

**Flygtningenævnets baggrundsmateriale**

|                                 |                                                               |
|---------------------------------|---------------------------------------------------------------|
| <b>Bilagsnr.:</b>               | <b>853</b>                                                    |
| Land:                           | Gaza-Vestbredden                                              |
| Kilde:                          | OHCHR                                                         |
| Titel:                          | Six-month update report on the human rights situation in Gaza |
| Udgivet:                        | 8. november 2024                                              |
| Optaget på baggrundsmaterialet: | 11. november 2024                                             |
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# UPDATE REPORT

**Six-month update report on the  
human rights situation in Gaza:  
1 November 2023 to 30 April 2024**

**8 November 2024**



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

*Occupied Palestinian Territory*



## Contents

|      |                                                                                    |    |
|------|------------------------------------------------------------------------------------|----|
| I.   | Introduction .....                                                                 | 3  |
| II.  | Situation in Gaza .....                                                            | 5  |
| A.   | Killing of civilians .....                                                         | 6  |
| B.   | Key trends from fatalities verified .....                                          | 11 |
| C.   | Use of human shields .....                                                         | 12 |
| D.   | Firing of indiscriminate projectiles .....                                         | 13 |
| E.   | Other unlawful killings .....                                                      | 13 |
| F.   | Attacks on humanitarian actors and civilian police .....                           | 14 |
| G.   | Use of white phosphorus .....                                                      | 16 |
| H.   | Limitations on humanitarian aid, leading to starvation and hunger .....            | 17 |
| I.   | Attacks on hospitals and killing of medical personnel .....                        | 19 |
| J.   | Hostages .....                                                                     | 20 |
| K.   | Communication blackouts .....                                                      | 21 |
| L.   | Attacks on civil society .....                                                     | 22 |
| M.   | Targeting of journalists .....                                                     | 22 |
| N.   | Repeated, mass displacement .....                                                  | 22 |
| O.   | Lack of shelter .....                                                              | 24 |
| P.   | Attacks on cultural and educational sites .....                                    | 25 |
| Q.   | Incitement to commit human rights violations and abuses, and atrocity crimes ..... | 26 |
| III. | Conclusion .....                                                                   | 28 |
| IV.  | Recommendations .....                                                              | 29 |

## I. INTRODUCTION

1. This report presents grave concerns regarding the human rights situation in occupied Gaza since the last report of the UN High Commissioner for Human Rights to the UN Human Rights Council, and covers a period of six months, from 1 November 2023, when the last Human Rights Council report covered the events on the ground,<sup>1</sup> up to 30 April 2024.<sup>2</sup> The report is based on monitoring and documentation by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The High Commissioner has asked Israel for access to Israel and the Occupied Palestinian Territory (OPT) in order to investigate human rights violations on and since 7 October 2023, pursuant to its mandate, which so far has not been granted.

2. On 7 October, Israelis and Palestinians awoke to the heaviest barrage of explosive projectiles from Gaza in years. Thousands of members of the Al Qassam Brigades of Hamas, Al Quds Brigades, as well as other armed and unarmed Palestinians, had crossed into Israel.<sup>3</sup> The fighters rampaged into areas inside Israel close to the security fence with Gaza, attacking military bases, small towns, kibbutzim, and a music festival. It was rapidly apparent, from a variety of sources including video material published by armed Palestinians engaged in these attacks, that Palestinian armed groups had committed serious violations of international law on a wide scale, including attacks directed against civilians, killing and mistreatment of civilians, destruction of civilian objects, and taking of hostages, which amount to war crimes. If committed as part of a widespread or systematic attack directed against a civilian population, further to an organizational policy, they may constitute crimes against humanity.<sup>4</sup> More than 1,124 people were reportedly killed in the 7 October attacks, including 295 military personnel,<sup>5</sup> and 4,834 injured.<sup>6</sup> Reportedly, some Israeli civilians were killed by fire from Israeli forces in the course of fighting.<sup>7</sup>

3. There are also serious accounts of members of Palestinian armed groups and other armed and unarmed Palestinians committing rape, sexual assault, and torture.<sup>8</sup> Projectiles that are inherently indiscriminate continued to be launched towards and into Israel by Palestinian armed groups (PAGs) as of the end of April. Over this period, there were ongoing allegations that Palestinian armed groups intentionally co-located military objectives and civilians with the specific intent of trying to prevent the targeting of those military objectives, exposing civilians to high risks of harm and damage from the hostilities. All violations and alleged violations

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<sup>1</sup> See [A/HRC/55/28](#).

<sup>2</sup> The report reflects patterns of violations after the escalation of hostilities that began on 7 October 2023. This report updates and should be read in conjunction with: i) Thematic Report: [Indiscriminate and disproportionate attacks during the conflict in Gaza \(October to December 2023\)](#) (19 June 2024); ii) Thematic Report: [Detention in the context of the escalation of hostilities in Gaza](#) (31 July 2024); iii) Report of the United Nations High Commissioner for Human Rights to the Human Rights Council, Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice (A/HRC/55/28).

<sup>3</sup> In this regard, see A/HRC/55/28, paras. 11 – 17.

<sup>4</sup> See for example, [A/HRC/56/26](#), paras. 8 – 33.

<sup>5</sup> <https://www.idf.il/59780?page=1>.

<sup>6</sup> <https://www.timesofisrael.com/the-israel-we-knew-died-on-october-7-the-new-nation-will-be-scarred-for-generations/>

<sup>7</sup> <https://www.haaretz.co.il/news/politics/2023-11-18/ty-article/0000018b-e1a5-d168-a3ef-f5ff4d070000>.

<sup>8</sup> See for example A/HRC/56/26, paras 24-30.

require further investigation and full accountability in accordance with international law. Justice for violations must be served, and protection and full reparation afforded for all victims. These attacks initiated a dramatic and far-reaching escalation of hostilities between Israel and Palestinian armed groups in Gaza, which have had catastrophic effects on civilians there.

4. The manner in which the parties to the conflict in Gaza have conducted hostilities has caused horrific human suffering, especially as a result of Israel's choices of means and methods of warfare, and in many cases have involved gross violations of international human rights law (IHRL) and serious violations of international humanitarian law (IHL). During this reporting period, the level of violations of international law was unprecedented, giving rise to concerns over the commission of war crimes and other possible atrocity crimes. The International Court of Justice, in its series of orders on provisional measures, underscored the international obligations of Israel to prevent, protect against and punish acts of genocide and associated prohibited conduct.<sup>9</sup> The High Commissioner stresses the importance of full and immediate compliance with those obligations which, based on the totality of conduct set out in the present report and taking into account events since, including Israel's recent operations in North Gaza and its adoption of legislation on UNWRA activities, has assumed even further criticality and urgency. This report aims to document further the reality of events in Gaza during the reporting period, and thereby raise awareness and bring improvements to the behaviour of the main duty bearers in upholding international law as the fighting continues and assist towards the establishment of truth and ultimately justice for the victims.

5. It is also important to note the longstanding human rights impacts of 57 years of Israeli occupation of Palestinian territory in Gaza<sup>10</sup> and the West Bank, including East Jerusalem, and a strangulating 17-year blockade and closure of Gaza. The human rights impacts of this structural reality have been extensively documented over the decades by OHCHR, United Nations' commissions of inquiries and other reporting mechanisms, civil society organizations, and a range of other actors. Israel's recent actions within the OPT have reflected, in important ways, long-standing patterns of discrimination, oppression and violence against the Palestinian people, which have occurred alongside Israel's systematic fragmentation of Palestinian communities from each other, and segregation from Jewish Israeli communities. As the International Court of Justice ruled in its Advisory Opinion in July, the continued presence of Israel in the entirety of the Palestinian territory occupied by Israel in 1967 is illegal, and Israel must bring an end to this illegal presence as rapidly as possible.<sup>11</sup>

6. A recognition of long-standing trends and patterns of violations by Israel in the OPT, and of applicable international law as clarified by the International Court of Justice, must inform the steps to be taken to end the current crisis and the actions needed from Member States, including the primary duty bearer Israel, to change the current course of events. This includes

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<sup>9</sup> See 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)*, [26 January 2024 Order](#), paras. 60 to 86; *ibid.*, [28 March 2024 Order](#), paras. 11 to 51; *ibid.*, [24 May 2024 Order](#), paras. 20 to 57.

<sup>10</sup> See for example, <https://www.ohchr.org/en/press-releases/2023/10/gaza-un-experts-decry-bombing-hospitals-and-schools-crimes-against-humanity>

<sup>11</sup> International Court of Justice, *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, 19 July 2024, para 267.

the realization, without further delay, of Palestinians' rights to self-determination,<sup>12</sup> equality and non-discrimination,<sup>13</sup> and of Palestinians' and Israelis' right to security.

## II. SITUATION IN GAZA

7. Strikes from air, land, and sea as well as intense and continuous ground combat across Gaza since October 2023 have resulted in massive and unprecedented numbers of casualties. Hostilities in Gaza had killed 34,535 Palestinians and injured 77,704 between 7 October 2023 and 30 April 2024, according to the Ministry of Health of the State of Palestine, with a further 10,000 missing, presumed buried under rubble. The majority killed and injured were estimated to be civilians, with a large proportion of children and women.<sup>14</sup> OHCHR monitoring indicates that this unprecedented level of killing and injury of civilians was a direct consequence of the Israeli Defense Forces' (IDF) failure to comply with fundamental principles of international humanitarian law (IHL) – namely the principles of distinction, proportionality and precautions in attack. Israel's conduct of hostilities also destroyed Gaza's civilian infrastructure, including hospitals and schools, as well as electricity, water and sewage infrastructure and left many of those alive, injured, displaced and starving, without access to adequate water, food or healthcare. Palestinian armed groups' (PAGs) conducting hostilities from densely-populated areas, and the use of inherently indiscriminate projectiles, also likely contributed to the casualty rate in Gaza.

8. The IDF's operations in the north and intense ground battles in Gaza City in November 2023, including around Al Shifa Medical Complex, and in North Gaza, caused widespread destruction, with hundreds of thousands forced to leave to the south to seek safety, often in vain, including following the IDF's multiple evacuation orders. The pause in hostilities between 24 November and 1 December 2023 provided a brief respite; however, it was followed by a period of intense ground engagements and strikes on multiple fronts, including in Khan Younis and Middle Gaza, in addition to North Gaza and Gaza City. The heaviest air raids, with many resulting in dozens of fatalities, were recorded in Middle Gaza towards the end of December 2023.

9. The IDF withdrew troops from the north in early January 2024; however, intense ground battles continued in Khan Younis and Middle Gaza, while pockets of Gaza City and North Gaza also faced IDF ground operations. Meanwhile, the IDF constructed a road between the south of Gaza City and the north of Al Mughraqa, widening the division of the north and the south of the strip through closely controlling the movement of people and goods. PAGs continued to launch indiscriminate projectiles towards Israel, with the intensity decreasing by early 2024. Unceasing ground battles continued across Gaza, including in the north. In late March 2024, the IDF raided, over a period of two weeks, Al Shifa Medical Complex for the second time, leaving the facility and its vicinity in complete ruin.

10. The levels of death and injury in Gaza since 7 October 2023 are likely to be much higher than currently reported, given: i) the widespread destruction of civilian infrastructure, including the collapse of the healthcare system following the IDF's attacks on hospitals across Gaza,

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<sup>12</sup> Ibid., paras. 230 to 243.

<sup>13</sup> Ibid., paras. 223 to 229.

<sup>14</sup> The proportion of civilians will likely be over 70 percent. See the *Killing of civilians* section of the report below.

which deprived the population of not only emergency care, but also maternity care as well as care for those with chronic illness, such as cancer and heart conditions; ii) the initial “complete siege” of the Gaza Strip followed by other unlawful restrictions on the entry and distribution of humanitarian assistance, with a grossly inadequate amount of food, water, electricity and fuel allowed to enter; iii) the killing of humanitarian workers, and of civilian police personnel providing security to aid delivery, further hindering the distribution of items indispensable to the survival of the civilian population; and iv) repeated massive displacement of people, both further to evacuation orders and as a result of the fighting itself, increasing exposure to death from illness and disease with people living in cramped and unsanitary conditions without access to essential services.<sup>15</sup>

11. Starvation became a reality for Palestinians in early January 2024, especially in the north, with the most vulnerable, including infants and older persons, reportedly dying first.<sup>16</sup> Attacks in the context of the delivery of humanitarian assistance also became prominent in early 2024, including incidents of shooting and shelling by the IDF of Palestinians desperately seeking aid, especially around points in Gaza City where most aid to the north was passing through. By the end of the reporting period, over 1.7 million people (75 per cent of the population of Gaza) were displaced to cramped, overcrowded shelters without access to basic necessities. By the end of the reporting period, at least 17,000 children were reportedly unaccompanied or separated from their families in Gaza.<sup>17</sup> Gender-based violence became widespread, exacerbated by overcrowded shelters. Such violence occurred in the context of the increasing breakdown of civil order, further exacerbated by unlawful killings by the IDF of civilian law enforcement personnel.<sup>18</sup>

## A. Killing of civilians

12. The monitoring and verification of grave violations remained extremely challenging, including owing to access constraints, a high level of insecurity, and threats and direct attacks also on United Nations personnel, monitors and humanitarian actors. Nevertheless, verification work continued, with the number of killings verified by OHCHR by 2 September 2024 standing at 8,119 Palestinians in Gaza, including 2,036 women and 3,588 children (1,865 boys and 1,723 girls). Of these verified figures, 7,607 were killed in residential buildings or similar housing,<sup>19</sup> out of which 44 per cent were children, 26 per cent women and 30 per cent men. An analysis of the distribution of the verified fatalities in residential buildings or similar housing shows that all governorates of the Gaza Strip were affected, with a high number of fatalities verified in all

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<sup>15</sup> According to the Lancet, “[a]pplying a conservative estimate of four indirect deaths per one direct death to the 37 396 deaths reported, it is not implausible to estimate that up to 186 000 or even more deaths could be attributable to the current conflict in Gaza,” 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).

