banned by Defendants and deemed a “supply
8 chain risk.” Compl. ¶125. Indeed, according to Anthropic, “Claude is reportedly the Department’s
9 most widely deployed and used frontier AI model—and the only one currently on classified systems.”
10 Compl.¶68. When the U.S. and Israel began bombing Iran, Claude was still being used, including to
11 identify, suggest, and prioritize hundreds of targets and provide location coordinates to carry out
12 attacks on those targets.³¹

13 Claude’s use by DOW in Iran exemplifies the grave threat to human life, and breaches of
14 human rights and international humanitarian law posed by militarized AI, even without full
15 autonomy. The intensity of U.S.-Israeli attacks on Iran, which UN experts have condemned as
16 “flagrant violations of international law,”³² was made possible by Claude’s extreme acceleration of
17 the “kill chain.” The high rate of estimated civilian death may reflect the “errors” to which Claude is
18 admittedly prone when processing vast amounts of surveillance data.³³ Compl. ¶77. And the ability
19 for U.S. officers to make the final call on strikes has not mitigated Claude’s dangers, because
20 Defendant Hegseth has prioritized maximizing attack speeds via AI rather than, in his words, “stupid”
21
22

23 ³⁰ *Id.*; UN News, ‘Perfect storm’: Lebanon crisis deepens as civilians bear the brunt (Mar. 12, 2026),
24 <https://news.un.org/en/story/2026/03/1167120>.

25 ³¹ Tara Copp, Elizabeth Dvoskin & Ian Duncan, *Anthropic’s AI tool Claude central to U.S.*
26 *campaign in Iran, amid a bitter feud*, Washington Post (Mar. 4, 2026)
27 <https://www.washingtonpost.com/technology/2026/03/04/anthropic-ai-iran-campaign/>.

28 ³² *UN experts denounce aggression on Iran and Lebanon, warn of devastating regional escalation*,
UN Office of the High Commissioner for Human Rights (Mar. 12, 2026)
<https://www.ohchr.org/en/press-releases/2026/03/un-experts-denounce-aggression-iran-and-lebanon-warn-devastating-regional>.

³³ See *In maps*, *supra* n. 27.

1 rules of engagement.³⁴ Even with Anthropic’s proposed AI protections still in place, Claude’s
 2 deployment is still enabling, and even promoting, egregious human rights and humanitarian law
 3 violations.

4 **III. Attacks against Civilians and Civilian Infrastructure Constitute War Crimes under U.S. 5 and International Law.**

6 Significantly, neither party acknowledges that even Claude’s semi-autonomous deployment
 7 for lethal warfare is not only unsafe and unreliable, see Sec. I & II, but can also be illegal. Both U.S.
 8 and international law governing armed conflict prohibit the targeting of civilians or civilian
 9 infrastructure, attacks that cause incidental loss of life or injury to civilians clearly excessive in
 10 relation to the overall military advantage, or that leads to extensive destruction not justified by
 11 military necessity. Violations of these prohibitions constitute war crimes, and, if carried out as part of
 12 a widespread or systematic attack on civilians, could constitute crimes against humanity. As the UN
 13 General Assembly overwhelmingly affirmed in 2024, these prohibitions apply to “all stages of the life
 14 cycle of artificial intelligence, including systems enabled by artificial intelligence, in the military
 15 domain.”³⁵

16 The U.S. War Crimes Act of 1996, 18 U.S.C. § 2441, as amended (2023), makes punishable
 17 the commission of war crimes, defined in part as grave breaches of the four Geneva Conventions of
 18 1949, to which the United States is a party.³⁶ The list of crimes include wilful killing, wilfully
 19 causing serious injury to body and health, and extensive destruction of civilian property not justified
 20 by military necessity.³⁷ The provisions of the Hague Regulations incorporated into the War Crimes
 21

22 ³⁴ Press Briefing, U.S. Dep’t of War, Secretary of War Pete Hegseth and Chairman of the Joint
 23 Chiefs of Staff Gen. Dan Caine Hold a Press Briefing (Mar. 2, 2026),
 24 [https://www.war.gov/News/Transcripts/Transcript/Article/4418959/secretary-of-war-pete-hegseth-
 and-chairman-of-the-joint-chiefs-of-staff-gen-dan/](https://www.war.gov/News/Transcripts/Transcript/Article/4418959/secretary-of-war-pete-hegseth-and-chairman-of-the-joint-chiefs-of-staff-gen-dan/).

25 ³⁵ G.A. Res. 79/239 at 2 (Dec. 24, 2024), <https://docs.un.org/en/a/res/79/239>.

