Civilians are the primary victims of increased violence in Israel and the Occupied Palestinian Territory, says the UN Commission of Inquiry

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<https://www.ohchr.org/en/press-releases/2023/10/civilians-are-primary-victims-increased-violence-israel-and-occupied>

All parties to the conflict in Israel and the Occupied Palestinian Territory have failed to take effective precautionary measures to avoid civilian casualties, exacerbating the long-running crisis and deepening divisions and hate on all sides, the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, said in a new [**report**](https://undocs.org/A/78/198) today.

The report to the General Assembly, which was completed before the latest upsurge in violence began and covers the period between May 2021 and August 2023, examines the use of force by Israel and the de facto authorities in Gaza, and Israeli military and police operations in the West Bank, including East Jerusalem, and Israel.

“Our report is painful and timely,” said Navi Pillay, Chair of the Commission. “It emphasises that the only path towards ending violence and achieving sustainable peace is through strict observance of international law throughout the Occupied Palestinian Territory and Israel. This requires addressing the root causes of the conflict, including the occupation of Palestinian territory, and allowing the Palestinians to exercise their right to self-determination.”

“The atrocities we have witnessed since 7 October add an unprecedented urgency to our conclusions and recommendations,” Pillay said. “Civilians and civilian objects should always be protected. They are never a legitimate target. All parties must uphold their duty to protect them under international humanitarian law.”

Following the complex attack on Israel launched by Hamas on 7 October, the Commission has begun [**collecting evidence of war crimes**](https://www.ohchr.org/en/press-releases/2023/10/commission-inquiry-collecting-evidence-war-crimes-committed-all-sides-israel) committed by Hamas and other Palestinian armed groups and by Israeli security forces. The Commission underscored the urgency for the parties involved to cease all forms of violence and ensure that civilians are protected.

In the report, the Commission concluded that the firing of rockets and mortars by Palestinian armed groups towards civilian population centres is inherently indiscriminate in its nature and so clearly constitutes a war crime. The report also found that the damage and casualties caused by Israeli attacks were not proportionate to the military advantage and so the actions constitute a war crime. Additionally, the Commission noted that the prevention of entry of food and medical supplies into Gaza is a violation of international humanitarian law.

It also found that Israel’s history of military incursions and aerial attacks on Gaza must be seen within the broader context of Israel’s occupation, which it has no intention to end.  Militarized law enforcement operations and incursions into Gaza are intended to weaken opposition to the occupation, fragment Palestinian political cohesion, and ultimately prevent the establishment and functioning of a free Palestinian state.

The report found that Israeli security forces used excessive force and indiscriminate means to disperse demonstrators in Israel and in the West Bank, including East Jerusalem, resulting in serious harm to persons, including death and permanent injuries. The Commission found there is a distinct hierarchy of methods in dispersing demonstrations, with the harshest and often lethal responses used against Palestinians in the West Bank, including East Jerusalem.

The Commission reviewed search and arrest operations said to be aimed at disrupting the activities of armed groups in the West Bank. It concluded that several operations carried out in Jenin in 2023 appear to have included use of unnecessary and disproportionate force by the Israeli security forces. Based on the evidence before it, the Commission concluded that Israel applies the framework governing conduct of hostilities to law enforcement operations in the West Bank, contrary to international law, resulting in civilians being killed and injured.

The Commission examined the killing of journalist Shireen Abu Akleh and concluded on reasonable grounds that Israeli forces used lethal force without justification under international human rights law and, intentionally or recklessly, violated Abu Akleh’s right to life. The Commission also determined on reasonable grounds that the Duvdevan Unit of the Israeli security forces participated in the operation in Jenin on 11 May 2022 and that the unit’s soldiers were likely in the vehicle from which shots were fired at Abu Akleh and other media workers.

The Commission recommended that Israeli Government cooperate fully with the continuing investigation into the death of Shireen Abu Akleh by the US Federal Bureau of Investigation. The Commission will provide the evidence it collected, to the International Criminal Court for its investigation in the *Situation in the State of Palestine*.

“The killing of Shireen Abu Akleh in Jenin is a direct result of Israel’s militarization of law enforcement operations in the West Bank, including East Jerusalem,” Pillay said. “Shireen Abu Akleh is another victim of the excessive and disproportionate force used by Israeli security forces in these operations. This was also an attack against journalists, who were all clearly identifiable, which is a recurring pattern identified by the Commission.”

The report recommends that the Government of Israel clearly distinguish between situations of law enforcement and conduct of hostilities and apply the framework of international human rights law to law enforcement operations in line with its obligations as an occupying power and relevant treaties; review and reform rules of engagement; ensure independent, impartial and thorough investigations into possible violations of international humanitarian law in Gaza; and end the practice of withholding bodies and information from family members.

The report recommends that the State of Palestine ensure strict observance of international humanitarian and human rights law and enforce accountability for violations of that law, and that the de facto authorities in Gaza, along with armed groups, stop all targeting of civilians, including through indiscriminate firing of rockets, mortars and other munitions towards civilian populations.

The report recommends that the International Criminal Court prioritize the investigation into the Situation in the State of Palestine, including the identification of those exercising command responsibility in the killing of Abu Akleh and other cases. It also urges the United Nations Secretary-General to list Israel in the annexes of the next annual report on Children and Armed Conflict in accordance with Security Council Resolution 1379 (2001).

The Commission’s report will be presented to the Third Committee of the General Assembly on 24 October 2023 in New York.