

# **The Impact Of The Israeli Aggression On The Gaza Strip On The Rights Of Persons With Disabilities**

**Monitoring violations, legal analysis, and  
avenues for accountability and effective remedies**

**April 2024**

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## ABOUT QADER FOR COMMUNITY DEVELOPMENT

QADER for Community Development is a Palestinian non-governmental, not-for-profit, and rights-based organization specializes in the rights of persons with disabilities, and established in 2008 in Bethlehem, Palestine. QADER leads a twin-track approach, dedicated to the empowerment and protection of children, women, and youth with disabilities from marginalization, discrimination, and all forms of disability and gender-based violence. QADER is committed to aligning societal, institutional, and policy contexts with the principles of “disability inclusion” and “leave no one behind” in Palestine. Through this alignment, QADER strives to foster its active engagement and meaningful participation across diverse facets of life and to ensure their full entitlements of rights by local laws and international human rights conventions and standards. In addition, QADER engages in international advocacy efforts through monitoring and documentation of human rights violations and international crimes, legal analysis, and reporting, to foster avenues for accountability and the protection of the rights of persons with disabilities.

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For citation, please indicate: *“The impact of the Israeli Aggression on the Gaza Strip on The Rights of Persons with Disabilities, QADER for Community Development - April 2024”*

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## 1. CONTEXT

1- This report outlines the grave breaches of international humanitarian law and human rights law targeting Palestinian civilians – especially women, children, and persons with disabilities - and civilian objects in the Gaza Strip over six months of continuous aggression since October 7, 2023. It highlights the impact of this systematic and wide-spread Israeli military aggression on the rights of persons with disabilities, with the ongoing siege, destruction, displacement, and obstruction of humanitarian aid, including life-saving needs and requirements of persons with disabilities. The report is based on **reliable information and evidence** from reports, statements, and statistics of United Nations bodies and specialized agencies, as well as documentation by international, regional, and local independent organizations. Additionally, it relies on documentations by the field team of QADER for Community Development (hereafter referred to as QADER) which includes dozens of written testimonies from victims and eyewitnesses, and documented interviews with officials, particularly in the health sector, in various areas of the Gaza Strip over several months under extremely difficult and complex field conditions.

2- This report underscores the imperative of **studying the broader context**, a point consistently underscored by International Commissions of Inquiry and Fact-Finding Missions, throughout the past military aggressions on the Gaza Strip and the West Bank. This broader context is characterized by the enduring Israeli colonial occupation, manifested by the forced annexation of Palestinian land and the expulsion of its people, the ongoing Nakba of Palestinians since 1948, the protracted occupation since 1967, the imposition of a deep apartheid regime on both sides of the Green Line<sup>1</sup>, the prolonged 18-year siege of Gaza, the transformation of the West Bank into fragmented enclaves surrounded by military checkpoints, and the isolation of occupied Jerusalem. These elements are all part of a systematic strategy aimed at expelling Palestinians (the indigenous population) and fully colonizing their land. In light of this context, it becomes imperative to address the consequences of the Nakba, end the colonial occupation (decolonization), and to ensure the right of Palestinians to self-determination.

3- The aggression against the Gaza Strip constitutes a direct attack on **civilians and civilian objects**. It does not fall under the concept of traditional wars between opposing armies or the various classifications of wars. This is evident by the large number of Palestinian civilians killed by the Israeli army during the aggression, most of whom are women and children, along with thousands of civilian injuries resulting in various disabilities, the destruction of most residential neighborhoods in the Gaza Strip, and the forced displacement of most of its residents. Such actions violate the principles of international humanitarian law, which are based on necessity, proportionality, and the distinction between civilian and military targets, and the obligation to take necessary precautions. These severe violations also breach human rights law and constitute multiple and complete international crimes.

4- The report uses the term "Palestinian casualties" to substantiate international crimes, primarily "willful killing," based on reliable and independent evidence within the framework of accountability, non-impunity, and reparation to victims. This term does not conflict with the concept of martyrs used in Palestinian narrative, which signifies the right of peoples, protected under international law, to resist occupation in pursuit of self-determination.

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<sup>1</sup> The green line of 1949: [https://remix.aljazeera.com/aje/PalestineRemix/green\\_line.html](https://remix.aljazeera.com/aje/PalestineRemix/green_line.html)

5- The report focuses on the grave breaches of international law against civilians and civilian objects during a six-month period of the widest-scale aggression on the Gaza Strip. It underscores the exacerbated impact on persons with disabilities, **drawing from reliable evidence and cross-referencing various sources such as statistics, data, statements, and testimonies from victims and eyewitnesses** to elucidate systematic patterns of grave violations of international law. One of the report's key findings is the widespread occurrence of willful killing' of civilians, a grave breach of human rights supported by credible evidence. This practice has resulted in the death and injury of over 110,000 civilians in the Gaza Strip, with children and women accounting for over 70% of casualties, representing 6% of the total population. The casualties continue to mount as the aggression persists. The severity of the situation has led the United Nations and its specialized agencies to deem the violations in Gaza as unprecedented since "World War II" and to consider the military aggression on Gaza as **"a war against women"**, declaring the region as **"uninhabitable"** and **"the most dangerous place in the world for children"**. The report meticulously documents **numerous mass graves**, including those located within hospitals' premises, protected under international law. It also provides **evidence of bodies found unclothed, handcuffed, and with signs of medical interventions** after the withdrawal of the occupation army from hospitals, corroborating the documented evidence of mass killings. Additionally, the report highlights thousands of persons with disabilities, **where 10 to 12 children undergo amputations daily**, in addition to threatening the lives of many injured individuals - especially those with disabilities - due to obstructions imposed by occupation authorities on getting medical treatment outside Gaza, and on the entry of medical and humanitarian aid, including life-saving provisions of persons with disabilities. Moreover, hundreds of thousands of civilians suffer from psychological and mental disorders resulting from the trauma, destruction, and violence in Gaza, necessitating years of treatment.

6- The report addresses the repeated crimes of forcible transfer of civilians since the beginning of the aggression on the Gaza Strip, supported by credible evidence that this was carried out according to a plan and policy, and in a systematic and widespread manner. This is corroborated by statements from political and military leaders of the occupying power, mass killings, and extensive targeting of civilian objects, leading to the destruction of approximately 70% of residential neighborhoods, hospitals, health centers, bakeries, and water wells, among others. These actions aimed to forcibly displace the residents of northern and central Gaza towards the south (Rafah). Reliable statistics indicate that the number of forcibly displaced persons during the first six months of the aggression ranged between 1.7 million (74% of the population) and 2 million (87% of the population) out of Gaza's total population of 2.3 million, pushing them towards Rafah, an area of only 16 square kilometers. United Nations bodies have confirmed that there is no safe place in the entire Gaza Strip. The report also presents numerous testimonies documented by QADER in various areas of the Gaza Strip, highlighting the serious violations faced by persons with disabilities and their families during the forced displacement episodes.

7- The report addresses the **crimes of arbitrary detention** in the Gaza Strip, targeting civilians who exceeded 3,000 detainees, including children, women, persons with disabilities, patients, United Nations employees (UNRWA), **and numerous cases of enforced disappearance**, as documented by United Nations bodies and independent organizations. Arbitrary arrests, as classified by the Working Group on Arbitrary Detention, primarily targeted civilians while they were in hospitals, shelters, and during repeated forced displacements, with detainees held in Israeli camps and detention centers. The occupying authorities applied Israel's **"Unlawful Combatants Law"**, which deprived Palestinian detainees of their basic rights and guarantees during detention. The report highlights various forms of serious violations during arbitrary

detention, based on credible evidence and testimonies obtained by QADER after some of the detainees were released.

8- The report highlights the **crimes of torture and ill-treatment** experienced by the arbitrarily detained individuals in Israeli camps and prisons during their detention, based on credible evidence from dozens of consistent testimonies. These testimonies reveal manifestations of grave breaches of international law such as torture and inhuman treatment, targeting women, children, persons with disabilities, patients, UN employees (UNRWA), and their families. Key forms of these violations included severe beatings across the body, repeated insults and humiliation, forced nudity and photographing of detainees naked, deprivation of food, clothing, and sleep for extended periods, waterboarding-like techniques, placing detainees in "cages" and unleashing dogs. Additionally, documentations on sexual violence were reported by several Palestinian women from Gaza who were released from Israeli occupation camps and prisons. The report also includes independent Israeli investigations that revealed the death of 27 detainees from the Gaza Strip within a military facility.

9- The report underscores the deliberate and widespread targeting of civilian objects - especially those accorded special protection under international law - through serious violations against medical units during six months of aggression and systematic destruction in the Gaza Strip, leading to rendering **32 out of 36 hospitals out of service**. These include **specialized facilities for persons with disabilities** such as Sheikh Hamad Hospital for Rehabilitation and Prosthetics, Al-Wafaa Rehabilitation Hospital, the Assistive Devices Center of the Palestinian Medical Relief Society, and the Palestinian Red Crescent Society's "Al-Amal City for Capacity Development". Additionally, there was significant damage to numerous centers providing rehabilitation services for persons with disabilities. The collapse of the healthcare sector resulted in a significant number of deaths, including persons with disabilities, and posed threats to the lives of many civilians, including persons with disabilities (various types of disabilities), with the continued deterioration of medical services and the obstruction preventing patients from leaving the Gaza Strip for treatment.

10- The report relies on numerous testimonies obtained from many hospital directors, as well as from persons with disabilities and their families in the Gaza Strip, meticulously documented by QADER field team in the Strip. These testimonies collectively highlight a **significant shortage in the needs and requirements of persons with disabilities during the aggression**, with the most prominent among them being the massive deficiency in "prosthetic limbs, wheelchairs, crutches, hearing aids, medical mattresses, nutritional supplements, disability-specific medications, medical equipment, clothing, sanitary pads, and medical consumables." This shortfall is primarily attributed to the deliberate targeting and collapse of the healthcare sector, compounded by the obstruction of "lifesaving" necessities, particularly - those critical for persons with disabilities - from entering the Strip via aid trucks. As a consequence, there was a severe deterioration in the health conditions of a considerable number of persons with disabilities, leading to increased fatalities.

11- The report underscores **alarming indicators of famine, food insecurity, and the spread of disease in the Gaza Strip**, due to grave violations of international law perpetrated by the systematic and widespread aggression initiated by the occupying army against civilians and civilian objects. This dire situation is further exacerbated by obstructing humanitarian and relief aid convoys, particularly evident **in the northern Gaza Strip**. Repeated targeting of humanitarian convoys and civilians seeking food, such as the incident of "**the Flour Massacre**" on the Nabulsi Circle area of the western Gaza Strip, has compelled residents, especially in the northern region, to resort to consuming "**animal feed**" which also became

unavailable due to the ongoing siege and starvation policies within the broader context of forced displacement. The report presents numerous indicators supported by reliable evidence from UN bodies, specialized agencies, and the documentation of numerous testimonies of persons with disabilities and their families by QADER field team in Gaza. These indicators point to the spread of famine - particularly in the northern Gaza Strip - resulting in multiple deaths from starvation, including children and persons with disabilities. UN reports on the **"Integrated Food Security Phase Classification" (IPC)** confirm that famine in the Gaza Strip is imminent, with all residents facing high levels of acute food insecurity, and **more than half of the population (1.1 million)** are expected to face catastrophic conditions (IPC Phase 5); the most severe level in the IPC Acute Food Insecurity scale, marking the highest number of people facing such dire conditions ever recorded in this international classification. Furthermore, the UN World Food Programme (WFP) issued a warning on April 24, 2024, that there is reasonable evidence that all three famine thresholds – food insecurity, malnutrition, and mortality – will be passed in the next six weeks.

12- This report conducted a **comprehensive and extensive analysis** of detailed information based on reliable evidence derived from reports by United Nations entities and their specialized agencies, international experts, international, regional, and independent local organizations, and dozens of testimonies documented by QADER field team in various areas of the Gaza Strip over several months. It cross-referenced the reliable evidence obtained to ensure the accuracy and credibility of the evidence regarding the patterns of grave violations of international humanitarian law and international human rights law committed in the Gaza Strip over six months of aggression against the Strip. To reinforce the reliability of the evidence on the systematic, widespread, and repeated nature of these grave violations, the report detailed the grave violations committed by the Israeli occupying army in **all previous military aggression on Gaza since 2006 (exhibiting similar patterns of grave violations)**. It drew on reports from international investigation and fact-finding committees established by the United Nations Human Rights Council for each previous military aggression on the Strip, including the permanent and independent international commission of inquiry established by the council in 2021, as well as reports from international experts, UN special rapporteurs, and independent international human rights organizations. The aim was **to cross-reference patterns of grave violations of international law across all military aggression on Gaza** and to support and enhance the credibility of evidence on the systematic and widespread nature of these grave violations of international law. Following that, a legal analysis was conducted within the framework of international criminal law, highlighting forms of international crimes committed in Gaza with credible evidence.

13- Israel, as the occupying colonial power, **cannot invoke the "right of self-defense"** to justify the systematic and widespread military aggressions targeting civilians and civilian objects in the Gaza Strip. This is based on several considerations, most notably **the International Court of Justice's (ICJ) 2004 ruling** regarding the separation wall illegally constructed by Israel in the occupied Palestinian territory. The ICJ affirmed that **Israel cannot invoke the right of self-defense (Article 51 of the UN Charter) concerning an attack originating from the occupied Palestinian territory, which is under its effective control**. This position was reiterated by the Independent International Commission of Inquiry on the Occupied Palestinian Territory in its 2023 report. Despite Israel's legal team invoking its right to "self-defense" before the ICJ in the case brought by South Africa against Israel on December 29, 2023, for genocide charges, the ICJ **"entirely disregarded" this defense** in its provisional measures order dated January 26, 2024. This dismissal aligns with the ICJ's 2004 ruling on the separation wall and with reports issued by UN bodies. Furthermore, the right to self-defense does not justify or excuse the grave breaches of the principles of international humanitarian

law, namely the principles of **necessity, distinction, proportionality, and precaution in armed conflicts**. Reliable and consistent evidence from eight military aggressions on Gaza, including the largest-scale recent one, confirms the widescale and systematic commission of grave violations - as detailed comprehensively - including fully-fledged international crimes.

14- This report conducted a **comprehensive legal analysis** - based on reliable evidence - of the patterns and details of the grave violations of international humanitarian law and international human rights law that manifested during the recent aggression on the Gaza Strip, as well as previous repeated military aggressions by the occupying army on the besieged Strip in recent years. The analysis is conducted based of the provisions of international humanitarian law, particularly the Fourth Geneva Convention of 1949 and the Additional Protocol I of the Geneva Conventions of 1977, which applies to international armed conflicts such as the Palestinian situation, and the rules of customary international law regarding international armed conflicts. Additionally, the analysis includes international human rights law including the Convention on the Rights of Persons with Disabilities (2006), in addition to the UN Security Council Resolution 2475 (2019) being one of the most binding resolutions on the protection of the rights of persons with disabilities in armed conflicts, under human rights law. The report also examines mechanisms to ensure the implementation of this binding international resolution to protect the rights of persons with disabilities.

15- Based on the comprehensive legal analysis, derived from detailed and reliable facts and evidence from reports, data, documentation, and statistics provided by United Nations bodies, specialized agencies, international experts, and independent international, regional, and local human rights organizations, as well as field documentation by QADER in Gaza over months of aggression, and by comparing patterns of grave breaches of international law with those committed by the Israeli military in previous attacks on Gaza, and by reviewing and analyzing numerous documented statements from Israeli political and military officials during the aggression, this report has identified **13 grave breaches of international humanitarian law** committed in a systematic and widespread manner during this aggression on Gaza. Additionally, there have been grave breaches of international human rights law, particularly the two International Covenants, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention Against Torture. By analyzing detailed facts from reliable evidence and conducting comparisons, the report concluded that the occupation army committed **18 types of war crimes during this aggression on Gaza, 10 types of crimes against humanity in the Strip**, and there is reliable evidence and reasonable grounds to conclude the commission of **4 types of genocide crimes**.

16- The report refers to key documents issued by international commissions of inquiries and fact-finding missions during the eight military aggressions carried out by the Israeli army on the Gaza Strip. These documents confirm Israel's failure to conduct **impartial and reliable investigations** of grave violations of international law. It also refers to those of the United Nations mechanisms, specialized agencies, international experts, and independent human rights organizations, which repeatedly warned that the consequences of impunity and the absence of accountability and effective remedies for Palestinian victims would encourage the continuation and escalation of grave violations and international crimes. They also emphasized the necessity of addressing the broader context, including the effects of "Nakba", occupation, and annexation. The report also examined **the performance of the Office of the Prosecutor of the International Criminal Court** during the aggression on the Gaza Strip.



17- The report presents numerous **recommendations** for action across various avenues to halt the aggression, ensure accountability, and provide effective remedies for Palestinian victims. These recommendations focus on the United Nations bodies, criminal responsibility under international criminal law, international civil liability and reparations for Palestinian victims, the protection of civilians, particularly children, women, and persons with disabilities, lifting of the blockade and reconstruction, and addressing international warnings regarding threshold of famine in the Gaza Strip. It also provides recommendations pertinent to the responsibilities of the Palestinian government, civil society, and disability organizations, including the life-saving needs and requirements of persons with disabilities, and the need for fundamental reforms in the Palestinian political system to enhance the resilience of Palestinians on their land and achieve their right to self-determination.

## 2. VIOLATION OF THE RIGHTS OF PERSONS WITH DISABILITIES BEFORE THE AGGRESSION

18- The Gaza Strip, which has been under a stringent and ongoing blockade for 18 years and is deemed uninhabitable according to United Nations reports, has endured eight military aggressions by the Israeli occupation forces. These aggressions have resulted in tens of thousands of civilian killings, injuries, and disabilities, along with extensive destruction of civilian objects and all aspects of life. The aggressions occurred in 2006, 2008-2009, 2012, 2014, 2019, 2021, 2022. The eighth which began on October 7, 2023, is the longest, most extensive, and deadliest, particularly affecting women, children, and persons with disabilities. This aggression, which is unprecedented in modern history, has had catastrophic impacts on Gaza, which will continue for many years.

19- Many international commissions of inquiries and fact-finding missions were established in response to these military aggressions and repeated hostilities by the Israeli army on the Gaza Strip. International reports issued by these commissions and missions confirmed in their recommendations that the attacks against civilians and civilian objects in Gaza constitute fully-fledged international crimes and stressed the necessity of accountability and lifting the blockade on Gaza, which constitutes collective punishment targeting the civilian population in the besieged Strip. Despite that, there has been no prosecution or accountability for the leaders and officials of the Israeli occupation on these crimes. Also, effective remedies and reparations have not been provided to the Palestinian victims, and the blockade and collective punishment on Gaza has not been lifted. This has led to the escalation of international crimes and the exacerbation of the suffering of civilians in the besieged Strip.<sup>2</sup>

20- According to available statistics, the number of persons with disabilities in the Gaza Strip before the Israeli aggression- following October 7, 2023- was approximately 127,962, accounting for 6.8% of the total estimated population in the Strip. This estimate varies between the assessments of human rights organizations working in the disability sector and the Palestinian Central Bureau of Statistics<sup>3</sup>. There is currently no accurate statistics of the number of persons with disabilities across various disability types (**hearing, visual, mobility, intellectual, psychological, and speech**) as per the definition of disability in the Convention on the Rights of Persons with Disabilities, to which Palestine acceded in early April 2014, and Israel, the occupying power, has also acceded. These statistics should consider the correlation

<sup>2</sup> In this context, refer to: the report of the Human Rights Inquiry Committee established in accordance with the Human Rights Council Resolution No. 1/5-S dated October 19, 2000 (March 16, 2001), the report of the High-Level Fact-Finding Mission to Beit Hanoun established by Human Rights Council Resolution No. 1/3-S dated September 1, 2008 (Archbishop Desmond Tutu and Professor Christine Chinkin), the report of the United Nations Fact-Finding Mission on the Gaza Conflict established by Human Rights Council Resolution No. 1/9-S dated January 12, 2009 (September 25, 2009), the report of the Independent Commission of Inquiry established in accordance with Human Rights Council Resolution No. 1/21-S dated June 24, 2015, and the report of the United Nations Independent International Commission of Inquiry into Violations Committed During Protests in the Occupied Palestinian Territory (A/HRC/74/40) – the Great March of Return, and reports from the International, Independent, Permanent Commission of Inquiry established by the Human Rights Council Resolution No. S-30/1 to investigate all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law that occurred before April 13, 2021, and have occurred since then.

