

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	886
Land:	Gaza-Vestbredden
Kilde:	UN
Titel:	Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice
Udgivet:	13. februar 2025
Optaget på baggrundsmaterialet:	18. august 2025



General Assembly

Distr.: General
13 February 2025

Original: English

Human Rights Council

Fifty-eighth session

24 February–4 April 2025

Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report is submitted pursuant to Human Rights Council resolution 55/28. It provides an overview of the implementation of the resolution and developments relevant to the human rights situation in the Occupied Palestinian Territory and the obligation to ensure accountability and justice.

* The present report was submitted to the conference services for processing after the deadline for technical reasons beyond the control of the submitting office.



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 55/28 and covers the period from 1 November 2023 to 31 October 2024. It draws on human rights monitoring conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory and information from governmental sources, other United Nations entities and non-governmental organizations.¹
2. OHCHR has requested full access to Israel and the Occupied Palestinian Territory to investigate violations by all duty bearers but at the time of writing had not received a response from Israel. Israel continues to deny visas for OHCHR international staff.
3. For more than 57 years, the Occupied Palestinian Territory – the West Bank, including East Jerusalem, and Gaza – has remained under occupation by Israel, affecting all rights of Palestinians, including the right to self-determination, and, for over 17 years, Gaza has been subjected to blockades and closures amounting to collective punishment. The latest escalation started in Gaza in the wake of the attacks by the Izz al-Din al-Qassam Brigades of Hamas and other Palestinian armed groups against Israel on 7 and 8 October 2023. The killing of civilians, reports of torture and sexual violence inflicted by these armed groups, and the holding of hostages are appalling and entirely wrong. So is the extent of the Israeli response, involving unprecedented levels of killing and maiming of civilians, including United Nations staff and journalists, in Gaza; a catastrophic humanitarian crisis caused by humanitarian aid restrictions; the displacement of an estimated 90 per cent of the population, often multiple times; and the massive destruction of hospitals and other civilian infrastructure.
4. As a result, the human rights situation in the Occupied Palestinian Territory worsened to an unprecedented extent, raising concerns of patterns of systematic violations of principles of international humanitarian law on the conduct of hostilities,² many amounting to war crimes. The manner in which parties to the conflict in Gaza have conducted hostilities during the reporting period, especially the choices by Israel of methods and means of warfare, have involved an unprecedented disregard for international humanitarian law and international human rights law and, as the United Nations High Commissioner for Human Rights has repeatedly warned, raised concerns over the commission of war crimes and other possible atrocity crimes. Concerns over the commission of further atrocity crimes intensified during the Israeli military's operations in North Gaza from October 2024.³
5. In the West Bank, the use of unnecessary and disproportionate force by Israel against Palestinians, including the unlawful use of methods and means developed for warfare, escalated dramatically in both intensity and frequency, while attacks by armed settlers, supported by Israeli forces, intensified. State and settler violence and a de facto policy of colonization⁴ contributed to further entrenchment of a discriminatory system amounting to segregation⁵ and oppression of Palestinians in the West Bank, including East Jerusalem, in violation of article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination,⁶ which obliges States parties to prevent, prohibit and eradicate all practices of segregation and apartheid.
6. At least 34,399 Palestinians were killed during hostilities in Gaza during the reporting period, according to the Ministry of Health of the State of Palestine, largely as a result of Israeli military operations. All parties appear to have regularly disregarded basic international

¹ Unless otherwise stated, the information in the present report is drawn from OHCHR monitoring conducted in line with OHCHR methodological standards.

² OHCHR, "Indiscriminate and disproportionate attacks during the conflict in Gaza (October–December 2023)", 19 June 2024, p. 15.

³ See <https://www.un.org/unispal/document/ohchr-press-release-20oct24/> and <https://reliefweb.int/report/occupied-palestinian-territory/un-human-rights-office-opt-grave-human-rights-and-humanitarian-situation-north-gaza-amidst-israeli-military-strikes>.

⁴ CERD/C/113/3, para. 48.

⁵ Ibid., paras. 44 and 48; and CERD/C/ISR/CO/17-19, paras. 21–23.

⁶ International Court of Justice, *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, I.C.J. Reports 2024, para. 229.

humanitarian principles, contributing to this massive death toll. During the reporting period, 601 Palestinians were killed by Israeli security forces in the West Bank, including East Jerusalem, with a high prevalence of unlawful killings. At the same time, 40 Israelis were killed by Palestinians in the West Bank, including East Jerusalem, or in Israel.

7. Hamas and other Palestinian armed groups in Gaza continued to violate international law by holding and mistreating hostages and firing indiscriminate projectiles into Israeli territory, amounting to war crimes. Serious concerns also persist about their failure to take all feasible precautions to protect civilians against the effects of attacks and/or the intentional co-location of military objectives and civilians to try to prevent targeting of those objectives, which represent serious breaches of international humanitarian law.⁷

8. The Palestinian Authority continued to use force unlawfully against Palestinians in the West Bank during demonstrations and other law enforcement situations and to arbitrarily detain Palestinians, many of whom it subjected to torture or other ill-treatment.

9. Gross violations of international human rights law and serious violations of international humanitarian law have occurred within a prevailing and long-standing climate of impunity in which perpetrators are rarely held accountable. Basic obligations to ensure accountability and remedies for victims are routinely flouted by all duty bearers in the Occupied Palestinian Territory.

II. Human rights situation

A. Escalation of hostilities in Gaza

10. The escalation intensified during the reporting period. Israel bombarded and conducted ground operations across Gaza, repeatedly issuing displacement orders leading to multiple mass forced displacements of Palestinians and an unprecedented humanitarian crisis. In May 2024, after several months of intense ground battles in Khan Younis, Israeli ground forces stormed Rafah, the southernmost governorate in Gaza.⁸ On 6 October 2024, the Israeli military launched a large-scale military operation in North Gaza, including ordering the entire population to move southward even while it targeted exit routes, reportedly attacking civilians trying to flee, and bombarding residential areas, hospitals and sites sheltering internally displaced persons. The Israeli military also systematically besieged hospitals and nearly entirely blocked humanitarian access, trapping tens of thousands of Palestinians, civilians in the vast majority, with no access to food or other life-sustaining goods, placing the entire population of the area at risk, through death and displacement.⁹

11. Tens of thousands of Palestinians have been killed in Gaza since 7 October 2023, the majority of whom were women and children, implying a very high number of civilians killed, with over 100,000 injured according to the Ministry of Health of the State of Palestine. A substantial number are likely uncounted and buried under rubble. For the period 7 October 2023 to 31 October 2024, OHCHR verified 10,006 fatalities, including 4,470 children (45 per cent) and 2,641 women (26 per cent).¹⁰ Many others have likely died due to the deteriorating humanitarian situation.¹¹

12. Most civilian deaths appear to have resulted from the parties' choices of methods and means of warfare. Israel continued to launch strikes using weapons with wide-area effects in densely populated areas and attacked *prima facie* civilian objects, including residential buildings, schools and hospitals, in many cases providing little or no information as to how

⁷ International Committee of the Red Cross (ICRC), Customary International Humanitarian Law Database, rules 22, 23 and 97.

⁸ See <https://www.bbc.com/news/world-middle-east-68967397>.

⁹ See <https://www.un.org/unispal/document/ohchr-press-release-20oct24/>.