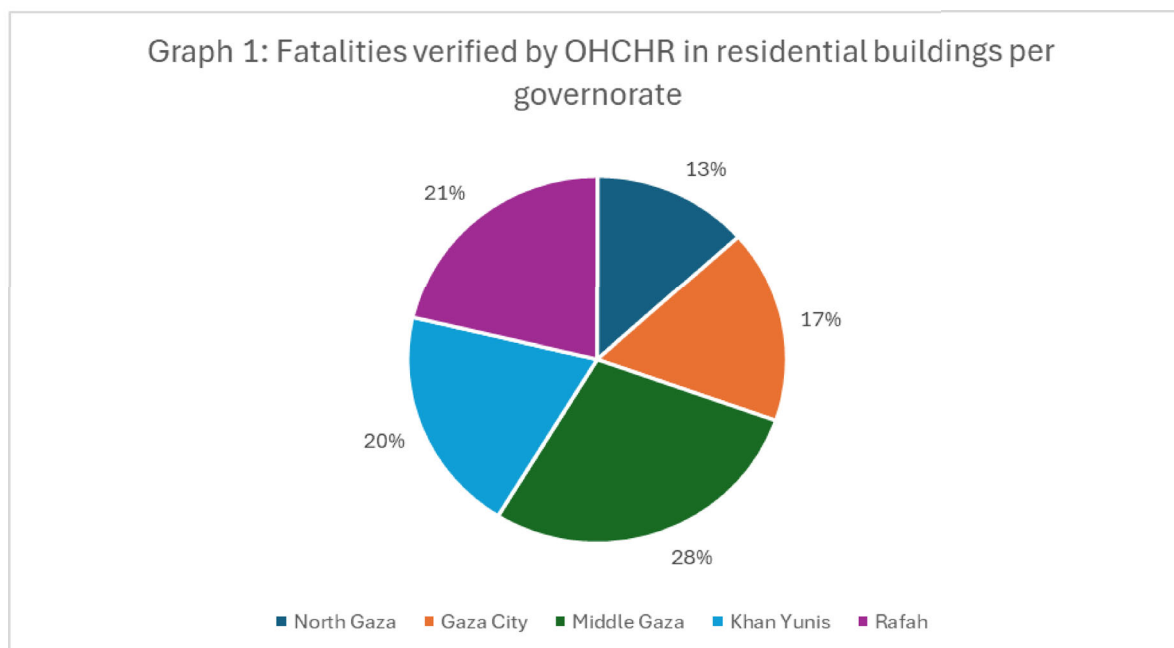
<sup>16</sup> CARE warns: Babies and toddlers in North Gaza dying slow and painful death from starvation (14 March 2024); “‘Full-blown famine’ happening in Gaza, WFP warns, amid fresh push for truce” (5 May 2024); “Acute malnutrition has doubled in one month in the north of Gaza strip: UNICEF” (15 March 2024). See also footnotes 67 - 70.

<sup>17</sup> <https://www.unicef.org/press-releases/stories-loss-and-grief-least-17000-children-are-estimated-be-unaccompanied-or>

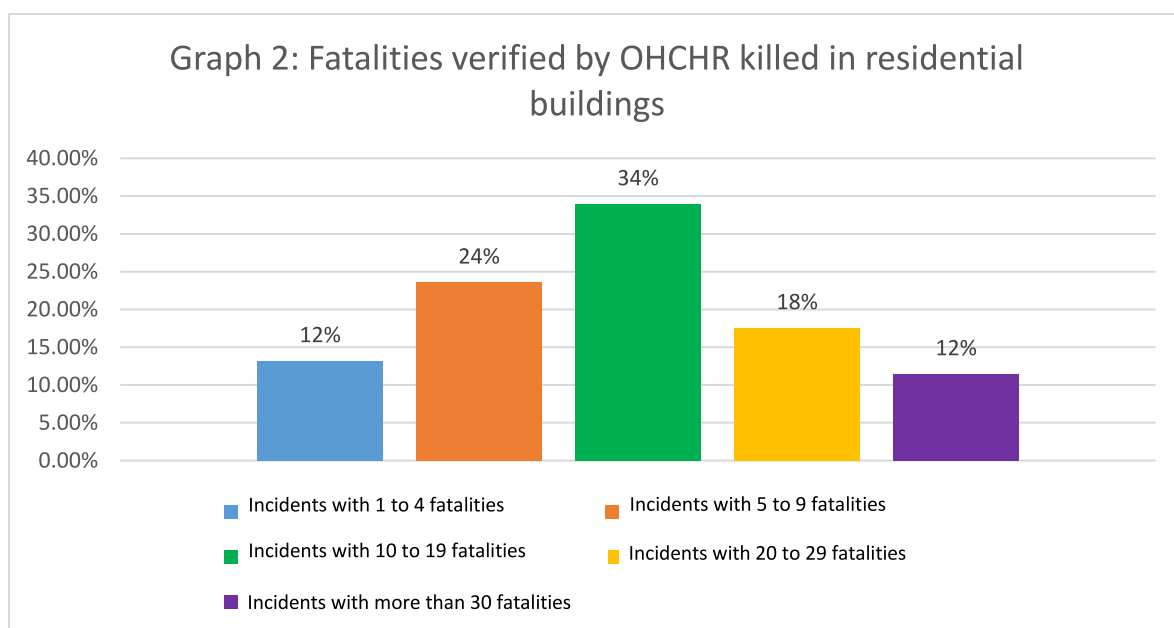
<sup>18</sup> In just one example, see <https://www.jpost.com/breaking-news/article-786183>.

<sup>19</sup> That a large proportion of the fatalities verified by OHCHR were killed in residential buildings or similar housing is also partly explained by OHCHR’s verification methodology, which requires at least three independent sources, and the challenges in collecting and verifying information of killings in other circumstances.

areas. The fatalities were almost evenly distributed between the low of 13 percent in North Gaza<sup>20</sup> and the high of 28 percent in Middle Gaza, highlighting that no area was safe in Gaza. (See Graph 1, *Fatalities verified by OHCHR in residential buildings per governorate*).

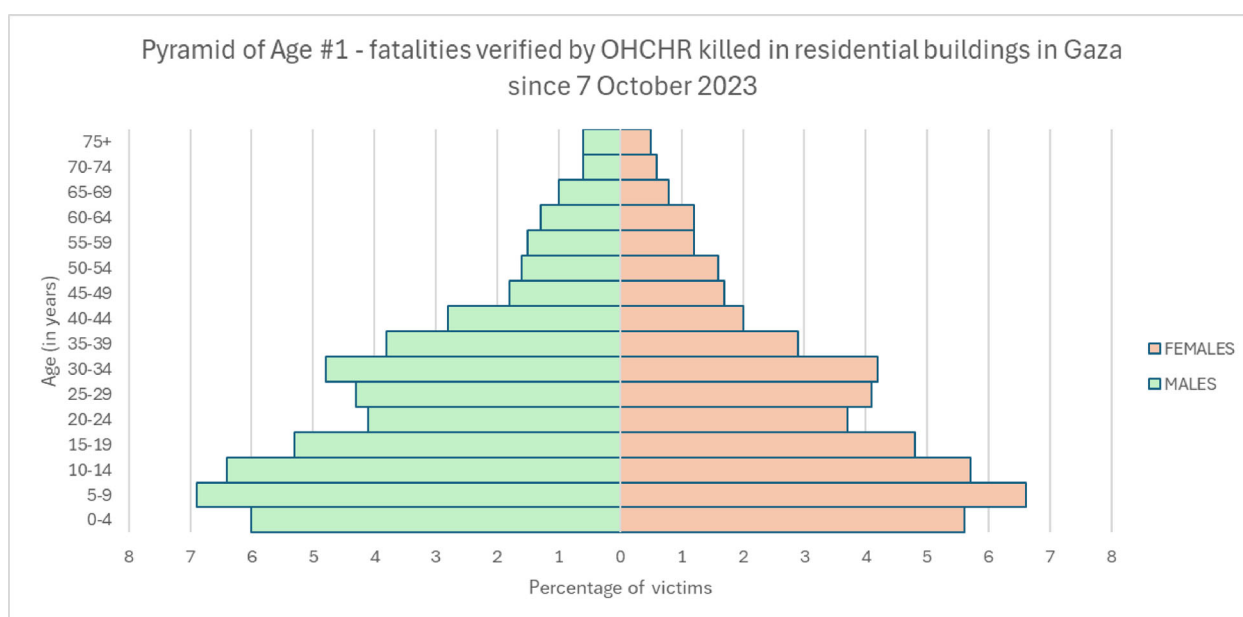


13. Eighty-eight per cent of the verified fatalities were killed in incidents that killed five or more people (see Graph 2, *Fatalities verified by OHCHR killed in residential buildings*).



<sup>20</sup> The slightly lower figures for North Gaza and Gaza City may be explained by two factors. Firstly, OHCHR has not been able to verify most of the fatalities killed in these areas after 10 November 2023, following the absence of reporting by the Ministry of Health of the State of Palestine for both northern governorates due to the collapse of many hospitals. Secondly, several families originally from northern Gaza were killed in southern Gaza following their forced displacement. For example, at least six members of the Nesman family, originally from Gaza City and who had found shelter in a residential building belonging to the Shehadeh family in the Brazilian neighbourhood of Rafah, were killed in an alleged Israeli airstrike on the building on 14 December, along with 13 other victims belonging to other families, including the Shehadeh family.

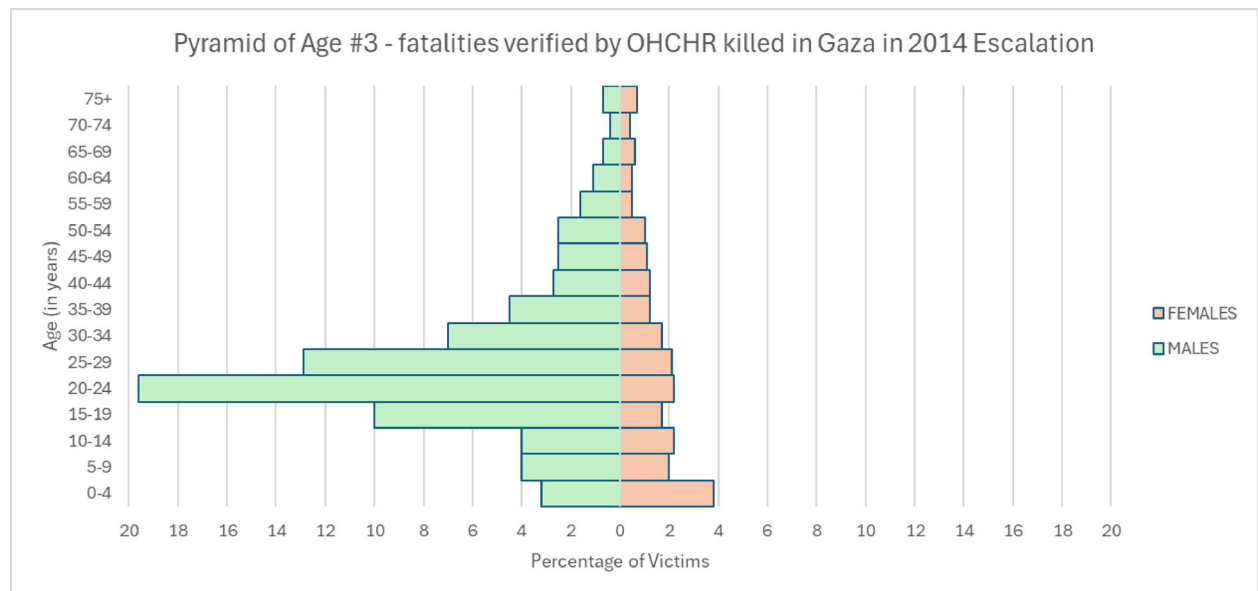
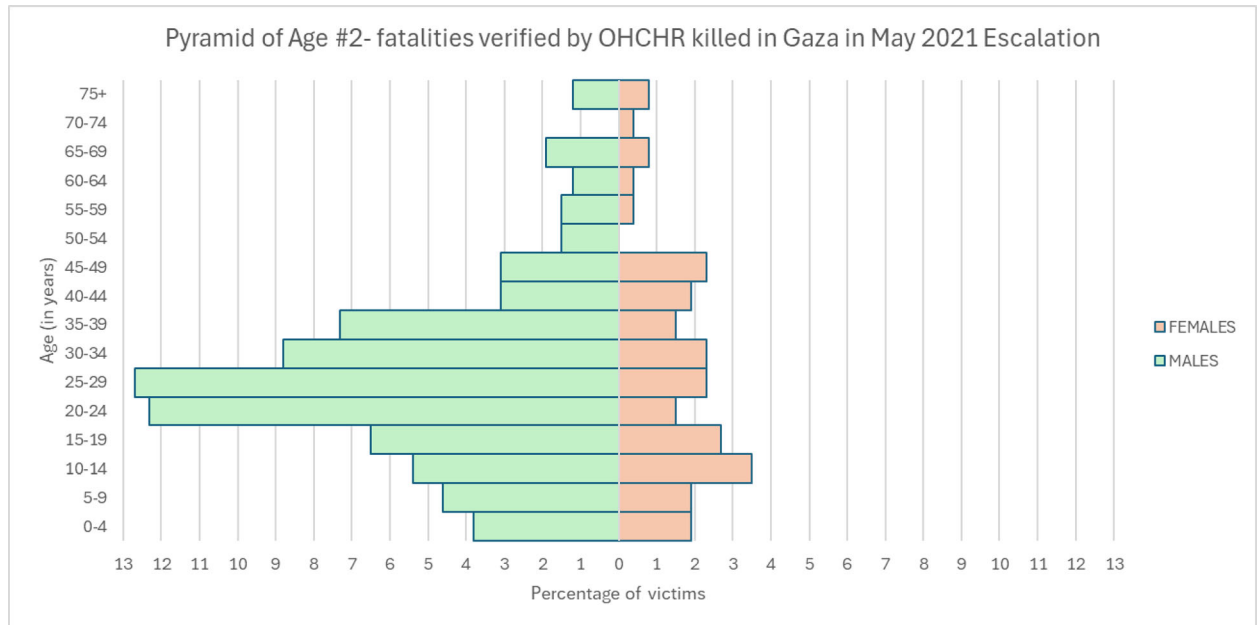
14. OHCHR monitoring indicates that the high number of fatalities per attack was due to the IDF's use of weapons with wide area effects in densely-populated areas, although some of the fatalities may have been the result of errant projectiles from PAGs dropping short. Entire families were vulnerable to strikes on residential buildings. Thirty-five per cent of the households in Gaza were already living as extended and multigenerational families in the same building prior to 7 October 2023, with the average household consisting of 5.5 members.<sup>21</sup> This trend would have inevitably increased significantly following 7 October, with relatives sheltering together in crowded apartments, houses and other buildings following their displacement from their former areas of residence. Data analysis of verified fatality figures (see *Pyramid of Age #1*) shows how the fatalities from the current escalation closely resemble Gaza's age demographics.