<sup>3</sup> The Palestinian Center for Human Rights (Gaza) published a special report on "The Impact of Israeli Attacks on Persons with Disabilities During the Great March of Return and Breaking the Siege (March 30, 2018 – September 30, 2019)." Additionally, a statement by the Euro-Mediterranean Human Rights Monitor and the Disability Representative Bodies Network (DRBN) can be found at this link: <https://tinyurl.com/2esakrtr>, The Palestinian Central Bureau of Statistics issued a statement on the International Day of Persons with Disabilities on December 3, 2023, available at this link: <https://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=4648>

between repeated military aggressions - on the Strip – and the increased prevalence and types of disabilities, as well as the vast number of psychological traumas and disabilities caused by armed conflicts among civilians, especially children and women. This should be viewed in light of the ongoing blockade, poverty, marginalization, and exclusion, which highlights the importance of conducting a **specialized disability survey** in the besieged Gaza Strip.

21- The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) has confirmed that the repeated military aggressions launched by the Israeli occupation forces in the Gaza Strip since the beginning of 2008 (**up until the most recent aggression on October 7, 2023**) resulted in the killing of 2,749 Palestinian civilians in Gaza. Among the civilian casualties were 388 women, 240 girls, and 606 boys. Additionally, during the mentioned period, 62,850 civilians were injured, including 7,214 women, 1,749 girls, and 14,653 boys.<sup>4</sup> Reports from Palestinian and international human rights organizations during this period indicate that the Israeli military aggressions led to the complete or partial destruction of 52,000 homes, and more than 1,500 educational facilities. These repeated aggressions by the Israeli military have caused significant damage to the essential infrastructure vital to the health, energy, industry, commerce, media, and agriculture sectors in Gaza<sup>5</sup>, confirming that the systematic and widespread targeting of civilians and civilian objects is a "**recurring pattern**" in military aggressions on Gaza.

22- The International Commission of Inquiry, established by the Human Rights Council during the Israeli aggression on the Gaza Strip in 2014 and chaired by Justice Mary McGowan Davis, confirmed that the hostilities launched by the Israeli military on Gaza in the same year, which lasted for 51 days, witnessed a significant increase in the destructive force used against the civilian population in Gaza. The Israeli occupation forces carried out more than 6,000 airstrikes on Gaza and fired approximately 50,000 tank and artillery shells. This military aggression resulted in **the killing of 1,462 Palestinian civilians, a third of whom were children**. Hundreds of civilians, especially children and women, were killed in their homes. At least 142 families lost "three or more of their members" in attacks on residential buildings during the summer of 2014, leading to the deaths of 742 civilians in the Gaza Strip.

23- The International Commission of Inquiry clarified that the ground incursion by the Israeli occupation forces, which began in mid-July 2014, resulted in the killing of hundreds of civilians and the destruction of thousands of residential homes due to the indiscriminate targeting of the civilian population, in addition to the displacement of thousands from their homes due to the intense shelling and military operations conducted by the occupation forces in the Gaza Strip.<sup>6</sup>

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<sup>4</sup> The official website for the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) can be found at <https://www.ochaopt.org/>. For more detailed information, refer to the report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel, document number A/78/198 dated September 5, 2023, specifically section 50 of this international report.

<sup>5</sup> Additionally, the Al Mezan Center for Human Rights in the Gaza Strip provides a report on "Residential Buildings Affected in the Gaza Strip from 2000 to February 28, 2023," available at [www.mezan.org/en/page/20/Destruction-of-Residential-Houses](http://www.mezan.org/en/page/20/Destruction-of-Residential-Houses). This information is also referenced in the report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel, document number A/78/198 dated September 5, 2023, specifically section 50 of the report.

<sup>6</sup> Report of the International Independent Inquiry Commission of Inquiry established by the Human Rights Council in September 2014 to investigate violations of international humanitarian law and international human rights law in the context of the 2024 military operations, and the Commission's press release, on the United Nations website at: <https://tinyurl.com/2s498w7x>

24- Palestinian civil society organizations have meticulously documented crimes against individuals with disabilities, concluding a significant increase in disabilities among civilians in the Gaza Strip during the extensive military aggressions by the Israeli military army in 2014. According to a fact sheet published by the Palestinian NGO Network - a broad and independent coalition focused on human rights - and compiled by a team of researchers and experts in the field of disability and rehabilitation, the Israeli aggression on the Gaza Strip in 2014 resulted in **the killing of 42 civilians with disabilities. Among them were 25 persons with physical disability, 6 with intellectual disabilities, 3 with hearing disability, 4 with visual disability, and 4 with multiple disabilities.** This widespread military attack, which specifically targeted the civilian population in the Strip, also caused permanent disabilities in **1,134** civilians as a direct result of the aggression, **while 53 civilians with disabilities sustained multiple injuries during the assault.**

25- Statistical data from the aforementioned factsheet by the Palestinian NGO Network revealed the profound impact of the 2014 assault on Gaza; it documented the destruction of **351 homes owned by persons with disabilities in the Strip. Moreover, the aggression forced 2,204 people with disabilities to flee their residences and seek refuge in 45 shelter centers, all of which were inadequately equipped schools lacking proper amenities and accessibility features for persons with disabilities. Consequently, these shelters failed to provide a safe, healthy, and inclusive environment for this vulnerable population.** Additionally, the Israeli military attacks resulted in the loss of **assistive devices, such as wheelchairs and crutches, for 1,680 persons with disabilities.** Moreover, several shelters, as well as care and rehabilitation centers catering to people with disabilities, were deliberately targeted during the aggression, exacerbating the humanitarian crisis faced by this marginalized group.

26- The grave breaches of international law perpetrated against persons with disabilities during the 2014 Israeli aggression on the Gaza Strip, along with recurrent military aggressions targeting civilians and civilian assets in Gaza, as highlighted by the international commission of inquiry established by the UN Human Rights Council in September 2014, present **compelling and substantial evidence** of Israel's commission of egregious international crimes against persons with disabilities. These include willful killings, inflicting severe suffering and grave body harm, deliberate destruction of property devoid of military necessity, forcible transfer, and other severe transgressions that constitute international crimes under the Rome Statute of the International Criminal Court (ICC). These offenses squarely fall within the jurisdiction of the ICC, particularly since they occurred subsequent to the State of Palestine's accession to the ICC and its submission of a declaration with retroactive effect, extending the court's jurisdiction to crimes committed in the occupied Palestinian territory as of June 13, 2014<sup>7</sup>. The report will further examine the absence of accountability and effective remedies amid the recurrent Gaza aggressions in a dedicated section preceding the recommendations.

27- A report from the Independent International Commission of Inquiry, established by the Human Rights Council in May 2018 to investigate the widespread protests known as the "**Great March of Return and Breaking the Siege of Gaza,**" and later endorsed by the Council in 2019, found compelling evidence suggesting that Israeli soldiers violated human rights and international humanitarian law during these demonstrations. Some of these

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<sup>7</sup> The official website of the International Criminal Court (Information for Victims - Palestine) can be found at this link: <https://www.icc-cpi.int/sites/default/files/2023-06/2022-05-victims-info-palestine-ara.pdf>.

violations may amount to **war crimes and crimes against humanity**<sup>8</sup>. The Commission's findings were extensive, with a key emphasis on condemning the killing or injury of journalists, medics, and individuals who did not pose a direct threat to others. Of particular concern was the **deliberate targeting of children and persons with disabilities**, with evidence indicating **that Israeli snipers knowingly fired upon them**. According to the Commission's statement issued on February 28, 2019, **122 individuals had undergone limb amputations** since the onset of the protests on March 30, 2018<sup>9</sup>. These documented incidents strongly indicate a deliberate and systematic pattern of civilian targeting in Gaza. The United Nations Human Rights Council endorsed the commission's recommendations on March 22, 2019 (A/HRC/40/L.25), along with three additional resolutions addressing violations committed by the occupation in Gaza<sup>10</sup>.

28- Palestinian human rights organizations have recorded the killing of **9 persons with disabilities and injuries to 196 civilians with various disabilities throughout the Great March of Return protests**, which commenced in Gaza on March 30, 2018<sup>11</sup>. These organizations have also documented 600 civilians sustained enduring disabilities<sup>12</sup> because of Israeli military assaults on Gaza in 2008/2009. Similarly, during the 2012 Israeli attack on Gaza, 16 individuals<sup>13</sup> were left with permanent disabilities. Furthermore, in the 2014 Israeli offensive on Gaza, 53 civilians were afflicted with lasting disabilities, with approximately 180 others enduring permanent disabilities due to injuries sustained during that period<sup>14</sup>.

29- Documentation and ongoing monitoring by Palestinian human rights organizations have revealed that the rising incidence of disabilities among injured Palestinians can be attributed to the **insufficiency of specialized medical services and the constraints on traveling abroad for treatment**. These constraints have been imposed by the Israeli occupation on Gaza since the inception of the enduring blockade, considered a form of collective punishment, enforced on the Gaza Strip since 2006<sup>15</sup>.

30- These events reaffirm the **systematic and consistent pattern** of targeting persons with disabilities during the recurring attacks and hostilities perpetrated by the Israeli military against civilians and civil objects in the Gaza Strip.

31- The field investigations conducted by the Palestinian Centre for Human Rights - an independent human rights organization in the Gaza Strip - corroborate the findings of the

<sup>8</sup> The statement issued by the commission on February 28, 2019, can be found on the United Nations website: <https://news.un.org/ar/story/2019/02/1028022>

<sup>9</sup> The statement issued by the commission on February 28, 2019, can be found on the United Nations website: <https://news.un.org/ar/story/2019/02/1028022>

<sup>10</sup> Ensure accountability and justice for all violations of international law in the occupied Palestinian territory, including occupied Jerusalem (A/HRC/40/L.25).

<sup>11</sup> Palestinian Center for Human Rights (Gaza), a special documentary report on "The Impact of Israeli Attacks on Persons with Disabilities during the Great March of Return (March 30, 2018 – September 30, 2019)"

<sup>12</sup> Palestinian Centre for Human Rights (Gaza), Annual Report 2012. The Palestinian Centre for Human Rights has a special documentary report on the impact of Israeli attacks on persons with disabilities during the Great March of Return (March 30, 2018 – September 30, 2019).

<sup>13</sup> Palestinian Centre for Human Rights (Gaza), Annual Report 2012. The Palestinian Centre for Human Rights has a special documentary report on the impact of Israeli attacks on persons with disabilities during the Great March of Return (March 30, 2018 – September 30, 2019).

<sup>14</sup> Palestinian Centre for Human Rights (Gaza), International Day of Persons with Disabilities – Continued deterioration of their economic and social conditions at: <https://tinyurl.com/bddrfetr>

<sup>15</sup> Palestinian Center for Human Rights (Gaza), a special documentary report on "The Impact of Israeli Attacks on Persons with Disabilities during the Great March of Return (March 30, 2018 – September 30, 2019)".

United Nations Human Rights Council's International Commission of Inquiry on the Great March of Return (March 30, 2018). These investigations reveal the deliberate targeting of persons with disabilities by the Israeli army during these protests. Of the 9 Palestinian civilians with disabilities<sup>16</sup> killed during the Great March of Return, **all suffered direct gunshot wounds, with 7 sustaining fatal head injuries. Additionally, 196 Palestinian civilians sustained permanent disability, including 28 children.** The attacks resulted in various disabilities, including **158 physical disability, 27 sensory disability, 149 limb amputations, 23 eye injuries, and 3 hearing loss.** The deliberate targeting of persons with disabilities occurred from positions where Israeli soldiers and snipers were stationed along the Gaza Strip's eastern border, despite these individuals posing no threat. They were situated just 150 to 300 meters away from the Israeli positions<sup>17</sup>. This evidence confirms the intentional killing and injury of civilians with disabilities, violating international humanitarian law principles such as **military necessity, distinction, proportionality, and precautions to minimize civilian harm.** It constitutes strong evidence of fully-fledged international crimes committed against civilians with disabilities by Israeli army snipers during the Great March of Return, as concluded by the International Commission of Inquiry.

32- The comprehensive siege and collective punishment policy imposed by the colonial occupation authorities on the Gaza Strip, along with repeated military attacks before October 7, 2023, have led to widespread violations of the rights of persons with disabilities in Gaza, making them one of the most vulnerable groups. **Human Rights Watch**, in a statement on December 3, 2020, highlighted the Israeli blockade on Gaza and Hamas's failure to address the rights of persons with disabilities, contribute to making life in Gaza **extraordinarily difficult** for many people with disabilities.

33- The statement from "Human Rights Watch" further highlighted that the Israeli restrictions, spanning over a decade, have severely limited the freedom of movement and access to essential resources for persons with disabilities in Gaza. This includes crucial items such as assistive devices, electricity, and communication technology. The organization emphasized that "persons with disabilities in Gaza encounter significant obstacles in obtaining assistive devices like wheelchairs and hearing aids, primarily due to Israeli import restrictions. Furthermore, local authorities and relief organizations are unable to adequately provide these devices, compounded by a shortage of experts capable of repairing damaged equipment."<sup>18</sup> Israeli human rights organizations cited in the statement underscored that Israel's limitations on the entry of spare parts, batteries, and assistive devices directly contravene its obligations to persons with disabilities in Gaza under both international human rights law, such as the (Convention on the Rights of Persons with Disabilities), and international humanitarian law.

34- Over the years, the Gaza Strip has grappled with a **persistent electricity shortage** exacerbated by the ongoing blockade enforced by the occupying power, which has only intensified over time. This sustained power outage has inflicted significant hardship on civilians in Gaza, with persons with disabilities bearing a disproportionate burden of the consequences. Since 2019, experts in the field of disability in Gaza have meticulously documented the enduring plight caused by the continuous electricity crisis. For instance, **over**

<sup>16</sup> The results of field investigations conducted by the Palestinian Center for Human Rights in Gaza confirmed that the nine persons with disabilities, include a child, and two persons with physical disabilities, two persons with intellectual disabilities, two persons with mental disabilities, and two persons with hearing disabilities (deaf).

<sup>17</sup> Palestinian Centre for Human Rights (Gaza), a special documentary report on "The Impact of Israeli Attacks on Persons with Disabilities during the Great March of Return (30 March 2018 – 30 September 2019).

<sup>18</sup> Human Rights Watch: Life for People with Disabilities in the Gaza Strip 'Very Difficult' Statement published on December 3, 2020, at the link: <https://tinyurl.com/ut6k52zf>

**2,000 individuals reliant on electric wheelchairs**, primarily those with physical disabilities, faced grave risks due to the inability to charge their devices adequately, which necessitated eight consecutive hours of charging. Furthermore, **more than 3,000 persons with physical disabilities developed pressure ulcers due to the absence of suitable electric mattresses**, which require charging and were unavailable during persistent power outages. It was estimated that **approximately 9,000 persons with physical disabilities relied on these medical mattresses** at the time. The occurrence of pressure ulcers, compounded by the lack of access to medical mattresses and consistent power supply, tragically led to fatalities among persons with disabilities. Additionally, **approximately 5,000 persons with disabilities grappled with respiratory difficulties** because of oxygen machines shutting down due to the continuous power outages over the years in Gaza, stemming from the blockade and collective punishment<sup>19</sup>. This dire situation has further entrenched poverty, deprivation, and marginalization within the disability community, hindering their ability to fully access their rights in Gaza. These circumstances underscore the **widespread and systemic violations** against persons with disabilities in the Gaza Strip.

35- The report issued by **the Independent International Commission of Inquiry** on the Occupied Palestinian Territory (A/HRC/50/21) on May 9, 2022, emphasized that the Israeli occupation of the Palestinian territory and discrimination against Palestinians are the root causes of the recurring tensions, instability, and prolonged conflict in the region. It highlighted that the "**policy of impunity**" fuels increasing resentment among the Palestinian people. The report pointed out that forced displacement and the threat thereof, demolitions, settlement construction and expansion, settler violence, military checkpoints, and restrictions on movement in the West Bank, along with the prolonged blockade on the Gaza Strip, all contribute to the recurring cycles of violence. It asserted that ending the occupation is the only way for the world to reverse historical injustices and advance the Palestinian people's right to self-determination. The report also reviewed the various forms of violence faced by children and women in Palestine, particularly those with disabilities, perpetrated by occupation authorities and armed settler militias in the occupied territory<sup>20</sup>.

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<sup>19</sup> Researcher Mustafa Abed, The Impact of the Blockade on the Lives of People with Disabilities in Gaza, April 26, 2019, published at the website: <https://tinyurl.com/yc49m66h>

<sup>20</sup> Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel (A/HRC/50/21) United Nations at the like: [g2233718.pdf \(un.org\)](https://www.un.org/g2233718.pdf)

### 3. VIOLATION OF THE RIGHTS OF PERSONS WITH DISABILITIES DURING THE AGGRESSION

36- Since October 7, 2023, the Gaza Strip has been subjected to the most extensive and prolonged aggression by the occupying army and its war machine, by air, land, and sea, on an unprecedented scale compared to all previous military attacks launched by the Israeli army on the civilians and civilian objects in the Gaza Strip. This aggression has resulted in a massive number of civilian casualties, **particularly among children, women, and persons with disabilities**, and has caused immense destruction to civilian objects, including hospitals, homes, schools, universities, factories, bakeries, mosques, churches, water wells, the power plant, and archaeological sites, among others. The extent of loss of life and destruction in this latest attack has **surpassed the combined impact of all previous military aggressions** on the Gaza Strip and its inhabitants, despite numerous international reports prior to the latest aggression repeatedly stating **that Gaza was no longer livable**. The absence of accountability and effective remedies has led to a significant increase in the frequency of **these grave violations** during this aggression on the Gaza Strip.

#### 3.1 TARGETING CIVILIANS AND CIVILIAN OBJECTS

37- According to statistical data from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), **six months into the aggression on the Gaza Strip**, the number of Palestinian fatalities has exceeded 34,000, and the number of wounded surpassed 77,000. Over 70,000 homes have been completely destroyed due to the military aggression. These numbers are continually rising as the aggression, bombardment, and destruction persist, leading to an increase in civilian casualties and damage to civilian objects. The number of forcibly displaced persons due to this widespread and systematic military aggression has exceeded 1.7 million.<sup>21</sup> Forced displacement has occurred repeatedly as the extensive military aggression on the Gaza Strip continues and expands.

38- According to data from the **Palestinian Central Bureau of Statistics**, six months following the systematic and extensive military assault initiated by the occupying army on the besieged Gaza Strip, the toll on civilian Palestinians has been staggering. The number of civilian fatalities has risen to over 34,000, with more than 80,000 civilians injured as a result of the assault. Over 360,000 residential units have suffered varying degrees of damage, both total and partial, with these figures escalating daily due to ongoing bombardments and the deliberate targeting of civilians and civilian objects. The number of displaced individuals has now reached 2 million due to the assault on the Gaza Strip.<sup>22</sup>

39- According to the documentation by **the Euro-Mediterranean Human Rights Monitor up to day 180 of the military aggression** launched by the Israeli occupation army on the Gaza Strip, the number of Palestinian civilian fatalities exceeds 41,000. The number of civilian injuries has surpassed 77,000. Over 122,000 housing units have been completely destroyed, and more than 269,000 housing units have been damaged by the aggression. The number of forcibly displaced persons due to the aggression has reached 2 million. The number of journalists killed up to the date of these documentations stands at 136, and 177 journalistic

<sup>21</sup> Website of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) on statistical indicators at the link: <https://www.ochaopt.org/>

<sup>22</sup> PCBS website regarding statistical indicators on the link: <https://www.pcbs.gov.ps/>



premises have been destroyed or damaged. Additionally, 443 schools have been destroyed, 2,217 industrial facilities have been destroyed, 647 mosques have been destroyed, 3 churches have been destroyed, 301 healthcare facilities have been destroyed, leading to the collapse of the healthcare sector during the aggression, and 200 archaeological sites have been destroyed.<sup>23</sup>

40- The Palestinian Human Rights Monitor has indicated that its estimates, based on monitoring and documentation, suggest that **over 13,000 Palestinians are considered "missing" as a result of the military aggression on the Gaza Strip.** This number includes those who are missing under the rubble due to the intense and widespread bombardment, those killed and buried in mass graves in various locations across Gaza, and those forcibly disappeared, with some reportedly killed in Israeli occupation prisons. The Euro-Mediterranean Human Rights Monitor further clarified that the Israeli army has not released any information regarding the circumstances of these prisoners' and detainees' deaths. No independent entity has yet been able to verify or determine the conditions and circumstances of their deaths, nor have their bodies been recovered or identified, their remains returned, or their families notified.

