

# Israel and the Occupied Palestinian Territory

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## RISK LEVEL: CURRENT CRISIS

*Israeli forces have perpetrated atrocity crimes in Gaza and the Occupied West Bank, including war crimes, crimes against humanity, ethnic cleansing and genocide. Hamas and other Palestinian armed groups have also perpetrated atrocity crimes.*

## BACKGROUND:

Over the course of twenty months Israel launched relentless bombardments from air, land and sea, as well as imposed a complete siege on Gaza, in response to a deadly assault by Hamas and other Palestinian armed groups into Israel on 7 October 2023. Since then, Israel has killed over 54,000 Palestinians, approximately 70 percent of whom are women and children, and injured over 123,000. An estimated 14,000 more individuals are likely missing or buried under rubble of destroyed buildings. Nearly 70 percent of civilian infrastructure across the Gaza Strip has been damaged or destroyed. The UN Independent International Commission of Inquiry (CoI) on the Occupied Palestinian Territory (OPT), including East Jerusalem, and Israel determined that Israel has committed war crimes and crimes against humanity during its military operations and attacks in Gaza, including starvation as a

method of warfare, intentionally directing attacks against civilians and civilian objects, sexual violence, torture, forcible transfer, deliberate attacks on medical personnel and facilities and others.

The UN Special Rapporteur on the situation of human rights in the OPT has concluded that since 7 October 2023 Israel has committed at least three of the constitutive acts of genocide in Gaza, and that statements made by high-level Israeli military and government officials are evidence of genocidal intent. In response to the case brought by South Africa against Israel for allegations of genocide against the Palestinian people, since January 2024 the International Court of Justice (ICJ) has issued three binding sets of provisional measures that list urgent measures the Israeli authorities must take to prevent genocide and allow necessary aid to enter Gaza. Israel has consistently defied these provisional measures orders and its obligations as an occupying power under International Humanitarian Law (IHL). The UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories also determined that Israel's warfare in Gaza is consistent with the characteristics of genocide.

The Office of the UN High Commissioner for Human Rights (OHCHR) has reported a significant increase in extrajudicial executions, mass detentions and enforced disappearances of Palestinians in Gaza and the Occupied West Bank since 7 October 2023 – with thousands held in detention in deplorable conditions without charge or trial – as well as sexual violence and ill-treatment, including waterboarding, that may amount to torture against Palestinian detainees.

During their assault on 7 October 2023, Hamas and other Palestinian armed groups attacked civilian areas in Israel and perpetrated flagrant violations of international law, including capturing and forcibly taking hundreds of civilians as hostages. At least 1,200 Israelis were killed and over 5,400 injured. The CoI found that members of Hamas and other Palestinian armed groups committed war crimes, including deliberately killing, injuring and mistreating civilians and taking hostages. The CoI identified patterns indicative of sexual violence, including sexual desecration of corpses and using women and women's bodies as "victory trophies."

On 21 November 2024 the International Criminal Court (ICC) issued arrest warrants for two Israeli government officials – including Prime Minister Benjamin Netanyahu – and a Hamas official. The ICC judges determined that there are reasonable grounds to believe that

these senior Israeli leaders and Hamas official bear responsibility for war crimes and crimes against humanity.

Palestinian territory – encompassing the Gaza Strip and West Bank, including East Jerusalem – has been occupied by Israel since 1967. The UN Special Rapporteur has determined that Israel has imposed a system of racial oppression and discrimination that satisfies the prevailing evidentiary standard for the crime of apartheid, a crime against humanity. On 19 July 2024 the ICJ issued an advisory opinion – endorsed overwhelmingly by a subsequent UNGA resolution – detailing that Israel's continued presence in the OPT is unlawful, asserting Israel must end its presence as rapidly as possible, immediately cease all new settlement activities and evacuate all settlers.

Since 7 October 2023 existing patterns of violence in the Occupied West Bank have escalated, including settler attacks, resulting in hundreds of Palestinian fatalities and injuries, as well as damage to Palestinian property. OHCHR reported that settlers carrying out these attacks are, at times, acting with the acquiescence and collaboration of Israeli forces and authorities. At least 25 Israelis, including members of the Israeli forces, and 828 Palestinians have been killed. According to a group of UN experts, in 2023 Israel seized more Palestinian land than in any year in the past 30 years. There has also been a sharp increase in unnecessary and disproportionate force by Israeli forces, including airstrikes, violent military tactics during search-and-arrest operations and incursions by armored personnel carriers and bulldozers sent to refugee camps.

## RECENT DEVELOPMENTS:

Since 21 January 2025 Israel has launched a large-scale military operation in the northern Occupied West Bank, with a **marked escalation** during February following the deployment of tanks for the first time in over two decades. The ongoing assault has killed over 70 Palestinians, leveled dozens of residential buildings, damaged critical infrastructure and forcibly displaced over 40,000 Palestinians, marking the largest wave of forced displacement in the Occupied West Bank since 1967.

On 30 January legislation passed by the Israeli parliament to effectively dismantle the work of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in territories under Israeli control came into effect.