15. This further shows that the main victims of strikes on residential buildings were children, with the three categories of age mostly represented in the verified fatalities sequentially being the ones from 5 to 9 years old, from 10 to 14 years old and from 0 to 4 years old, for both boys and girls. Furthermore, compared to previous escalations, such as in 2021 and 2014 (see *Pyramid of Age #2*, *Pyramid of Age #3*)<sup>22</sup> the current ongoing escalation has killed women (26 per cent of verified fatalities) and men (30 per cent) in roughly equal numbers. Since 7 October 2023, the youngest victim whom OHCHR verified was a one-day-old boy and the oldest victim a 97-year-old woman.

<sup>21</sup> Data as of 2023 - <https://www.pcbs.gov.ps/Downloads/book2687.pdf>

<sup>22</sup> The main victims of these escalations were, respectively, men aged between 20 and 39 years old, representing 41% of the verified fatalities, and men aged between 20 and 29 years old, representing 32.5% of the fatalities.



16. Compared with the distributions of OHCHR-verified fatalities in previous escalations of hostilities, the strikes on residential buildings in Gaza since 7 October suggest a pattern of attacks inflicting casualties evenly as a proportion across the entire population, with high numbers of babies and young children, women, older persons, and families killed together in residential buildings, raising further concerns that the IDF has failed to strictly comply with fundamental principles of IHL.<sup>23</sup> The continuation of these attacks killing very evenly across the population for months, despite early evidence of the massive civilian harm suffered as a result, demonstrates an apparent indifference to the death of civilians and the impact of the means

<sup>23</sup> See OHCHR's [Thematic Report on Indiscriminate and disproportionate attacks during the conflict in Gaza \(October – December 2023\)](#). The report analyses concerns that the IDF has systematically violated the principles of distinction, proportionality, and precautions in attack – fundamental principles of international humanitarian law on the conduct of hostilities – in the course of its attacks in Gaza since 7 October 2023. This is especially so regarding the IDF's use of weapons with wide area effects in densely-populated areas of Gaza.

and methods of warfare selected. Where verified deaths mirror the demographic makeup of a population at large, rather than reflecting the known demographic of combatants, this raises concerns regarding compliance with the principle of distinction and reflect an apparent failure to take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects. The deaths may also reflect a pattern of attacks conducted with disregard for the demonstrated and known extensive incidental loss of civilian life, raising concerns that individual strikes continued to be ordered even where there was knowledge that civilian harm was likely excessive in relation to the concrete and direct military advantage.

17. As of 25 April 2024, the IDF had announced the names of only 75 targeted Palestinians killed, out of over 34,000 reported fatalities. In addition, Israel's stated intention to destroy " Hamas' governance capabilities", <sup>24</sup> and its targeting of civilian infrastructure and civilian administrators of the *de facto* authorities, indicated that targeting was expanded to a degree that could amount to the direct targeting of civilians and civilian objects. Intentionally directing attacks against civilians and civilian objects, or in the knowledge the attack would cause incidental loss of life or injury to civilians or damage to civilian objects clearly excessive in relation to the concrete and direct overall military advantage anticipated, are war crimes. <sup>25</sup>

18. Concerns over violation of the fundamental principles of IHL were exacerbated by reports that the IDF had used artificial intelligence decision support systems, with minimal human oversight, to identify potential lower-ranked members of Palestinian armed groups, as well as their homes, as targets, and that they had reportedly prioritized attacking them in their homes with their families. <sup>26</sup> Reportedly, Israel's rules of engagement required human oversight only to determine whether an identified target was male. <sup>27</sup> Such a practice would reflect an assumption that all male Palestinians are, of themselves, lawful targets, in serious violation of the principles of distinction and precautions in attack. The same source stated that the IDF's rules of engagement were changed to allow for a higher threshold of civilian harm for attacks on low-ranked targets. The IDF has stated that these systems employing artificial intelligence were "merely tools that help intelligence analysts cross-reference existing intelligence sources comprehensively and effectively". <sup>28</sup> However, the rapidity with which targets were apparently generated, <sup>29</sup> the large numbers of targets struck outside the context of direct exchange of fire, the generally even distribution of fatalities from strikes across age and gender, and the large number of fatalities raise significant concerns that decisions made relying on these systems did

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<sup>24</sup> <https://x.com/IsraeliPM/status/1773064857740312912>; <https://t.co/7EBycecWuX>

<sup>25</sup> Rome Statute, Art. 8(2)(b)(i), (ii) & (iv); Art. 8(2)(e)(i), (iv).

<sup>26</sup> See for example, <https://www.972mag.com/lavender-ai-israeli-army-gaza/>; <https://www.972mag.com/mass-assassination-factory-israel-calculated-bombing-gaza/>; <https://www.npr.org/2023/12/14/1218643254/israel-is-using-an-ai-system-to-find-targets-in-gaza-experts-say-its-just-the-st>; <https://www.theguardian.com/world/2024/apr/03/israel-gaza-ai-database-hamas-airstrikes>; <https://www.972mag.com/israel-gaza-lavender-ai-human-agency/>; [https://www.lemonde.fr/en/international/article/2024/04/05/israeli-army-uses-ai-to-identify-tens-of-thousands-of-targets-in-gaza\\_6667454\\_4.html#](https://www.lemonde.fr/en/international/article/2024/04/05/israeli-army-uses-ai-to-identify-tens-of-thousands-of-targets-in-gaza_6667454_4.html#); <https://www.economist.com/middle-east-and-africa/2024/04/11/israels-use-of-ai-in-gaza-is-coming-under-closer-scrutiny>; <https://www.ohchr.org/en/press-releases/2024/04/gaza-un-experts-deplore-use-purported-ai-commit-domicide-gaza-call>; <https://www.hrw.org/news/2024/09/10/questions-and-answers-israeli-militarys-use-digital-tools-gaza>

<sup>27</sup> <https://www.972mag.com/lavender-ai-israeli-army-gaza/>

<sup>28</sup> <https://www.idf.il/210062/>

<sup>29</sup> OHCHR report, *Indiscriminate and disproportionate attacks during the conflict in Gaza (October to December 2023)*, p. 3.

not include sufficient safeguards to ensure constant care to spare the civilian population and civilian objects. Furthermore, when combined with the use of a definition of military objectives inconsistent with international humanitarian law,<sup>30</sup> as well as permissive applications of the principle of proportionality, the use of such tools, by multiplying the number of targets identified and the ensuing unlawful attacks, risked an exponential increase of civilians killed and damage to civilian objects.

## **B. Key trends from fatalities verified**

19. Amongst the fatalities verified by OHCHR, and reflecting trends evident from other data, many who were killed on the same date and location shared the same last names, suggesting families killed together, often in their homes.<sup>31</sup> IDF strikes on residential buildings have resulted in a shocking number of entire families being killed. As of 31 August 2024, OHCHR had verified 200 families that had lost between 5 and 9 members, 172 families that had lost between 10 and 19 members, 69 families that had lost between 20 and 29 family members, and 43 families that had lost more than 30 members. The actual figures may likely be considerably higher. The two families with the highest verified number of fatalities were the Al Najjar family, with 138 members killed (in 18 incidents), including 35 women and 62 children, and the Al Astal family with 94 members killed (in 8 incidents), including 33 women and 45 children.

20. OHCHR also verified the killing of 27 members of the Maghari family in several incidents. The Maghari family is, according to information gathered by OHCHR, a refugee family originally from Al Maghar village in current day Israel. On 18 October 2023, 23 members of the family, including 3 women, and 12 children aged from 1 to 16 years of age, were killed in an Israeli airstrike on their family home located in Al Bureij Camp. In another tragic case, OHCHR verified the killing of 13 members of the Zaher family in two reported Israeli strikes. On 12 October, 5 members of the family, including 1 woman and 4 children aged from 1 to 6 years of age, were killed in an alleged Israeli airstrike on their family home located in Ash Shaati Camp, Gaza City. On 16 October, 8 other members of the Zaher family, including 2 women and 5 children aged from 1 to 13 years of age, were killed in an alleged Israeli airstrike on their family home located in Jabalya Camp, North Gaza.

21. The killing of whole families together in their places of shelter adds further to concerns over compliance with fundamental principles of IHL. Despite the enormous civilian death toll such strikes have wrought, the IDF has provided little or no information as to how residential buildings, which are, in themselves, civilian objects immune from attack, came so frequently to be regarded as military objectives that could be lawfully struck. The deliberate targeting of civilians and their homes would violate the principle of distinction, unless it could be shown that they had lost their protection as civilians due to their direct participation in hostilities,<sup>32</sup> or that

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<sup>30</sup> Ibid., p. 10.

<sup>31</sup> This trend corroborates media information that IDF targeted low level members of Al Qassam and other groups in their homes with their families, with little apparent regard for the presence of civilians. See for example, <https://www.972mag.com/lavender-ai-israeli-army-gaza/>

<sup>32</sup> International Committee of the Red Cross (ICRC) Study, customary international humanitarian law database [hereafter: ICRC Study], Rule 6.

the buildings struck met the definition of military objectives.<sup>33</sup> The shocking death toll and killing of entire families raise further concerns that, even where legitimate military objectives were targeted, such attacks violated the IHL principle of proportionality.<sup>34</sup> This pattern of strikes also raises concerns regarding compliance with the principle of precautions in attack,<sup>35</sup> as it is difficult to conceive how such levels of civilian harm were justifiable, especially as such strikes not only killed individuals but also destroyed fundamental social structures and support networks of Palestinians in Gaza, raising inferences that the IDF also intended to weaken the overall cohesion of the Palestinian community in Gaza.<sup>36</sup> Such unlawful attacks would also violate Israel's obligations under international human rights treaty law, which include the obligation to ensure "the widest possible protection and assistance be accorded to the family, which is the natural and fundamental group unit of society".<sup>37</sup>

### C. Use of human shields

22. In attacking hospitals and schools, the IDF alleged that "terrorist organizations" had used such facilities for military purposes. For example, in the course of attacking Al Shifa Medical Complex in November 2023, the IDF released more than 27 statements alleging that Al Shifa Medical Complex was being used by "Hamas",<sup>38</sup> and that the organization uses civilian infrastructure, such as hospitals, and civilians, as human shields.<sup>39</sup> In most instances, the IDF did not offer substantial evidence to support their allegations, and OHCHR has not been able separately to verify them.

23. IHL requires that each party to the conflict must, to the extent feasible, avoid locating military objectives within or near densely-populated areas.<sup>40</sup> Furthermore, IHL prohibits the intentional placement by a party to an armed conflict of civilians (or combatants who are *hors de combat*) in locations which would qualify as military objectives under IHL, with the intent of preventing them from being attacked by another party or favouring its own military operations.<sup>41</sup> Utilizing the presence of a civilian or other protected person to render certain

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<sup>33</sup> "In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage", ICRC Study, Rule 8. "Civilian objects are protected against attack, unless and for such time as they are military objectives", ICRC Study, Rule 10.

<sup>34</sup> "Launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited", ICRC Study, Rule 14.

<sup>35</sup> ICRC Study, Rule 15.