41- The disparity in the scale of civilian casualties and damage to civilian objects can be attributed to **several factors.** These include the prolonged duration of the military aggression, which began on October 7, 2023, marking the longest aggression ever conducted by the Israeli army on the Gaza Strip. Additionally, the intensity of the military offensive by air, land, and sea, the heavy bombardment, and daily fire belts across the entire sector left no safe place in Gaza. Thousands of individuals remain missing under the rubble, with civil defense personnel and equipment being targeted. The multiple instances of forced displacement throughout this extensive and systematic aggression, coupled with the ongoing blockade (collective punishment) imposed on Gaza before and during the aggression, have prevented most UN and international bodies and foreign journalists from entering the Gaza Strip. These factors, among others, have resulted in significant difficulties and complexities in tracking the massive civilian casualties and the extensive damage to civilian objects as this aggression continues.

42- In contrast, all reports issued by United Nations bodies, international, regional, and local independent organizations, and the documentation by QADER field team in Gaza, which will be detailed in this report, clearly **indicate strong and reliable evidence** of the **systematic and widespread** targeting that affected a vast number of civilians, especially women, children, and persons with disabilities, as well as civilian objects and the entire infrastructure in Gaza, constituting fully-fledged international crimes.

43- Statistical data published by the **Government Media Office in Gaza, covering a period of 180 days of aggression** by the Israeli occupation forces by air, land, and sea on the besieged Gaza Strip, show that the occupation army committed 2,922 massacres<sup>24</sup>, resulting in 39,975 casualties, including killed and missing individuals. Among the victims were **14,500 children and 9,560 women.** The Palestinian casualties included 484 medical personnel, 65 civil defense workers, and 140 journalists. Additionally, these statistics indicate approximately 75,577

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<sup>23</sup> The Euro-Mediterranean Human Rights Monitor website on statistical indicators at:

<https://euromedmonitor.org/en>

<sup>24</sup> The term "**massacre**" is used in Palestinian literature to denote a large-scale military attack by the occupation army that left large numbers of victims, especially civilians and civilian objects. It refers to a reasonable and serious basis for the commission of international crimes, particularly in the form of war crimes and crimes against humanity under international criminal law, over which the International Criminal Court has jurisdiction according to its statute.

injuries in Gaza since the beginning of the aggression. The data confirms that **children and women constituted 73% of the total victims** of the aggression launched by the occupation forces on Gaza. Furthermore, a total of **17,000 children in Gaza are now living without both parents or one of their parents** as a result of this aggression.<sup>25</sup>

44- The statistical report published by **Al Jazeera Media Network, covering 180 days** of continuous Israeli aggression on the Gaza Strip, indicates that the Israeli army completely destroyed 70,000 housing units and partially destroyed 290,000 housing units. These statistical indicators confirm that **the occupation forces used approximately 70,000 tons of explosives** in their assault on Gaza. The report also documents the complete destruction of 171 government buildings, 100 schools and universities, and partial destruction of 305 schools and universities due to the bombing. Additionally, 229 mosques were completely destroyed, 297 mosques were partially destroyed, and 3 churches were demolished. In the health sector, the occupation forces rendered 32 out of 36 hospitals non-operational, took 53 health centers out of service, targeted 159 health institutions, and damaged 126 ambulances due to repeated, systematic, and large-scale military attacks in the Gaza Strip.<sup>26</sup> This has led to the collapse of the healthcare sector, exacerbating the suffering of civilians and creating catastrophic conditions for persons with disabilities.

45- The **UN Special Rapporteur on the Right to Adequate Housing, Balakrishnan Rajagopal**, in his report to the United Nations Human Rights Council, stated that the destruction in the Gaza Strip **affected 70% of homes, an unprecedented level of devastation**. He noted that 80% of homes in the northern part of the Gaza Strip were destroyed, and more than 1.5 million people were displaced from their homes during the aggression on Gaza. Furthermore, the complete destruction of civilian infrastructure has been reported, with events in Gaza reaching the level of **genocide**. During his participation in the 55th session of the UN Human Rights Council in Geneva, Switzerland, the Special Rapporteur described Israel's actions as "against the system in every sense of the word," following the International Court of Justice's provisional measures decision against Israel on January 26, 2024. The ICJ ruled that Israel should not engage in acts that could constitute genocide. The Special Rapporteur emphasized that "Israel is far from adhering to this; it is carrying out targeted attacks resulting in more killings, destruction, and violations of international law." He added, "Sadly, there is no doubt that what began as an armed conflict with some routine violations of the law of war has gradually evolved into crimes against humanity and now acts of genocide".<sup>27</sup>

46- The UN Special Rapporteur on the Right to Adequate Housing, in his report to the United Nations Human Rights Council in Geneva, stated that **"the scale and intensity of the destruction in Gaza are far worse than what occurred in Aleppo and Mariupol, or even Dresden and Rotterdam during World War II."** The Special Rapporteur further noted that "many conflicts around the world have increasingly witnessed systematic, widespread, massive, and arbitrary destruction of housing and civilian infrastructure, all of which constitute flagrant violations of international human rights law and international humanitarian law.

<sup>25</sup> Al Jazeera Media Network correspondents, harvest (6) months of the war of extermination in Palestine, at the link: <https://tinyurl.com/5n7rs3sf>

<sup>26</sup> Al Jazeera Media Network correspondents, harvest (6) months of the war of extermination in Palestine, at the link: <https://tinyurl.com/5n7rs3sf>

<sup>27</sup> The official website of the United Nations, a UN expert: The scale of destruction in Gaza is much worse than what happened in the cities of Dresden and Rotterdam during World War II, published on the UN website at the link: <https://news.un.org/ar/story/2024/03/1128962>. See also Al Jazeera Media Network, UN Rapporteur: War has destroyed more than 70% of Gaza's homes, at the link: <https://tinyurl.com/2u5u25nk>

However, **the scale and intensity of the destruction in the Gaza Strip are much worse than these instances.**"<sup>28</sup>

47- The UN Special Rapporteur on the Right to Adequate Housing, alongside other UN rapporteurs, reiterated his call for **"the cessation of arms transfers to Israel that are being used to destroy homes and displace residents in Gaza."** The UN Special Rapporteur added, **"These arms transfers carry the risk of complicity in systematic violations of the right to adequate housing, which may constitute war crimes, crimes against humanity, or acts of genocide under international law"**<sup>29</sup>.

48- On February 23, 2024, **more 30 experts from the United Nations**<sup>30</sup> stated in a statement published on the UN website that "any transfer of weapons or ammunition to Israel for use in Gaza is likely to violate international humanitarian law and must cease immediately. Such transfers of weapons or ammunition are prohibited even if the exporting state does not intend for the weapons to be used in violation of international law or is not certain they will be used in such a manner, as long as there is a clear risk of that." The statement issued by the UN experts on the UN website noted that "more than 29,313 Palestinians have been killed and 69,333 injured in Gaza since October 7, the majority of them women and children. Israel has repeatedly failed to comply with international law"<sup>31</sup>.

49- The independent UN experts stated that **"the need to impose an arms embargo on Israel has been reinforced by the ruling of the International Court of Justice on January 26, 2024, regarding the reasonable risk of genocide in Gaza and the ongoing serious harm to civilians since that time."** They pointed out that the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 obliges states parties to use all available means to prevent the commission of genocide in another state as much as possible. They said that this requires halting arms exports in the current circumstances. The experts affirmed that **"officials of states involved in arms exports may be individually criminally liable for aiding and**

<sup>28</sup> The official website of the United Nations, a UN expert: The scale of destruction in Gaza is much worse than what happened in the cities of Dresden and Rotterdam during World War II, published on the UN website at the link: <https://news.un.org/ar/story/2024/03/1128962>

<sup>29</sup> The official website of the United Nations, a UN expert: The scale of destruction in Gaza is much worse than what happened in the cities of Dresden and Rotterdam during World War II, published on the UN website at the link: <https://news.un.org/ar/story/2024/03/1128962>

<sup>30</sup> The UN independent experts who have affirmed that arms exports to Israel must be halted immediately are: Ben Sool, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Margaret Satterthwaite, Special Rapporteur on the independence of judges and lawyers; Bellet, independent expert on human rights and international solidarity; and Claudia Mahler, independent expert on the enjoyment of all human rights by older persons, Farida Shaheed, Special Rapporteur on the right to education; Livingstone Siwanyana, independent expert on the promotion of a democratic and equitable international order; Surya Diva, Special Rapporteur on the right to development; Attia Waris, independent expert on foreign debt and other international financial obligations and human rights; Ashwini K.B., Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Olivier de Schutter, Special Rapporteur on extreme poverty and human rights; Paula Gaviria Betancourt, , Special Rapporteur on the human rights of internally displaced persons; Siobhan Mullali, Special Rapporteur on trafficking in persons, especially women and children; Tomoya Obokata, Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Carlos Salazar Côtto (Chairperson-Rapporteur), Sorsha Macleod, Jovana Gzdmirovich Ranito, Chris M.A. Kwaga, Ravindran Daniel, Working Group on the Use of Mercenaries; Robert McCorcodell (Chairperson-Rapporteur), Fernanda Hoppenheim (Vice-Chairman), Bishamon Yovantung Damilola Olawuyi, Elzbeta Karska, Working Group on Business and Human Rights; Barbara J. Reynolds (Chair), Dominic Day, Pena DeCosta, Working Group of Experts on People of African Descent Occupied since 1967.

<sup>31</sup> Official UN website, UN independent experts "Arms exports to Israel must stop immediately" published at the link: <https://news.un.org/ar/story/2024/02/1128687>

**abetting the commission of any war crimes, crimes against humanity, or genocide."** All states, under the principle of universal jurisdiction and the International Criminal Court, can investigate such crimes and prosecute the perpetrators as indicated in the experts' statement.<sup>32</sup>

### 3.2 WILFUL KILLING

50- The documentation and reports issued by the United Nations, international and regional human rights organizations, and independent local entities agree, clarified in this report, that the number of Palestinian casualties from the deliberate and wide-scale military operations conducted by the Israeli occupying forces in the besieged Gaza Strip over the course of half a year since the beginning of the aggression on October 7, 2023, **has exceeded 110,000 residents in the Gaza Strip. Moreover, more than 70% of the targeted civilian casualties are children and women. This wide and deliberate aggression has left thousands of casualties among persons with disabilities, thousands of various disabilities, and extensive destruction in the sector, affecting 70% of residential neighborhoods, surpassing in "magnitude and proportion" what occurred during World War II.**

51- The common thread in the military attacks carried out by the occupying army on the besieged Gaza Strip since the 2006 aggression up to the 2023 aggression (**the widest in scope**) lies in the **deliberate targeting (intentional killing and injury)** of civilians, especially children and women, and targeting persons with disabilities. Many UN reports during this aggression, as well as in previous military attacks, have confirmed the deliberate and wide scale targeting of civilian populations and civilian objects in Gaza using thousands of tons of explosives and war ammunition in densely populated areas. These military attacks constitute serious violations of the principles of international humanitarian law (**military necessity, distinction, proportionality, taking necessary precautions in military attacks to avoid their effects**) and international human rights law, foremost among them the right to life and the right to physical safety. Those reports have affirmed that such violations form a reasonable basis for the commission of international crimes by the occupying army in Gaza.<sup>33</sup>

52- The targeting of persons with disabilities was not limited to previous military attacks but extended systematically and extensively in the recent assault by the occupying army on the territory since the 7th of October 2023. Despite the limited focus of international, regional, and local organizations on persons with disabilities amid the massive scale of killing and widespread destruction in the territory, which included persons with disabilities in various serious violations and international crimes and suffered even more in terms of comprehensive suffering across various rights and the obligation of special protection in armed conflicts, documentation from the Euro-Mediterranean Human Rights Monitor and the Disabled Persons' Representation Network (DRPN) in Gaza, in a joint statement issued on December 7, 2023, confirmed that **the number of wounded individuals with various permanent disabilities during the aggression exceeded 5,000 people. Additionally, around 130,000 persons with disabilities, a significant portion of whom were affected by previous military attacks on**

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<sup>32</sup> Official UN website, UN independent experts "Arms exports to Israel must stop immediately" published at the link: <https://tinyurl.com/3y6jntpe>

<sup>33</sup> Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and on Israel issued on 9 May 2022 (A/HRC/50/21) and the report of the same UN International Commission of Inquiry on 5 September 2023 (A/78/198).

**Gaza, were included. A large number of those who were injured with disabilities during the recent aggression succumbed due to the collapse of the healthcare sector.**<sup>34</sup>

53- The documentation from independent Palestinian human rights organizations, in a joint statement issued on 8 February 2024, confirmed that, according to initial estimates based on the documentation collected during the recent aggression on the Gaza Strip, this military onslaught is expected to result in **approximately 12,000 new cases of disability** in the Gaza Strip among the massive numbers of injuries sustained by civilian populations due to the systematic and wide-scale military aggression on civilians and civilian objects in the Strip. The joint statement highlighted aspects of the catastrophic conditions experienced by persons with disabilities in the Gaza Strip as a result of the aggression, which posed a serious threat to the right to life and **claimed the lives of many persons with disabilities** due to the significant challenges in their forced displacement processes, in the absence of an accommodating environment for the needs of persons with disabilities, and due to arrests and abuse suffered during forced displacement operations, as well as the absence of assistive tools resulting from repeated shelling of homes and residential neighborhoods, and the destruction of many hospitals and medical institutions providing services to persons with disabilities.<sup>35</sup>

54- The spokesperson for the United Nations Children's Fund (UNICEF), James Elder, confirmed that UNICEF's statistical indicators and documentation indicate that **over 1000 Palestinian children in the Gaza Strip have had their legs amputated as a result of the aggression** on the territory, with the amputation performed on either one leg or both legs.<sup>36</sup> The official spokesperson for the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), Adnan Abu Hasna, after six months of continuous aggression on the Gaza Strip, affirmed that the entire Gaza Strip is no longer livable place. UNRWA's documentation and monitoring in the Gaza Strip indicate that **an average of 10-12 Palestinian children's legs are amputated daily in the Gaza Strip (children only) as a result of the ongoing aggression.**<sup>37</sup> This explains the significant increase in the number of child casualties in the Gaza Strip amidst the absence of life-sustaining conditions.

55- The spokesperson for the Ministry of Health in Gaza clarified, after six months since the aggression began, that **thousands of upper and lower limbs of children, women, men, and elderly individuals have been amputated** as a result of the massive bombardment on the densely populated Gaza Strip, destruction, and the use of prohibited weapons in residential areas such as white phosphorus, and the collapse of the healthcare sector. Meanwhile, the official spokesperson for UNRWA affirmed that **"this aggression on the Gaza Strip is unprecedented in modern history since World War II, with approximately 6% of the total population in the Gaza Strip either killed, injured, or missing. This percentage and the staggering numbers, relative to the population, have no precedent since World War II."**<sup>38</sup>

<sup>34</sup> Euro-Mediterranean Human Rights Monitor, more than 5,000 new: catastrophic plight for persons with disabilities in Gaza due to Israel's attacks, joint statement with the Disability Representative Bodies Network (DRBN) in the Gaza Strip, at the link: <https://tinyurl.com/bdcn38ja>

<sup>35</sup> The Palestinian Center for Human Rights, Al-Haq and Al Mezan Center for Human Rights, joint statement dated 8 February 2024 at the link: <https://www.alhaq.org/advocacy/19476.html>

<sup>36</sup> The Palestinian Center for Human Rights, Al-Haq and Al Mezan Center for Human Rights, joint statement dated 8 February 2024 at the link: <https://www.alhaq.org/ar/advocacy/22636.html>.

<sup>37</sup> Interview on Al Jazeera Media Network with UNRWA spokesperson Adnan Abu Hasna, six months after the aggression on the Gaza Strip, at the link: <https://www.youtube.com/watch?v=KfPxuvw79Y4>.

<sup>38</sup> Interview with the spokesman for the Ministry of Health in the Gaza Strip, Dr. Ashraf Al-Qudra, six months after the aggression on the Gaza Strip, at this link: <https://www.youtube.com/watch?v=KfPxuvw79Y4>.

56- The UNRWA spokesperson pointed out that **hundreds of thousands of residents in the Gaza Strip are suffering from psychological and mental illnesses** due to the shocks, horrors of killing, destruction, displacement, deprivation, and the lack of basic living conditions. They require many years of treatment.<sup>39</sup>

57- UNICEF has clarified that children in Gaza are in critical need of life-saving support, with no safe haven amidst worsening humanitarian conditions. The ongoing hostilities have had catastrophic effects on Palestinian children and families in the Gaza Strip. Reports and documentation indicate the deaths of **over 13,000 children in this conflict and the injury of thousands of others**. The number of displaced individuals in Gaza is estimated at around 1.7 million Palestinians, more than half of whom are children.<sup>40</sup>

58- Media outlets, through **audio and visual evidence**, documented Israeli occupation forces **executing the elderly Palestinian Atta Ibrahim Al-Muqaid (73), who was deaf**, during the aggression on the Gaza Strip. The extrajudicial execution, as per the recorded video broadcasted by Al Jazeera and various global stations, took place on November 6, 2023. The **video footage** shows an Israeli soldier shooting the person with hearing disability (Atta Al-Muqaid) when the occupation forces raided his home in western Gaza, despite him being alone in the house and posing no threat to the soldiers. Although the elderly Palestinian deaf man gestured with his hand towards the Israeli soldier, the soldier shot and killed him. The widely circulated video clip depicted the soldier in a state of jubilation after killing the elderly Palestinian, receiving congratulations from Israeli soldiers who were with him during the execution of the deaf Palestinian person. Following the extensive media uproar sparked by the scenes of the isolated Palestinian elderly deaf man's killing, the Israeli newspaper "Haaretz" reported that the **Israeli army admitted to the killing of the deaf Palestinian elder (Ibrahim Al-Muqaid)**. The Israeli newspaper added that the army is investigating his killing. Despite the execution being captured on audio and video, the Israeli political or military level did not announce the accountability of these soldiers for the killing of the unarmed Palestinian elderly deaf man. Here, it must be emphasized that **war crimes and crimes against humanity** can be committed against **"protected individuals"** as long as they are part of a systematic or widespread attack within the context of an armed conflict under the Rome Statute and the Elements of Crimes document of the International Criminal Court.

59- The British website "Middle East Eye" also shed light on deliberate killings targeting persons with disabilities during the aggression on the Gaza Strip since October 7, 2023, in a report titled **"How Israeli army brutality killed a disabled Palestinian man"**<sup>41</sup>. The report explained that Palestinian citizen Azzaddin Al-Banna (40 years old), who had mobility disability in the lower limbs and suffered from hemiplegia, was arrested by Israeli occupation forces in late November 2023. Despite his disability, he was brutally beaten and tortured by Israeli soldiers during the arrest, resulting in injuries, infections, and serious complications that led to his death in February 2024. Some detainees who were with Al-Banna during his detention reported noticing a foul smell emanating from his feet due to his inflamed wounds from the beating, torture, and abuse by the occupation soldiers. They requested medical assistance and treatment for him from the prison authorities, but medical help was refused, leading to a deterioration in his health and eventual death. Thus, we are faced with a case of

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<sup>39</sup> Interview on Al Jazeera Media Network with UNRWA spokesperson Adnan Abu Hasna, six months after the aggression on the Gaza Strip, at this link: <https://www.youtube.com/watch?v=KfPxuvw79Y4>.

