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MEDIA STATEMENT



Lawyers advising the Israeli Military must act to prevent massive human rights violations and war crimes, refuse legal authorization for actions that violate International Law

GENEVA, 23 October) UN experts today condemned the massacres of civilians and hostage-taking by Hamas and other Palestinian armed groups in Israel on October 7. The ongoing suffering as a result of these serious violations of international human rights and humanitarian law for families, communities and Israeli society as a whole is evident. Recognizing the human rights violations that decades of occupation have had on the Palestinian people, nothing justifies the targeting of civilians in this way. Under international law, Israel has a right to self-defence, but its response must be proportionate and in full respect of the UN Charter and the rules that apply to the use of force in armed conflict, specifically those that protect civilians, the experts said.

The Experts called on lawyers responsible for advising the Israeli military on humanitarian law matters to deny legal authorization and advise against any military orders that would result in war crimes or crimes against humanity. If legal limits are systematically ignored, such lawyers have an independent professional duty to take active steps to stop such abuses and ensure they are not accomplices to war crimes. The Experts recognize the particular burdens of responsibility that fall on legal advisors to Member State militaries consistent with a rule of law framework of operation which non-state armed groups eschew or do not implement, and the grave violations of international humanitarian law that can occur in the absence of such adherence.

As has been reported throughout the world, on October 7, Hamas and other Palestinian armed groups summarily executed large numbers of civilians, took 199 individuals hostage including those highly vulnerable from age and injury and launched thousands of rockets indiscriminately into Israel. More than 1,300 people were killed and more than 3,300 were wounded. The majority were civilians, killed, maimed, or injured in their homes and subjected to an array of attendant violations including torture, inhuman and degrading treatment under international law. The extent of these reported crimes is still being documented, but overwhelming evidence demonstrates the extreme brutality and cruelty with which the attacks were carried out. Such intentional targeting of civilians is a blatant violation of international law and constitute war crimes under international humanitarian law and those responsible for these heinous acts must be held to account for their crimes. Hostages must be immediately and unconditionally released unharmed.

Since the attack, Israeli Defence Minister Yoav Gallant called for a “complete siege” of Gaza and referred to Hamas militants as “human animals”. The IDF is reportedly preparing for a ground invasion. Israel has launched a barrage of deadly airstrikes into densely populated civilian areas, destroying or damaging homes, hospitals, markets, and UN Reliefs and Works Agency buildings. As of 18 October, the Ministry of Health in Gaza recorded 3,478 Palestinians killed, including 853 children and 936 women, and more than 12,065 Palestinians injured. Reports indicate that the vast majority of the deaths can be attributed to Israeli airstrikes. Israel also increased its blockade on Gaza, cutting off food, water, electricity, and fuel supplies. Such actions have had foreseeable and dire consequences: hospitals are unable to adequately care for those wounded in the airstrikes or ill with medical conditions. Food, water, and electricity are increasingly hard to find. The Internet is likely to go dark. Israel's actions amount to collective punishment, which is plainly prohibited by international humanitarian law. The intentional starvation of a civilian population is a war crime and may amount to a crime against humanity. The indiscriminate killing of civilians without regard to the principles of distinction, unnecessary suffering, precaution, and proportionality is a war crime.

Near midnight on 12 October, Israel called for all Palestinians north of Wadi Gaza to evacuate, including those in hospitals or sheltering in UN buildings. Such an evacuation, of more than 1.1 million people, within a very short period, was clearly impossible and caused panic among a civilian population already experiencing the loss of family members, injuries caused by bombing, extreme hunger, and lack of medical care. Medical personnel have said that an evacuation of hospitals is impossible, and the World Health Organization called the Israeli evacuation directive a “death sentence for the sick and injured”. The forced expulsion of a civilian population may amount to crimes against humanity or war crimes.

“As Israel responds to Hamas and conducts operations in Gaza, all lawyers advising the military must identify and seek to prevent acts potentially amounting to war crimes. These lawyers have a professional duty to refuse legal authorization of criminal actions,” the Experts said. “If they cannot stop those crimes, they have a duty to take steps that ensure they are not complicit in war crimes or other grave breaches of international human rights and humanitarian law. Counter-terrorism action does not override the fundamental norms of international human rights and international humanitarian law that apply in these circumstances.”

In Israel, lawyers advising the military take an active role in determining what is and is not permissible in specific operations. Their advice about issues such as lawful targets of attack, the choice and use of weapons, and the means and methods of warfare is essential to the operational planning of military campaigns. It is therefore incumbent upon all lawyers advising the Israeli military to insist on the assiduous application of international human rights and humanitarian law standards to all IDF actions. If such lawyers approve actions that amount to massive human rights violations and war crimes, they may bear accomplice liability for those acts.

“International humanitarian law is not optional,” the Experts said. “It was created by States to curb violations even in the most difficult of circumstances, including those

that too often result from the desire to exact revenge following atrocities. It is the role of lawyers advising the military to restrain such instincts by refusing to approve unlawful military actions. The lawless massacres, hostage taking and torture carried out by Hamas must be unequivocally condemned by all and those responsible must face justice. But Palestinian civilians cannot be made to pay the price for the acts of terrorism carried out by Hamas.”

ENDS

The experts: Ms. Margaret Satterthwaite, [Special Rapporteur on the independence of judges and lawyers](#); Ms. Fionnuala Ní Aoláin, [Special Rapporteur on the promotion and protection of human rights while countering terrorism](#).

The Special Rapporteurs, Independent Experts and Working Groups are part of what is known as the Special Procedures of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council's independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures' experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.

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