<sup>36</sup> See for example, <https://jewishcurrents.org/israels-humanitarian-expulsion>

<sup>37</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), Art. 10.

<sup>38</sup> Israel has asserted that all members of Hamas, including members of its civilian wing, are legitimate military targets. Therefore, when Israeli authorities refer to Hamas it is not clear whether they are referring to the military or civilian wing, or both. Under IHL, civilians are protected against attack, unless and for such time as they take a direct part in hostilities (see ICRC Study, Rule 6).

<sup>39</sup> For example, <https://t.me/idfofficial/5056>

<sup>40</sup> ICRC Study, Rule 23.

<sup>41</sup> ICRC Study, Rule 97; Fourth Geneva Convention (GCIV), art. 28; see also Article 51(7) of Additional Protocol I (API). Israel is not a party to the API but accepts that some of its provisions accurately reflect customary international law, see "The Operation in Gaza, Factual and Legal Aspects", Report, Israeli Ministry of Foreign Affairs, July 2009, available at <http://www.mfa.gov.il>.

points, areas or military forces immune from military operations is a war crime.<sup>42</sup> The actions of Palestinian armed groups have raised serious concerns in each of these respects.

24. Notably, persons being used as human shields retain their civilian status. Regardless of any use of human shields, Israel must uphold the principles of distinction, proportionality and precautions in attack. It therefore needs to take into account the likely higher impact on civilians and civilian objects in the context of any such use of human shields, in undertaking the assessment of what may be excessive in relation to the anticipated military advantage in an attack.

#### D. Firing of indiscriminate projectiles

25. During the reporting period, PAGs continued to fire inherently indiscriminate projectiles towards Israel, which is prohibited under IHL.<sup>43</sup> There were reports of 16 civilians killed in Israel by these projectiles on 7 October, in addition to 2 reportedly killed after 7 October. Four women and 7 children were reportedly among the 18 fatalities.

26. IHL prohibits indiscriminate attacks which: (a) are not directed at a specific military objective; (b) employ a method or means of combat which cannot be directed at a specific military objective; or (c) employ a method or means of combat the effects of which cannot be limited as required by IHL; and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.<sup>44</sup> Violations of the principle of distinction and the prohibition of indiscriminate attacks under IHL may amount to war crimes.

#### E. Other unlawful killings

27. During the reporting period, OHCHR gathered information of alleged incidents during which IDF troops on the ground in Gaza targeted and killed presumed civilians, including by summary execution. OHCHR gathered information alleging that the IDF had summarily executed at least 11 Palestinian men in Al Remal area, Gaza City, on 19 December 2023.<sup>45</sup> On 15 December, the IDF shot and killed three male hostages after they had managed to escape from captivity in Ash Shujai'yeh in Gaza City, despite reportedly raising a white cloth and calling for

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<sup>42</sup> Rome Statute, Art. 8(2)(b)(xxiii). See also ICRC, *Customary International Humanitarian Law: Volume 1: Rules*, p. 602. International Criminal Tribunal for the former Yugoslavia, *Prosecutor v Blaskic*, case No. IT-95-14-T, Trial Chamber, Judgment of 3 March 2000, para. 716 (treating use of human shields as inhuman and cruel treatment); *Prosecutor v. Aleksovski*, case No. IT-95-14/1-T, Trial Chamber, Judgment of 25 June 1999, para. 229 (treating it as an outrage upon personal dignity). In the context of international human rights law, the practice may also be considered a violation of obligations to take steps to protect persons against arbitrary deprivation of life.

<sup>43</sup> ICRC Study, Rule 71.

<sup>44</sup> ICRC Study, Rule 12.

<sup>45</sup> <https://reliefweb.int/report/occupied-palestinian-territory/un-human-rights-office-opt-unlawful-killings-gaza-city>; While the Israeli Government denied the reports, see [https://x.com/IsraelinGeneva/status/1737835558238552283?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etwetembed%7Ctwterm%5E1737835558238552283%7Ctwgr%5Eb63d6d617a89be301fd7ae023fe94501e1d778bf%7Ctwcon%5Es1\\_&ref\\_url=https%3A%2F%2Fwww.ipost.com%2Fisrael-hamas-war%2Farticle-779126](https://x.com/IsraelinGeneva/status/1737835558238552283?ref_src=twsrc%5Etfw%7Ctwcamp%5Etwetembed%7Ctwterm%5E1737835558238552283%7Ctwgr%5Eb63d6d617a89be301fd7ae023fe94501e1d778bf%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.ipost.com%2Fisrael-hamas-war%2Farticle-779126), media investigations came to a similar conclusion, see <https://www.thenation.com/article/world/al-jazeera-gaza-film-israeli-massacre/>. For other similar cases, see for example <https://www.aljazeera.com/news/2024/1/20/palestinians-accuse-israeli-forces-of-executing-19-civilians-in-gaza>, and <https://reliefweb.int/report/occupied-palestinian-territory/euro-med-monitor-sends-un-rapporteurs-icc-prosecutor-primary-report-documenting-dozens-field-execution-cases-gaza-enar>

help.<sup>46</sup> On 16 December, two Christian women - a mother and her daughter - were shot and killed at the Holy Family Parish in the Old City, central Gaza City, which had become a refuge for many Christian families since 7 October. The Church alleged the IDF were responsible for the killings. On the day of shooting, IDF incursion as well as armed clashes with Palestinian armed groups were reported in the area. Such killings were also reported in the context of the attacks on hospitals. For example, at least three workers were shot and killed at Al Awda Hospital, in North Gaza, including a female hospital worker fatally shot in the head while moving between two hospital buildings on 21 December.

28. IHL strictly prohibits the targeted killing of civilians.<sup>47</sup> Constant care, including all feasible precautions in attack, must be taken to spare the civilian population.<sup>48</sup> This includes doing everything feasible to verify that the objectives to be attacked are neither civilians or civilian objects and are not subject to special protection, but are military objectives.<sup>49</sup> IHL also protects those rendered *hors de combat* including through injury, sickness or surrender. In the incidents outlined above, there are serious concerns Israel has not upheld these principles in areas of active hostilities and committed unlawful killings. Furthermore, even when IHL permits force against persons taking a direct part in hostilities,<sup>50</sup> the precepts of humanity demand that the kind and degree of force should not exceed what is actually necessary to accomplish a legitimate military purpose in the prevailing circumstances.<sup>51</sup> In the incidents outlined above, there are serious concerns over the military necessity of the IDF's resort to lethal force in situations of apparent IDF control over the area and circumstances in which they were operating. Where a party has effective operational control over territory, other, non-lethal options should be deployed in the pursuit of any legitimate military objectives.

## F. Attacks on humanitarian actors and civilian police

29. During the reporting period, Palestinians in Gaza trying to access food and medical aid were killed by IDF fire. Between late January and April 2024, OHCHR documented at least 36 incidents of shooting or shelling at Al Nablusi roundabout and Al Kuwaiti roundabout in Gaza City – two points through which vital humanitarian assistance arrives from the south. This has

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<sup>46</sup> The presence of men in an “active combat zone” is not sufficient for determining membership of an armed group or for excluding the presence of civilians. Targeting based on such elements would be inconsistent with international humanitarian law and would result in the denial of protection against civilians, including men.

<sup>47</sup> ICRC Study, Rule 6.

<sup>48</sup> ICRC Study, Rule 15.

<sup>49</sup> ICRC Study, Rule 16; see also API, Art. 57(2)(a)(i).

<sup>50</sup> ICRC Study, Rule 6.

<sup>51</sup> ICRC Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law (2009), pp. 77- 82. See also Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949 (1987), para. 1389: “The law of armed conflict is a compromise based on a balance between military necessity, on the one hand, and the requirements of humanity, on the other”, and para. 1395: “Military necessity... can never justify a degree of violence which exceeds the level which is strictly necessary to ensure the success of a particular operation in a particular case.” See also ICJ, Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons*, 8 July 1996, para. 78. Also, see *The Public Committee Against Torture et al. v. The Government of Israel et al.*, (13 December 2006), para. 40, where the Israeli Court held that “a civilian taking a direct part in hostilities cannot be attacked at such time as he is doing so, if a less harmful means can be employed... It might actually be particularly practical under the conditions of belligerent occupation, in which the army controls the area in which the operation takes place, and in which arrest, investigation, and trial are at times realizable possibilities.”

included incidents where the IDF shot and killed people gathering to receive desperately needed food aid. On 29 February, at least 118 Palestinians were reportedly killed and around 760 others injured at Al Nablusi roundabout by the IDF's firing of live ammunition, and from the ensuing chaos, with people being trampled on and run over by vehicles.<sup>52</sup> While the de facto authorities reportedly blamed the IDF for the deaths, with some medical professionals claiming that the majority of the injuries were caused by live ammunition, the IDF claimed that the Palestinians had died due to overcrowding and being run over by Palestinian trucks, and that the IDF "opened fire only when they encountered danger, when the mob moved toward it in a manner that endangered the force".<sup>53</sup>

30. In addition, persons facilitating the distribution of humanitarian assistance, including civilian police, were killed in IDF attacks. From 7 October 2023 to late March 2024, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported that at least 196 aid workers had been killed in Gaza.<sup>54</sup> Since mid-March 2024, people facilitating the delivery of humanitarian assistance were increasingly attacked by the IDF, particularly around Al Kuwaiti roundabout. On 31 March, the Popular and Tribal Committee to Secure Aid in Gaza City and the North Gaza announced that they would stop facilitating aid distribution after more than 70 of their members were killed and dozens injured.<sup>55</sup> Since early February 2024, there was also a marked increase in incidents where police officers were killed, including through the use of lethal force by IDF troops on the ground, in circumstances in which they were not directly participating in hostilities or posing any threat to life or of serious injury. Many were reportedly killed while securing the delivery of humanitarian assistance. Between 6 February and 16 April 2024, OHCHR gathered information on 14 incidents in which a total of 39 police officers were killed across the Gaza strip. OHCHR has yet to independently verify these reports. Members of the police are civilians, and therefore, unless they are directly participating in hostilities, the targeting of them would violate the principle of distinction and amount to a war crime of directing an attack against civilians.

31. As the Occupying Power, Israel has specific obligations to protect civilians against all acts of violence,<sup>56</sup> which involves maintaining public order and safety in the territory it is occupying.<sup>57</sup> The attacks against humanitarian workers and other persons facilitating the delivery of life-saving humanitarian aid raise further concerns over violations of IHL and IHRL. In addition to provisions requiring Israel to ensure and facilitate the delivery of humanitarian assistance, IHL demands the protection of civilian humanitarian personnel and objects necessary for the delivery of humanitarian assistance.<sup>58</sup> Intentional killing of humanitarian aid workers and other civilians protecting the distribution of humanitarian assistance would

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<sup>52</sup> See also <https://edition.cnn.com/2024/04/09/middleeast/gaza-food-aid-convoy-deaths-eyewitness-intl-investigation-cmd/index.html> concluding that IDF explanations of events were unsupported by the facts and concluding IDF responsibility for shooting at the crowd.

<sup>53</sup> [February 29, 2024 Press Briefing by IDF Spokesperson, Rear Admiral Daniel Hagari, February 29th, 2024 | IDF \(www.idf.il\)](https://www.idf.il/en/press-briefing-2024-02-29)

<sup>54</sup> <https://www.ochaopt.org/content/statement-humanitarian-coordinator-mr-jamie-mcgoldrick>. See also <https://www.hrw.org/news/2024/05/14/gaza-israelis-attacking-known-aid-worker-locations>

<sup>55</sup> <https://t.me/SamaNewsAgency/271687>; <https://t.me/msdrnews/325263>

<sup>56</sup> GCIV, Art. 27. See also *Case Concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, 19 December 2005, para. 178.

<sup>57</sup> Hague Regulations, Art. 43.

<sup>58</sup> ICRC Study, Rules 31 and 32.

amount to the war crimes of intentional attacks directed against the civilian population<sup>59</sup> and of intentionally directing attacks against personnel involved in a humanitarian assistance mission.<sup>60</sup> By preventing the distribution of humanitarian assistance, including food, to those who most need it, such killings may also violate Israel's obligations to respect, protect and fulfil the right to food and the right to life, as well as the International Court of Justice's (ICJ) binding provisional orders to ensure the entry and delivery of humanitarian aid.<sup>61</sup> Regarding the above-mentioned statement by the IDF (in relation to 29 February) that they opened fire when Palestinians "moved toward it [the IDF] in a manner that endangered the force", under international human rights law firearms can only be used against such persons in self-defence or defence of others against imminent threat of death or serious injury. Moreover, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.<sup>62</sup>

## G. Use of white phosphorus

32. Between 6 November 2023 and 13 February 2024, white phosphorus munitions were reportedly used in Gaza City on at least six different occasions, including at Ash Shati' Camp; between 18 November and 20 December 2023, in North Gaza, on at least four different occasions in Jabalya, including Jabalya Refugee Camp (the largest refugee camp in Gaza); between 5 and 17 November 2023, in Beit Lahiya on two occasions; between 5 and 14 December 2023, in Khan Younis on at least three occasions – at a time when this area had substantially higher population densities due to the previous evacuation of residents from the north of Gaza; and between 20 December 2023 and 27 February 2024, in Middle Gaza, on at least nine occasions, including Deir al Balah, Al Bureij, Al Maghazi and An Nuseirat Camps. OHCHR verified an incident on 25 December of a toddler burnt by white phosphorus at a school in Al Bureij Camp. In addition, OHCHR gathered accounts from medical professionals in Gaza on their observations of patients admitted since 7 October 2023 with symptoms associated with exposure to white phosphorus, including very deep burns.