<sup>40</sup> UNICEF official website "Gaza's children need life-saving support and there is no safe place for children as the humanitarian crisis worsens," at the link: <https://tinyurl.com/mr2uh23r>.

<sup>41</sup> Middle East Eye "This is how the occupation army brutally killed a disabled Palestinian person" at the link: <https://tinyurl.com/55s72xse>

targeted killing (wilful killing) resulting from torture and deprivation of life-saving medical care. It should be noted that deliberate killing occurs through negative (**deprivation**) or positive (**shooting**) criminal behavior, and the killing of a protected individual as part of a systematic or widespread attack in the context of an armed conflict is sufficient for the war crime and crime against humanity to occur according to the Rome Statute and the Elements of Crimes Document.

60- **QADER field team** documented numerous testimonies from persons with disabilities and their families in the Gaza Strip during the Israeli aggression to highlight the violations faced by persons with disabilities and their families including targeted killing and harm, and other forms of violations. In a documented testimony obtained by QADER, **Ibrahim Bahjat Ibrahim Abu Dan (62 years old)**, a resident of Al-Bureij who **has a physical disability (both feet amputated due to the Israeli aggression)**, stated:

"My daughter's house was bombed by the Israeli occupation forces during the ongoing aggression on the Gaza Strip, located in Al-Bureij camp. There were 23 people in the house, and this direct targeting resulted in the killing of 20 people from the house. My son-in-law, my grandson, and I survived but sustained serious injuries. We were transferred to Al-Aqsa Hospital in Deir Al-Balah. I was suffering from severe bleeding and unconsciousness, having lost a significant amount of blood. My severe injury led to shattered bones, arteries, and tissues due to the explosion in the house. I underwent surgery under extremely difficult conditions due to the deteriorating state of hospitals in Gaza, and **both of my legs were amputated**. My health is continuously deteriorating due to the lack of specialized treatments, medications, care, and rehabilitation amid the ongoing aggression on the Gaza Strip."<sup>42</sup>

61- **QADER field team** has obtained a written testimony from the mother of (**Mustafa Salah al-Din Hussein Al-Raqab**), a resident of Bani Suheila who has an intellectual disability (Down syndrome). She delineates the violations experienced during displacement (to be addressed separately) and offers her firsthand account of the severe violations, particularly deliberate killing: "I fled with my family, consisting of eight members including (Mustafa), who has an intellectual disability (Down syndrome), three times during the Israeli assault on Gaza. We began our displacement from our home in Bani Suheila to a UNRWA school (King School) in the same area after our neighbors' house was bombed and the shelling intensified around us. There was no warning before the bombing to evacuate our homes. We rushed towards the school without taking our personal belongings, including Mustafa's medications and medical supplies. The conditions at the shelter school were miserable. During our displacement, Mustafa's father was seriously injured by shrapnel while he was in the house. Then, the school we had fled to was targeted by Israeli shelling without warning, causing severe destruction. This intense bombardment by the Israeli occupation forces resulted in **the death of Mustafa's aunt (his father's sister), who also had a disability**."<sup>43</sup>

62- The Euro-Mediterranean Human Rights Monitor documented the presence of more than **120 mass graves in the besieged Gaza Strip** during the systematic and widespread aggression launched by the Israeli army on the Gaza Strip, with overwhelming number of Palestinian fatalities resulting from this aggression, the heavy bombardment, and continuous fire zones throughout this comprehensive military aggression, which clearly and directly targeted civilians and civilian objects, leading to grave violations of international law. These violations

<sup>42</sup> The testimony of Ibrahim Abu Dan (62) is documented by QADER with the victim's permission to use the name and information for the purposes of this report.

<sup>43</sup> The testimony of Mustafa Salah al-Din al-Raqab's mother is documented by QADER with the victim's permission to use the name and information for the purposes of this report.

provide a strong and serious basis for allegations of international crimes in Gaza, according to UN reports and documentation from international, regional, and independent Palestinian local organizations. Among these mass graves is "**Al-Batsh**" cemetery, established on October 22, 2023, east of Gaza City, intended for the burial of dozens of unidentified bodies that had accumulated for days in Al-Shifa Hospital. Another **mass grave was established next to the Indonesian Hospital** on November 18, 2023, where around 200 bodies were buried. **Two makeshift mass graves were set up in the Al-Daraj neighborhood** in central Gaza City, and **a mass grave was established west of Khan Younis** in southern Gaza on November 22, 2023, where 111 bodies from Gaza City and northern Gaza were buried after the Israeli army had detained the corpses for varying periods. Additionally, at least 12 mass graves in Gaza have been identified, including **at least four that were bulldozed, excavated, and desecrated by the Israeli army during the aggression, resulting in the extraction of dozens of bodies.**<sup>44</sup>

63- The Israeli occupation army executed a large-scale military operation targeting Al-Shifa Medical Complex, the largest hospital in the Gaza Strip. This operation lasted for two weeks until the Israeli army withdrew from the complex on April 1, 2024. The assault on the medical complex resulted in the **destruction and extensive burning of significant portions of the hospital and its vicinity, rendering it completely non-operational.** Numerous eyewitnesses attested to a substantial loss of life among doctors, patients, and wounded individuals, both from direct shelling and arrests made inside the complex by Israeli forces, including the incursion of military tanks and soldiers. Palestinian Ministry of Health and Civil Defense teams conducted thorough searches within the hospital premises. On April 15, 2024, the Ministry of Health and Civil Defense announced that they discovered a **"mass grave inside the premises of Al-Shifa Medical Complex"**, and Al Jazeera broadcasted **footage** showing bodies being buried inside the medical complex, with audio and visual evidence. The Al Jazeera cameras directly captured images of recently buried bodies, some of which were in underwear, indicating that those targeted were naked. Some bodies showed signs of being patients, with visible medical wraps and interventions, presenting shocking scenes inside the medical complex.<sup>45</sup>

64- Despite hospitals being accorded special protection under international law, and after the discovery of a mass grave at Al-Shifa Medical Complex in Gaza City - the largest hospital in the Gaza Strip - staff of the Ministry of Health and Civil Defense in Gaza found a **similar grave at Nasser Hospital in Khan Younis** - the second-largest hospital in Gaza - after the withdrawal of Israeli occupation forces from the hospital. Volker Türk, the United Nations High Commissioner for Human Rights, expressed profound horror on April 23, 2024, at the destruction of both Al-Shifa Medical Complex and Nasser Hospital by the Israeli army, along with reports of mass graves within these protected medical facilities. Ravina Shamdasani, spokesperson for the UN High Commissioner for Human Rights, emphasized the severity of the situation, stating, "We feel the need to sound the alarm after finding numerous bodies, some with their hands tied, which of course points to grave breaches of human rights law and international humanitarian law." She also noted that the Office of the UN High Commissioner for Human Rights is closely monitoring reports of around **300 bodies discovered in a mass grave inside Nasser Hospital and 30 bodies inside Al-Shifa Medical Complex.** Palestinian

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<sup>44</sup> The Euro-Mediterranean Human Rights Monitor presents to the South African legal team before the International Court of Justice and the Office of the High Commissioner for Human Rights a memorandum on the most prominent "mass graves" in the Gaza Strip during the aggression on the Gaza Strip, at the link: <https://tinyurl.com/4dhmm7eu>

<sup>45</sup> The live broadcast of the "mass grave" within the premises of Al-Shifa Medical Complex in the city of Gaza on Al Jazeera satellite network, at the link: <https://www.facebook.com/watch/?v=1072543003822097>



reports confirmed an increase in the number of bodies within the mass grave at Nasser Hospital, **including women and the elderly** among those found **buried under piles of debris**.<sup>46</sup>

65- The large number of mass graves discovered in Gaza, including those found within the grounds of hospitals (**Al-Shifa Medical Complex and Nasser Hospital**) - which are accorded "**special protection**" under international law - following the withdrawal of the Israeli occupation forces during their military assault, which led to the destruction of large parts of the hospitals and rendered them non-operational. Media footage (both audio and visual) documented bodies, **some naked (stripped and then killed), some of patients (showing signs of bandages and medical interventions), some with hands bound (detained then killed), and buried under heaps of waste**. Numerous testimonies reported the targeting of doctors, patients, and displaced persons within hospitals by the occupation forces, as well as the stripping and detention of large numbers. These findings necessitate to **compile a comprehensive file on mass graves** " given the credible and substantial evidence of fully-fledged international crimes, particularly "**willful killing**" as war crimes and crimes against humanity. This requires thorough documentation in accordance with United Nations standards and those of the International Criminal Court, to strengthen accountability and justice. Furthermore, this file strongly supports the substantial and compelling evidence of genocide committed during the aggression on Gaza.

### 3.3 FORCIBLE TRANSFER

66- According to statistical indicators issued by United Nations bodies, international, regional, and local independent organizations, as well as the Palestinian Central Bureau of Statistics, the number of people subjected to forcible transfer (forced displacement) since the beginning of the aggression on the Gaza Strip on October 7, 2023, ranges **from 1.7 million to 2 million Palestinians**. The indicators of forcible transfer vary with "repeated forced displacement" occurring multiple times during the aggression on the Strip. Estimates from the United Nations Office for the Coordination of Humanitarian Affairs indicate that the number of forcibly transferred people in the Strip has reached 1.7 million Palestinians<sup>47</sup>. Similarly, indicators from the United Nations Relief and Works Agency (UNRWA) report that the number of forcibly transferred people is 1.7 million<sup>48</sup>. Meanwhile, the Palestinian Central Bureau of Statistics indicates that the number of forcibly transferred people has reached 2 million Palestinians<sup>49</sup>.

67- The forcible transfer of civilians in the Gaza Strip has been carried out in a "**systematic and widespread**" manner, intensifying since the beginning of the ground aggression launched by the Israeli army on the Strip. The intensity of the bombardment and the thousands of tons of explosives targeting entire residential neighborhoods have resulted in approximately 70% of these areas being reduced to rubble. The Israeli army has instructed the residents of the Strip to move to Wadi Gaza. During the displacement, civilians have been subjected to numerous

<sup>46</sup> The Palestinian official news and information agency "Wafa" at the link: <https://www.wafa.ps/Pages/Details/94131>

<sup>47</sup> The official website of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) at the link: <https://www.ochaopt.org/>

<sup>48</sup> The official website of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) at the link: <https://www.unrwa.org/resources/reports/unrwa-situation-report-99-situation-gaza-strip-and-west-bank-including-east-Jerusalem>

<sup>49</sup> The Official Website of the Palestinian Central Bureau of Statistics at the link: [Palestinian Central Bureau of Statistics \(https://www.pcbs.gov.ps/default.aspx\)](https://www.pcbs.gov.ps/default.aspx)

military attacks, leading to a large number of civilian killings. Many civilians have been detained and mistreated at military checkpoints. These harrowing events prompted the United Nations to declare that **there is no safe zone anywhere in the Gaza Strip.**

68- The targeting of the health sector has resulted in the complete shutdown of 32 out of 36 hospitals in the Gaza Strip, leading to the collapse of the healthcare system and infrastructure, and the lack of aid, especially in northern Gaza. This, along with malnutrition, water contamination, and the spread of diseases, has led to widespread and repeated forced displacements towards Rafah in the south of the Strip, where the displaced have crowded. This indicates that forced displacements are being conducted by creating coercive conditions that compel residents to flee their homes.

69- In a press release issued on the United Nations website on October 26, 2023, **at the onset of the ground aggression launched by the occupying army on the besieged Gaza Strip,** Lynn Hastings, the United Nations Coordinator for Humanitarian Affairs in the Occupied Palestinian Territory, expressed grave concerns. She highlighted “The IDF continues to notify people in Gaza City that those who stay in their homes will put themselves in danger. For people who can’t evacuate – because they have nowhere to go or are unable to move – advance warnings make no difference<sup>50</sup>. She added, " When the evacuation routes are bombed, when people north as well as south are caught up in hostilities when the essentials for survival are lacking, and when there are no assurances for return, people are left with nothing but impossible choices. Nowhere is safe in Gaza.”<sup>51</sup>

70- In a statement published on the United Nations website on March 6, 2024, United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons, Paula Betancourt, stated, "**Israel’s evacuation orders have not made the people of Gaza safer; on the contrary, they have been used to forcibly transfer and confine the civilian population in unlivable conditions**<sup>52</sup>.” The UN Special Rapporteur on Human Rights added, "**IDPs in Gaza have been arbitrarily driven from their homes multiple times with no regard for their rights to life, dignity, liberty and security. It is impossible to conceive of any durable solution to their displacement, given Israel’s systematic destruction of civilian objects, including homes, hospitals, schools, markets, and places of worship, atop the immense psychological toll the conflict has taken on the people of Gaza.**"<sup>53</sup>

71- The displaced population has largely converged in Rafah, situated in southern Gaza along the border with Egypt, enduring harsh conditions marked by a lack of fundamental living essentials. Despite its limited expanse **of just 16 square kilometers,** Rafah bears the weight of a staggering population density. With the influx of forcibly transferred individuals during the Gaza conflict, approximately **27,000 people are squeezed into each square kilometer** of Rafah. Amidst these challenging circumstances, a handful of hospitals continue to operate in Rafah and its vicinity. These include the Abu Youssef Al-Najjar Hospital, serving as the sole medical facility in Rafah city; the European Gaza Hospital, strategically located between Gaza and Rafah; Tal Sultan Maternity Hospital; and the Kuwaiti Hospital, albeit smaller in scale.

<sup>50</sup> UN: Nowhere safe in Gaza, posted on the UN website at: <https://news.un.org/ar/story/2023/10/1125342>

<sup>51</sup> UN: Nowhere safe in Gaza, posted on the UN website at: <https://news.un.org/ar/story/2023/10/1125342>

<sup>52</sup> Statement by the UN Special Rapporteur on the human rights of internally displaced persons at the link: <https://news.un.org/ar/story/2024/03/1129002>

<sup>53</sup> Statement by the UN Special Rapporteur on the human rights of internally displaced persons at the link: <https://news.un.org/ar/story/2024/03/1129002>

72- According to United Nations data, Rafah city currently holds the unfortunate distinction of being **the most densely populated city in the world**. Displaced individuals struggle with harsh living conditions as they inhabit thousands of tents scattered across Rafah. The situation is so dire that even sidewalks are occupied by makeshift shelters, while main roads have transformed into bustling markets, underscoring the acute shortage of essential amenities and daily necessities for the displaced population.<sup>54</sup> Adding to the plight, Israeli occupation authorities have issued repeated threats of invasion into Rafah, raising concerns about the potential escalation of international crimes being perpetrated within the Strip.

73- The displacement of individuals from the Gaza Strip towards Rafah City has resulted in **immense suffering for persons with disabilities** in the Gaza Strip, who are particularly vulnerable during displacement operations due to the nature of their disabilities and the absence of physical adaptation, accessibility, and accommodation arrangements. This is compounded by the massive bombing and thousands of tons of explosives unleashed by the occupying army on the Gaza Strip, resulting in widespread destruction of residential units, infrastructure, and difficulty in mobility under intense aerial, ground, and naval bombardment by the occupying army throughout Gaza. The continuous bombing of civilians and civilian objects in the Gaza Strip has also led to the destruction of assistive devices for persons with disabilities, such as wheelchairs, crutches, and other assistive tools, during ongoing bombing operations targeting civilians and civilian objects in the Gaza Strip. Additionally, displaced individuals have been repeatedly targeted during displacement operations, with a lack of transportation exacerbated by the blockade of fuel and electricity in Gaza during the aggression, arbitrary arrests, and other serious human rights violations committed by the occupying army against displaced persons during repeated forced displacement operations. QADER's field team has documented numerous written testimonies highlighting patterns of grave breaches of international law during the forcible transfer operations.

74- QADER field team in Gaza has documented a poignant testimony from a Gazan citizen (**Shadi Fakhri Al-Masri**), a resident of Beit Hanoun, on Almasryeen Street. Shadi's family, comprising ten, **including three persons with disabilities**, has faced profound challenges amidst the ongoing aggression.

"We were displaced from our home on Almasryeen in Beit Hanoun four times due to continuous bombardment by the Israeli military," Shadi recounts. "On the second day of the war, October 8, 2024, intense bombardment and fire belts occurred throughout our residential area without forewarning." Describing their harrowing escape, Shadi continues, "We fled quickly from the bombing without taking any food, water, clothing, personal belongings, assistive devices, or the special medications for my children with disabilities." The severity of the bombardment, particularly its impact on his daughter (Nida), who has cerebral palsy, was deeply concerning. "My daughter (Nida) was paralyzed with fear due to the heavy bombardment, putting the entire family at great risk," he laments. Shadi reflects on a heart-wrenching moment when desperation clouded his judgment, saying, "With great regret, I suggested to my wife that we leave our daughter (Nida) (with intellectual disability) behind and flee, as she refused to move. My rationale was, 'better to lose one than lose 10.'" However, "my wife's resilience prevailed as she carried (Nida) on her back while fleeing with assistance from others. Our journey to safety, spanning 15 kilometers on foot amidst relentless bombings, led us to seek refuge at Abu Al-Aasi School in Al-Shati' Refugee Camp". Tragically, the conditions there proved dire, with Shadi recalling, "There was no electricity, no blankets, no food, or water. Our plight worsened when the school became a target for Israeli military

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<sup>54</sup> Official website of the United Nations at the link: <https://news.un.org/ar/story/2024/02/1128537>

airstrikes, resulting in the loss of several family members and acquaintances. Subsequently, our quest for safety took us to Al-Nuseirat, but even there, we faced perilous circumstances. Israeli soldiers were stationed along the passage and shot many civilians, killing them." Shadi recounts, "Bodies and limbs were scattered in the streets, and many people were arrested, beaten, tortured, and completely stripped of their clothes". He continues: "Our journey to Rafah, prompted by Israeli military demands, offered little respite. Our conditions there are catastrophic," Shadi laments. "My three daughters with disabilities require special food, milk, medication, assistive devices, and diapers, and I cannot meet their needs, and their health continues to deteriorate." <sup>55</sup>

75- QADER field team in Gaza has documented the harrowing testimony of (Yasmin Zuhair Suleiman Abu Jamos), a 31-year-old woman with visual disabilities, from Bani Suhaila, in the Gaza Strip along with her family of four, including two daughters who also have visual disability. Yasmin recounted the tragic experiences endured by persons with disabilities during displacement. She narrated:

"My husband, our two daughters with a visual disability, and I faced displacement four times due to relentless Israeli bombardment on the Gaza Strip. The displacement process began from our home in Bani Suheila to my brother's house in the same neighborhood. However, the house was subjected to intense Israeli bombardment, causing significant damage while we were asleep. Zinc sheets and shrapnel fell on us, miraculously sparing us from injury. We fled the house, facing extreme difficulty and pain during the displacement amidst the night, and rain, and navigating through the rubble, especially since my two daughters and I are with visual disability; my husband was leading the way. We reached a very small house that could not accommodate us, prompting us to leave. The intense suffering continued under relentless bombing, fire, the freezing winter cold, and difficulty moving in our condition. We then arrived at an UNRWA school, overcrowded with displaced persons and lacking any provisions for visual disabilities or necessities such as food and drinkable water. We could not use the bathrooms or bathe as they were un-adapted to be used by persons with disabilities. We spent a whole night in the school corridor due to lack of space, sleeping in the intense cold due to exhaustion. We then fled again, with me carrying one daughter, and my husband carrying another, guiding us through the road as I am with visual disability. We walked slowly and stumbled slightly due to the bombardment and rainy weather, given the difficulty and severity of our situation. We stayed with another family briefly as their house was small and unable to accommodate us all due to my family's needs. We then stayed in the street under the rain for two days, experiencing intense fear and loss of hope, with a significant deterioration in our health due to lack of food, clean water, milk, medical necessities, medication, and assistive devices, including diapers for my daughters, which were not available and were priced exorbitantly due to the sharp increase in prices in the Gaza Strip after the aggression. I was extremely afraid for my daughters. We finally reached a shelter in Gaza, suffering from the same catastrophic conditions, severe overcrowding, and lack of disability accommodations. We were in a dilapidated tent that did not protect us from the rain, and it was difficult to access the bathroom as it was far away and unsuitable. Food, milk, medicine, and diapers were unavailable, and all the needs of persons with disabilities were lacking. Our health conditions