¹⁰ Due to challenges of verifying information in Gaza, the actual fatality figure is likely to be higher than that recorded by the Ministry of Health of the State of Palestine.

¹¹ According to one estimate, there were up to 186,000 total deaths as of June 2024. See [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(24\)01169-3/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(24)01169-3/fulltext).

they could be considered lawful military objectives.¹² Individual strikes and the broader targeting practices of Israel evinced a lack of compliance with fundamental principles of international humanitarian law, including distinction, encompassing the prohibition of indiscriminate attacks, such as area bombardment, proportionality and precautions in attack.¹³ Multiple specific Israeli attacks may amount to war crimes for failure to comply with these principles.¹⁴

13. On 20 April 2024, by way of example, the Israeli military fired two munitions at a four-storey residential building in eastern Rafah, largely destroying it. OHCHR verified the killing of 20 Palestinians (16 children and 4 women) in the strike. The Israeli military did not make any statement regarding the incident, and OHCHR monitoring did not indicate the presence of any military objective. The attack occurred amid other strikes on residential buildings in which women and children reportedly accounted for a high proportion of victims. Such attacks highlight the alarmingly expansive approach of Israel to targeting, in violation of international humanitarian law, and raise serious questions as to the Israeli military's policies and processes for distinguishing between civilian and military objectives, including appropriately verifying that targets are military objectives.¹⁵

14. High civilian casualties have been accompanied by widespread destruction of and damage to civilian objects, including residential buildings, in some cases through "controlled detonations" in which structures were deliberately targeted outside active combat. Israel has carried out demolitions in several areas, including the Netzarim corridor dividing north and central Gaza, the Philadelphi corridor between Rafah and Egypt, and within a kilometre of the barrier surrounding the perimeter of Gaza.¹⁶ Along the Netzarim corridor, Israel demolished buildings at the Al Mughraqa campus of Al Azhar University between 3 and 8 December 2023 and Israa University between 13 and 15 January 2024. In neither case was OHCHR able to identify fighting or Palestinian armed group activity in these buildings immediately prior to their demolition. Targeted destruction outside active fighting may violate the prohibition of the destruction of real or personal property by occupying Powers except when absolutely necessary for military operations¹⁷ and could suggest broader strategic motives. The Netzarim and Philadelphi corridors, along with the perimeter "buffer zone" and other corridors used by Israeli military forces, reportedly cover 36 per cent of the land area of Gaza, in which agricultural land has been largely cleared and most structures destroyed.¹⁸ The scale of destruction and apparent blanket application across a very large area cannot be justified as absolutely necessary for military operations.

15. While Israel frequently stated that it had targeted military objectives in its attacks, its conduct nonetheless often appeared inconsistent with the principles of proportionality and/or precautions in attack. On 27 July 2024, the Israeli Air Force struck Khadija School in the west of the city of Deir al Balah, which was sheltering hundreds of displaced persons and was serving as a field hospital. A rapid series of strikes killed at least 30 Palestinians, according to the Ministry of Health of the State of Palestine, with multiple air-dropped munitions destroying or damaging several buildings. The Israeli military issued a warning to those present ahead of the second and third air strikes, but not the first, in which most of the casualties had reportedly occurred. The majority of those killed appeared to have been women and children. Fatalities included a child in an adjacent house, eight individuals in a vendors' area by the school walls, and, reportedly, four individuals driving a cart nearby. The

¹² A/HRC/55/28, para. 28; OHCHR, "Attacks on hospitals during the escalation of hostilities in Gaza (7 October 2023–30 June 2024)", 31 December 2024, paras. 15–17; and OHCHR, "Indiscriminate and disproportionate attacks", p. 10.

¹³ A/HRC/55/28, paras. 27–30; OHCHR, "Six-month update report on the human rights situation in Gaza: 1 November 2023 to 30 April 2024", 8 November 2024, paras. 16–18; and OHCHR, "Indiscriminate and disproportionate attacks", pp. 10–15.

¹⁴ OHCHR, "Six-month update report", paras. 17, 30, 48 and 60.

¹⁵ ICRC, Customary International Humanitarian Law Database, rule 16.

¹⁶ OHCHR, "Six-month update report", para. 54.

¹⁷ Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 53.

¹⁸ See https://content.forensic-architecture.org/wp-content/uploads/2024/10/FA_A-Spatial-Analysis-of-the-Israeli-militarys-conduct-in-Gaza-since-October-2023.pdf, pp. 49 and 50.

Israeli military stated that it had targeted Hamas “terrorists” and weapons storage and development facilities inside the school.¹⁹ However, the large number of civilians expected to be present in a school used as shelter raises serious doubts as to whether the expected casualties of such a strike were proportionate to the anticipated military advantage gained from the objective stated by the Israeli military.

16. An Israeli air strike on 10 September 2024 in Al Mawasi, Khan Younis, which Israel had unilaterally designated as a humanitarian zone, killed nine people, many of them sleeping in tents, including two women and five children. Israel subsequently stated that the attack had targeted “senior Hamas members”. One young girl was decapitated by the force of the strike, which, analysis indicates, may have included at least one Mark 84 bomb, an air-dropped munition designed to penetrate through several floors of concrete. The use of such heavy weapons in a tent encampment appears to be a breach of the obligation of Israel to take all feasible precautions in attack and raises serious concerns about compliance with the principle of proportionality.²⁰

17. Israel maintained a pattern of strikes on areas potentially containing military targets that destroyed or severely damaged wide swaths of surrounding urban terrain, raising concerns about indiscriminate attacks, including area bombardment, with the result and possible intention of rendering areas uninhabitable.²¹ The Israel Defense Forces conducted a major operation in Al Shifa medical complex in Gaza City between 18 March and 1 April 2024, including air strikes and shelling, completely destroying the hospital facilities and severely damaging the surrounding residential area. At least 175 buildings were destroyed and another 52 severely damaged within a 1-km radius of the medical complex between 1 and 31 March 2024, according to analysis by the United Nations Satellite Centre. According to additional analysis, another Israeli operation in Jabalya camp in North Gaza, a densely populated area of 1.4 km², between 11 and 31 May 2024, largely levelled parts of the camp and likely destroyed or damaged 460 buildings.

18. Israel has issued repeated displacement orders, which, in combination with its ongoing military operations, have displaced most of the population of Gaza, with many having been displaced on multiple occasions. By 31 October 2024, an estimated 1.9 million people – approximately 90 per cent of the population – had been displaced, most to the severely overcrowded Al Mawasi “humanitarian zone”.²² The forcible transfer of civilians is prohibited under international humanitarian law, except where the displacement amounts to an evacuation absolutely required for the security of civilians or for imperative military reasons.²³ Any evacuation on these limited grounds must be strictly temporary, and the evacuating Power must ensure accommodation, satisfactory living conditions and safety for internally displaced persons until they can return to their homes.²⁴ Displacement that does not fall within this limited exception amounts to forcible transfer, which is a war crime and, under certain circumstances, may amount to a crime against humanity.²⁵

19. The risk of forcible transfer was particularly acute in northern Gaza, which Israel has repeatedly ordered Palestinians to leave since 12 October 2023, while preventing the return of those displaced.²⁶ In October 2024, Israel issued five orders for the population of North Gaza and parts of Gaza City to relocate southward, while besieging parts of these areas and preventing people from fleeing. The wide-ranging, frequently non-specific nature of Israeli

¹⁹ See <https://t.me/idfofficial/9195>.