33. White phosphorus munitions, when used as a weapon during hostilities and especially when affecting areas with a high concentration of civilians, may violate the prohibition of weapons that have indiscriminate effects<sup>63</sup> and the prohibition of weapons that cause unnecessary suffering and superfluous injury.<sup>64</sup> White phosphorus is an incendiary chemical that can cause particularly horrific and painful injuries, including extensive and life-threatening burns on human tissue and other debilitating health effects that can last a lifetime or lead to a slow and painful death. As a remnant of war, white phosphorus has a particularly severe environmental impact, leaking into water and sediments and risking further damage to Gaza's water, food and the environment. There are other means of screening and illuminating the battlefield, available to Israel, which do not contain the toxicities, volatilities and other dangers that are inherent in white phosphorus.<sup>65</sup> As with any indiscriminate attack, such use of white phosphorus munitions may violate the rights to life and integrity of the person. It will have long-

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<sup>59</sup> Rome Statute, Art. 8(2)(b)(i), (e)(i).

<sup>60</sup> Rome Statute, Art. 8(2)(b)(iii), (e)(iii).

<sup>61</sup> <https://www.icj-cij.org/case/192/provisional-measures>

<sup>62</sup> As customary international law, see "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials", para. 9.

<sup>63</sup> ICRC Study, Rule 71.

<sup>64</sup> ICRC Study, Rule 70.

<sup>65</sup> "Screening" to provide visual cover for troops, and "illuminating" to light up the terrain below.

term consequences for Palestinians injured by the substance, detrimentally impacting their enjoyment of human rights, including health, education, and work. OHCHR addressed a letter to the Israeli Permanent Mission in Geneva on 23 January 2024, raising concerns over reports of the use of white phosphorus munitions in densely-populated areas and requesting further information. OHCHR has not received any response.

## **H. Limitations on humanitarian aid, leading to starvation and hunger**

34. During the reporting period, severe restrictions imposed by Israel on the entry and distribution of goods and services necessary for the survival of the civilian population brought the risk of famine and starvation to Gaza. This was a result of a “complete siege” of Gaza, initially declared by the Israeli Government on 9 October 2023. Elements of these restrictions continued throughout the reporting period, including the denial of water to the north of Gaza, and was combined with unlawful and persistent entry and distribution restrictions on humanitarian assistance. This was exacerbated by Israel’s i) intense aerial bombardment of densely-populated urban areas, and civilian infrastructure and farmland, destroying local food production and distribution systems; ii) large-scale military ground operations which thoroughly destroyed the targeted areas, including civilian infrastructure; iii) unexploded ordnance (UXO) contamination; iv) widespread movement restrictions on people and goods across Gaza; as well as v) the prevailing insecurity and breakdown of public order and safety.<sup>66</sup>

35. Israeli attacks on the United Nations Relief and Works Agency (UNRWA), both physical, including attacks on its infrastructure, attacks killing and injuring its staff, and denials of coordination, as well as political, including legislative attempts to limit UNRWA’s operations and making unsubstantiated allegations of serious misconduct against many of its staff, have burdened the Agency’s operations and placed its personnel at risk and severely damaged the ability of the largest and most significant humanitarian organization in Gaza to function effectively. Funding cuts by donors in response to this campaign, although largely reversed later in time, further undermined UNRWA’s ability to contribute to food security for Palestinians in an ever-deteriorating situation.

36. At the beginning of April 2024, over 1.1 million people in the Gaza Strip were facing an extreme level of food insecurity, with an Integrated Food Security Phase Classification (IPC) of Phase 5 (Catastrophe).<sup>67</sup> According to the Ministry of Health of the State of Palestine, at least 28 persons, most of them under 12 years old, had died from malnutrition and dehydration by 25 April,<sup>68</sup> although the true extent of deaths from starvation will likely be higher. Doctors at Kamal Adwan Hospital in northern Gaza reported in late March that 15 infants arrived daily suffering from acute malnutrition and advanced severe dehydration.<sup>69</sup> The IPC assessed that famine was imminent in the northern governorates and projected to occur anytime between

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<sup>66</sup> <https://www.ochaopt.org/content/humanitarian-access-snapshot-gaza-strip-1-31-march-2024>

<sup>67</sup> <https://www.ipcinfo.org/ipcinfo-website/alerts-archive/issue-97/en/>

<sup>68</sup> See also <https://reliefweb.int/report/occupied-palestinian-territory/its-not-fair-die-hunger-lives-malnourished-children-gaza-endangered-obliteration-and-obstruction-medical-care>

<sup>69</sup> <https://www.aljazeera.com/news/liveblog/2024/3/28/israels-war-on-gaza-live-unarmed-palestinians-killed-buried-by-bulldozer?update=2803492>

mid-March and May 2024.<sup>70</sup> Despite binding orders from the ICJ, as well as undertakings made by Israeli authorities, during the reporting period Israel appeared to fail to take sufficient steps to avert famine and end starvation.<sup>71</sup> Statements made by Israeli officials raised concerns that starvation was deliberately inflicted by Israel to punish the civilian population, and to effect the return of hostages.<sup>72</sup> Attacks on civilian police and others involved in the distribution of humanitarian assistance exacerbated the situation.

37. Starvation of civilians as a method of warfare is prohibited by IHL,<sup>73</sup> and constitutes a war crime.<sup>74</sup> In this regard, it is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, to blockade articles with the purpose of starving the civilian population, or to starve civilians by wilfully impeding relief supplies, as specified in the Geneva Conventions.<sup>75</sup> Collective punishment of the Palestinian population, including through the denial of objects indispensable to their survival, is also a war crime.<sup>76</sup> Furthermore, international human rights law states that, “in no case may a people be deprived of its own means of subsistence”.<sup>77</sup> The starvation of civilians may also, in certain circumstances, constitute a crime against humanity, if committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.<sup>78</sup>

38. Even before the “complete siege” was imposed by Israel in October, Israel’s 17-year-old blockade of Gaza and periodic escalations, including in 2008-9, 2012, 2014, 2021, 2022 and May 2023, had already contributed to the systematic violation of Palestinians’ internationally protected human rights to food and health.<sup>79</sup> As the Occupying Power, Israel has specific

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<sup>70</sup>[https://www.ipcinfo.org/fileadmin/user\\_upload/ipcinfo/docs/IPC\\_Gaza\\_Strip\\_Acute\\_Food\\_Insecurity\\_Feb\\_July2024\\_Special\\_Brief.pdf](https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf). See also <https://edition.cnn.com/2024/04/11/politics/samantha-power-famine-gaza/index.html>; [USAID says parts of Gaza are experiencing famine : NPR](#)

<sup>71</sup> See for example OCHA report of 22 April, accessible at <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-199>, which reported that, “Between 1-19 April, 32 humanitarian aid missions to northern Gaza were facilitated by the Israeli authorities (including 21 related to food assistance), 14 were denied or impeded, and 8 were cancelled due to logistical constraints,” demonstrating continuing Israel impediments to the distribution of humanitarian assistance. OCHA also noted that, “265K people (were) facing crisis levels of food insecurity (IPC Phase 3), 854K people facing emergency levels of food insecurity (IPC Phase 4), 1.1 million people facing catastrophic levels of food insecurity (IPC Phase 5).” Despite promises from the government of Israel to open more crossings into Gaza, see <https://www.aljazeera.com/news/2024/4/5/israel-to-temporarily-reopen-north-gaza-crossing-for-aid-after-biden-call>, at the date of writing this report it had not yet done enough to ensure the mass entry and distribution of food that is needed in northern Gaza.

<sup>72</sup> For examples of these statements, see: <https://www.youtube.com/watch?v=1nxvS9VY-t0>; <https://x.com/nissimv/status/1755936644677394453>; <https://twitter.com/itamarbengvir/status/1754923436881674506>; [https://x.com/limor\\_sonhrmelh/status/1751597625407569991](https://x.com/limor_sonhrmelh/status/1751597625407569991); <https://x.com/nissimv/status/1725481059658186985?s=20>; <https://www.facebook.com/Bezazelsmotrich/posts/pfbid02WtreMdeqpY8qddc1L4323cnyGE7c4hjdPwsjZm2gh8kRaf5JxocJE2qK2VSZ5Jml?mibextid=YxdKMJ>

<sup>73</sup> ICRC Study, Rules 53 and 156. See also grave breaches provision of GCIV (art. 147).

<sup>74</sup> Rome Statute, Art. 8(2)(b)(xxv); ICRC Study, Rule 156.

<sup>75</sup> ICRC Study, Rule 54; API, Art. 54 (2).

<sup>76</sup> ICRC Study, Rule 103.

<sup>77</sup> International Covenant on Civil and Political Rights (ICCPR), Art. 1(2).

<sup>78</sup> Rome Statute, Art. 7.

<sup>79</sup> ICESCR Arts. 11 & 12; CESCR General Comments 12, 14 and 15. Israel has functional human rights obligations to ensure these rights to the extent it has control over their enjoyment. Instead, the closure and blockade of Gaza have limited access to the determinants of health as well as access to food and water. Furthermore, as Israel has increased its power and control over the enjoyment of these rights with the deployment of troops across Gaza, its functional obligations have increased.

obligations under international humanitarian law to ensure access to “necessary foodstuffs, medical stores and other articles”.<sup>80</sup> Should it not be in a position to provide the food and medical supplies necessary to the population, Israel as the Occupying Power is nevertheless under an obligation to agree to relief schemes on behalf of the said population and to “facilitate them by all the means at its disposal.”<sup>81</sup>

## **I. Attacks on hospitals and killing of medical personnel**

39. Since 7 October 2023, the IDF has attacked hospitals across Gaza, in apparent systematic fashion, effectively crippling the healthcare system at a time of drastically increased needs. Israel attacked and destroyed or severely damaged hospitals in every governorate. Between November and December 2023, the IDF attacked Al Shifa Medical Complex in Gaza City, the largest in Gaza,<sup>82</sup> and the Indonesian, Al Awda, and Kamal Adwan hospitals in North Gaza. By January 2024, Israeli attacks reached Al Aqsa Martyrs Hospital in Middle Gaza, the largest medical facility in the area. The focus of attacks then moved on to western Khan Younis, where the IDF intensified their ground operations, targeting the two main functioning hospitals in the area: Nasser Medical Complex and Al Amal Hospital. Both facilities were raided twice and rendered non-functional by the end of March 2024. As of 30 April 2024, the World Health Organization (WHO) announced that only 12 of the 32 hospitals across Gaza were partially functional.<sup>83</sup>

40. IDF attacks on hospitals involved direct strikes, sieges, the use of snipers, raids, and the apparent arbitrary detention and ill-treatment of medical staff, patients and their companions, and internally displaced persons (IDPs) sheltering at hospitals. Emergency medical workers were killed in large numbers. As of 11 April 2024, according to the Palestinian Red Crescent Society (PRCS), at least 27 of their members had been killed.<sup>84</sup> The IDF has made allegations that “ Hamas terrorists ” were operating inside some hospitals,<sup>85</sup> which has not been independently verified. Even if allegations that members of the armed wing of Hamas were present in these hospitals are established, this does not absolve Israel of its obligations to fully adhere to IHL’s foundational principles of distinction, proportionality and precautions in attack.

41. The destruction of the health system in Gaza has had catastrophic consequences. According to the Ministry of Health of the State of Palestine, as of 24 April 2024, the number of hospital beds across Gaza had decreased by 80 percent, in the face of over 76,000 injured Palestinians. Kidney dialysis beds decreased by 75 percent. As of 30 April, more than 491 medical staff had reportedly been killed, and 310 had been detained. The collapse of the healthcare system occurred at a time when communicable diseases spread fast: as of 30 April, WHO recorded 711,178 cases of acute respiratory infections, 381,487 cases of diarrhoea including 106,545 cases of children under 5 years old, 87,800 cases of scabies and lice, 51,055 cases of skin rashes, 7,827 cases of chickenpox, and 48,177 cases of acute jaundice syndrome.<sup>86</sup>

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<sup>80</sup> GCIV, Arts. 55 & 60.

<sup>81</sup> GCIV, Art. 59, para. 1.

<sup>82</sup> Al Shifa Medical Complex consists of a number of specialized hospitals/departments, including obstetrics and gynaecology, a nursery department for premature babies, internal medicine, surgery, an emergency department, an intensive care unit, radiology, and blood banks.

<sup>83</sup> [Sitrep - issue 29d \(who.int\)](https://www.who.int/emergencies/sitrep/2024/04/gaza)

<sup>84</sup> <https://twitter.com/PalestineRCS/status/1778370607547060475>

<sup>85</sup> For example, <https://t.me/idfofficial/6718>; <https://t.me/idfofficial/7114>

<sup>86</sup> [Sitrep - issue 29d \(who.int\)](https://www.who.int/emergencies/sitrep/2024/04/gaza)

As of 29 April, approximately 1.2 million IDPs were concentrated in Rafah with only a few hospitals functioning and a scarcity of delivery beds. This led to many women giving birth with no or minimal pre- and post-natal care. According to the United Nations Population Fund (UNFPA), as of 23 February 2024, midwives were delivering over 70 babies a day under dire conditions with insufficient medical equipment. OHCHR is reviewing reports that a number of newborns died because their mothers were unable to reach medical facilities to give birth, or to attend for necessary postnatal care.