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<sup>55</sup> The testimony of Gaza citizen Shadi al-Masri is documented by QADER with permission of the victim to use the name and information for the purposes of this report.

continued to deteriorate, exacerbated by the continued blockade of aid and medication and the besiegement of hospitals in the Gaza Strip by the occupying army."<sup>56</sup>

76- QADER field team in Gaza has documented the testimony of “Mohammed Misbah Omar Abu Asi”, a 45-year-old resident of the Al-Tuffah neighborhood in the Gaza Strip, who is has a physical disability. His family, totaling nine individuals including his wife, has faced displacement five times consecutively during the aggression on Gaza. Mohammed recounted his experiences:

"We began our displacement journey from our home in Al-Tuffah neighborhood to seek refuge in an UNRWA shelter school amidst the deafening sounds of heavy bombing and gunfire, and the heart-wrenching cries of women and children. The scenes along the way were horrifying, with dead bodies, severed limbs, and pools of blood scattered in the streets. My physical disability made every step a tremendous challenge. Conditions at the shelter school were appalling, marked by severe overcrowding and a stark absence of facilities catering to persons with disabilities. The infrastructure lay in ruins, lacking even basic sanitation facilities, forcing us to resort to primitive methods for personal hygiene - a task rendered even more difficult by my disability. During one displacement attempt, I sustained a severe hand injury from shrapnel while fleeing on a horse-drawn cart, the only available means of transport amidst fuel shortages and infrastructure destruction. Tragically, a rocket strike claimed the life of my son who was with me in the cart. The horse and another daughter also perished in the attack, though the shock initially prevented me from realizing her fate. I was rushed to Al-Shifa Hospital, denied the chance to bid farewell to my deceased children due to the chaos of the Israeli bombing. My five-day stay in intensive care was marred by dire conditions—scarce medical treatments, medication shortages, and rampant diseases exacerbated by overcrowding. With the Israeli army's invasion looming and the hospital coming under heavy bombardment, I was once again forced to flee. Seeking refuge in another shelter school provided little relief, with conditions mirroring those of the previous shelter—overcrowded, lacking disability-friendly amenities, and devoid of essential medications and supplies. My health, already compromised by injury and disability, continued to deteriorate amidst the absence of proper medical care. Though scheduled for surgery, the invasion of Al-Shifa Hospital by the Israeli army rendered it impossible, leaving me reliant on painkillers to endure my critical condition."<sup>57</sup>

77- QADER field team has gathered the testimony of (Ali Bassem Farwana), a 21-year-old, with a physical disability, resident of Khan Yunis in Gaza. Mr. Farwana recounted the distressing details of his displacement:

"I was compelled to leave my residence in Khan Yunis due to heavy bombardment and artillery fire from the Israeli occupation army. This displacement recurred several times as the assault persisted. Initially seeking refuge at Nasser Hospital, I found conditions to be dire—overcrowded and with limited humanitarian assistance, particularly for individuals with disabilities. Upon returning home the next day, I discovered that it had been completely destroyed by Israeli airstrikes. Forced to return to Nasser Hospital, I remained there for several days. However, when the Israeli army advanced towards the hospital during an incursion, I was once again compelled to flee, maneuvering through the chaos with my wheelchair. Some compassionate individuals assisted me, navigating through debris and bombardment until we

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<sup>56</sup> The testimony of Yasmine Zuhair Suleiman Abu Jamous is documented by QADER with the permission of the victim to use the name and information for the purposes of this report.

<sup>57</sup> The testimony of Muhammad Mesbah Omar Abu Assi is documented by QADER with the permission of the victim to use the name and information for the purposes of this report.

reached Al-Aqsa University. Unfortunately, due to the late hours and severe overcrowding, access to the university was restricted. Subsequently, I was displaced to Rafah, with people aiding in pushing my wheelchair through perilous conditions. Upon arrival, securing a suitable shelter proved challenging due to overcrowding. Despite neighbors' assistance in procuring a basic tent, the lack of blankets in the extreme cold and the scarcity of food and medication exacerbated my health issues. Unable to access my medications and medical supplies amidst the relentless bombing, my health rapidly deteriorated. The shelter's conditions were entirely inadequate for someone with my health condition, lacking facilities for individuals with disabilities. Accessing the bathroom posed a significant challenge due to its distance and unsanitary conditions resulting from overcrowding. At times, I relied on neighbors for diapers, as my health condition prevented me from reaching the bathroom. Repeated displacements have rendered my wheelchair inoperable, leaving me immobile. From Khan Yunis to Nasser Hospital, then back home, back to Nasser Hospital, then to Al-Aqsa University, and finally to Rafah—I have traversed these distances. However, my family remains dispersed, and my health continues to deteriorate due to the lack of mobility, essential resources, and medical care.”<sup>58</sup>

78- The act of forcible transfer, also known as forced displacement, is a severe violation of international humanitarian law, specifically outlined in the Fourth Geneva Convention of 1949. Article 49 of the convention explicitly “prohibits the individual or mass forcible transfer as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive”. Additionally, Article 147 of the convention categorizes serious violations such as forced transfer or deportation as grave breaches. Moreover, Article 85 of the First Additional Protocol to the Geneva Conventions, which addresses the protection of victims of international armed conflicts, designates forced displacement as a **“war crime”** under the section titled “Repression of breaches of this Protocol.” The Rome Statute of the International Criminal Court defines forced transfer or deportation as “the forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law.” Thus, forced transfer or displacement occurs when civilians are physically compelled to move from areas where they are lawfully present, or when circumstances are created that force them to flee against international law. The Rome Statute further classifies forced displacement as **both a crime against humanity (Article 7(1)(d)) and a war crime (Article 8(2)(a)(7))**. It is essential to note that “security or military justifications” cannot justify forcibly displacing most civilians in Gaza while repeatedly subjecting them to killings, arbitrary detention, and abuse during forced displacement, resulting in numerous civilian casualties and repeated instances of displacement. The United Nations has consistently underscored that there is no safe area in the Gaza Strip.

79- The field affidavits gathered by QADER from various areas in the Gaza Strip, particularly concerning individuals with different types of disabilities, throughout repeated instances of forcible transfer, unequivocally highlight **the egregious violations endured by these individuals and their families during the displacement episodes**. These violations encompass targeted killings, injuries, arbitrary detention, torture, inhumane and degrading treatment, denial of access to essential medical and food supplies, and the absence of necessary resources for persons with disabilities. Such practices also entail starvation policies and a failure to provide special protection as mandated by the Convention on the Rights of Persons with Disabilities and international resolutions about armed conflicts. This constitutes

<sup>58</sup> The testimony of Ali Bassem Farawneh Documented by QADER with the victim’s permission to use the name and information for the purposes of this report.

substantial and compelling evidence of **international crimes perpetrated against persons with disabilities amidst the systematic and widespread military aggression** by the occupying army in the Gaza Strip. A thorough legal analysis of the serious violations targeting persons with disabilities will be conducted in a distinct section of the report.

### 3.4 ARBITRARY DETENTION

80- As per reports and follow-ups released by the Palestinian Central Bureau of Statistics, the count of Palestinian detainees in Israeli occupation prisons across the West Bank and Gaza Strip, since October 7, 2014, **has surpassed 12,000 individuals**<sup>59</sup>. The Euro-Mediterranean Human Rights Monitor has further highlighted that, following 180 days of aggression on Gaza, the number of detainees and forcibly disappeared individuals from the Gaza Strip has reached **3,890, confined in camps and prisons under occupation control**. Statistics and reports from the Palestinian Prisoners' Club reveal that the number of administrative detainees imprisoned in occupation prisons, signifying detainees held without trial, **has surpassed 3,700**<sup>60</sup>. Moreover, the Palestinian Prisoners' Club has clarified that the count of Palestinian prisoners and detainees in occupation prisons "before October 7" stood at approximately 5,000, encompassing 160 children and 30 women.<sup>61</sup>

81- Rami Abdu, the director of the Euro-Mediterranean Human Rights Monitor, highlighted in early January 2024 the challenges in accurately documenting the number of detainees in Israeli occupation prisons originating from the Gaza Strip. This difficulty arises due to the Israeli authorities' practice of **enforced disappearance** towards Gaza detainees. Additionally, the dispersion of residents in the Strip caused by ongoing bombardments and forced displacements, along with frequent disruptions to communication and internet access due to the blockade on electricity and fuel entering the Strip, further complicates the situation. **Preliminary estimates suggest that there are over 3,000 detainees from the Gaza Strip** held in Israeli occupation prisons, **with at least 200 women and children subjected to arbitrary detention**.<sup>62</sup>

82- As reported by Al Jazeera, referencing Israeli sources (HaMoked - Center for the Defense of the Individual), there are over **3,000 Palestinian administrative detainees** held in Israeli prisons without trial. Additionally, Israel currently holds **approximately 800 detainees** classified as "illegal combatants," according to data from the Israeli Prison Service<sup>63</sup>. The designation of "**illegal combatant**" entails the deprivation of rights guaranteed by international law, **constituting a serious violation of international legal standards**. Despite repeated calls

<sup>59</sup> Palestinian Central Bureau of Statistics, indicators of the number of Palestinian detainees in Israeli prisons, at the link: <https://www.pcbs.gov.ps/>

<sup>60</sup> The Prisoners' Club pointed out that since the recent aggression on the Gaza Strip, more than (8) thousand arrests have been recorded in the West Bank and Jerusalem, including (272) Palestinian women from 48 Palestinians, Gaza and the West Bank and (500) children, and the occupation arrested hundreds in Gaza. Prisoner Club at the link: <https://tinyurl.com/527kemxt>

<sup>61</sup> Palestinian Prisoners' Club data at the link: <https://tinyurl.com/527kemxt>

<sup>62</sup> Interview with the director of the Euro-Mediterranean Human Rights Monitor, Rami Abdo, at the link: <https://tinyurl.com/474amtrz>

<sup>63</sup> Record numbers of detainees in Gaza and the West Bank since the beginning of the Israeli aggression, Al Jazeera network at the link: <https://tinyurl.com/474amtrz>

by United Nations international committees for the repeal of the Illegal Combatant Law, Israel has not taken steps to abolish it.<sup>64</sup>

83- The Palestinian Disability Coalition has extensively documented the deplorable and inhumane conditions experienced by Palestinian detainees in Israeli prisons, shedding light on **the dire circumstances faced by prisoners and detainees with disabilities**. Prior to the Israeli attack on Gaza on October 7, 2023, documentation indicated the presence of 100 Palestinian detainees with disabilities in Israeli prisons. Despite a notable increase in the detainee population and the addition of numerous individuals with disabilities resulting from waves of arrests following the attack or medical mistreatment within Israeli prisons leading to further disabilities, there remains a lack of accurate statistics regarding the number of individuals with disabilities of various types (including hearing, visual, motor, intellectual, psychological, and speech disabilities) from both Gaza and the West Bank, in accordance with the definition of disability outlined in the Convention on the Rights of Persons with Disabilities. This lack of accurate data exacerbates the level of suffering experienced by individuals with disabilities.<sup>65</sup>

### 3.5 TORTURE AND ILL-TREATMENT

84- In March 2024, an investigative report by the Israeli newspaper Haaretz brought to light that **27 detainees from Gaza had died within military facilities since the commencement of military operations in the region**. According to the report, these Palestinian detainees died while under detention at the "Sde Teiman" military base northeast of Be'er Sheva, the "Anatot" military base near Jerusalem, or during interrogation at other Israeli investigation centers. Notably, the Israeli army did not furnish any data regarding the circumstances surrounding their deaths in detention centers. The report further highlighted that the detention of Palestinians from Gaza is carried out under the "Unlawful Combatants Law," permitting the Israeli government to detain individuals suspected of involvement in "terrorist activities" for a duration of up to 75 days without presenting them before a judge<sup>66</sup>. These revelations underscore **the serious violations** endured by Palestinian detainees in Israeli prisons and strongly suggest compelling evidence concerning the **"forced disappearance"** of detainees from Gaza.

85- The Euro-Mediterranean Human Rights Monitor, headquartered in Geneva, released a statement on March 9, 2024, revealing grave concerns regarding the treatment of Palestinian prisoners and detainees within Israeli prisons. The Monitor's documentation **highlights instances of deliberate killings, extrajudicial executions, and fatalities due to torture**. Comparing Israeli occupation prisons to a harsher version of **Guantanamo**, the Monitor underscores the prevalence of torture and inhumane and degrading treatment. Expressing profound dismay, the Monitor addresses the revelations of intentional killings, torture, and ill-treatment endured by Palestinian detainees during their detention and interrogation in Israeli military facilities. These practices include denial of medical care and essential rights. Furthermore, the Monitor points out **the ongoing violation of international law by the Israeli**

<sup>64</sup> Concluding observations of the United Nations Committee against Torture on the fifth periodic report of Israel (CAT/C/ISR/CO/5)

<sup>65</sup> The report of the Palestinian Disability Coalition to the UN Committee on the Rights of Persons with Disabilities is published on the UN website: <https://tinyurl.com/ymus5yw3>

<sup>66</sup> Haaretz investigation: 27 Gazans died in Israeli military detention centers at the link: <https://tinyurl.com/j6xh7wm5>



**army through the enforced disappearance of Palestinian prisoners from Gaza under the Unlawful Combatants Law.** Israeli authorities persist in withholding information about these individuals' whereabouts or well-being for extended periods. Based on testimonies from released detainees, the Monitor emphasizes the inclusion of vulnerable demographics such as children, youth, and the elderly among those held in Israeli camps. These individuals endure interrogation while blindfolded, prolonged handcuffing, sleep deprivation through bright lights, and various forms of torture and mistreatment. They are also systematically deprived of communication with legal counsel, family members, the International Committee of the Red Cross, and access to healthcare during their detention<sup>67</sup>. The Euro-Mediterranean Human Rights Monitor has documented numerous testimonies from released Palestinian detainees, indicating **a rise in disabilities among prisoners as a result of ill-treatment.**

86- In his testimony to the Euro-Mediterranean Human Rights Monitor, **Lawyer (Mohammed Khairy Daloul), a 35-year-old resident of the Al-Zeitoun neighborhood in southern Gaza City,** recounted his ordeal after being arbitrarily arrested by the Israeli army on November 19, 2023. Attempting to evacuate to central Gaza in compliance with Israeli army orders, Daloul endured 56 days of captivity, during which he experienced severe mistreatment:

“The soldiers instructed me to fully undress and subjected me to electronic searches. Following this, they transported me for interrogation, during which I endured physical assault with sticks and batons, even on the face. At one point, a soldier pressed his foot against my chest, causing significant distress. Upon noticing the blood from my injuries on the head and foot, the soldiers abandoned me. Later that day, along with other detainees, I was relocated to the 'Beeri' site, where we were handcuffed and blindfolded. Inside a tent where we were held, approximately ten soldiers entered and assaulted everyone present, totaling around 40 detainees. **One individual, who was with a visual disability, had his beard forcibly plucked while he cried out in pain.** Subsequently, I was transferred to Beersheba prison, where I remained for 14 days while blindfolded and handcuffed. Here, I underwent further interrogation and endured severe beatings. On the 15th day, I, along with roughly 50 others, was transported to a nearby location composed of containers. Soldiers unleashed dogs upon us and proceeded to inflict severe beatings, focusing on the stomach and other sensitive areas in the body. Throughout this ordeal, we remained blindfolded and handcuffed. Following this, we were transported to Negev prison, during which soldiers continued to brutally assault us, employing insults and threats. We were covered in blood, and some of us experienced urinary and fecal bleeding due to the severity of the beatings. Upon reaching Negev prison, I and 17 other detainees were confined to a tent meant for only five, leaving no space for sleep or rest. Despite my repeated pleas for medical attention, I was met with refusals, curses, and insults.”<sup>68</sup>

This testimony vividly illustrates **the torture and ill-treatment endured by individuals, including those with disabilities,** within Israeli prisons.

87- **QADER field team** in the Gaza Strip meticulously documented **cases of torture and ill-treatment targeting persons with disabilities in Israeli detention facilities during the recent aggression.** Among these cases was the testimony of **Musa Ibrahim Abd Hamdan (30 years old),** a resident of Al-Bureij Camp in the Gaza Strip, who lives with a physical disability resulting from an injury sustained during the Israeli aggression in 2014. He reported:

"My residence in Al-Bureij Camp was bombed during the Gaza aggression without forewarning. I sustained severe injuries from the bombing and was unable to seek medical

<sup>67</sup> Euro-Mediterranean Human Rights Monitor in Geneva, at the link: <https://tinyurl.com/39f4h2x2>

<sup>68</sup> Euro-Mediterranean Human Rights Monitor in Geneva, at the link: <https://tinyurl.com/39f4h2x2>

treatment. Israeli occupation soldiers forcefully entered the premises and apprehended me, subsequently setting the entire area ablaze. I endured severe physical assault and torture during the arrest process. Despite my critical condition resulting from the bombing, I was stripped of my clothing and denied access to essential provisions such as food and medicine. Furthermore, I was deprived of sleep during interrogation sessions, and my hands and feet were bound **despite my physical disability**. The interrogators communicated with me in Hebrew, a language I do not comprehend. I lost consciousness on multiple occasions due to the severity of the torture, resulting in significant bleeding from my extremities. Eventually, I was released back to my residence, but my disability renders me dependent on others for mobility.”<sup>69</sup>

Additionally, Musa Abdul Rahman’s mother, corroborated his account in her testimony documented with QADER, stating:

“After five days, we were informed that Musa had been apprehended by the Israeli army. This revelation came to light when we witnessed soldiers discarding Musa in front of our residence. He exhibited signs of severe physical distress, evident through visible injuries on his hands and legs. We immediately transported Musa to the hospital, where medical professionals advised us of his deteriorating health condition necessitating specialized care, which is not available in Gaza. Tragically, two of Musa's siblings lost their lives during the same Israeli missile attack, which indiscriminately targeted the entire residential area. Additionally, my third son remains missing, and I fervently hope that he is detained rather than among the casualties resulting from the relentless Israeli bombardment.”<sup>70</sup>

88- **QADER field team** in the Gaza Strip documented testimony from **Abed Ahmed Atwa Abu Shahada (37 years old)**, a resident of Bani Suheila, providing evidence of **killings, detentions, and ill-treatment** within a UNRWA school. He stated:

"Within 2 months, I was displaced three times from my home in Bani Suheila due to escalating Israeli shelling, seeking refuge in an UNRWA school. During this displacement, the Israeli army raided the UNRWA school where Palestinian evacuees were sheltered, destroying all the tents within. They detained more than five evacuees, including myself, within the school premises and prohibited me from retrieving my wheelchair. Inside the school, they forcibly disrobed me and withheld food, water, and blankets from the detainees. Given my physical disability resulting from a leg amputation during the 2018 Israeli aggression, I was compelled to crawl out of the school. The soldiers callously refused to allow me access to my wheelchair, causing me multiple injuries and immense suffering during the arduous crawling ordeal. Additionally, the Israeli soldiers issued threats to the displaced families, coercing compliance with their military directives under the threat of bombing. Along the route, I encountered the distressing sight of a man’s body near a garbage bin, ignored by the soldiers, while a dog tearing the corpse. Despite the challenges, I persisted in crawling for over three kilometers, as my wife was unable to carry me, and our young children required her care amidst the dire circumstances.”<sup>71</sup>

This testimony reveals numerous grave breaches of international law, encompassing **willful killings, arbitrary detention, torture, ill-treatment, and the violation of UN protected**

<sup>69</sup> The testimony of Musa Ibrahim Hamdan from Al-Bureij is documented by QADER with the victim's permission to use the name and information for the purposes of this report.