On 19 January a ceasefire agreement between Hamas and Israel came into effect in Gaza. However, Israel continued attacks and obstructed the delivery of humanitarian aid. On 18 March Israel broke the ceasefire and resumed its military assault, killing at least 4,201 Palestinians, displacing over 632,000 and restricting access to roughly 80 percent of Gaza. Since 2 March Israel has reimposed a total siege, closing border crossings and blocking goods and supplies. A limited flow of aid has been allowed into the enclave since 19 May under an alternative United States (US)-and Israel-backed humanitarian distribution scheme, which the UN has rejected as a violation of humanitarian principles. Since the operationalization of this scheme – the so-called “Gaza Humanitarian Foundation” (GHF) – OHCHR has documented at least 875 Palestinians killed, with 674 victims in the vicinity of GHF sites and 201 others on the routes of other aid convoys.

On 18 May Israel launched another extensive ground operation in Gaza, after Israel’s security cabinet approved plans to take control of and indefinitely occupy Gaza, as well as forcibly transfer Palestinians southward.

## **ANALYSIS:**

Atrocities in the OPT will persist until there is a permanent ceasefire, the root causes of violence are addressed and a sustainable political solution is achieved.

Across twenty months Israel has subjected Palestinians in Gaza to genocidal acts, including killings, causing serious bodily or mental harm and deliberately inflicting conditions of life calculated to bring about their destruction. The rhetoric of Israeli authorities, coupled with the conduct in Gaza have reflected, beyond military objectives, an accompanying intent to destroy a substantial part of the Palestinian population. Israel’s ongoing military assault on the Occupied West Bank – resembling its conduct in Gaza – has heightened the risk of further atrocity crimes against Palestinians.

The mass displacement of Palestinians in Gaza and the West Bank likely amounts to the war crime and crime against humanity of forcible transfer.

While Israel has imposed an air, sea and land blockade of Gaza since 2007, the latest siege likely amounts to intentional starvation of civilians as a method of warfare – a war crime – and may amount to a crime against humanity.

During their attack on Israel, Hamas and other Palestinian armed groups perpetrated likely war crimes, as well as potential crimes against humanity. Hamas' indiscriminate rocket attacks are also in violation of international law. Hamas' security forces have also committed grave abuses against Palestinians in Gaza, including arbitrary arrests, summary executions and torture.

Under the Fourth Geneva Convention, an occupying power is prohibited from transferring parts of its civilian population into occupied territory, also known as "settler implantation." Seizures and demolitions of Palestinian and Bedouin land and property leave communities at risk of forced evictions, arbitrary displacement and forcible transfer. Israel's permanent occupation endangers the cultural existence of the Palestinian people and violates their right to self-determination.

The international community has largely struggled to speak out resolutely in defense of international law and the protection of civilians, amplifying the risk of further atrocities. Since 7 October 2023 the UN Security Council (UNSC) has voted multiple times on draft resolutions, with many failing to pass due to insufficient votes or vetoes cast by permanent members, including the US and Russia. The US has a long history of using its veto to protect Israel.

## RISK ASSESSMENT:

- Ongoing bombardments, ground offensives and siege tactics.
- Enabling conditions for crimes of forced displacement and forcible transfer, increasing risks of ethnic cleansing and genocide.
- Escalating violence, attacks and arbitrary arrests in the Occupied West Bank.
- Institutionalized systematic racial oppression and discrimination against Palestinians and the de facto and illegal annexation of Palestinian land.
- No effective accountability for cycles of deadly hostilities between Israel and Hamas and other Palestinian armed groups over the past two decades.

## NECESSARY ACTION:

A permanent ceasefire in Gaza must be secured and equally applied in the Occupied West Bank. All states, including those with influence in the region, must apply diplomatic and

economic pressure on Israel to lift the aid blockade on Gaza. Regardless of a future ceasefire, the obligations of Israel and third states under the Genocide Convention and IHL still apply. Israel must halt its military assault on the Occupied West Bank and states must urgently intervene to protect Palestinians, including from any further illegal annexation of their land. Israel must also immediately implement the ICJ's provisional measures and its allies must ensure Israel's compliance.

The international community must support a Palestinian-led recovery and reconstruction of Gaza, ensuring that Israel neither obstructs nor benefits from it. States should also join the Hague Group to collectively reaffirm their role in supporting accountability and a political solution consistent with international law. All states must resolutely defend the mandate and premises of UNRWA and adequately fund its vital operations.

The root causes of violence and atrocities must also be addressed. Israel must lift its blockade on Gaza and cease illegal settlement-related activity and apartheid policies. Israel should also end the occupation of Palestinian territory and collective punishment of Palestinians. All parties should work toward a sustainable political solution consistent with international law and various UNSC resolutions. All parties should condemn anti-Palestinian, anti-Arab, anti-Semitic and Islamophobic hate speech. Leaders must refrain from spreading and engaging in dehumanizing rhetoric and actions.

States parties to the Genocide Convention should support proceedings before the ICJ and refrain from attempts to impede the independent work of the Court or discredit the merits of the dispute. The ICC must be allowed to conduct its mandate with independence and impartiality and all states should cease any impediments, intimidation, retaliation or improper influences against the Court and its officials. Israel should ratify the Rome Statute of the ICC and cooperate with all UN-mandated investigative mechanisms.

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*For more on the Global Centre's advocacy work on the situation in the IOPT, see our IOPT country advocacy [page](#).*