## J. Hostages<sup>87</sup>

42. By the end of the reporting period, many civilians and military personnel taken from Israel by Palestinian armed groups and held as hostages on 7 and 8 October remained in Gaza, believed to be held, frequently underground, in the direst of conditions.<sup>88</sup> This was an enduring horror for the victims themselves, and for the family members and friends suffering the daily trauma of not knowing the fate or whereabouts of their loved ones. As of 30 April 2024, 109 civilian hostages, including 34 children, 48 women and 27 men, had been released. Three women and one girl were released before the temporary ceasefire agreement in November 2023, and the rest as part of negotiations in November. Furthermore, one female IDF soldier and two male civilian hostages were rescued by the IDF.<sup>89</sup> On 6 February, the IDF stated they had confirmed the death of 31 hostages remaining in Gaza,<sup>90</sup> and on 19 February referred to 2 children as being amongst the hostages still held.<sup>91</sup> According to the IDF, as of 6 April, 133 hostages were still being held in Gaza.<sup>92</sup>

43. The accounts of hostages released described extremely harsh conditions of captivity, including a lack of food, water and poor sanitary conditions, and a lack of fresh air and sunlight. Many were reportedly kept in smaller groups, either overground in private residential buildings with Palestinian families, which were exposed to Israeli airstrikes, or in underground tunnels where air quality was poor and with no or limited access to sunlight. Some were beaten while being taken into Gaza, and some reported seeing other hostages being beaten while in captivity; there were also accounts of some hostages receiving surgery or stitching without anaesthetic; and fear of sexual abuse in captivity. One released hostage publicly reported that she was sexually assaulted in captivity, while others reported witnessing the sexual abuse of other

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<sup>87</sup> On the broader issue of detention, see OHCHR report: [Detention in the context of the escalation of hostilities in Gaza](#), (31 July 2024).

<sup>88</sup> Since 7 October, four different Palestinian armed groups have claimed to be holding hostages: Al Qassam Brigades, Al Quds Brigades, Abu Ali Brigades, and Al-Nasser Salah Al Deen Brigades. The groups have mentioned the hostages on their channels on Telegram or posted videos of the hostages.

<sup>89</sup> During a temporary ceasefire between 24-30 November, 105 hostages were released from Gaza, mainly women and children. In total, 33 Israeli children, 4 Israeli men and 44 Israeli women were released. In addition, 22 Thai men, 1 Thai woman, and 1 Filipino man were released. Four additional hostages were released prior to the temporary ceasefire; one girl and three women.

<sup>90</sup> <https://www.idf.il/en/mini-sites/israel-at-war/briefings-by-idf-spokesperson-rear-admiral-daniel-hagari/february-24-press-briefings/press-briefing-by-idf-spokesperson-rear-admiral-daniel-hagari-february-6th-2024/>

<sup>91</sup> <https://www.idf.il/en/mini-sites/israel-at-war/briefings-by-idf-spokesperson-rear-admiral-daniel-hagari/february-24-press-briefings/press-briefing-by-idf-spokesperson-rear-admiral-daniel-hagari-february-19th-2024-2/>

<sup>92</sup> <https://www.idf.il/en/mini-sites/israel-at-war/briefings-by-idf-spokesperson-rear-admiral-daniel-hagari/april-24-press-briefings/press-briefing-by-idf-spokesperson-rear-admiral-daniel-hagari-april-6-2024/>

hostages. Physicians who have tended to released hostages have reported signs of sexual abuse.<sup>93</sup>

44. The taking of hostages, as happened on 7 and 8 October, is a grave breach of the Geneva Conventions and a war crime.<sup>94</sup> Hostage taking is also prohibited under IHRL, as an arbitrary deprivation of liberty.<sup>95</sup> Furthermore, IHL requires the parties to the conflict to treat all persons deprived of their liberty “humanely” and prohibits all “outrages upon personal dignity”,<sup>96</sup> as well as torture, cruel or inhuman treatment.<sup>97</sup> The holding of hostages under the current conditions in Gaza described above breaches these provisions.<sup>98</sup> Gender-based violence, including sexual violence, would also violate the prohibitions of “outrages upon personal dignity” as well as torture or ill-treatment, and amount to a war crime.<sup>99</sup> All hostages must be promptly and unconditionally released, in safe and secure fashion. In the meantime, they must be treated humanely, with the giving and receiving of personal family news facilitated.<sup>100</sup>

## K. Communication blackouts

45. Communication blackouts have been a major feature of the ongoing escalation in Gaza. During the reporting period, OHCHR recorded communication blackouts on at least nine different occasions, with the longest lasting seven days in January 2024. These were allegedly caused by IDF strikes on communication facilities and communications repair workers, as well as the lack of electricity needed to operate communications infrastructure, caused by Israel’s siege of Gaza. Blackouts, during which telephone and internet networks were completely down, presented a major challenge to humanitarian and rescue workers, who risked being in the line of fire due to the inability to exchange information in a timely manner. Blackouts also severely reduced the chances of survival for trapped civilians. Those seeking information about loved ones, seeking safer areas during intense strikes and clashes, or trying to reunite with their families also faced such challenges. Journalists were also cut off from the outside world during the blackouts, limiting their ability to report.

46. The bombing and extensive destruction of telecommunication infrastructure in Gaza raises serious concerns over Israel’s violation of IHL’s prohibition of attacks on civilian objects,<sup>101</sup> as well as attacks on objects indispensable to the survival of the civilian population,<sup>102</sup> and requirements of proportionality. Even as disruption of communications of combatants may be a valid military objective, generalized communication blackouts, including through the blockade of fuel and electricity essential for the operation of communication and internet providers, coupled with the extensive destruction of communications infrastructure upon which large

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<sup>93</sup> See also Mission report on official visit of the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict to Israel and the occupied West Bank 29 January – 14 February 2024, paras. 7 & 72.

<sup>94</sup> GCIV, Art. 147; ICRC Study, Rule 96; Rome Statute, Art. 8(2)(a)(viii), (c)(iii).

<sup>95</sup> Working Group on Arbitrary Detention, [compilation of deliberations: https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/CompilationWGADDeliberation.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/CompilationWGADDeliberation.pdf), pp. 2-10.

<sup>96</sup> Geneva Conventions, Common Art. 3.

<sup>97</sup> ICRC Study, Rule 90.

<sup>98</sup> See also Rome Statute, Art. 8(2)(a)(ii), (c)(i).

<sup>99</sup> Rome Statute, Art. 8(2)(b)(xxi), (c)(ii).

<sup>100</sup> See ICRC Study, Rule 105.

<sup>101</sup> ICRC Study, Rule 7.

<sup>102</sup> ICRC Study Rule 54; API, Art. 54.

numbers of civilians are dependent, can scarcely be reconciled with the cumulative tests under IHL of distinction, proportionality and precautions in attack.<sup>103</sup> Moreover, prolonged and complete communications blackouts, like those experienced in Gaza, can also prevent timely and effective monitoring and reporting of serious violations of international law.<sup>104</sup>

## **L. Attacks on civil society**

47. Civil society in Gaza was severely damaged by the escalation of hostilities during the reporting period. The headquarters of many civil society organizations (CSO) were destroyed by bombs, and staff members of human rights and humanitarian organizations, individual human rights defenders, as well as writers and academics were killed, injured or detained by the IDF, or displaced by the fighting. In the first week of the escalation, many donor States unilaterally suspended funding for longstanding and well-established human rights and humanitarian organizations, following accusations conflating their human rights work with “terrorism”. Despite this, and their own struggle for day-to-day survival, many CSO staff continued to work, adapting to meet, as far they could, the desperate needs of the local people for food, aid and other support, often by leveraging networks built up over many years of working in the community.

## **M. Targeting of journalists**

48. The large number of Palestinian journalists and media workers killed in Gaza - 133 reported by the Palestinian Journalists’ Syndicate as of 24 April, of whom OHCHR has, by 2 September 2024, verified the killing of 91,<sup>105</sup> including 11 women - rendered Gaza the most dangerous place on earth for journalists.<sup>106</sup> Such killings restricted the information available on violations being committed in Gaza, given Israel’s refusal to allow foreign journalists to enter apart from limited, controlled instances. Journalists reporting from a conflict area are given particular recognition in international humanitarian law as a special class of civilians requiring protection.<sup>107</sup> There are strong indications<sup>108</sup> of incidents in which Palestinian journalists may have been directly targeted by the IDF during the course of their work, which would be a war crime.<sup>109</sup>

## **N. Repeated, mass displacement**

49. Palestinians in Gaza have been repeatedly displaced since midnight on 12 October 2023, when the IDF first ordered more than a million Palestinians in northern Gaza to evacuate south of Wadi Gaza within 24 hours. This initial displacement was followed by a succession of further

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<sup>103</sup> ICRC Study, Rules 7, 11, 12, 14 & 15. See also OHCHR report “Internet shutdowns: trends, causes, legal implications and impacts on a range of human rights”, A/HRC/50/55 (13 May 2022), para. 13.

<sup>104</sup> See A/HRC/55/28, para. 21.

<sup>105</sup> OHCHR verifies fatalities, while UNESCO verifies whether an individual killed was a journalist and whether they were killed while reporting.

<sup>106</sup> See also <https://www.972mag.com/israel-drone-gaza-journalists-forbidden-stories/>; and [https://www.theguardian.com/world/article/2024/jun/25/grey-zone-how-hamas-linked-journalists-legitimate-targets?CMP=share\\_btn\\_url](https://www.theguardian.com/world/article/2024/jun/25/grey-zone-how-hamas-linked-journalists-legitimate-targets?CMP=share_btn_url)

<sup>107</sup> Rule 34, ICRC Study.

<sup>108</sup> See OHCHR OPT Office local statement, [“Killings of journalists and their family members in Gaza”](#) (14 December 2023)

<sup>109</sup> Including under Rome Statute, Arts. 8(2)(a)(i), (iii), (b)(i), (c)(i) and (e)(i).

evacuation orders, notably preceding ground operations in Khan Younis, which pushed people and residents (often already displaced multiple times) into Rafah – the southernmost governorate.<sup>110</sup>

50. Massive displacement was caused by Israel's invasion in the north, IDF bombardments across Gaza, the widespread destruction of residential buildings and civilian infrastructure, the issuance of sweeping evacuation orders, and the onset of famine and starvation, especially in northern Gaza.<sup>111</sup> As of 31 March, over 1.7 million Palestinians - 75 percent of Gaza's population - had been displaced, out of which at least 1.2 million people were crammed into the southmost governorate of Rafah. OHCHR monitoring indicated that the "safe zones" where the IDF ordered Palestinians to evacuate to, such as Deir al Balah and Khan Younis, continued to be hit by Israeli strikes, causing fatalities and destruction of residential buildings, and the further displacement of those who had sought safety and shelter.<sup>112</sup>

51. Given Israel's continued willingness to strike what it considered to be military targets within "safe zones", its unilateral declaration of "safe zones" was understood by many civilians seeking shelter there as conferring much greater protection than it, in fact, did. To the extent that Israel reserved the right to strike military targets within these areas, the "safe zones" did not provide appreciably greater protection to civilians there than outside, and indeed may have placed the high concentrations of civilians there at greater risk than they would have been outside these zones. In one instance in December 2023, the IDF repeatedly ordered the residents of the north of Gaza to evacuate to "the well-known shelters in the Deir al Balah area".<sup>113</sup> Similarly, on 3 and 29 January and 1 February 2024, the IDF issued evacuation orders to residents of specific blocks in Al Bureij and An Nuseirat, Middle Gaza, to shelters in Deir al Balah. On 29 January and 1 February, the IDF reiterated this evacuation order. The IDF then conducted ground operations and fatal air strikes in the Deir al Balah area, which included 27 incidents in December, 20 incidents in January, 23 incidents in February, and 25 incidents in March 2024. Between January and March 2024, the IDF made five separate announcements mentioning strikes in Deir al Balah, claiming to have killed members of PAGs or destroyed military structures.

52. Another example of the IDF urging people to evacuate to a specified area, while continuing to undertake military strikes, was the Tall as Sultan area of Rafah. On 3, 4, 13 and 14 December 2023, the IDF issued evacuation orders to selected areas of Khan Younis for inhabitants to move to several areas of Rafah, including Tall as Sultan. Subsequently, OHCHR continued to gather information of Israeli strikes with fatalities in Tall as Sultan, including two strikes in December and seven strikes between January and March 2024. A strike on Tall as Sultan on 4 April killed a pregnant woman and her one-year-old and two-year-old children.

53. Under IHL, Israel, as the Occupying Power in Gaza, may undertake a "total or partial evacuation of a given area if the security of the population or imperative military reasons so demand". However, the Occupying Power is obligated to take steps: i) to ensure that those evacuated have access to appropriate hygiene, health, safety, nutrition, and shelter, and ii) to

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<sup>110</sup> See A/HRC/55/28, paras 44 – 48.