<sup>70</sup> The testimony of Musa Ibrahim Hamdan from Al-Bureij is documented by QADER with the victim's permission to use the name and information for the purposes of this report.

<sup>71</sup> The testimony of Abed Abu Shehaded from Bani Suheila is documented by QADER with the victim's permission to use the name and information for the purposes of this report.

**premises.** Such actions constitute international crimes under the Rome Statute of the International Criminal Court. A comprehensive legal analysis of these violations follows after the completion of the facts' presentation in this report.

89- **QADER field team** in the Gaza Strip documented the testimony of **Shaima Sobhi Mohammed Aryahi, a 21-year-old, living with physical disability**, resident of the Al-Saftawi neighborhood in Gaza. She reported witnessing **the arrest of numerous individuals, including Red Cross personnel**, during displacement, stating:

"I experienced two consecutive displacements from my home in the Al-Saftawi neighborhood in northern Gaza due to intense Israeli bombardments. The process was arduous and mentally taxing as I maneuvered through debris in my wheelchair. Before the attack, I received regular psychological support, but the events during the assault exacerbated both my mental and physical condition. The displacement aggravated existing wounds, leading to severe infections in my feet, resulting in bleeding during travel. Urgent basic and medical necessities were unavailable due to the sudden evacuation prompted by the shelling, without any forewarning. Along the way, I witnessed Israeli soldiers apprehending numerous young men, placing them on the ground, and forcing them to take off their clothes. Among them I observed Red Cross personnel, present to aid the displaced, being similarly detained and disrobed by the Israeli military. I sought refuge in Al-Jinan School in Khan Yunis and sustained foot injuries from shrapnel while inside. The conditions were dire, with rampant disease outbreaks due to unsanitary environments and inadequate healthcare provisions. Essential treatments and medications were unavailable. Subsequently relocating to a shelter in the Rafah area of southern Gaza, my mental and physical well-being continue to deteriorate significantly."<sup>72</sup>

This testimony corroborates evidence from previous testimonies, highlighting the systematic nature of arbitrary arrests, ill-treatment, and violations against premises and personnel afforded special protection under international law, such as UNRWA premises (schools) and Red Cross workers.

90- **QADER documented the arbitrary arrests of entire families, including children, and their subsequent exposure to torture and ill-treatment** during detention. **Ghassan Nafez Mahmoud Al-Sous (31 years old)**, from the Al-Shuja'iyya neighborhood, who has a **physical disability**, stated in his testimony: "I am a person with a physical disability due to a leg amputation from the Israeli aggression in 2014. I was displaced with my family, consisting of seven members, seven times consecutively during this aggression. The displacement began after our home in the Al-Shuja'iyya neighborhood was bombed, prompting us to move to an UNRWA school in the neighborhood. The displacement was catastrophic due to the continuous shelling. I sustained several injuries during the displacement because I couldn't walk properly; I didn't have my crutches or my prosthetic leg due to the intense shelling. "We moved to various places, but there was no safe place in Gaza. I fell on my leg during displacement and was severely injured. I went to the Al-Rimal clinic for treatment while my family was at the Sheikh Radwan school where they had fled. During that time, the school was bombed, including the bathroom where my father was at the time. He had to leave the bathroom naked. The Israeli soldiers stormed the school and arrested my father while he was naked. They also arrested my mother, my four-year-old son along with my brother, and my sister. They stripped all family members of their clothes during the arrest, subjected them to interrogation, torture, and ill-treatment during detention, and kept them in bathrooms on the ground for 12 hours while

<sup>72</sup> The testimony of Shaima Arihi from Al-Saftawi neighborhood is documented by QADER with the victim's permission to use the name and information for the purposes of this report.

beating them violently and denying them food and water. They were ordered to leave the Jabalia refugee camp and head south. Eventually, the soldiers released my family."<sup>73</sup> This testimony reinforces earlier evidence about systematic forms of torture and ill-treatment during repeated forcible transfer operations in the Gaza Strip.

91- **Ajith Sunga, Director of the United Nations Office for Human Rights in the occupied Palestinian territories, listened to the testimonies of numerous Palestinian detainees during his visit to the Gaza Strip.** Speaking at the United Nations press conference in Geneva on January 22, 2024, Sunga provided insights into their accounts: "During my time in Gaza, I have managed to meet a number of released detainees. These are men who were detained by Israeli Security Forces in unknown locations for between 30 to 55 days. They described being beaten, humiliated, subjected to ill-treatment, and to what may amount to torture. They reported being blindfolded for long periods – some of them for several consecutive days. One man said he had access to a shower only once during his 55 days in detention. There are reports of **men who were subsequently released – but only in diapers, without any adequate clothing in this cold weather.** What they told me was consistent with reports our Office has been gathering of the detention of Palestinians on a broad scale, including many civilians, held in secrecy, often subject to ill-treatment, with no access to their families, lawyers or effective judicial protection. The families of detainees – **believed to number in the thousands** – have not been provided with information on the fate or location of their loved ones."<sup>74</sup>

92- The United Nations statements, backed by documented testimonies and reports, serve as a robust foundation for highlighting the commission of **international crimes** by the Israeli occupation forces against Palestinian prisoners and detainees, including **torture, ill-treatment, and enforced disappearances.** These warrant accountability and redress. The report will analyze these facts, bolstered by reports, data, and confirmations from independent international, regional, and local entities, in dedicated sections of this report addressing serious violations of international law and avenues for accountability for these international crimes.

93- The extensive arbitrary arrests targeting civilians in the Gaza Strip extended to United Nations personnel. As per a UNRWA report dated April 16, 2024<sup>75</sup>, drawing from testimonies of recently released detainees from Israeli occupation camps and prisons, including UNRWA employees, the detainees comprised patients, elderly individuals, and persons with disabilities. The reported violations encompassed severe physical abuse, denial of sustenance, and instances of sexual violence. Detainees were subjected to confinement in cramped conditions likened to "cages" and were even attacked by dogs. According to accounts documented by UNRWA about its employees who had been released by the Israeli army, the abuses endured by UNRWA staff were harrowing. These included brutal physical assaults, practices akin to waterboarding, beatings by prison medical staff during consultations, assaults by dogs, threats of rape, electric shocks, forced nudity and photography, and incidents of killing while in custody. As of April 4, 2024, UNRWA recorded the release of 1,506 detainees from Gaza by Israeli authorities via the Karm Abu Salem crossing. **Among those released were 43 children (39 boys and 3 girls), along with 84 women. Notably, among the released individuals were 23 UNRWA**

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<sup>73</sup> The testimony of Ghasan Alsous from Al-Shajaieh neighborhood is documented by QADER with the victim's permission to use the name and information for the purposes of this report.

<sup>74</sup> Published on the United Nations website at the link: <https://tinyurl.com/2p6mzx6d>

<sup>75</sup> A report issued by the United Nations Relief and Works Agency (UNRWA) published on the official UNRWA website at the like: <https://www.unrwa.org/resources/reports/detention-and-alleged-ill-treatment-detainees-gaza-during-israel-hamas-war>

**employees, 16 family members of UNRWA staff,** and 326 individuals who had been employed in Israel before the hostilities and had undergone prior Israeli security screening.

94- A United Nations committee of experts has reported "**documented allegations**" of **Palestinian women and girls facing sexual assaults, including instances of rape, while in Israeli prisons.** There is substantiated evidence of at least two cases of rape, coupled with other incidents of sexual degradation and threats of rape. Reem Salem, the UN Special Rapporteur on violence against women and girls, highlighted that "the actual prevalence of sexual violence might be considerably higher, and it could take a significant amount of time to ascertain the true number of victims". She underscored that "the normalization of violence and dehumanization against Palestinian women, children, and civilians at large has become distressingly common during this conflict."<sup>76</sup> These grave international crimes should be addressed in conjunction with cases of enforced disappearances, torture, and ill-treatment endured by thousands of detainees in a manner described as "**widespread and systematic,**" particularly amidst the ongoing conflict.

95- The Euro-Mediterranean Human Rights Monitor has gathered **testimonies from Palestinian female detainees in the Gaza Strip who have been subjected to sexual violence**<sup>77</sup>. These harrowing accounts detail instances of forced stripping, sexual harassment, and threats of rape during their periods of detention by the Israeli military. Released Palestinian female detainees shared their ordeals of torture, ill-treatment, and sexual violence endured while in Israeli detention centers. During field interviews conducted by the monitor's researchers in the Gaza Strip, dozens of Palestinian female detainees bravely recounted their experiences of sexual violence. The Euro-Mediterranean Human Rights Monitor acknowledges that a significant number of Palestinian women in Gaza may have encountered sexual violence in various forms but opted not to disclose their experiences due to societal norms, trauma, or the fear of reprisals or persecution by the Israeli military.

96- It is crucial to underscore that the crimes of rape and sexual violence perpetrated against Palestinian women in Israeli detention camps and prisons constitute severe violations of international criminal law. These offenses, supported by credible and documented evidence from the United Nations and various independent international, regional, and local organizations, are classified as multiple criminal offenses. They encompass **crimes of torture and constitute distinct war crime and crimes against humanity** when carried out as part of a widespread or systematic attack in armed conflicts. The documented reports and testimonies reveal alarming "patterns of grave breaches" suffered by Palestinian female and male detainees in Israeli detention camps and prisons. These violations include rape, sexual violence, torture, ill-treatment, and enforced disappearance, affecting individuals with disabilities as well. This comprehensive analysis will be addressed in the section focusing on the legal examination of crimes targeting persons with disabilities and their families during the Israeli assault on the Gaza Strip.

### 3.6 INFRINGEMENT OF HEALTH RIGHTS

<sup>76</sup> UN Committee: Allegations of Israeli Sexual Attacks on Palestinian Women Are Credible, published on the link: <https://tinyurl.com/yhpwsv6p>

<sup>77</sup> Euro-Mediterranean Human Rights documents testimonies of Palestinian women detainees who have been subjected to sexual violence, at the link: <https://tinyurl.com/yhpwsv6p>

97- The extensive military offensive launched by the Israeli army against the residents of the besieged Gaza Strip entailed a systematic and widespread targeting of the entire healthcare sector, including hospitals, medical centers, healthcare services, and ambulance crews and vehicles. This deliberate attack on the healthcare infrastructure was characterized by its systematic nature and escalated dramatically at the outset of the assault on the Gaza Strip, as Israel obstructed the entry of fuel into the Strip. Consequently, power generators crucial for hospital operations ceased functioning due to fuel shortages, leading to the shutdown of most healthcare facilities in the Strip. Moreover, numerous hospitals, medical centers, and ambulance crews were repeatedly subjected to bombardment. Israeli Army Minister Yoav Gallant's statement on October 9, 2023, wherein he declared that **"Israel is imposing a complete blockade on Gaza. No electricity, no food, no water, no fuel. Everything is shut down. We are fighting human animals,"** Such statements from Israeli officials underscores a clear intent to perpetrate international crimes in the besieged Gaza Strip.

98- The closure of numerous hospitals resulting from direct bombings, fuel and power shortages, and the disruption of medical supplies and services during the Gaza assault compelled civilians to evacuate, significantly accelerating forcible transfer from the northern and central areas of the Gaza Strip towards the south. This underscores a systematic strategy to amplify civilian displacement by targeting the healthcare sector early in the assault. Consequently, life became intolerable for the civilian population, especially the most vulnerable groups such as people with disabilities in Gaza, transforming their existence into a nightmarish and unsustainable reality.

99- Numerous international reports and statements from the Ministry of Health spokesperson in Gaza underscore that the ongoing assault on Gaza, including the targeted bombing of hospitals and medical facilities, coupled with the obstruction of fuel, electricity, medical supplies, and medications, has precipitated the collapse of the entire healthcare infrastructure. This collapse resulted in **32 out of 36 hospitals in Gaza ceasing operations entirely**, notably including the Al-Shifa Medical Complex<sup>78</sup>, the largest hospital not only in Gaza but also in the occupied Palestinian territories. It is crucial to highlight that the healthcare sector was already facing dire conditions before the recent assault on Gaza, exacerbated by years of blockade hindering the entry of essential medical tools, equipment, and supplies.

100- During the assault, the deliberate targeting of the healthcare sector resulted in the killing of 489 healthcare workers, comprising specialists in critical fields like cardiology, orthopedics, nephrology, vascular medicine, and hematology among others. Additionally, the Israeli army destroyed 126 ambulances, rendering them entirely inoperable<sup>79</sup>.

101- The Israeli army detained **310 medical directors and staff**, including prominent figures like the directors of Al-Shifa Medical Complex, Al-Awda Hospital, and Kamal Adwan Hospital, among others, who remain held in detention camps. Moreover, the forcible transfer of thousands of civilians, including healthcare workers, from northern and central Gaza to the south further exacerbated the collapse of the healthcare sector. These actions have significantly increased the suffering of the population, particularly vulnerable groups like persons with

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<sup>78</sup> Interview with the spokesman for the Ministry of Health in the Gaza Strip, Dr. Ashraf Al-Qudra, six months after the aggression on the Gaza Strip, at the following link: <https://www.youtube.com/watch?v=KfPxuvw79Y4>

<sup>79</sup> Interview with the spokesman for the Ministry of Health in the Gaza Strip, Dr. Ashraf Al-Qudra, six months after the aggression on the Gaza Strip, at the following link: <https://www.youtube.com/watch?v=KfPxuvw79Y4>

disabilities, resulting in the deterioration of health for many patients and casualties, and tragically, loss of lives due to the deliberate targeting of the healthcare sector.<sup>80</sup>

102- During the aggression and deliberate targeting of hospitals, the healthcare sector in Gaza suffered the loss of over 2,800 medical beds, leaving the Ministry of Health and medical institutions in Gaza with only around 800 beds primarily located in Rafah and southern Khan Yunis. This drastic decline severely impacted approximately 10,000 cancer patients and 1,100 patients with kidney failure in Gaza, who were unable to access necessary treatments due to the majority of hospitals being out of service. Despite the urgent medical needs, the Israeli army has been denying most injured individuals to seek treatment abroad. Currently, there are approximately 15,000 medical referrals pending for hospitals outside of Gaza, with permissions for travel restricted to women and children, excluding men aged 19 to 64. Over the course of more than six months of aggression, the occupation authorities allowed only 4,300 cases, mostly women and children, to leave Gaza for treatment, averaging approximately 40 cases per day. This restricted access to medical care has resulted in a significant number of fatalities and a notable decline in the overall health status of the population.<sup>81</sup>

103- During its widespread and systematic aggression, the Israeli military targeted several operational hospitals within the Gaza Strip, including those providing services to persons with disabilities. Among the facilities destroyed were the Sheikh Hamad Rehabilitation and Prosthetics Hospital, Al-Wafaa Medical Rehabilitation Hospital, and the Medical Relief's Aids Center. Additionally, the headquarters of the Palestinian General Union of Persons with Disabilities in northern governorates and the City of Hope for Capacity Building of the Red Crescent in Gaza were also targeted, resulting in severe damage. Numerous associations and centers offering care and rehabilitation services to persons with disabilities also suffered significant harm.<sup>82</sup> This systematic and deliberate targeting of facilities exacerbated the already dire conditions for persons with disabilities in Gaza, leading to the collapse of specialized healthcare services related to disabilities. Consequently, the lives and health of persons with disabilities faced severe threats, further exacerbating the significant shortage in meeting the needs and requirements of individuals with different disabilities in the Strip.

104- The Israeli military failed to provide credible evidence of any military resistance within the hospitals it destroyed in Gaza, despite these facilities being entitled to special protection under international law. Moreover, it did not demonstrate compliance with the principles of international humanitarian law, including the necessity of military action, the distinction between civilian and military targets, proportionality, and the obligation to take necessary precautions. As a result, these destructive military attacks constitute serious violations of international humanitarian law due to the absence of military necessity, disproportionate use of force, and the extensive targeting of civilians and civilian objects. Such actions provide strong evidence of fully-fledged international crimes that demand accountability and justice. Detailed analysis of these international crimes will be provided in a dedicated section of this report.

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<sup>80</sup> Interview with the spokesman for the Ministry of Health in the Gaza Strip, Dr. Ashraf Al-Qudra, six months after the aggression on the Gaza Strip, at the following link: <https://www.youtube.com/watch?v=KfPxuvw79Y4>

<sup>81</sup> Interview with the spokesman for the Ministry of Health in the Gaza Strip, Dr. Ashraf Al-Qudra, six months after the aggression on the Gaza Strip, at the following link: <https://www.youtube.com/watch?v=KfPxuvw79Y4>

<sup>82</sup> Press release issued by three independent Palestinian NGOs operating in the Gaza Strip (Palestinian Centre for Human Rights (PCHR), Al-Haq, and Al Mezan) published on 8 February 2024, at the website: <https://www.alhaq.org/ar/advocacy/22636.html>.

105- QADER field team conducted interviews with hospital directors in Gaza to assess the health conditions during the conflict, focusing on persons with disabilities and the medical facilities catering to them. Dr. Kamal Al-Khattab, Director of Al-Aqsa Martyrs Hospital in Deir al-Balah, provided the following insights:

“The health situation at Al-Aqsa Martyrs Hospital is dire due to the influx of wounded and displaced individuals from Israeli bombings, similar to other hospitals. The obstruction of fuel, food, and medicine, compounded by the loss of medical staff to injury, death, arrest, and displacement, exacerbates the crisis. The number of injuries leading to amputations, disabilities, and fatalities is alarmingly high, while our resources and capacities are severely strained. We operate in catastrophic conditions, especially after the destruction of many hospitals in the northern and central Gaza Strip. The hospital is overcrowded, with patients occupying hallways and offices. Critical medical supplies, including anesthesia, are depleted, forcing us to perform surgical procedures and amputations without proper anesthesia to save lives. Approximately 1,000 individuals have undergone amputations in the central region of Gaza. Before this aggression, the hospital’s physiotherapy and rehabilitation department offered minimal support to persons with disabilities, including physical adaptations, adapted signs and toilets, and some medical rehabilitation services. However, the current situation prevents us from continuing these services and providing medical care for persons with disabilities. External centers for persons with disabilities, operated by the Ministry of Health or UNRWA, are unavailable due to the ongoing aggression. Similarly, health centers and schools providing essential services to persons with various disabilities (hearing, speech, physical or intellectual) have ceased operations. Those with disabilities resulting from the aggression require numerous numbers of assistive devices such as wheelchairs, crutches, prosthetic limbs, air mattresses, supplements, diapers, and medical consumables. Equally significant, the large numbers of disabilities resulting from the aggression on the Gaza Strip necessitate specialized centers and continuous rehabilitation services, not merely modest and temporary assistance. The current level of medical services provided in Gaza for persons with disabilities is nothing short of catastrophic.<sup>83</sup>”

106- **QADER field team conducted a documented personal interview with Dr. Sami Oweimer, Director of the Physical Therapy Unit at the Ministry of Health in the Gaza Strip,** to assess overall health conditions, particularly focusing on persons with disabilities and the facilities providing therapeutic and rehabilitation services during the Gaza assault. Dr. Oweimer reported the following: "For over six months, we have endured a severe lack of basic healthcare services. The Israeli bombings have directly or indirectly affected many medical staff, resulting in fatalities, injuries, and multiple fractures. The bombings also resulted in hearing or physical disabilities for some of the medical staff. Presently, the remaining hospitals are incapable of delivering essential medical and rehabilitation services to individuals with various disabilities. The absence of psychological rehabilitation compounds the suffering of persons with disabilities, given the traumatic experiences endured during the aggression and the consequent deterioration of their psychological and physical health. **There are no longer any healthcare institutions providing specialized services for persons with disabilities, whose numbers are escalating daily due to the ongoing aggression. The institutions in Gaza do not adequately address the needs of persons with disabilities, such as providing assistive devices like prosthetics, wheelchairs, air mattresses, nutritional supplements, medical supplies, and rehabilitation.** While some donors have contributed assistive devices, these are insufficient to meet the overwhelming demand. Furthermore, **severe psychological**

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<sup>83</sup> An interview conducted QADER field team in Gaza with the director of Al-Aqsa Martyrs Hospital in Deir Al-Balah, Dr. Kamal Al-Khattab.



