Grave violence in Israel and Gaza has outraged the conscience of humanity, UN Commission of Inquiry says

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Office of the High Commissioner for Human Rights

<https://www.ohchr.org/en/press-releases/2023/10/grave-violence-israel-and-gaza-has-outraged-conscience-humanity-un>

All parties to the conflict in Israel and Gaza have shown reckless disregard for civilian life and must comply with international law to prevent atrocities from continuing, the Independent International [**Commission of Inquiry**](https://www.ohchr.org/en/hr-bodies/hrc/co-israel/index) on the Occupied Palestinian Territory, including East Jerusalem, and Israel, said today.

The Commission made the call after completing a five-day mission to New York, where it presented its latest report to the 78th Session of the UN General Assembly on 24 October.

During the visit, the Commission met with UN Secretary-General António Guterres and thanked him for his support. The Commission also met civil society organizations as well as UN officials and member States to discuss the tragic violence that has shaken the region since 7 October.

Full compliance with core international legal obligations is essential in this critical moment.

In accordance with resolution A/ES-10/L.25, passed by the General Assembly today, the Commission calls on all parties to the conflict to comply fully with international humanitarian law and international human rights law, and to act to prevent the commission of and incitement to any crimes under international law, including war crimes, crimes against humanity and genocide.

The Commission reiterates that States have the obligation to protect their citizens and others under their control. Article 51 of the UN Charter provides for the use of force by a State in self-defense only in the case of an armed attack by another State. The Commission refers to the advisory opinion of the International Court of Justice in 2004, which affirmed that Israel is the Occupying Power over the Occupied Palestinian Territory and that Article 51 of the Charter is not applicable in this case – when the threat originates from a territory over which Israel exercises control.

The protection of civilians and civilian property is the paramount obligation in the current circumstances. There must be a clear distinction between *jus ad bellum, which*refers to the conditions under which States may resort to war or to the use of armed force in general, and *jus in bello*, the laws of war which regulate conduct of all parties to an armed conflict.

The Commission therefore emphasises that all parties, including Israel, Hamas, and other Palestinian armed groups, must reject all actions that fail to protect civilians and civilian objects. The primary principles of necessity, distinction, precaution and proportionality must be followed without exception and irrespective of the circumstances that led to the use of force.

In line with its previous findings, The Commission emphasises that the only path towards ending the violence and achieving sustainable peace is through addressing the root causes of the conflict, including through ending the occupation of the Palestinian territory and recognising the right of the Palestinian people to self-determination.