<sup>111</sup> See [statement](#) by UN High Commissioner for Human Rights Volker Türk on Israel and the Occupied Palestinian Territory, Amman, Jordan, 10 November 2023

<sup>112</sup> See also [https://content.forensic-architecture.org/wp-content/uploads/2024/05/Inhumane-Zones-Report-Forensic-Architecture\\_WEBSITE.pdf](https://content.forensic-architecture.org/wp-content/uploads/2024/05/Inhumane-Zones-Report-Forensic-Architecture_WEBSITE.pdf)

<sup>113</sup> <https://twitter.com/AvichayAdraee/status/1734110482250805660>

minimize the risk of separation of family members. Any evacuation must be temporary and those evacuated must “be brought back to their homes as soon as the hostilities in the area have ended”.<sup>114</sup> This does not require the hostilities to be completely over, but that the hostilities are over in that area, implying a narrower geographic scope. To the extent compelled evacuations do not meet these conditions, they are unlawful and may amount to acts of forced displacement, including forcible transfer, prohibited under international law.<sup>115</sup> Monitoring by OHCHR raises concerns that Israel has consistently failed to meet these conditions, and has instead created a concentration of highly vulnerable civilians effectively in areas of active hostilities, as the examples of Deir al Balah and Tall as Sultan above demonstrate.

54. The IDF also destroyed entire neighbourhoods within Gaza, including homes and other civilian infrastructure, outside the conduct of combat operations. This included the reported destruction of all buildings in Gaza within a kilometre of the barrier surrounding the outer limits of Gaza, completely flattening the area to create a “buffer zone”.<sup>116</sup> The sheer scale of destruction of civilian homes and essential infrastructure create the conditions for long-term displacement from these areas, which may amount to forcible transfer of the Palestinian population in Gaza.<sup>117</sup> Many Palestinians have been forced to flee to Egypt in conditions which may amount to deportation.<sup>118</sup> Deportation or forcible transfer are war crimes,<sup>119</sup> and when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack, may also amount to a crime against humanity.<sup>120</sup>

55. Israel has the legal obligation to prevent and avoid conditions that lead to forced displacement, and to not forcibly transfer or deport the civilian population from occupied territory. Israel must fully comply with IHL and IHRL to ensure Palestinians’ right to stay in and return to their homes in safety and dignity, and not to apply pressure for Palestinians to flee Gaza.<sup>121</sup>

## O. Lack of shelter

56. The hostilities in the Gaza Strip, Israel’s destruction of Gaza’s physical infrastructure, as well as its policy of directing civilians south, displaced 75 percent of the population, making finding new shelter a necessity for between 1.7 and 1.9 million persons in the Gaza Strip.<sup>122</sup> By the end of April 2024, up to 749,000 IDPs were living in damaged and/or inadequate homes; for

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<sup>114</sup> GCIV, Art. 49.

<sup>115</sup> ICRC Study, Rule 129.

<sup>116</sup> [Widespread destruction by Israeli Defence Forces of civilian infrastructure in Gaza |](#)

[OHCHR](#)

<sup>117</sup> [Ibid.](#)

<sup>118</sup> International Criminal Court (ICC), Decision on the “Prosecution’s Request for a Ruling on Jurisdiction under Article 19(3) of the Statute” ICC-RoC46(3)-01/18-37, 06 September 2018.

<sup>119</sup> Rome Statute, Art. 8(2)(b)(viii). See also Rome Statute Art. 8(2)(e)(viii), and A/HRC/56/26, paras. 56 – 61 and 81.

<sup>120</sup> Rome Statute, Art. 7(1)(d).

<sup>121</sup> For examples of concerning statements from senior Israeli Government Ministers along these lines, see: <https://x.com/Knesset/status/1755618456165376295> (in Hebrew, translation at <https://law4palestine.org/wp-content/uploads/2024/02/Final-Jan.-26-Statements-DB.pdf>); and <https://www.haaretz.com/israel-news/2024-01-28/ty-article/ministers-from-netanyahus-party-join-thousands-of-israelis-at-resettle-gaza-conference/0000018d-512f-dfdc-a5ad-db7f35e10000>

<sup>122</sup> [Gaza Crisis 2023 - Shelter Situation Update, 7th January 2024 - occupied Palestinian territory | ReliefWeb](#); [Gaza Strip - Interim Damage Assessment Summary Note - March 29, 2024 - occupied Palestinian territory | ReliefWeb](#).

instance, 81 percent of the buildings had lost access to safe water.<sup>123</sup> Most civilians had taken refuge in makeshift shelters, constructed from whatever materials were available.<sup>124</sup> OCHA and UNRWA reported severe overcrowding, aggravating the spread of diseases such as Hepatitis A. Children were left particularly vulnerable to transmission, due in part to a lack of hygiene facilities.<sup>125</sup> The deficient shelter these structures offered left civilians exposed throughout the winter months.<sup>126</sup> Unaccompanied children and persons with disabilities faced increased difficulty in accessing services.<sup>127</sup> Lack of proper shelter, water and essential items severely affected the 540,000 women and girls of reproductive age in Gaza, who for months were unable to access appropriate items, such as sanitary pads, to support basic hygiene and health needs.<sup>128</sup> While certain international NGOs managed to create some camps for displaced persons and import limited resources, there remained a chronic lack of shelter materials, exacerbated by insufficient funding, slow bureaucracy, and Israel's rejection of many shelter-related items due to their claimed "dual-use" potential.<sup>129</sup>

57. As the Occupying Power, Israel is obliged to provide civilians with supplies essential to their survival, including means of shelter.<sup>130</sup> Under IHRL, Israel has obligations in Gaza to ensure the "right of everyone to an adequate standard of living for himself and his family, including adequate... housing."<sup>131</sup> Israel has likely violated these obligations through the broad destruction of residential buildings and shelters caused through indiscriminate and disproportionate IDF bombing and ground operations, the living conditions inflicted through unlawful siege and closure of Gaza, and unlawfully impeding the entry and distribution of humanitarian assistance and other goods necessary for the survival of the civilian population.

## **P. Attacks on cultural and educational sites**

58. IDF attacks in Gaza have caused destruction and serious damage to Gaza's religious, historical and cultural sites. The IDF struck an extensive number of educational institutions, with 412 schools and universities reportedly destroyed or partially damaged as of 23 April 2024,<sup>132</sup> as well as the destruction of civil administration infrastructure,<sup>133</sup> and Gaza's Central Archives.<sup>134</sup> Furthermore, IDF attacks have destroyed mosques across Gaza, including those with notable cultural and historical significance. According to the Gaza Governmental Media Office, between 1 November 2023 and 28 April 2024, at least 243 mosques in Gaza were struck

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<sup>123</sup> [WHO's Monthly Operational Update on Health Emergencies, 07.03.2024](#), p.4

<sup>124</sup> [Gaza Crisis 2023 - Shelter Situation Update, 7th January 2024 - occupied Palestinian territory | ReliefWeb](#)

<sup>125</sup> [Gaza crisis: Babies being born 'into hell' amid desperate aid shortages | UN News; OCHA Flash Update #62, 07.12.2023; UNRWA, 15.02.2024](#)

<sup>126</sup> [Gaza Crisis 2023, Global Shelter Cluster, Update, 07.01.2024](#)

<sup>127</sup> Gaza Strip – [Interim Damage Assessment Summary Note](#) – March 29, 2024, p. 18

<sup>128</sup> [Gender Alert The Gendered Impact of the Crisis in Gaza.pdf \(unwomen.org\)](#)

<sup>129</sup> [Gaza Crisis 2023 - Shelter Situation Update, 7th January 2024 - occupied Palestinian territory | ReliefWeb](#)

<sup>130</sup> API, Art. 69(1).

<sup>131</sup> ICESCR, Art. 11.

<sup>132</sup> Gaza GMO, <https://t.me/mediagovps/2744>; See also

<https://www.aljazeera.com/news/2024/1/24/how-israel-has-destroyed-gazas-schools-and-universities>.

<sup>133</sup> For one example, see [https://www.timesofisrael.com/liveblog\\_entry/military-demolishes-hamas-parliament-building-in-gaza-city/](https://www.timesofisrael.com/liveblog_entry/military-demolishes-hamas-parliament-building-in-gaza-city/)

<sup>134</sup> <https://www.middleeastmonitor.com/20231129-israel-destroyed-central-archives-of-gaza-city-head-of-gaza-municipality/>

and destroyed by the IDF, including at least 28 in Khan Younis. For instance, the Ihyia' El Sunnah Mosque in As Sabra neighbourhood, in western Gaza City, was struck at around 1800 hours on 15 November 2023 at prayer time, when the mosque was packed full of worshippers. The strike reportedly killed at least 19 Palestinians, most of them from the Dughmush family, with some reports putting fatalities as high as 50. Another attack occurred on the Grand Omari Mosque in Ad Daraj, Gaza's Old City, which is reportedly the largest and oldest mosque in Gaza. It was originally a Byzantine church built in 406 AD before being transformed into a mosque in the 7<sup>th</sup> century. The minaret of the mosque was hit on 16 November 2023 at around 1800 hours; strikes between 3 and 7 December destroyed the mosque's main building along with two other mosques in Gaza's Old City.

59. OHCHR also verified that 25 university professors, artists, and other cultural figures have been killed since 7 October 2023. OHCHR verified the killing of 24-year-old Ahed Abu Hamed on 25 December 2023 in an Israeli strike on his family house in Al Bureij Camp, Middle Gaza. According to the Palestinian Ministry of Culture, Abu Hamed was an artist, playwright, and creative drama trainer working at the Theater Days Foundation in Gaza City.

60. Religious buildings such as mosques, and other cultural and civilian infrastructure, are protected from attack under IHL,<sup>135</sup> unless and only for as long as they amount to a military objective.<sup>136</sup> Making places of worship the object of attack when they are not military objectives is a serious violation of IHL that constitutes a war crime.<sup>137</sup> While Israel has asserted in numerous instances that combatants were making unlawful use of religious, cultural, civil or other structures of public importance, even when such a facility is determined to be a military objective, Israel must fully comply with the principles of distinction, precautions in attack and proportionality. The particular religious, cultural and civil significance of such buildings must be taken into account when assessing the expected incidental harm in relation to the anticipated military advantage.<sup>138</sup>

61. The destruction of Palestinian cultural heritage has long-term adverse impacts on Palestinian identity, and affects Palestinians both within and outside Gaza. Attacks on cultural heritage violate Palestinians' rights to freedom of expression, freedom of thought, freedom of conscience and religion, and freedom of culture.<sup>139</sup> The continued pattern of attacks on significant objects of Palestinian cultural heritage in Gaza raises profound concerns.

## **Q. Incitement to commit human rights violations and abuses, and atrocity crimes**

62. On 7 October 2023, and since, the attacks of that day against Israeli civilians were celebrated and defended by members of Palestinian armed groups and others. In a notable example, a spokesperson for Hamas expressed desire for repeated occurrences of such attacks

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<sup>135</sup> ICRC Study, Rule 7.

<sup>136</sup> ICRC Study, Rule 10.

<sup>137</sup> ICRC Study, Rule 156. Rome Statute, including under Arts. 8(2)(b)(ix) & 8(2)(e)(iv). See also *Prosecutor v. Ahmad Al Faqi Al Mahdi*, ICC-01/12-01/15, Judgment and Sentence, 27 September 2016.

<sup>138</sup> Israel is also State Party to the 1954 Cultural Property Convention and its Protocol, which expands the scope of objects and installations that it is obligated to protect as cultural property.

<sup>139</sup> ICCPR, Art. 18, 19; ICESCR, Art. 15.

in future. Other hateful rhetoric has sought to justify continued targeting of Israelis and Jews, advocating violence amounting to human rights violations and abuses and atrocity crimes.