**distress, particularly following amputations, necessitates long-term psychological and functional rehabilitation, which is currently unavailable.** Currently, there are three factors impeding access to adequate medical services for persons with disabilities in Gaza. Firstly, the lack of appropriate rehabilitation services due to destruction, blockade, and making medical facilities inoperable, in addition to the absence of medical centers, hospitals, medical staff, and assistive devices to meet this 'huge number' of persons with disabilities who developed permanent disabilities during the ongoing assault on the region, especially considering the continuous increase in numbers daily. The second reason: places in Gaza are entirely unsafe, making access to rehabilitation centers — if any remain — extremely difficult and highly risky amid ongoing bombardment. This has also become exceedingly costly due to significant price hikes. The third reason: the destruction and bulldozing of infrastructure in the Gaza Strip by the occupying army and the widespread bombing affecting all areas in Gaza. This means that access for persons with disabilities, including those with intellectual, physical, hearing, visual, and speech disabilities, is largely unavailable.”<sup>84</sup>

107- **QADER field team interviewed Dr. Ashraf Jumaa, the national relief officer in the Gaza Strip,** regarding the Emirati field hospital in Rafah and its crucial role in supporting the health sector and persons with disabilities. Dr. Jumaa provided the following insights: individuals and families.<sup>85</sup>

108- The deliberate targeting of numerous hospitals in the besieged Gaza Strip, including those offering essential health and rehabilitation services to persons with disabilities, coupled with the withholding of crucial medical supplies and assistive devices like prosthetics, wheelchairs, crutches, and hearing aids, during military operations, is a grave violation of international humanitarian law. Despite the systematic and widespread nature of these attacks, the Israeli military has failed to provide credible evidence justifying such actions. As a result of these indiscriminate assaults, thousands of civilians in Gaza have sustained permanent disabilities, including limb amputations, loss of vision and hearing, and a significant prevalence of psychological trauma, particularly among children and women. The absence of necessity and proportionality in these attacks **constitutes fully-fledged international crimes**, specifically targeting persons with disabilities in Gaza. This alarming situation will be thoroughly analyzed in the report, drawing upon robust and verifiable evidence. The evidence gathered will be utilized within the framework of criminal prosecution.

### 3.7 STARVATION AND FOOD INSECURITY

109- The Gaza Strip, spanning 360 square kilometers and housing approximately 2.3 million people, has endured a prolonged period of comprehensive blockade and collective punishment policies for the past 18 years. Since 2006, it has faced eight military offensives by the Israeli occupation army, the latest occurring on October 7, 2023. These relentless attacks have resulted in the loss of hundreds of thousands of civilian lives, with women and children bearing the brunt of the casualties. Moreover, these assaults have caused extensive destruction to vital infrastructure and disrupted all facets of daily life. The systematic and widespread bombardment by Israeli forces has deliberately targeted essential facilities such as power plants, water wells, bakeries, food stores, factories, and other critical infrastructure. This

<sup>84</sup> An interview conducted by QADER field team in Gaza with the Director of the Physiotherapy Unit at the Ministry of Health in the Gaza Strip, Dr. Sami Oweimer.

<sup>85</sup> An interview conducted by QADER field team in Gaza with the National Relief Officer in the Gaza Strip, Dr. Ashraf Juma'a.

targeted destruction, coupled with the deprivation of fuel and electricity, has led to the paralysis of essential services, and severely impacted the overall well-being of the population.

110- Israel maintains strict control over humanitarian aid entry into the Gaza Strip, including regulating calorie intake. Before the recent conflict, the Gaza Strip received approximately 500 humanitarian aid trucks daily. However, since the October 7 attack, this number has plummeted to around 85 trucks per day, according to UN estimates, **representing only 10% of the pre-conflict aid levels. Access to aid in northern Gaza has been severely obstructed**, with aid convoys and individuals seeking food repeatedly targeted. A tragic incident occurred at **the Nabulsi Circle** west of Gaza City on February 29, 2024, known as the "Flour Massacre," where the Israeli army opened fire on civilians attempting to obtain food supplies from aid trucks. This resulted in the killing of 112 Palestinian civilians and left 760 others injured. The Israeli army's targeting of civilians seeking food has been a recurrent occurrence, forcing the remaining population in the north to resort to consuming animal feed and wild plants to alleviate hunger, even after supplies of animal feed ran out. UN reports have consistently warned of the escalating risk of famine and food insecurity in the Gaza Strip due to these actions.

111- A statement issued by **several UN experts**<sup>86</sup> on March 5, 2024, condemned the Israeli army's actions in shooting at crowds of Palestinians who had gathered to obtain flour, a tragedy now known as the "Flour Massacre." This incident resulted in the killing of 112 civilians and left 672 others injured. The experts characterized this deliberate killing as a "massacre occurring amidst famine conditions and the destruction of the local food production system in the besieged Gaza Strip". The UN experts further asserted that **"Israel has been intentionally starving the Palestinian people in Gaza since October 8, and is now targeting civilians seeking humanitarian aid and convoys."** They highlighted that this starvation tactic is a recurring pattern in Israeli military attacks, **citing the "Flour Massacre" as one instance** among over 14 incidents of shootings, shelling, and targeting of Palestinian groups gathering to receive aid from aid trucks or air drops between mid-January and the end of February 2024.<sup>87</sup>

112- On January 16, 2024, **UN experts** officially confirmed<sup>88</sup> that Israel is utilizing the destruction of the Gaza Strip's food system as a means of warfare. This deliberate action, they

<sup>86</sup>UN experts who condemned the IDF's targeting of Palestinian civilians in the "flour massacre" on 5 March 2024 and asserted that Israel was "deliberately" starving the civilian population and that starvation constituted a "pattern" of Israeli military attacks are: Michael Fakhri, Special Rapporteur on the right to food; Francesca Albanese, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. Tlaling Movoking, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Pedro Araujo Agudo, Special Rapporteur on the human right to safe drinking water and sanitation. Reem Al-Salem, Special Rapporteur on violence against women and girls, its causes, and consequences; Dominic Day and Pena DeCosta, Working Group of Experts on People of African Descent.

<sup>87</sup> UN expert statement published on 5 March 2024 on the UN website:

<https://news.un.org/ar/story/2024/03/1128967>

<sup>88</sup> The independent UN experts who asserted that **"Israel is destroying the food system in Gaza and using it as a weapon"** are Mr. Michael Fakhry, Special Rapporteur on the right to food. Ms. Farida Shaheed, Special Rapporteur on the right to education, Ms. Tlaling Movoking, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Mr. Balakrishnan Rajagopal, Special Rapporteur on the right to adequate housing. Ms. Paula Gaviria Pittanko, Special Rapporteur on the human rights of internally displaced persons. Ms. Francesca Albanese, Special Rapporteur about human rights in the Palestinian territory occupied since 1967. Reem Al-Salem, Special Rapporteur on violence against women and girls, its

assert, is causing unprecedented suffering among civilian populations, pushing them rapidly into hunger. The experts emphasized the severity of the situation, noting that all residents of Gaza are now facing hunger, with 80% of them **at risk of famine or severe hunger** due to ongoing bombings and blockades by Israel. Since October 9, 2024, Israel has maintained a comprehensive blockade on Gaza, depriving 2.3 million Palestinians of essential resources such as water, food, fuel, and medical supplies. Prior to this conflict, nearly half of Gaza's population already faced food insecurity, over 17 years of an Israeli blockade, leaving over 80% dependent on humanitarian assistance<sup>89</sup>, highlighting the long-standing humanitarian crisis exacerbated by these recent events. The statements by the UN experts underscore the egregious use of **hunger as a tool of aggression** by Israel.

113- According to a United Nations report dated December 21, 2023, titled Integrated Food Security Phase Classification Report, **the Gaza Strip is on the brink of famine<sup>90</sup>, with all residents experiencing hunger**. The report highlights that approximately 2.2 million individuals in Gaza **are facing severe levels of acute food insecurity<sup>91</sup>**. Specifically, 26% of the population, roughly 577,000 people, have depleted their food stocks and are now confronting **Phase 5 of the Integrated Food Security Phase Classification<sup>92</sup>**, indicative of acute hunger. Testimonials collected from the civilians in the Gaza Strip by the UN World Food Programme (WFP) reveal distressing conditions in Gaza, where many individuals, including children, go entire days without food. The situation is dire: livelihoods have crumbled, essential facilities like bakeries have been destroyed, and stores are devoid of supplies. Families are struggling to find sustenance, having exhausted all available resources. Arif Husain, Chief Economist at the WFP, underscores the gravity of the crisis, emphasizing that behind these stark statistics are real people—children, women, and men—whose lives are profoundly impacted. The complexity, scale, and speed of this humanitarian emergency are unparalleled<sup>93</sup>.

114-The Integrated Food Security Phase Classification Report released on March 18, 2024, unequivocally states that **"the maximum threshold for acute food insecurity leading to famine has been significantly exceeded."**<sup>94</sup> It highlights a record progression of severe malnutrition among children under five towards the second threshold of famine, while non-conflict-related mortality rates, the ultimate indicator of famine, are escalating despite limited data availability. The international report indicates **that half of Gaza's population (1.1 million individuals)** have completely depleted their food supplies and coping mechanisms, facing catastrophic hunger (**Phase 5 of the Integrated Food Security Phase Classification**).<sup>95</sup> This represents the largest number of individuals ever recorded facing catastrophic hunger by the Food Security Classification system, doubling the figures reported for Gaza just three months prior.<sup>96</sup> The World Food Programme issued a warning on April 24, 2024, that **full famine conditions will be met in the Gaza Strip within six weeks**. It is imperative to emphasize that

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causes, and consequences. Pedro Araujo Agodo, Special Rapporteur on the human right to safe drinking water and sanitation.

<sup>89</sup> UN Expert Statement published on 16 January 2024 on the UN website: <https://news.un.org/ar/story/2024/01/1127747>

<sup>90</sup> Posted on the UN website at: <https://news.un.org/ar/story/2023/12/1127147>

<sup>91</sup> Posted on the UN website at: <https://news.un.org/ar/story/2023/12/1127147>

<sup>92</sup> Posted on the UN website at: <https://news.un.org/ar/story/2023/12/1127147>

<sup>93</sup> Posted on the UN website at: <https://news.un.org/ar/story/2023/12/1127147>

<sup>94</sup> Posted on the UN website at: <https://news.un.org/ar/story/2023/12/1127147>

<sup>95</sup> Posted on the UN website at: <https://news.un.org/ar/story/2023/12/1127147>

<sup>96</sup> Posted on the UN website at: <https://news.un.org/ar/story/2023/12/1127147>

**the policy of starving civilian populations** in armed conflicts constitutes a "**fully-fledged war crime**" under international law.

115- Following the release of the Integrated Food Security Phase Classification Report, United Nations Secretary-General António Guterres described it as a damning indictment of the dire conditions faced by civilians in Gaza. Prominent experts in food security worldwide have unequivocally documented that famine in the northern part of Gaza is imminent. They have also confirmed that over half of the Palestinian population in the Gaza Strip (1.1 million individuals) have completely exhausted their food supplies and are confronting catastrophic hunger (Phase 5 of the Integrated Food Security Phase Classification), marking the largest recorded number of individuals facing such dire hunger according to the classification system.<sup>97</sup>

116- Reports from the United Nations Office for the Coordination of Humanitarian Affairs (Situation Update Report No. 150) have documented numerous deaths, particularly among children, in the Gaza Strip due to hunger. Based on data from the Ministry of Health in Gaza, the report states that "**as of April 1, 2024, (28) children have died due to malnutrition and dehydration in the Gaza Strip.**"<sup>98</sup> This situation underscores several international crimes defined in international criminal law within the context of armed conflicts. These include the deliberate starvation of civilian populations and intentional killings resulting from starvation, both of which constitute specified war crimes in the Rome Statute of the International Criminal Court and are clearly outlined in the Elements of Crimes document of the International Criminal Court.

117- In its statement dated April 9, 2024, titled "Gaza: Israel's Imposed Starvation Kills Children," **Human Rights Watch** clarified that children in Gaza are currently dying due to complications related to starvation since the Israeli government began using **starvation as a weapon in the aggression, constituting a war crime**<sup>99</sup>. The statement further noted that doctors and families in Gaza have testified that children, as well as pregnant and lactating mothers, are suffering from severe malnutrition and dehydration, with hospitals ill-equipped to treat them. Omar Shakir, Israel and Palestine Director at Human Rights Watch affirmed that "**the Israeli government's use of starvation as a weapon of war is killing children in Gaza. Israel must end this war crime, halt the suffering, and allow food aid to reach all parts of Gaza without obstacles.**"<sup>100</sup>

118- The Ministry of Health in Gaza reported that **as of April 1, 2024, a total of 32 individuals, including 28 children, have died due to malnutrition and dehydration in hospitals in the northern part of the Strip.** Additionally, Save the Children organization confirmed on April 2nd the deaths of 27 children due to hunger and disease. Officials from the World Health Organization (WHO) found children dying of starvation in Kamal Adwan Hospital and Al Awda Hospital in northern Gaza. Health advisors at Human Rights Watch reviewed images and videos online, verifying three deceased children showing clear signs of emaciation, and four other children in critical condition displaying signs of wasting. Dr. Hussam Abu Safiya, Head of the Pediatric Medicine Unit at Kamal Adwan Hospital in northern Gaza, confirmed to Human Rights Watch on April 4, 2024, that 26 children had died after suffering complications related to hunger at his hospital alone. At least 16 of the deceased

<sup>97</sup> Posted on the UN website at: <https://news.un.org/ar/story/2023/12/1127147>

<sup>98</sup> The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) website: <https://tinyurl.com/3h9e9fbd>

<sup>99</sup> Human Rights Watch at the link: <https://tinyurl.com/2hycj7xr>

<sup>100</sup> Human Rights Watch at the link: <https://tinyurl.com/2hycj7xr>

children were less than five months old, while at least 10 were between one and eight years old, with one adult aged 73.<sup>101</sup>

119- According to the United Nations, “famine is defined as a situation where at least 20% of households suffer from severe food shortages, at least 30% of children experience acute malnutrition, and more than two deaths occur per day among every 10,000 people due to severe hunger or a combination of malnutrition and disease”. The indicators of famine, as per this definition, along with the Integrated Food Security Phase Classification and its utilization as a weapon, have become evident in the assault on the Gaza Strip.<sup>102</sup>

120- The extensive and deliberate Israeli aggression on the Gaza Strip, coupled with the policy of starving individuals with disabilities, has exacerbated their plight to a catastrophic level. This is because **the limited aid trucks allowed into Gaza do not contain specialized types of food, milk, vitamins, nutrients, and life-sustaining supplements tailored for individuals with various disabilities. Moreover, they lack the necessary medications and assistive devices for people with disabilities**, which the occupying authorities deny entry into Gaza. It's important to note that the suffering of individuals with disabilities within the entire rights system has worsened due to the blockade and the policy of collective punishment prior to the recent aggression, as previously explained. There is a direct correlation between poverty, disability, and deprivation in the Gaza Strip. Furthermore, individuals with disabilities are unable to access aid delivered by aircraft to the northern Gaza Strip due to the nature of their disabilities, depriving them of access. There has been a failure among experts, United Nations rapporteurs, and international and local organizations to adequately address the severe and compounded suffering of individuals with disabilities during the ongoing aggression on Gaza, contrary to the Convention on the Rights of Persons with Disabilities.

121- The policy of starvation and food insecurity has led to significant deterioration and fatalities among individuals with disabilities in Gaza. On March 4, 2024, **10-year-old Yazan Al-Kafarna, who lived with intellectual disability (cerebral palsy)**, succumbed to hunger and malnutrition at Abu Yousef Al-Najjar Hospital after a prolonged and severe struggle. This was a result of the malnutrition and starvation policy implemented by the colonial occupation during the aggression on the sector. The distressing images circulated by various media outlets of Yazan's emaciated body, ravaged by hunger and malnutrition, served as a stark reminder of the compounded catastrophic suffering of **individuals with disabilities** within the entire rights system in Gaza. Yazan, who had been living with cerebral palsy since birth, followed a specific diet and consumed specialized food and supplements, all of which became completely unavailable since the beginning of the aggression on Gaza.<sup>103</sup>

122- For individuals with disabilities, their specialized diet and nutritional supplements are **a matter of life or death**, classified as life-sustaining items. Deliberately and systematically obstructing their entry into Gaza during the ongoing aggression constitutes a criminal act falling within the framework of **fully-fledged premeditated crime**, under international law, warranting accountability. Criminal acts in premeditated killing can occur directly through bombing or indirectly through intentional and systematic deprivation of food, medication, nutritional supplements, and other essential needs for human life.

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<sup>101</sup> Human Rights Watch at the link: <https://tinyurl.com/2hycj7xr>

<sup>102</sup> UN: Gaza at risk of famine and all its population suffering from hunger, at the link: <https://news.un.org/ar/story/2023/12/1127147>.

<sup>103</sup> Al Jazeera Media Network at the link: <https://tinyurl.com/ptvxz27c>

123- The Euro-Mediterranean Human Rights Monitor recorded the demise of **Jana Dib Qadeeh, a 14-year-old individual with intellectual disability (cerebral palsy)**, on December 8, 2023, within a shelter facility located at the "Taibeh" school in Abasan Al-Kabira town, situated east of Khan Yunis in the southern region of the Gaza Strip. Her passing was attributed to **malnutrition, starvation, and a deficiency of essential oxygen** required for her medical condition. Jana endured extensive suffering at the shelter, resulting in severe emaciation. Her family, encircled by Israeli tanks surrounding the school, faced obstacles in conducting her burial. Consequently, they were compelled to inter her remains within the school premises.<sup>104</sup>

124- The Euro-Mediterranean Human Rights Monitor has meticulously documented multiple instances of fatalities resulting from malnutrition, starvation, and dehydration. Among these tragic cases was **the passing of infant Jamal Mahmoud Al-Kafarna**, born in August 2023, hailing from Beit Hanoun town in the northern Gaza Strip, due to severe malnourishment and hunger. The mother of the infant Jamal recounted to the Euro-Mediterranean Human Rights Monitor, headquartered in Geneva, her ordeal of dehydration stemming from food scarcity, compelling her to resort to drinking saline water out of sheer thirst. As days went by, her breast milk ceased, severely hampering her ability to nourish her baby Jamal, culminating in his profound dehydration and eventual demise. Moreover, the Euro-Mediterranean Human Rights Monitor documented a distressing incident concerning **the demise of infant Baraa Al-Haddad, aged one and a half years**, from Gaza City on December 30, 2023, attributable to malnutrition, starvation, and dehydration. Furthermore, the Monitor recorded several cases of elderly individuals succumbing to malnourishment, hunger, and dehydration, including **Samira Abu Barbar (59 years old), Issam Al-Najjar (63 years old), and Jouda Zidan Al-Agha (81 years old)**, all inhabitants of the Gaza Strip.<sup>105</sup>

125- In a statement issued on November 17, 2023, **Heba Hagra, the United Nations Special Rapporteur on the Rights of Persons with Disabilities**, underscored the mounting demands for unconditioned and unimpeded delivery of humanitarian assistance to individuals with disabilities in the Gaza Strip. She stressed the critical importance of ensuring aid accessibility for all civilians, particularly those with disabilities, who may necessitate assistive devices alongside essential provisions such as food, medication, and vital services including water, sanitation, electricity, and healthcare. Special Rapporteur Hagra further highlighted, **"This region is experiencing a notable surge in disability prevalence among its populace due to recurrent armed conflicts, compounded by the ongoing bombardment of Gaza. All relief teams and international organizations must acknowledge and address this reality."**<sup>106</sup>

26- In her evaluation of the situation concerning individuals with disabilities, UN Special Rapporteur Heba Hagra underscored, "Persons with disabilities encounter significant obstacles in accessing secure environments. The deprivation of essential services such as electricity, water, and food, exposes them to heightened risks, including the peril of loss of life." Hagra cautioned that the military operations in the Gaza Strip carry catastrophic repercussions for all civilians, **particularly individuals with disabilities**, and contravene the United Nations Convention on the Rights of Persons with Disabilities (Article 11), as well as being inconsistent with Security Council Resolution 2475 issued in 2019 regarding the safeguarding of persons with disabilities during armed conflicts." She stressed the imperative of releasing all arbitrarily detained individuals, especially those with disabilities.<sup>107</sup>

<sup>104</sup> Euro-Mediterranean Human Rights Monitor website: <https://euromedmonitor.org/en>

<sup>105</sup> Euro-Mediterranean Human Rights Monitor website: <https://euromedmonitor.org/en>

<sup>106</sup> Posted on the UN website: <https://tinyurl.com/2nbdfeh3>

<sup>107</sup> Posted on the UN website: <https://tinyurl.com/2nbdfeh3>

127- There exists a degree of "**dereliction**" in the performance of the United Nations Special Rapporteur on the Rights of Persons with Disabilities during the ongoing hostilities in the Gaza Strip, **as per the mandate and responsibilities vested in her by the United Nations Human Rights Council**. There is an imperative for her to furnish comprehensive reports to the United Nations Human Rights Council concerning the rights and circumstances of individuals with disabilities in the Gaza Strip and the egregious violations incurred by individuals with disabilities amidst the sustained aggression against the Strip. These transgressions encompass deliberate killings, a marked escalation in the prevalence of various disabilities due to the aggression, forcible transfers, and the profound suffering endured by individuals with disabilities during recurrent displacement operations. Additionally, they encompass arbitrary detentions in Israeli occupation camps and prisons, instances of torture, ill-treatment in varied forms, obstruction of access to aid, medication, assistive devices, and vital life-sustaining necessities for individuals with disabilities across all spectrums during the aggression on the Strip. Furthermore, the fatalities of numerous children with disabilities resulting from policies of starvation and the absence of food security in the Gaza Strip, among other severe violations of international human rights law and international humanitarian law. The submissions of the United Nations Special Rapporteur on the Rights of Persons with Disabilities are deemed **reliable and of paramount significance** in facilitating effective avenues for redress for individuals with disabilities and in the trajectory of accountability for these fully-fledged international transgressions, fully aligned with the foundational framework of the International Criminal Court.