²⁰ OHCHR, “Indiscriminate and disproportionate attacks”, pp. 12–15.

²¹ Ibid., p. 12; OHCHR, “Six-month update report”, para. 63; and <https://reliefweb.int/report/occupied-palestinian-territory/un-human-rights-office-opt-grave-human-rights-and-humanitarian-situation-north-gaza-amidst-israeli-military-strikes>.

²² See <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-29-october-2024>.

²³ ICRC, Customary International Humanitarian Law Database, rule 129; and Fourth Geneva Convention, art. 49.

²⁴ Fourth Geneva Convention, art. 49.

²⁵ Ibid., arts. 49 and 147; and Rome Statute of the International Criminal Court, arts. 7 (1) (d) and 8 (2) (b) (viii).

²⁶ OHCHR, “Six-month update report”, paras. 49 and 50; and <https://www.aljazeera.com/news/2023/11/24/displaced-people-attempt-to-return-home-across-gaza-as-truce-sets-in>.

displacement orders, alongside the lack of reported Palestinian armed group activity in some areas under displacement orders, indicate a likely absence of imperative military reasons for such displacement. Moreover, attacks by Israel on those trying to comply with these orders and continued attacks on the crowded “humanitarian zone” indicate that displacements have not been driven by concerns for their safety. Israel has also failed for over a year to provide those displaced with accommodation or to ensure their access to the necessities of life. The protracted nature of the displacement, the continued obstacles to returning home and the wide-scale destruction of housing, particularly in the north, call into question the temporariness of the displacement. Taken together, these elements appear to indicate that the Israeli military is conducting mass forcible transfer with the possible goal of permanently displacing Palestinians from, at least, northern Gaza.

20. The Israel Defense Forces have targeted civilian officials and public buildings, dismantling governance, administrative and law enforcement structures in Gaza with devastating consequences for the population.²⁷ Members of the Government of Israel have consistently stated their objective of destroying the governing capacity of Hamas.²⁸

21. According to the government media office in Gaza, over 800 police officers have been killed since 7 October 2023. Over 85 civil defence personnel, numerous municipality workers and at least nine judges have reportedly been killed. Israel has destroyed at least 26 police stations partially or fully,²⁹ the Palestinian Legislative Council building in Gaza and at least 10 civil defence stations. Numerous judicial facilities have been destroyed, including the main courts compound, civil and sharia courts, public prosecution offices and the Palestinian Bar Association headquarters in Gaza. OHCHR documented the destruction of municipal buildings, facilities or equipment on 13 occasions.

22. The destruction of formal law enforcement and judicial structures has led to rising insecurity; incidents of the looting of aid and commercial trucks, with an impact on Palestinians’ access to humanitarian assistance; the loss of thousands of registries and legal records, potentially planting the seeds for future disputes; and the undermining of formal dispute settlement mechanisms and the rights to litigation and remedies.

23. As the occupying Power, Israel has specific obligations to protect civilians against all acts of violence³⁰ and to restore and maintain public order and civil life in the occupied territory.³¹ The systematic killing of officials and destruction of public buildings in Gaza undermines the fulfilment by Israel of these obligations. Strikes deliberately targeting civilian officials and civilian buildings not constituting military objectives are serious violations of the prohibition on attacking civilians and civilian objects and constitute war crimes.

24. The breakdown of public order and safety compounded a humanitarian situation deteriorating due to the severe hampering by Israel, through the imposition of restrictions, of the entry and distribution of aid.³² On 26 January 2024, in the light of a “catastrophic humanitarian situation ... at serious risk of deteriorating further”, the International Court of Justice issued a binding provisional order according to which Israel must enable the provision of urgently needed basic services and humanitarian assistance in Gaza.³³

²⁷ Israel has asserted that all members of Hamas, including members of its civilian wing, are legitimate military targets. Under international humanitarian law, civilians are protected against attack, unless and for such time as they take a direct part in hostilities (ICRC, Customary International Humanitarian Law Database, rule 6).

²⁸ See https://www.timesofisrael.com/liveblog_entry/netanyahu-goal-of-war-is-to-defeat-the-murderous-enemy-ensure-our-existence-in-our-land/.

²⁹ See also https://www.ichr.ps/en/reports/10943.html?fbclid=IwZXh0bgNhZW0CMTEAAAR2EWwkLfbXOzm8tFJ0f53YhH_E2BFAX005eD8d8mVihcSZ0b2IvE7rZlG8_aem_UpbjfkEuyKHonD4dNTFyA.

³⁰ Fourth Geneva Convention, art. 27.

³¹ Regulations respecting the Laws and Customs of War on Land (Hague Regulations), art. 43.

³² OHCHR, “Six-month update report”, para. 34.

³³ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip* (South Africa v. Israel), Order, 26 January 2024, I.C.J. Reports 2024, paras. 72 and 86 (4).

25. Despite this order, Israeli restrictions on aid and imports,³⁴ the damaging or destruction of a reported 68 per cent of cropland in Gaza,³⁵ and the destruction of commercial infrastructure and the fishing industry have generated unprecedented levels of food insecurity. Multiple humanitarian actors have accused Israel of “systematic aid obstruction”,³⁶ and serious concerns persist that Israel has deliberately inflicted starvation on the population of Gaza.³⁷ Since 7 October 2023, at least 337 humanitarian workers have been killed, as have members of community and tribal groups guarding and distributing aid in parts of Gaza, leading some to suspend activities.³⁸ The intentional targeting of humanitarian workers and other civilians facilitating the delivery of humanitarian assistance constitutes a war crime.³⁹

26. As the occupying Power in Gaza, Israel is obliged to ensure the provision of food, medical supplies and other essential items for the population.⁴⁰ It may not attack or destroy objects indispensable to the survival of the civilian population⁴¹ and must allow and facilitate the rapid and unimpeded passage of humanitarian relief for civilians.⁴² Starvation as a method of warfare is prohibited by international law⁴³ and constitutes a war crime.⁴⁴ It may also constitute one of several crimes against humanity where part of a widespread or systematic attack knowingly directed against civilians.⁴⁵ The fulfilment by Israel of its legal obligations is likely to be further undermined by the Knesset’s passage, on 28 October 2024, of legislation severely curtailing the ability of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the largest humanitarian organization operating in Gaza, to continue operating in the Occupied Palestinian Territory.⁴⁶

27. Palestinian armed groups have continued to fire indiscriminate projectiles into Israel from Gaza, causing harm to civilians and civilian infrastructure. The Israeli military reported that, between 7 October 2023 and 7 October 2024, Palestinian groups in Gaza had fired over 13,200 projectiles at Israel,⁴⁷ many of which were unguided or equipped with rudimentary guidance systems.⁴⁸ Using such projectiles violates the prohibition under international humanitarian law of indiscriminate attacks and the use of weapons that are by nature indiscriminate. Indiscriminate attacks are prohibited by international humanitarian law and, as serious violations thereof, constitute war crimes.⁴⁹

28. Hamas and other Palestinian armed groups continued to hold hostage Israeli and foreign civilians and military personnel taken from Israel on 7 and 8 October 2023. Of the

³⁴ See <https://www.unicef.org/stories/3-major-obstacles-delivering-aid-gaza>.

³⁵ See <https://unosat.org/products/3985>. See also TD/B/71/3, para. 6.