63. During the reporting period, alarming patterns of Israeli individuals encouraging, advocating and inciting violence against the Palestinian people continued. This trend in language was often top-down,<sup>140</sup> with Israeli officials<sup>141</sup> communicating incendiary and vengeful messages that were relayed and reflected by civilians in the public sphere.<sup>142</sup> Beyond purporting to justify the unacceptable civilian death toll in Gaza as necessary and proportionate collateral damage to defeating Hamas, these statements frequently posited the end of the conflict as contingent upon Gaza's entire destruction<sup>143</sup> and the exodus<sup>144</sup> of the Palestinian people. OHCHR documented efforts to rationalize discrimination, hostility and violence towards, and even the elimination of, Palestinians. For instance, the term 'terrorist' was recklessly and indiscriminately applied to all Palestinians, seemingly in an effort to justify violence against them. Statements were made implying that all Palestinians from Gaza were complicit in acts of violence by Hamas, whether in celebrating such acts,<sup>145</sup> or in aiding and abetting them by means of tunnels.<sup>146</sup> In addition to sweeping damaging characterizations of

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<sup>140</sup> See, for example, Facebook post by Minister of Finance Bezalel Smotrich: "I agree with every word of Giora Eiland in this column", where in his OpEd published in Yediot Ahronot newspaper, Giora Eiland, former head of the Israeli National Security Council and IDF retired Major General wrote: "The way to win the war faster and at a lower cost for us requires a system collapse on the other side and not the mere killing of more Hamas fighters", that "we must not shy away from [a humanitarian disaster in Gaza and of severe epidemics, as warned by the international community], as difficult as that may be. After all, severe epidemics in the south of the Gaza Strip will bring victory closer and reduce casualties among IDF soldiers. And no, this is not about cruelty for cruelty's sake, since we don't support the suffering of the other side as a goal but as a means. (...) we must not, absolutely must not adopt the American narrative that 'permits' us to fight only against Hamas fighters instead of doing the right thing - to fight against the entire opposing system, because it is precisely its civil collapse that will bring the end of the war closer. When senior Israeli figures say in the media 'It's either us or them' we should clarify the question of who is 'them'. 'They' are not only Hamas fighters with weapons, but also all the 'civilian' officials, including hospital administrators and school administrators, and also the entire Gaza population who enthusiastically supported Hamas and cheered on its atrocities on October 7th." <https://www.facebook.com/Bezazelsmotrich/posts/pfbid034FeFtZvnQLxMhdAzi4ns72sTfDAABMSBGBpuvrWPNx8iDMHfjGbjyT8jt7Wvn3v6l?mibextid=YxdKMJ>. See also the op-ed by Giora Eiland cited by Smotrich in his post at <https://x.com/davidsheen/status/1726206510286647501>

<sup>141</sup> On 2 Jan 2024, for example, Knesset Likud party member Moshe Saada on TV Channel 14, stated "today it is clear the right-wing is right on the matter of the Palestinians, today it is simple, you go everywhere and they tell you to 'destroy them', you go in the kibbutzim, they say 'destroy them'. My friends at the prosecutor's office, who fought with me on political matters, in debates, tell me, 'Moshe, it is clear that you have to destroy all the Gazans,' and these are statements I have never heard." <https://www.haaretz.com/israel-news/2024-01-03/ty-article/its-clear-to-everyone-gazans-must-be-destroyed-israeli-lawmaker-says/0000018c-ce57-ddba-abad-cef736e40000> & the video at [https://x.com/Ahmad\\_tibi/status/1742415488519393502](https://x.com/Ahmad_tibi/status/1742415488519393502)

<sup>142</sup> See, for example, interview given by veteran Israeli journalist, Israel Hayom, with Channel 12 in which he states "... instead of starving, instead of being jerked around, instead of being severely tormented, instead of hiding from shelling, they (Gazans) are enjoying the beach [...] we should have seen there a lot more revenge, a lot more rivers of Gazans' blood..." <https://twitter.com/muhammadshehad2/status/1782029404916285857>

<sup>143</sup> See, for example: <https://x.com/moshefeiglin/status/1721064416081231891?s=20>

<sup>144</sup> See, for example: <https://x.com/nissimv/status/1719961885519347890?s=20>

<sup>145</sup> [With ICJ Trial Looming, Israeli Lawmakers Double Down on Calls to 'Burn Gaza,' Relocate Palestinians - Israel News - Haaretz.com](https://www.haaretz.com/israel-news/2024-01-03/ty-article/its-clear-to-everyone-gazans-must-be-destroyed-israeli-lawmaker-says/0000018c-ce57-ddba-abad-cef736e40000)

<sup>146</sup> [Israel's Ambassador to the UK on LBC radio, 03.01.2024](https://www.haaretz.com/israel-news/2024-01-03/ty-article/its-clear-to-everyone-gazans-must-be-destroyed-israeli-lawmaker-says/0000018c-ce57-ddba-abad-cef736e40000) When asked by LBC, in response to her statement that "every school, every mosque, every second house has [...] access to tunnels", whether this was "an argument for destroying the whole of Gaza", Tzipi Hotovely, the Israeli Ambassador to the UK, replied "do you have another solution?" <https://www.youtube.com/watch?v=cQtqvSYjMIc> at 0.58 secs.

the Palestinians from Gaza as violent and murderous,<sup>147</sup> statements by Israelis dehumanized Palestinians, including through references to “animals”, “slaves” and “monsters”.<sup>148</sup> On 9 January 2024, the Israeli Ministry of Justice issued a statement on behalf of the Attorney General and the State Attorney, clarifying that calling “for deliberate harm to non-involved civilians” may constitute criminal offences, and that “a number of cases are currently under review by law enforcement officials”.<sup>149</sup> However, by the end of the reporting period, OHCHR was not aware of any formal investigation having been opened.

64. Leaving such statements unaddressed contravenes Israel’s obligation under international human rights law to prohibit any advocacy of “national, racial or religious hatred” that constitutes incitement to “discrimination, hostility” and “violence”.<sup>150</sup> Certain statements of an Israeli Minister have been qualified by Israeli media as calls to genocide, and other statements may also amount to such incitement.<sup>151</sup> On 26 January 2024, the ICJ, in the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, also indicated, with binding effect, provisional measures that included an order that: “The State of Israel shall take all measures within its power to prevent and punish the direct and public incitement to commit genocide in relation to members of the Palestinian group in the Gaza Strip”.<sup>152</sup> OHCHR is seriously concerned that Israel is failing to uphold these obligations.

### III. CONCLUSION

65. This report has sought to capture key aspects of the horrific reality that unfolded for the people in Israel from 7 October 2023 and in Gaza over the six-month period thereafter. The report does not cover all reported violations.

66. Civilians, including children, women and men, have borne the brunt of the attacks, the “complete siege”<sup>153</sup> and the various forms of continuing closure and blockade by the IDF of

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<sup>147</sup> <https://www.jpost.com/israel-news/politics-and-diplomacy/article-774213>

<sup>148</sup> *Final Jan. 26 Statements DB (law4palestine.org)*;

<https://twitter.com/GalitDistel/status/1719689095230730656>

<sup>149</sup> [https://twitter.com/justicegov/status/1744798514419314881?s=48&t=KH1MHqGq3\\_35ZpAOkLnDNq](https://twitter.com/justicegov/status/1744798514419314881?s=48&t=KH1MHqGq3_35ZpAOkLnDNq)

<sup>150</sup> ICCPR, Art. 20(2).

<sup>151</sup> The Israeli Minister of Finance, Bezalel Smotrich, called for destroying cities in Gaza: “‘There are no half-jobs,’ he said. ‘Rafah, Deir al-Balah, Nuseirat – total destruction. ‘Thou shalt blot out the remembrance of Amalek from under heaven.’ There is no place for them under heaven.’” See: [Smotrich Must Pay the Price for His Repeated Calls for Genocide of Palestinians - Haaretz Editorial - Haaretz.com](#). Also, the Israeli Minister of Heritage, Amihai Eliyahu, who is also a member of National Security Minister Itamar Ben Gvir’s far-right Otzma Yehudit (Jewish Power) party, was speaking in an answer to a question in a radio interview: “Your expectation is that tomorrow morning we’d drop what amounts to some kind a nuclear bomb on all of Gaza, flattening them, eliminating everybody there...” [radio interviewer], “That’s one way” [Eliyahu response], “The second way is to work out what’s important to them, what scares them, what deters them... They’re not scared of death.” See: [Far-right minister says nuking Gaza an option, PM suspends him from cabinet meetings | The Times of Israel](#).

<sup>152</sup> *Supra* note 9. Following the ICJ’s decision, Israel responded on 26 January that “The charge of genocide levelled against Israel at the International Court of Justice is false and outrageous”, but that “Israel welcomes the Court’s clear demand for the immediate and unconditional release of all the hostages held in Gaza.” <https://www.gov.il/en/pages/mfa-statement-following-the-icj-decision-on-provisional-measures-26-jan-2024>

<sup>153</sup> [https://www.timesofisrael.com/liveblog\\_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/](https://www.timesofisrael.com/liveblog_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/)

Gaza, through unprecedented levels of killings, death, injury, starvation, illness, disease, displacement, detention and destruction. Hostages remained held by Palestinian armed groups, who also continued firing indiscriminate projectiles into Israel. International humanitarian law was designed to limit and prevent such human suffering in times of armed conflict. Its wanton disregard by the Israeli Defense Forces, as well Palestinian armed groups, has led to the current extremes of human suffering.

67. In many instances, the violations documented in this report by the parties could amount to war crimes. If committed as part of a widespread or systematic attack directed against a civilian population, further to a State or organizational policy, they may constitute crimes against humanity. If committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, they may also constitute genocide. It is essential that there is due reckoning with serious allegations of violation of international law, through credible and impartial judicial bodies, and that, in the meantime, all relevant evidence is collected, preserved and investigated.

68. OHCHR once again reiterates its appeal to all parties to uphold the fundamental principles of the United Nations Charter, to cease violations of international humanitarian law and international human rights law, including as documented in this report, and to implement an immediate ceasefire and unconditional release of all hostages and those who have been arbitrarily detained.

## IV. RECOMMENDATIONS

69. The High Commissioner calls on all parties to the conflict to:

- a. Implement an immediate ceasefire;
- b. Ensure full respect for international law, including international humanitarian law and international human rights law;
- c. Repress and punish all violations of international law, including international humanitarian law; ensure prompt, thorough, independent, impartial and effective investigations into all incidents that have led to serious violations of international law; ensure that perpetrators are held accountable and that all victims and their families are provided with their right to remedy and reparations; and cooperate fully with international accountability processes, including the International Criminal Court; and
- d. Implement the other recommendations made in reports of the Secretary-General and the High Commissioner, as well as by commissions of inquiry, fact-finding missions, United Nations treaty bodies, Special Procedures and other United Nations bodies, to address the systematic recurrence of violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory.

70. In particular, the High Commissioner calls on the Government of Israel to:

- a. Prioritize the realization of the human rights of Palestinians, including their rights to self-determination, equality and non-discrimination, and thereby ensure the rights of Palestinians and Israelis to live in security and peace;
- b. Immediately lift the various forms of blockade, closure and siege of Gaza, provide and bring in, or otherwise allow passage and delivery of, the necessary food, water, medical supplies, fuel, electricity, and other essential goods, as necessary and sufficient to meet the humanitarian needs of the population, including in accordance with the ICJ's binding orders;
- c. Allow and ensure humanitarian workers necessary access, safety and freedom of movement to deliver aid to those in need;
- d. Ensure that the IDF immediately take steps to comply with international humanitarian law in the conduct of hostilities, including through the application of targeting rules and policies, inclusive of rules of engagement, that fully comply with the principles of distinction, proportionality and precautions in attack; through the immediate cessation of the use of explosive weapons with wide area effects in populated areas, the use of weapons which are of a nature to cause superfluous injury or unnecessary suffering, including white phosphorous munitions, and any use of starvation of civilians as a method of warfare;
- e. Ensure that all Palestinians displaced within and from Gaza are allowed to return to their homes, creating safe conditions and fulfilling the responsibilities Israel has as an occupying power;
- f. Immediately release all Palestinians who have been arbitrarily detained, and ensure due process and fair trial guarantees for all Palestinians in detention. Ensure the conditions and treatment of detainees meet basic minimum standards under international humanitarian law and international human rights law, which includes ensuring detainees are not subject to any forms of torture or other cruel, inhuman or degrading treatment or punishment;
- g. Refrain from and take active steps to prevent statements that dehumanize Palestinians and perpetuate a culture of violence, or that advocate hatred against Palestinians and constitute incitement to discrimination, hostility or violence, as well as statements justifying or advocating attacks against civilians or civilian objects;
- h. Urgently take steps to end all unlawful killing and injury of Palestinians, while complying with its obligations under the law of occupation to take steps to restore public order and civil life in Gaza, including in the context of aid delivery, and ensure that all use of force is in full compliance with the international human rights standards governing law enforcement, when relevant. In that context, strictly regulate the use of live ammunition, ensuring that security forces are adequately equipped and trained in the use of less-lethal weapons and ammunition, and ensure all law enforcement type operations are planned and implemented to minimize the threat to life. Impose appropriate disciplinary and penal sanctions for members of security forces who do not respect such regulations; and

- i. Grant OHCHR and other UN investigative bodies meaningful access to Israel and the Occupied Palestinian Territory to investigate all human rights violations on and since 7 October 2023.

71. The High Commissioner calls on Hamas and its armed wing Al Qassam and other Palestinian armed groups to:

- a. Immediately and unconditionally release all hostages in a safe and secure way;
- b. Ensure that hostages and all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person, taking special account of the particular needs of women, children and older persons, and to prohibit all acts of torture or other cruel, inhuman, or degrading treatment or punishment;
- c. Facilitate the giving and receiving of personal family news to and from the hostages;
- d. Immediately take steps to ensure that armed groups and others acting under their authority and control comply with international humanitarian law in the conduct of hostilities, including ceasing and repressing attacks on Israeli civilians and civilian objects, ceasing the firing of indiscriminate projectiles, ceasing the co-location of military objectives and civilians with intent to prevent targeting of military objectives, and taking all feasible precautions to avoid harm to civilians during hostilities; and
- e. Refrain from and take active steps to prevent statements advocating hatred against Israelis or Jews that constitute incitement to discrimination, hostility or violence, as well as statements justifying or advocating attacks against civilians or civilian objects.

72. The High Commissioner calls on Member States of the United Nations to:

- a. Consistent with their obligations under international law, assess arms sales or transfers and provision of military, logistical or financial support to a party to the conflict, with a view to cessation of such support to the extent it implicates a real risk of facilitating commission of serious violations of international law;
- b. Support the work of the International Criminal Court in relation to the Occupied Palestinian Territory; exercise universal jurisdiction to try crimes under international law in national courts, consistent with international standards; and comply with extradition requests pertaining to suspects of such crimes to countries where they would face a fair trial;
- c. Actively support the protection of Palestinians wherever they are, including by engaging the parties to the conflict to cease violations, securing an immediate ceasefire, and enabling provision of humanitarian assistance;
- d. Ensure full respect for and compliance with international human rights law and international humanitarian law, as well as the relevant resolutions of the UN Security Council, the General Assembly and the Human Rights Council.