26 ³⁶ A “war crime” is “any conduct – (1) defined as a grave breach in any of the international
 27 conventions signed at Geneva 12 August 1949 [...]; (2) prohibited by Articles 23, 25, 27 or 28 of the
 28 Annex to the Hague; Convention IV, Respecting the Laws and Customs of War on Land [...]” 18
 U.S.C. § 2441(c) (1),(2). *See also* Convention Relative to the Protection of Civilian Persons in Time
 of War, done at Geneva August 12, 1949 (6 UST 3516) (“Fourth Geneva Convention”).

³⁷ *See* Fourth Geneva Convention, art. 147 (grave breaches).

1 Act, 18 U.S.C. § 2441(c)(2), regulate the means and methods of warfare. These provisions are
2 intended to codify the cardinal principles of IHL, namely (1) the principle of distinction, which
3 requires that combatants distinguish between military and civilian targets and minimize harm to
4 noncombatants, and (2) the principle of proportionality, which requires that harm to civilians and
5 their property be proportionate to the military advantage achieved.³⁸ The prohibited conduct
6 punishable by the War Crimes Act includes the use of weapons calculated to cause unnecessary
7 suffering, the destruction of property not necessitated by war, the attack of undefended towns or
8 buildings, and the siege or bombardment of buildings dedicated to religion, art, historic monuments,
9 schools, and hospitals provided they are not being used for military purposes.³⁹

10 Notably, many international law violations, including grave breaches of the Geneva
11 Conventions, provide for “universal jurisdiction.” This means that any State - and, in certain
12 circumstances, also the International Criminal Court - has jurisdiction to prosecute U.S. persons,
13 including members of the U.S. military, corporate officers or, in many jurisdictions, corporate or
14 juridical entities that commit or are complicit in such war crimes. The soldiers who commit these
15 crimes, the officers who issue their orders, the civilian officials who authorize the actions, and the
16 corporations who enable the crimes are all vulnerable to arrest and prosecution abroad.⁴⁰

17
18 ³⁸ See *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, 1996 I.C.J. 226, ¶78 ;
19 see also Nils Melzer, *Interpretive Guidance on the Notion of Direct Participation in Hostilities*,
ICRC (2009).

20 ³⁹ Hague Convention (IV) Respecting the Law and Customs of War on Land and Its Annex:
21 Regulations Concerning the Law and Customs of War on Land, (Oct. 18, 1907), arts. 23(e) and (g),
22 25 and 27.

23 ⁴⁰ While this brief focuses on violations of IHL, human rights law also constrains the conduct of both
24 state and non-state actors. Of particular relevance is the United Nations Guiding Principles on
25 Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy”
26 Framework, HR/PUB/11/4 (2011)
27 https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinessshr_en.pdf
28 (“UNGPs”), which is an authoritative global standard of 31 guidelines for states and companies to
prevent, address, and remedy human rights abuses committed in business operations. See, e.g., UNGP
7 (requiring that States take greater steps to constrain companies’ activities in conflict-affected areas,
where the risk of gross abuses is seen as especially high); UNGP 17 (companies have an ongoing
obligation to act with due diligence to avoid infringing on the rights of others, and identify and assess
risks to rights-holders so that potential adverse impacts can be prevented or mitigated). Anthropics’
obligation to comply with international human rights law is independent of the assessment of legality

1 Humans are ultimately responsible for making determinations about who or what is the
 2 intended target of an attack, and whether such attack complies with the principles of distinction and
 3 proportionality.⁴¹ Anthropic recognizes that “Claude is simply not capable of performing [lethal
 4 military] tasks responsibly without human oversight.” Compl. ¶76. As DOW is deploying Claude in
 5 practice, however, the AI model’s human handlers have mere seconds to evaluate targets, depriving
 6 them of the ability perform the case-by-case assessments of the targets and consequences of the use of
 7 lethal force which are required under these fundamental principles, and as codified in the War Crimes
 8 Act and the Geneva Conventions. DOW’s deployment of Claude to compress kill chains to seconds is
 9 thus inconsistent with U.S. and international law. That it may comply with Anthropic’s policy is of no
 10 moment about its legality, and indeed, such a permissive policy could be evidence of Anthropic’s
 11 complicity in war crimes.⁴²

12 CONCLUSION

13 The arguments raised by the parties fail to acknowledge the broader legal frameworks that
 14 bind them both. The parties may not use AI—whether fully autonomous or not—to facilitate or
 15 commit war crimes. Any decision on the parties’ dispute must make clear that their collaboration is
 16

17 or willingness to comply by others, including States. Additionally, there has been a sharp increase in
 18 the promulgation of formal and informal human rights standards for the development and use of AI
 19 systems in recent years. *See, e.g.*, Organisation for Economic Co-operation and Development, *OECD*
 20 *Recommendation of the Council on Artificial Intelligence*,
<https://legalinstruments.oecd.org/en/instruments/oecd-legal-0449>.