³⁶ See <https://www.nrc.no/news/2024/september/israels-siege-now-blocks-83-of-food-aid-reaching-gaza-new-data-reveals/>.

³⁷ OHCHR, “Six-month update report”, para. 36.

³⁸ See <https://t.me/SamaNewsAgency/271687> (in Arabic).

³⁹ ICRC, Customary International Humanitarian Law Database, rules 31 and 32; and Rome Statute, arts. 8 (2) (b) (i) and (ii) and (e) (i) and (iii).

⁴⁰ Fourth Geneva Convention, art. 55.

⁴¹ ICRC, Customary International Humanitarian Law Database, rule 54.

⁴² Ibid., rule 55.

⁴³ Ibid., rules 53 and 156; and Fourth Geneva Convention, art. 147.

⁴⁴ Rome Statute, art. 8 (2) (b) (xxv); and ICRC, Customary International Humanitarian Law Database, rule 156.

⁴⁵ Rome Statute, art. 7 (1) (a), (b), (h) and (k).

⁴⁶ The General Assembly affirmed its full support for the continuation of the work of UNRWA and called upon Israel to abide by its international obligations (resolution ES-10/25), and requested an urgent International Court of Justice advisory opinion on the obligations of Israel regarding the presence and activities of the United Nations in the Occupied Palestinian Territory (resolution 79/232).

⁴⁷ See <https://www.timesofisrael.com/a-year-of-war-idf-data-shows-726-troops-killed-over-26000-rockets-fired-at-israel/>.

⁴⁸ See also the conference room paper containing the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1, para. 97, available at <https://documents.un.org/doc/undoc/gen/g15/132/95/pdf/g1513295.pdf>.

⁴⁹ ICRC, Customary International Humanitarian Law Database, rules 11, 12, 71 and 156; and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), art. 85 (3) (b).

251 persons reportedly taken,⁵⁰ 101 were estimated to remain in Gaza as of 31 October 2024,⁵¹ although at least 35 were presumed dead. Israeli forces recovered the corpses of multiple Israeli hostages killed either on 7 October 2023 or while in captivity, including six who appeared to have been shot shortly before Israeli forces had reached them, raising concerns of wilful killing, a war crime. Released Israeli hostages have reported ill-treatment, including prolonged psychological and physical abuse, and deprivation of food, water and bathroom access.⁵² Others have reported experiencing, witnessing or fearing sexual assault by their captors.⁵³ The taking of hostages and their subjection to such conditions breach multiple provisions of international humanitarian law and amount to war crimes.⁵⁴

B. Unlawful killings and injuries in the context of law enforcement in the West Bank, including East Jerusalem

29. The killing of Palestinians by Israeli security forces in the West Bank, including East Jerusalem, spiked in October 2023 and continued at an unprecedented rate, with 601 Palestinians, including 124 children, 11 women and 3 persons with disabilities, killed during the reporting period. Most fatalities came during Israeli operations, including militarized raids in Palestinian cities and refugee camps. Fewer than one third were killed in the context of attacks and alleged attacks against Israelis (62) or exchanges of fire (137), with the majority allegedly killed while throwing stones or Molotov cocktails (98) or posing no threat whatsoever (288).

30. Israeli security forces resorted extensively to the use of lethal force that was unlawful because it was unnecessary or disproportionate.⁵⁵ Many killings likely amounted to wilful killing, a war crime in the context of occupation.⁵⁶ Israeli security forces frequently denied or delayed medical assistance for those shot. On 29 December 2023, a 15-year-old Palestinian boy who was throwing stones at soldiers inside a military watchtower in Al ‘Eizariya, east of Jerusalem, was shot twice from inside the watchtower by a soldier who, when the boy shouted for help, shot him twice more. The boy died shortly afterwards. The use of force in these circumstances appears unnecessary and, even if force were necessary, lethal force was disproportionate, rendering the killing unlawful. The shots fired at the boy after his initial injury raise serious concerns of extrajudicial execution.

31. Israeli security forces intensified the use of air strikes, shoulder-fired missiles and shelling during a rising number of operations.⁵⁷ OHCHR verified the killing of 172 Palestinians, including 27 children and 4 women, in 59 air strikes and of 25 others by shelling, with serious concerns of unlawful killings, including targeted killings and extrajudicial executions, alongside wanton destruction of Palestinian homes and infrastructure and resulting forcible transfer. Six Israeli forces personnel were killed during these operations.

32. Israeli security forces’ use of heavy weapons in densely populated areas routinely exposed residents to death, injury and psychological trauma. In one example, on 1 July 2024, an Israeli air strike struck an apartment in Tulkarm refugee camp, hitting and fatally wounding a 47-year-old woman and injuring a 68-year-old woman. Israeli security forces

⁵⁰ See <https://www.idf.il/en/mini-sites/idf-press-releases-israel-at-war/august-24-pr/announcement-of-the-elimination-of-mohammed-deif/>.

⁵¹ See <https://www.idf.il/en/mini-sites/israel-at-war/briefings-by-idf-spokesperson-rear-admiral-daniel-hagari/october-24-press-briefings/press-briefing-by-idf-spokesperson-radm-daniel-hagari-october-24-2024>.

⁵² See <https://edition.cnn.com/2024/07/11/middleeast/israel-hostage-andrey-kozlov-gaza-amas-intl/index.html>, <https://www.jpost.com/israel-amas-war/article-820032> and <https://www.youtube.com/watch?v=op3t2QBD88c>.

⁵³ OHCHR, “Detention in the context of the escalation of hostilities in Gaza (October 2023–June 2024)”, 31 July 2024, para. 51.

⁵⁴ OHCHR, “Six-month update report”, para. 44.

⁵⁵ A/HRC/55/28, paras. 62–66.

⁵⁶ Ibid., para. 66.

⁵⁷ Ibid., paras. 58–61.

later stated that they had targeted armed “terrorists” who had fired at them but that the munition had malfunctioned and hit a residential building.⁵⁸

33. On 27 August 2024, Israel launched simultaneous operations in the Jenin, Tulkarm and Tubas governorates, the largest in decades, with the stated intention of thwarting “terrorism”.⁵⁹ Over 10 days, Israeli security forces killed 37 Palestinians, 8 of them children, in raids involving air strikes, ground-to-ground missiles and live ammunition. In Jenin camp and the city of Jenin alone, Israel damaged at least 1,900 housing units and bulldozed approximately 70 per cent of roads, as well as water and sewerage infrastructure.⁶⁰ One Israeli soldier was killed by an improvised explosive device. The high Palestinian death toll and extensive material destruction appear incompatible with the human rights standards applicable to such operations.

34. On the evening of 3 October 2024, in the absence of clashes or confrontations and without warning, an air strike penetrated a three-storey residential building in a densely populated neighbourhood in Tulkarm refugee camp, probably using at least one GBU-39 bomb, according to OHCHR analysis. The strike killed 18 Palestinians, including three children and one woman. At least 12 of those killed were unarmed. Israel stated that it had killed a “ Hamas leader” and other key “terrorists” planning imminent attacks against Israel, gathered in a cafe on the building’s ground floor. The use of heavy explosives in an air strike in such a context indicates the disregard of Israel for its obligations under international human rights law and the likely commission of unlawful killings.⁶¹

35. Between 7 October 2023 and 31 October 2024, 2,924 Palestinian refugees were displaced from refugee camps in the West Bank due to Israeli operations,⁶² underlining the risk that the intensifying coercive environment may lead to the uprooting of entire Palestinian communities.⁶³

36. Conduct by Palestinian security forces in the West Bank also raised concerns about unnecessary and disproportionate use of force, with an increase in killings, including of Palestinians reportedly wanted by Israel. In the reporting period, Palestinian security forces killed four Palestinians (three men and one boy): two allegedly for not responding to orders to stop their vehicles and two reportedly during arrest operations. In addition, three Palestinians (one man and two boys) were killed by either Palestinian security forces or armed Palestinians exchanging fire with Palestinian security forces during arrest operations or demonstrations. Two were reportedly bystanders. Palestinian authorities stated that an investigation had been opened into only one of these killings.

C. Collective punishment in the West Bank, including East Jerusalem

37. Israel has deepened collective movement restrictions on Palestinians, including by closing or shortening working hours at most checkpoints, installing village entrance barriers and establishing more flying checkpoints. Combined with incidents of abuse and violence by Israeli security forces at checkpoints, heightened restrictions have curtailed Palestinians’ movements, with an impact on access to services and undermining the Palestinian economy. Israeli settlers’ movements have not been similarly restricted. The International Court of Justice has concluded that movement restrictions targeting Palestinians amount to prohibited

⁵⁸ See <https://www.haaretz.com/israel-news/twilight-zone/2024-07-13/ty-article-magazine/.highlight/a-palestinian-mother-was-having-coffee-at-home-when-she-was-killed-by-an-israeli-missile/00000190-a8f2-d9f4-afd5-eaff91df0000>.

⁵⁹ See <https://www.idf.il/226500> (in Hebrew).

⁶⁰ See <https://www.unocha.org/publications/report/occupied-palestinian-territory/humanitarian-situation-update-216-west-bank-enar> and <https://www.un.org/unispal/document/ohchr-press-release-west-bank-attacks-06sep24/>.

⁶¹ See, e.g., Rome Statute, art. 8 (2) (a) (i).

⁶² See <https://www.ochaopt.org/content/west-bank-casualties-property-damage-and-displacement-october-2024>.

⁶³ See <https://www.haaretz.com/israel-news/2024-09-08/ty-article-magazine/.premium/the-destroyed-streets-in-tul-karm-leave-no-room-for-doubt-the-west-bank-is-a-war-zone/00000191-cd0e-df60-a79b-cd7fe8730000>.

discrimination and form part of a suite of discriminatory Israeli measures breaching article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination.⁶⁴

38. Israel expanded the practice of punitively demolishing the family homes of Palestinians accused of carrying out attacks against Israelis, often pending criminal proceedings.⁶⁵ During the reporting period, the Israeli authorities punitively demolished 36 structures, forcibly displacing 158 Palestinians, including 55 children and 55 women.⁶⁶ Such demolitions violate international law,⁶⁷ including the prohibition of discrimination, as they are not implemented against non-Palestinians accused of similar crimes.⁶⁸

39. Israeli authorities continued to undertake other practices potentially constituting collective punishment, including arbitrary mass detention of Palestinians, among them family members of “wanted” Palestinians;⁶⁹ applying administrative measures to family members of alleged attackers;⁷⁰ and withholding the bodies of 173 Palestinians.⁷¹

D. Gender-related violations

40. Israeli security forces’ interactions with Palestinians continued to generate credible reports of gender-based violence, including sexual violence, in the context of detention.⁷² Serious concerns remain about reported sexual violence against hostages held by Hamas and other Palestinian armed groups, in addition to serious accounts of gender-based violence by these groups on or shortly after 7 October 2023.⁷³ On 29 July 2024, Israeli authorities reportedly arrested at least nine Israeli reservists accused of sexually abusing and torturing a Palestinian man detained at Sde Teiman military camp in Israel,⁷⁴ as allegedly shown in a leaked video published by Israeli media.⁷⁵ A doctor who visited the detainee publicly confirmed injuries compatible with the accusations.⁷⁶ No further information on the outcome of the investigation was available at the time of writing. OHCHR also documented cases of sexual and other gender-based violence by Israeli security forces against Palestinian men, women and girls at checkpoints and during operations in refugee camps.

41. The deepening humanitarian crisis in Gaza, repeated mass displacements and the erosion of social protection systems have exposed Palestinians, particularly women and girls, to greater risk of gender-based violence, including sexual violence.⁷⁷ Local and international organizations’ capacity to provide support services for victims and victims’ capacity to access services have declined substantially.⁷⁸ In parallel, the destruction by Israel of administrative

⁶⁴ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 19 July 2024, I.C.J. Reports 2024, paras. 205 and 229.

⁶⁵ A/HRC/55/28, para. 54.

⁶⁶ See <https://www.ochaopt.org/data/demolition>.

⁶⁷ International Covenant on Civil and Political Rights, art. 17 (1); International Covenant on Economic, Social and Cultural Rights, art. 11; and Fourth Geneva Convention, art. 53.

⁶⁸ A/78/502, para. 27.

⁶⁹ Ibid., paras. 30 and 31; and OHCHR, “Detention”, paras. 23 and 65.

⁷⁰ A/78/502, para. 30.

⁷¹ Information provided by the Jerusalem Legal Aid and Human Rights Center. See also A/78/502, paras. 29 and 35; and OHCHR, “Detention”, para. 47.

⁷² OHCHR, “Detention”, paras. 41–44.

⁷³ OHCHR, “Six-month update report”, para. 3.

⁷⁴ See <https://www.timesofisrael.com/ahead-of-indictments-suspects-in-sde-teiman-abuse-case-to-be-sent-to-house-arrest/>.

⁷⁵ See <https://www.jpost.com/israel-news/article-813732>.

⁷⁶ See <https://www.timesofisrael.com/doctor-who-reported-abuse-of-palestinian-detainee-i-blamed-fellow-prisoners/>.

⁷⁷ See <https://arabstates.unfpa.org/sites/default/files/pub-pdf/2024-09/45919f61-0398-4a5e-8c2b-e3c4e2f19d9b.pdf>, <https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA-Situation-Report-9.pdf> and https://www.care.org/wp-content/uploads/2024/05/Rafah-RGA_Final_May2024.pdf.

⁷⁸ See <https://palestine.unfpa.org/sites/default/files/pub-pdf/gbv-response-update-march24.pdf> and https://www.care.org/wp-content/uploads/2024/05/Rafah-RGA_Final_May2024.pdf.

and law enforcement apparatuses in Gaza has limited safe reporting avenues and access to justice for survivors.⁷⁹

42. The destruction of the health system in Gaza and the blockade imposed by Israel have had a significant impact on the access of Palestinian women and girls to healthcare.⁸⁰ The impacts on pregnant and breastfeeding women have been particularly severe, with an estimated 155,000 women facing critical challenges in accessing antenatal and postnatal care and reports of increasing numbers of pre-term and low-birth weight babies.⁸¹

E. Arbitrary detention, torture and ill-treatment

43. Israel has carried out the mass detention of thousands of Palestinians in Gaza since November 2023. Men, women and children have been detained for screening and intelligence-gathering purposes, often on unclear legal bases, raising concerns of arbitrary detention and in some cases enforced disappearance.⁸² In parallel, Israeli security forces have carried out mass arrests in the West Bank, including East Jerusalem, the majority of which appeared arbitrary due to a lack of legal grounds, violation of due process guarantees or the circumscription of the exercise of protected freedoms.⁸³ Israel also escalated the use of administrative detention. As of the end of October 2024, the Israeli Prison Service held 10,091 “security detainees”, nearly twice as many as in September 2023.⁸⁴ These included thousands from Gaza detained at Israeli military bases under the Incarceration of Unlawful Combatants Law, which allows for lengthy administrative detention.⁸⁵ The total number of detainees is likely higher. Arrests and detentions appear to have targeted former prisoners, political figures, journalists and human rights defenders,⁸⁶ as well as humanitarian and medical personnel in Gaza.