21 ⁴¹ *See* ICRC AI Submission, *supra* n. 14.

22 ⁴² Indeed, Anthropic’s woefully inadequate response to its international and domestic legal
 23 obligations has been to develop a foundational safety framework for its LLM, or what it calls
 24 “Claude’s Constitution.” *See* Anthropic, Claude’s Constitution (Jan. 21, 2026), [https://www-](https://www-cdn.anthropic.com/d0636f72a9493d279ed36b33987da3430bcb5911/claudes-constitution_webPDF_26-02.02a.pdf)
 25 [cdn.anthropic.com/d0636f72a9493d279ed36b33987da3430bcb5911/claudes-](https://www-cdn.anthropic.com/d0636f72a9493d279ed36b33987da3430bcb5911/claudes-constitution_webPDF_26-02.02a.pdf)
 26 [constitution_webPDF_26-02.02a.pdf](https://www-cdn.anthropic.com/d0636f72a9493d279ed36b33987da3430bcb5911/claudes-constitution_webPDF_26-02.02a.pdf). The constitution prioritizes that Claude should be “broadly
 27 safe” and subject to “human oversight” but explicitly does not apply to military use. *Id.* at 2.
 28 Anthropic has confirmed that it does not have an alternate constitution for the US government “at this
 time.” *See* N. Ostrovsky and B. Perrigo, “How Do You Teach an AI to Be Good? Anthropic Just
 Published Its Answer”, *TIME* (Jan. 21, 2026), [https://time.com/7354738/claude-constitution-ai-](https://time.com/7354738/claude-constitution-ai-alignment/)
[alignment/](https://time.com/7354738/claude-constitution-ai-alignment/). *See also* Dr Noa Mor, Professor Omri Abend, Professor Renana Keydar and Professor
 Yuval Shany, “Claude’s new Constitution: two evaluative continua,” [https://afp.oxford-](https://afp.oxford-aiethics.ox.ac.uk/article/professor-yuval-shany-discusses-claudes-new-constitution-latest-article-0)
[aiethics.ox.ac.uk/article/professor-yuval-shany-discusses-claudes-new-constitution-latest-article-0](https://afp.oxford-aiethics.ox.ac.uk/article/professor-yuval-shany-discusses-claudes-new-constitution-latest-article-0).

1 constrained by these fundamental principles of domestic and international law. Further, *Amici* ask the
2 court to request information from the parties that could clarify the contributions to war crimes made
3 by Anthropic, its employees, and companies such as Palantir which integrate Claude into military
4 products.

5
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APPENDIX

1
2 Abolitionist Law Center (“ALC”) is a nonprofit legal organization and community organizing project
3 fighting to dismantle state and corporate violence through legal action, research, public education,
4 and advocacy on the local, state, national, and international levels. Since 2023, ALC has investigated
5 and reported on the emerging role of artificial intelligence in state sponsored violence and oppression.
6

7 Access Now is an international non-profit organization and US-registered 501(c)3 tax-exempt
8 organization working to strengthen the digital rights of people and communities at risk. Access Now
9 routinely engages courts in the United States and abroad, advocating for privacy, freedom of
10 expression, and civic space in the digital age.
11

12 The Center for Constitutional Rights (“CCR”) is a national not-for-profit legal, educational, and
13 advocacy organization dedicated to advancing and protecting the rights guaranteed by the United
14 States Constitution and international law. CCR has been responsible for some of the most significant
15 advancements in the recognition of international law in federal courts over the last four decades, and
16 has sought to hold state and nonstate actors liable for torture, extrajudicial killings, war crimes, and
17 crimes against humanity. CCR has an interest in the proper interpretation of international law as it
18 applies to the use of evolving technologies in the context of armed conflict.
19

20 Tech Justice Law (“TJL”) is a nonpartisan nonprofit organization that works to ensure artificial
21 intelligence systems are safe by design, subject to human oversight, and transparent. TJL frequently
22 participates directly and as amicus curiae in litigation presenting AI safety concerns. Through
23 litigation and advocacy, TJL advances human rights principles in global tech accountability efforts,
24 recognizing that AI systems and digital platforms often facilitate surveillance, repression, and state
25 violence worldwide.
26
27
28