44. Conditions for Palestinians in Israeli detention facilities and prisons in Israel and the West Bank, already concerning prior to the escalation, deteriorated dramatically. State-of-emergency measures implemented in Israeli prisons allowed for “security” detainees to be kept in overcrowded conditions, with severely restricted access to basic necessities. Detainees who have been released have recounted being routinely subjected to torture or ill-treatment, including acts of sexual and gender-based violence. Conditions were particularly dire in military-run detention facilities.⁸⁷

45. OHCHR documented a pattern of arbitrary detention and torture and ill-treatment of detainees, including perceived opponents in the West Bank, by the Palestinian Authority. Detention facilities were overcrowded and poorly ventilated, with detainees experiencing limited access to legal counsel and children being detained alongside adults. Men and boys reported severe beatings and being subjected to prolonged placement in stress positions, threats and solitary confinement. OHCHR gathered information on several male prisoners, including children, detained by Palestinian security forces, despite courts having ordered their release, allegedly for their “protection” from Israeli authorities – a measure that they did not request and denounced as unnecessary, raising concerns of arbitrary detention.

⁷⁹ See https://www.care.org/wp-content/uploads/2024/05/Rafah-RGA_Final_May2024.pdf.

⁸⁰ See <https://arabstates.unfpa.org/sites/default/files/pub-pdf/2024-09/45919f61-0398-4a5e-8c2b-e3c4e2f19d9b.pdf>.

⁸¹ See <https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA-Situation-Report-9.pdf>; https://www.care.org/wp-content/uploads/2024/05/Rafah-RGA_Final_May2024.pdf; and S/2024/671, para. 41.

⁸² OHCHR, “Detention”, paras. 12–19, 56 and 57.

⁸³ Ibid., para. 24.

⁸⁴ See <https://hamoked.org/prisoners-charts.php> (viewed in November 2024).

⁸⁵ OHCHR, “Detention”, paras. 58 and 59.

⁸⁶ Ibid., para. 26.

⁸⁷ Ibid., paras. 33–45.

F. Undue restrictions on freedoms of expression and association

46. Palestinian journalists in Gaza continued to be killed in record numbers, with 174 journalists and media workers, including 17 women, killed in Israeli strikes since 7 October 2023, according to the Palestinian Journalists Syndicate.⁸⁸ Several killings raised serious concerns that Palestinian journalists had deliberately been targeted.⁸⁹ Concerns persist that the killing of journalists could prevent monitoring and reporting of serious international law violations and contribute to ongoing impunity for perpetrators.⁹⁰ No foreign journalists have been allowed into Gaza apart from those whose entry was facilitated by the Israel Defense Forces.

47. Moreover, Palestinian journalists continued to be arrested in the course of their work, often on accusations or broadly defined charges of “incitement” to violence or terrorism.⁹¹ Israel reportedly detained 125 Palestinian journalists in the West Bank and Gaza between 7 October 2023 and 8 October 2024.⁹² The Government approved the closure of the operations of Al-Jazeera in Israel on 5 May 2024,⁹³ and security forces raided and closed the network’s Ramallah office for 45 days on 22 September 2024.

48. Israel has continued to target human rights defenders, including women’s rights defenders and civil society groups and individuals advocating for Palestinians’ rights. Palestinians were arrested for social media content related to 7 October 2023 and hostilities in Gaza or perceived activism, with Israel routinely characterizing these activities as incitement of or support for terrorism.⁹⁴ The work of foreign activists was increasingly obstructed, including through arbitrary measures resulting in their detention and deportation, and use of unlawful force against them.

49. The impact of Israeli measures was exacerbated by the routine intimidation, detention and ill-treatment by the Palestinian Authority of journalists, human rights defenders and other individuals deemed to be critical of its rule. This included the interrogation and arrest of individuals posting on social media or engaged in peaceful demonstrations.

50. While Palestinians have been subjected to unprecedented numbers of arrests on incitement grounds, Israel has largely failed to punish the surge in dangerous and dehumanizing rhetoric by persons of authority in Israel, potentially amounting to incitement to human rights violations and even atrocity crimes.⁹⁵ Israeli ministers issued public statements advocating cutting humanitarian aid and starving the population of Gaza and raising the possibility of an Israeli nuclear attack on Gaza.⁹⁶ None of the ministers was removed from post or seriously censured.⁹⁷ In August 2024, the State Prosecutor of Israel recommended to the Attorney General that criminal investigations should not be opened

⁸⁸ According to the United Nations Educational, Scientific and Cultural Organization, at least 39 journalists were killed in Gaza while on duty between October 2023 and 16 October 2024.

⁸⁹ OHCHR, “Six-month update report”, para. 48.

⁹⁰ Ibid.

⁹¹ A/HRC/55/28, para. 68.

⁹² See <https://pjs.ps/en/page-3208.html>.

⁹³ See <https://www.gov.il/he/pages/spoke-aj050524> (in Hebrew).

⁹⁴ OHCHR, “Detention”, paras. 27–30.

⁹⁵ International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order, 26 January 2024, I.C.J. Reports 2024, paras. 51–54.

⁹⁶ See <https://www.timesofisrael.com/ben-gvir-says-netanyahu-making-a-serious-mistake-with-hostage-deal-surrender/>, <https://www.timesofisrael.com/smotrich-it-may-be-justified-to-starve-2-million-gazans-but-world-wont-let-us/> and <https://www.timesofisrael.com/far-right-minister-says-nuking-gaza-an-option-pm-suspends-him-from-cabinet-meetings/>.

⁹⁷ The Government of Israel announced the temporary suspension of the Heritage Minister over his remark about a nuclear attack, although he reportedly participated in ministerial phone voting despite his suspension. See <https://www.timesofisrael.com/far-right-minister-says-nuking-gaza-an-option-pm-suspends-him-from-cabinet-meetings/>.

against public figures, including government ministers, for possible incitement.⁹⁸ There is no evidence of steps taken by Palestinian authorities to hold accountable persons engaged in speech prohibited under international human rights law, including dangerous and dehumanizing speech amounting to incitement against Israelis and/or Jews.

III. Accountability

51. Serious concerns persist about the capacity of and willingness in the Israeli justice system to ensure accountability and its compliance with international standards of impartiality, independence, promptness and effectiveness.⁹⁹ The Military Advocate General and the Attorney General have consistently failed to open investigations in cases where there is prima facie evidence of unlawful conduct by Israeli security forces. The military justice system focuses on potential breaches by low-ranking personnel of orders and standard operating procedures at the expense of considering the legality under international law of military policy and practice or scrutinizing the connected responsibility of government leaders and military commanders.¹⁰⁰ Moreover, the Military Advocate General's dual role as legal adviser to military authorities and supervisor of disciplinary and criminal investigations "compromises the independence and impartiality of the investigative system".¹⁰¹

52. Civilian oversight of the Military Advocate General is in practice limited. The Attorney General consistently declines to initiate investigations into the military and civilian leadership's actions or decision-making at the policy level.¹⁰² Judicial intervention is rare, with the courts seldom overturning the Military Advocate General's decisions.¹⁰³

53. In most cases in the context of hostilities, prior to the Military Advocate General's decision to proceed with a criminal investigation, cases are referred to another internal military entity, the General Staff Mechanism for Fact-Finding Assessments, for a factual assessment.¹⁰⁴ Concerns have repeatedly been raised about the Mechanism's independence, impartiality, promptness and effectiveness.¹⁰⁵

54. In the context of Gaza, between October 2023 and 3 August 2024, according to the Military Advocate General, 74 criminal investigations were launched¹⁰⁶ and over 1,000 incidents referred to the General Staff Mechanism for Fact-Finding Assessments.¹⁰⁷ However, the Israel Defense Forces announced the issuance of only one indictment during the reporting period, for several offences of abusing detainees.¹⁰⁸ OHCHR was not aware of any criminal investigations into the potential international humanitarian law violations

⁹⁸ See <https://www.haaretz.com/israel-news/2024-08-19/ty-article/.premium/state-prosecutor-advises-against-probing-israeli-ministers-mks-who-called-to-harm-gazans/00000191-6c00-d1ee-afb5-6e39b4a30000>.

⁹⁹ A/75/336, para. 9; A/73/420, paras. 57-63; A/HRC/52/75, para. 51; A/HRC/12/48, paras. 1825 and 1832; A/78/198, para. 52; and A/HRC/35/19, para. 18.

¹⁰⁰ A/HRC/43/21, para. 25; A/73/420, para. 58; and A/HRC/15/50, para. 64.

¹⁰¹ A/HRC/35/19, para. 18. See also A/71/364, para. 40.

¹⁰² Conference room paper containing the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1, para. 641.

¹⁰³ Ibid., para. 623.

¹⁰⁴ See <https://www.idf.il/en/mini-sites/military-advocate-general-s-corps/addressing-alleged-misconduct-in-the-context-of-the-war-in-gaza/>.

¹⁰⁵ A/HRC/40/43, paras. 11 and 12; A/HRC/43/21, para. 24; and A/HRC/49/25, para. 14.

¹⁰⁶ See <https://www.idf.il/en/mini-sites/military-advocate-general-s-corps/addressing-alleged-misconduct-in-the-context-of-the-war-in-gaza/>.

¹⁰⁷ See <https://www.idf.il/en/mini-sites/military-advocate-general-s-corps/addressing-alleged-misconduct-in-the-context-of-the-war-in-gaza/>.

¹⁰⁸ See <https://www.idf.il/en/mini-sites/idf-press-releases-israel-at-war/july-24-pr/military-prosecutor-files-indictment-regarding-detainees/>. On 27 November 2024, Haaretz reported that 15 indictments had been filed against soldiers during the escalation of hostilities in Gaza, although the dates of incidents and issue of indictments were not published. Most of these indictments concern theft and arms trading, and none relate to incidents that caused the death of Palestinians, including detainees. See <https://www.haaretz.com/israel-news/2024-11-25/ty-article/.premium/15-indictments-filed-against-soldiers-in-gaza-war-none-for-security-detainees-deaths/00000193-603e-d199-af9b-76fe7d1d0000>.

outlined in an earlier OHCHR report that, according to Israel, had been referred to the Mechanism before examination by the Military Advocate General.¹⁰⁹ Nor is OHCHR aware of any steps by Israel to open investigations into reports of mass graves discovered at hospitals in Gaza, in which some of the bodies of Palestinians were found with their hands tied and stripped of their clothes, despite a call by members of the Security Council for investigations.¹¹⁰ OHCHR is not aware of any steps taken during the reporting period to ensure accountability for international humanitarian law violations, including alleged war crimes, perpetrated during previous rounds of hostilities in Gaza.¹¹¹

55. Impunity remained pervasive for incidents of unlawful use of force by Israeli security forces outside the context of hostilities. Between 1 January 2017 and 31 October 2024, 1,266 Palestinians were killed by Israeli security forces in law enforcement operations in the West Bank, including East Jerusalem. As far as OHCHR is aware, only 121 of these deaths have been or are under criminal investigation, and at least 33 investigations were closed without further action, with indictments issued in only 5 cases, 3 of which led to convictions. OHCHR is unaware of any indictments related to killings during the reporting period. Contributing to this lack of accountability is the investigation policy of the Israel Defense Forces applicable in the West Bank since 2011, which requires no investigation into operations that result in the death of a person when the incident involves “actual combat”, a broad category that in practice conflates separate rules governing the use of force in law enforcement and in the conduct of armed hostilities.¹¹² The use of force by Israeli security forces in the West Bank is governed by international human rights law, which requires that all deaths be investigated.¹¹³

56. Concerns persist about the lack of effective investigation of allegations of the torture or ill-treatment of Palestinians, including sexual violence, in Israeli detention facilities.¹¹⁴ Despite hundreds of testimonies, only a few investigations have occurred.

57. The ongoing lack of accountability measures for serious allegations of international law violations resulting from these structural obstacles has raised serious doubts about Israeli authorities’ willingness and ability to conduct genuine investigations, as required by international law.

58. While certain complaint channels exist for Palestinians living under the effective control of the Palestinian Authority, there is rarely any accountability for violations by Palestinian security forces. Throughout the reporting period, no progress was made in the trial regarding the alleged killing of activist and critic of the Palestinian Authority Nizar Banat by Palestinian security forces.

59. During the reporting period, international courts provided forums for the pursuit of accountability. On 20 May 2024, the Prosecutor of the International Criminal Court (ICC) filed applications with the Court’s Pre-Trial Chamber I for arrest warrants for five Israeli and Palestinian leaders for war crimes and crimes against humanity in Gaza.¹¹⁵

60. The International Court of Justice issued orders and opinions on States’ responsibilities to hold accountable perpetrators of alleged violations of international law, protect victims and act in accordance with their obligations under international law. On 26 January 2024, the Court ruled that there was a real and imminent risk that irreparable prejudice would be caused to rights found by the Court to be plausible, namely, the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts under the Convention on the Prevention and Punishment of the Crime of Genocide, before it

¹⁰⁹ OHCHR, “Indiscriminate and disproportionate attacks”, p. 15.

¹¹⁰ See <https://press.un.org/en/2024/sc15692.doc.htm>.

¹¹¹ A/HRC/52/75, para. 50.

¹¹² Ibid., paras. 55 and 56.

¹¹³ Human Rights Committee, general comment No. 36 (2018), paras. 13 and 27.

¹¹⁴ A/HRC/52/75, paras. 64 and 65.

¹¹⁵ See <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>, <https://www.gov.il/en/pages/israel-submits-official-challenge-to-icc-jurisdiction-20-sep-2024> and <https://www.icc-cpi.int/court-record/icc-01/18-171-anx>. ICC confirmed warrants of arrest for Benjamin Netanyahu, Yoav Gallant and Mohammed Diab Ibrahim Al-Masri on 21 November 2024.

gave its final decision.¹¹⁶ As a result, the Court ordered Israel, inter alia, to prevent the commission of all acts within the scope of article 2 of the Convention, in relation to Palestinians in Gaza, and to prevent and punish incitement to genocide.¹¹⁷ The Court reiterated the *erga omnes partes* nature of obligations under the Convention, including those to prevent, suppress and punish genocide.¹¹⁸ Separately, on 19 July 2024, the Court issued an advisory opinion concluding that the continued presence of Israel in the Occupied Palestinian Territory was unlawful and that States were under an obligation not to recognize as legal or to render aid or assistance in maintaining the situation created by such unlawful presence.¹¹⁹ The Court noted that that obligation extended to States' abstention from economic or trade dealings with Israel concerning the Occupied Palestinian Territory or parts thereof that might entrench its unlawful presence in the Occupied Palestinian Territory.¹²⁰

IV. Conclusions and recommendations

61. The situation in the Occupied Palestinian Territory has deteriorated alarmingly since 7 October 2023, with gross violations of rights and disregard for obligations under international law escalating to unprecedented levels. Hamas and other Palestinian armed groups in Gaza continued to hold hostages and to fire inherently indiscriminate projectiles towards Israel. The military operations of Israel in Gaza had killed 43,204 Palestinians and injured at least 101,641 more since 7 October 2023, according to the Ministry of Health of the State of Palestine, and exposed hundreds of thousands more to the risks associated with mass displacement and humanitarian catastrophe. In October 2024, the Israeli military subjected North Gaza to siege and bombardment, while demanding the evacuation of the entire population, raising concerns that its conduct in North Gaza was placing the Palestinian population of the northernmost governorate at risk, through death or displacement.¹²¹

62. Israeli forces and Hamas and other Palestinian armed groups have committed violations of international humanitarian law in Gaza, in many cases amounting to war crimes and other gross violations and abuses of international human rights law. If committed as part of a widespread or systematic attack directed against a civilian population, further to a State or organizational policy, such acts may constitute crimes against humanity. If committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such, they may also constitute genocide.

63. In the West Bank, including East Jerusalem, there was an intensification of Israeli measures against Palestinians, which, coupled with pervasive State support for or collaboration with settler violence,¹²² exacerbated the occupation's stifling impact on Palestinians' lives and livelihoods, while deepening the denial of their right to self-determination.

64. The frequency with which violations have gone unpunished has normalized duty bearers' egregious conduct. In Israel, the pervasive and long-standing lack of accountability and prevailing environment of impunity continued to enable international law violations, which escalated in the reporting period, with an unprecedented impact on the lives and rights of Palestinians. All duty bearers must act to ensure timely and effective investigations of alleged violations by credible, impartial

¹¹⁶ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order, 26 January 2024, I.C.J. Reports 2024, paras. 66 and 74.

¹¹⁷ Ibid., para. 86 (1) and (3); Order, 28 March 2024, I.C.J. Reports 2024, para. 51 (1); and Order, 24 May 2024, I.C.J. Reports 2024, para. 57 (1).

¹¹⁸ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order, 26 January 2024, I.C.J. Reports 2024, para. 33.

¹¹⁹ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion, 19 July 2024, I.C.J. Reports 2024, para. 285 (3) and (7).

¹²⁰ Ibid., para. 278.

¹²¹ See <https://www.un.org/unispal/document/ohchr-press-release-20oct24/>.

¹²² A/HRC/55/72, para. 16.

judicial bodies, and appropriate sanctions for all perpetrators, whether State or private actors.

65. The High Commissioner calls upon all parties to the conflict in Gaza to implement an immediate ceasefire and to ensure full respect for international law and accountability for violations and abuses.

66. The High Commissioner in particular calls upon Israel:

(a) To immediately and effectively ensure the unhindered provision of basic services and humanitarian assistance to the population of Gaza, including through the removal of all practical barriers;

(b) To immediately take steps to ensure full compliance with international humanitarian law in the conduct of hostilities, including in relation to the targeting of civilians, including journalists, medical workers, emergency responders, government workers and police officers, and the protection of civilian objects;

(c) To ensure that all Palestinians displaced from and within Gaza are allowed to return to their homes as rapidly as possible by creating safe conditions and providing adequate alternatives to those whose homes have been rendered uninhabitable, to ensure adequate standards of living, including the provision of adequate accommodation as long as people remain displaced, and to refrain from any further unlawful displacement of Palestinians;

(d) To ensure and maintain hospital and other medical services and public health in Gaza, in line with its obligations as an occupying Power, with special regard for the health requirements of women and girls, who have been disproportionately affected by the near-total destruction of the health system in Gaza;

(e) To urgently ensure compliance with and implement fully the provisional measures indicated by the International Court of Justice in its orders of 26 January, 28 March and 24 May 2024 relating to the contentious proceedings brought under the Genocide Convention;

(f) To ensure that the rules of engagement of its forces and their application in the West Bank, including East Jerusalem, are fully consistent with international human rights law, including by refraining from the use of tactics and weaponry developed for warfare;

(g) To immediately end administrative detention and other forms of detention that amount to arbitrary detention and ensure that all detainees are released unless promptly charged and fairly tried, applying non-discriminatory laws;

(h) To bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible and in a manner consistent with the advisory opinion of the International Court of Justice of 19 July 2024 and General Assembly resolution ES-10/24 of 18 September 2024.

67. The High Commissioner in particular calls upon Hamas and other Palestinian armed groups in Gaza:

(a) To immediately and unconditionally release all hostages and ensure their humane treatment, including freedom from any form of abuse;

(b) To cease firing indiscriminate projectiles, refrain from co-locating military objectives and civilians and civilian infrastructure, especially when the intent is to prevent the targeting of military objectives, and comply fully with all other applicable obligations under international humanitarian and human rights law.

68. The High Commissioner calls upon all duty bearers, including Israel, the Palestinian Authority and, as applicable, Hamas and other Palestinian groups:

(a) To prevent, repress and punish all violations of international humanitarian law and violations and abuses of international human rights law, to conduct prompt, thorough, independent, impartial and effective investigations into all

possible serious violations and abuses by duty bearers and private actors, and to ensure that perpetrators are held accountable and victims provided with redress;

(b) To immediately end all practices that may amount to torture or other ill-treatment, including sexual violence;

(c) To take immediate steps to prevent, repress and punish hate speech and all incitement to hatred and violence, including atrocity crimes;

(d) To ensure cooperation with the International Criminal Court and other international accountability mechanisms;

(e) To take measures to prevent and redress all forms of gender-based violence, including in the domestic sphere, and ensure that survivors have access to appropriate victim-centred support in accordance with international standards and that perpetrators are prosecuted and appropriately sentenced;

(f) To ensure that the rights to freedom of expression and association are respected and protected and that civil society actors can conduct their legitimate activities safely and freely.

69. The High Commissioner calls upon all States and international organizations:

(a) To exert their influence to prevent international law violations by all parties to the conflict in Gaza, not to enable such violations, and to fulfil their obligations under international law to take steps to prevent and punish violations;

(b) To cooperate with the International Criminal Court and exercise universal jurisdiction to try crimes under international law in national courts, consistent with international standards;

(c) To comply with obligations under international law to neither recognize as legal nor aid or assist the maintenance of the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory;

(d) To encourage Israel to cooperate with OHCHR and to issue visas to its full international staff, ensuring that OHCHR has access throughout the Occupied Palestinian Territory, as well as in Israel, to monitor and document violations and abuses of international human rights law and violations of international humanitarian law.