128- **QADER field team** in Gaza had diligently documented numerous written testimonies and statements, unequivocally signaling the presence of malnutrition, hunger, and food insecurity among civilian inhabitants of the Gaza Strip amidst the ongoing aggression targeting the Strip. This situation is particularly acute for individuals with disabilities. These hardships have been markedly exacerbated during recurrent forcible transfers due to relentless bombardment of Gaza. Some of these cases have been previously highlighted in the section addressing forcible transfer in this report. Here, the report provides further documented testimonies, underscoring the widespread prevalence of malnutrition, hunger, and food insecurity within the Gaza Strip.

129- In her documented testimony submitted through QADER, Ms. **Samira Faiz Mahmoud Baraka (56 years old), who lives with a physical disability** and has a family of eight members, recounted her experience of forced relocation during the aggression. She highlighted the lack of provisions tailored to the needs of persons with disabilities during displacement operations. During her interview with field researchers in Gaza, she stated: **"We endured immense suffering while being displaced within the Gaza Strip. Accessing aid was exceedingly challenging in our circumstances. Financial constraints compounded our difficulties, aggravated by soaring prices during the aggression. The available food items primarily consisted of canned food, which I couldn't consume due to my health condition. Despite my medical limitations, I had no choice but to consume that canned food, resulting in severe allergic reactions and vascular inflammations. Regrettably, this led to the loss of one of my kidneys, leaving me with only one functional kidney. I am in desperate need of nutritious food suitable for my condition, yet I struggle to find any alternatives to canned food, which I cannot consume."**<sup>108</sup>

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<sup>108</sup> The testimony of Samira Mahmoud Baraka from Rafah is documented by QADER with the victim's permission to use the name and information for the purposes of this report.

130- QADER field team documented the testimony of **Mr. Mohammed Zaki Toutah (35 years old), with a visual disability**, residing with his family of seven in Al-Zeitoun neighborhood in the Gaza Strip. He recounted being compelled to relocate with his family on eight occasions during the aggression and ongoing shelling by the occupying army in the Gaza Strip. Throughout these forcible transfers, Mr. Toutah's mobility aid (cane) broke twice, further complicating their ordeal. According to his written testimony, Mr. Toutah and his family endured severe malnutrition during the displacement episodes, alongside enduring profound psychological trauma from witnessing distressing scenes and encountering bodies strewn along the roads during repeated displacements. Mr. Toutah elaborated during his testimony to the field researchers in the Gaza Strip: **“Basic staples such as flour and canned goods were unavailable to us. We resorted to consuming cornbread that was virtually inedible, as hard as rocks. Accessing the limited aid available proved futile due to the overwhelming demand. My weight plummeted from 76 kg to 36 kg, while my wife and children also experienced drastic weight loss, with their health severely deteriorating due to the scarcity of food and resultant malnutrition.”**<sup>109</sup>

131- QADER has documented the testimony provided by the mother of **Mohammad Bakr Al-Hayya (9 years old), who lives with an intellectual disability** and resides in the Al-Shuja'iyya neighborhood in the Gaza Strip. Mohammad, along with their family of four, endured four consecutive displacements during the aggression on the Gaza Strip. The mother recounted the profound hardships endured by the family, particularly her son Mohammad, throughout the displacement episodes and the detrimental impact on his psychological well-being, as she continued to carry him due to his disability during the displacements: "We are currently located in Rafah, sheltered in an UNRWA school, crammed into a small room with over 20 other families. The space is insufficient for even a single family, lacking basic necessities such as food, medicine, clean water, adequate bedding, or sleeping arrangements. Moreover, overcrowding is rampant, and the specific requirements for my son Mohammad's disability remain unaddressed in these displacement sites. Diseases proliferate among the displaced, **posing a grave risk to Mohammad, especially given his intellectual disability, exacerbated by malnutrition and the absence of essential nutrients. His condition necessitates specific protein-rich foods, which are unavailable. Mohammad also requires electrotherapy treatment, for which there are no provisions, as well as diapers and a wheelchair. His needs remain unmet, and his health continues to deteriorate.**"<sup>110</sup>

132- QADER has documented a testimony from the mother of **Zain Bilal Ramadan Farhan (8 years old), with a physical disability** and resides in Bani Suheila in the Gaza Strip. The mother, along with her family of six, including Zain, experienced multiple forced transfers during the aggression on the Gaza Strip. She recounted the severe hardships endured during the displacement processes and the perilous health situation for her son Zain, exacerbated by malnutrition and the absence of specialized provisions for persons with disabilities in the Gaza Strip. Zain suffers from a myriad of health issues including liver complications, blood acidity, bone fragility, hypoglycemia, and deficiencies in essential minerals such as calcium, phosphorus, and potassium. He requires specialized dietary provisions such as soy milk, along with various medications, none of which are available. The mother lamented, **"I endangered my life on numerous occasions in pursuit of my son's necessities, including soy milk, but to no avail. Without it, my son grapples with respiratory difficulties and immobility. I**

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<sup>109</sup> The testimony of Muhammad Zaki Totah from Al-Zaytoun neighborhood is documented by QADER with the permission of the victim to use the name and information for the purposes of this report.

<sup>110</sup> The testimony of the mother of the child Muhammad Al-Haya from the Shujaiya neighborhood is documented by QADER with her permission to use the name and information for the purposes of the report.



**sought assistance from Nasser Hospital, the European Hospital, the Emirati field hospital, and a private physician who previously oversaw my son's case. However, all concluded that he requires treatment beyond the confines of Gaza."**<sup>111</sup>

133- QADER has documented testimony from **Ghassan Nafez Mahmoud Al-Sous (31 years old), an individual with physical disabilities** hailing from the Al-Shujaiya neighborhood in the Gaza Strip. Ghassan, along with his family of seven, forcibly underwent multiple transfers during the aggression on the Gaza Strip. In his testimony, Ghassan recounted the harrowing situations they encountered, marked by acute shortages of fundamental necessities such as food, milk, potable water, and clothing. He lamented, **"Food is scarce; our sustenance barely extends beyond khobbeiza (a type of wild plant). Despite my efforts, I couldn't procure a kilo of flour for my children. Aid remains elusive, and matters worsened when my wife gave birth to a new baby amidst these dire circumstances. There is no milk available for the newborn, and we lack a suitable, safe dwelling."**<sup>112</sup> This testimony underscores the profound suffering and malnutrition endured by individuals with disabilities and their families, stemming from the absence of essential life provisions and tailored support for disabled individuals in the Gaza Strip.

### 3.8. TARGETING WOMEN AND CHILDREN

134- According to reports and statistical data compiled by the United Nations, international, regional, and local independent organizations, there has been a discernible pattern of deliberate and widespread targeting of women and children by the Israeli military throughout its military aggression against the Gaza Strip since October 7, 2023. As per statistical findings released by the Euro-Mediterranean Human Rights Monitor on the 180th day of the offensive, the total count of civilians killed or missing under the debris in the Gaza Strip surged to 41,496, a figure encompassing 15,370 children and over 10,000 women. Furthermore, 77,250 individuals sustained injuries, resulting in a substantial incidence of disabilities among the civilian populace. It's noted that **more than 70% of the casualties among civilians comprise "women and children" within the Gaza Strip, with over 70% of residential neighborhoods obliterated.** Those percentages surpass the severity witnessed during World War II.

135- **Francesca Albanese**, the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, asserted in her press conference on April 16, 2024, that Israel's stance is at odds with reality and blatantly dismisses the undeniable truths prevailing in the Gaza Strip while seeking to rationalize its military interventions in the region. She further characterized the plight of the Palestinian community as tantamount to "genocide" and accused Western nations of applying "double standards" in their response to the events unfolding in the Gaza Strip. Albanese underscored the imperative for Israel to halt its actions in the Gaza Strip, which have persisted for six months and have reached the level of "genocide." She highlighted that Israel's military operations result in the deaths of more than 250 Palestinians daily in densely populated areas, with over 14,500 children falling victim to these actions in the Gaza Strip. The casualty toll in the Gaza Strip surpassed that of all conflicts globally over the past five years. Furthermore, Albanese condemned Israel's systematic destruction of civilian objects, healthcare facilities, and livelihoods in Gaza over the preceding

<sup>111</sup> The testimony of the child's mother, Zain Farhan from Bani Suheila, is documented by QADER with permission to use her name and information for the purposes of this report.

<sup>112</sup> Testimony of Ghassan Al-Souss from Al-Shujaiya neighborhood is documented by QADER with the victim's permission to use the name and information for the purposes of this report.

six months. She pointed out Israel's use of civilian populations as "human shields," its violation of the Convention on the Prevention and Punishment of the Crime of Genocide, and its dehumanization of individuals as grave breaches of international norms and principles.<sup>113</sup>

136- In a joint press release issued on April 17, 2024, from Geneva, New York, and Rome, **the World Health Organization (WHO)** drew attention to a **concerning surge in malnutrition rates among children, as well as pregnant and lactating women, in the Gaza Strip**, posing a grave threat to their well-being. According to the "**Nutritional Vulnerability and Situation Analysis Report in the Gaza Strip**" released by the Global Nutrition Cluster, the situation in the Strip has reached a critical juncture, particularly in the northern Gaza Strip, where aid access has been severely restricted. Nutrition assessments conducted in shelters and health facilities in northern Gaza revealed alarming statistics: "**one in every six children under the age of two suffers from acute malnutrition**," with approximately 3% experiencing severe body wasting, a highly perilous form of malnutrition. These findings place young children at significant risk of medical complications and mortality if they do not promptly receive essential treatment. The data, gathered in January 2024, suggests that the situation may have further deteriorated since then.<sup>114</sup>

137- Ted Chaiban, UNICEF's Deputy Executive Director for Humanitarian Action and Supply, has expressed grave concern, stating, "**The Gaza Strip is poised to witness an explosion in preventable child deaths which would compound the already unbearable level of child deaths in Gaza**," said UNICEF Deputy Executive Director for Humanitarian Action and Supply Operations, Ted Chaiban. "We've been warning for weeks **that the Gaza Strip is on the brink of a nutrition crisis**. If the conflict doesn't end now, children's nutrition will continue to plummet, leading to preventable deaths or health issues which will affect the children of Gaza for the rest of their lives and have potential intergenerational consequences." The organization's statement underscored the significant risk of escalating malnutrition rates throughout the Gaza Strip, attributed to alarming shortages in food, water, and essential health and nutrition services. It highlighted that "**90 per cent of children under the age of 2 and 95 per cent of pregnant and breastfeeding women face severe food poverty – meaning they have consumed two or less food groups in the previous day - and the food they do have access to is of the lowest nutritional value, and 95 per cent of households are limiting meals and portion sizes, with 64 per cent of households eating only one meal a day.**"<sup>115</sup>

138- These alarming indicators concerning children must be viewed **in conjunction with their profoundly distressing ramifications for persons with disabilities, particularly those who have endured limb amputations (upper or lower)** in the Gaza Strip as a result of this devastating aggression. As outlined in this report, data from UN rapporteurs, UNRWA, and the Ministry of Health in Gaza corroborate that thousands of children in the Gaza Strip have undergone limb amputations, resulting in permanent disabilities. The unavailability of resources and accommodations for individuals with disabilities in Gaza exacerbates the threat to their lives posed by malnutrition and deteriorating health conditions in such dire circumstances. Similarly, **women with disabilities**, particularly pregnant and lactating women, face exacerbated catastrophic conditions under these circumstances.

139- During a press conference held at the United Nations in Geneva on December 19, 2023, UNICEF spokesperson James Elder declared that "**The Gaza Strip is the most dangerous**

<sup>113</sup> Special Rapporteur Francesca Albanese press conference on 16 April 2024, at the website: <https://tinyurl.com/bdfnfwd8>

<sup>114</sup> The official website of the WHO at the link :<https://tinyurl.com/4se85aj6>

<sup>115</sup> The official website of the WHO at the link :<https://tinyurl.com/4se85aj6>

**place in the world to be a child.**" He underscored that "**day after day, that brutal reality is reinforced.**" Elder affirmed that "children and their families in Gaza find themselves unsafe in hospitals nor in shelters, and they are certainly not safe in the so-called 'safe' zones, which lack basic sanitation." He added that "these so-called safe zone." He cautioned that "Diarrhea cases in children are above 100,000, acute respiratory illness cases in civilians are above 150,000, with malnutrition soaring among Gaza's children, diarrheal diseases are becoming deadly. He added: "more than 130,000 of Gaza's most vulnerable children (those aged 0 to 23 months) are not receiving the critical life-saving breastfeeding and age-appropriate complementary feeding practices, including micronutrient supplementation". Elder concluded by stating "With such a scenario - and without sufficient safe water, food and sanitation that only a humanitarian ceasefire can bring - child deaths due to disease could surpass those killed in bombardments."<sup>116</sup>

140- Documentation and statistical data from UN Women, dated March 1, 2024, showed that the average number of Palestinian women and girls killed daily by the Israeli occupation army in Gaza is 63. Additionally, approximately 37 mothers are killed daily in the Gaza Strip, which devastates their families' lives and diminishes the protection of their children. It is a war on women in Gaza.<sup>117</sup>

141- In its latest warning statement addressing gender concerns in Gaza, released on April 16, 2024, UN Women reported a staggering toll, indicating that **over 10,000 women have been killed in the Gaza Strip**. Furthermore, Women who have survived Israeli bombardment and ground operations have been displaced, widowed, and facing starvation. This devastating differentiated impact continues to make "**the war on Gaza also a war on women.**" The statement further highlighted that "**more than one million Palestinian women and girls in Gaza have almost no access to food, safe drinking water, after enduring six months of relentless warfare**". Amid deteriorating living conditions, diseases are on the rise, exacerbating the humanitarian crisis. Additionally, access to water, sanitation, and hygiene services remains severely limited for women and girls in the Gaza Strip, further compounding their hardships.<sup>118</sup>

142- During the 68th session of the United Nations Commission on the Status of Women, on March 13, 2024, Leila Baker, the Regional Director for the United Nations Population Fund in the Arab region, emphasized that the devastation wrought upon infrastructure and social cohesion during the Gaza conflict disproportionately impacts women and girls compared to the broader population of the region. She underscored that **while the numbers and statistics convey the severity of the situation, they only capture a fraction of the injustice and suffering endured by the people of Gaza and Palestine.**<sup>119</sup>

143- In her interview with UN News, Reem Salem, the UN Special Rapporteur on violence against women and girls, voiced criticism against the "**double standards**" exhibited by several prominent countries that export weapons. She highlighted **their tendency to overlook the violations endured by Palestinian women while purporting to prioritize the protection and empowerment of women in their foreign policies**. Rapporteur Salem underscored the "**credible allegations**" she had received from various UN experts regarding the violations perpetrated by Israel against women and girls in Gaza and the West Bank. She disclosed her

<sup>116</sup> The official website of the WHO at the link :<https://tinyurl.com/4se85aj6>

<sup>117</sup> The post is on the United Nations website at this link: <https://news.un.org/ar/story/2024/03/1128877>

<sup>118</sup> The statement issued by the United Nations Entity for Gender Equality and the Empowerment of Women is published on the following link: <https://news.un.org/ar/story/2024/04/1130081>)

<sup>119</sup> The post is on the United Nations website at this link: <https://news.un.org/ar/story/2024/03/1129222>

request to visit Israel and Palestine, which was made over a month ago, yet she has not received a response from Israel.<sup>120</sup>

144- The **United Nations'** terminology and descriptions concerning the conditions faced by children in Gaza, such as labeling it as "**the most dangerous place in the world for children,**" and characterizing the situation of women in Gaza as "**a war on women,**" unmistakably signify the deliberate, systematic, and widespread targeting of women and children amid the ongoing military onslaught on the Gaza Strip. Such actions defy justification on grounds of military necessity, proportional use of force, differentiation between civilian and military objectives, or the obligation to take precautions to safeguard protected civilians, including women and children. Instead, they represent a severe breach of international law, constituting egregious international crimes.

145- The statements by Deputy Secretary-General of the United Nations, Amina Mohammed, that "**We have lost our moral compass on Gaza, as a humanity, as the international community**"<sup>121</sup>, and UN Humanitarian Coordinator Martin Griffiths, who called the "the war in Gaza is a betrayal of humanity"<sup>122</sup>. As much as these statements indicate "betrayal," they also require serious action towards accountability and justice for the victims in the face of serious violations and various forms of crimes against women and children, which we will address in a dedicated section in this report.

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<sup>120</sup> The post is on the United Nations website at this link: <https://news.un.org/ar/story/2024/02/1128817>

<sup>121</sup> The publication is available on the United Nations website at the following link:

<https://news.un.org/ar/story/2024/04/1129961>

<sup>122</sup> The post is on the United Nations website at this link: <https://news.un.org/ar/story/2024/04/1129881>

## 4. INTERNATIONAL LAW AND INTERNATIONAL RESPONSIBILITY

146- Based on a meticulous review of the most egregious violations endured by civilian populations, notably children, women, and individuals with different types of disabilities, alongside the deliberate targeting of civilian objects during the systematic and widespread aggression launched by the Israeli occupation army on the Gaza Strip, and drawing upon reports, statements, and statistics from United Nations bodies and international, regional, and local independent organizations, as well as numerous documented accounts and testimonies collected by QADER field team in the Gaza Strip during the ongoing aggression, this report will present an exhaustive analysis and legal classification of these facts and evidence in accordance with international humanitarian law. This analysis will primarily be conducted within the framework of the Fourth Geneva Convention and its First Protocol concerning international armed conflicts to identify **the most significant grave violations of the Geneva Conventions of 1949 and its First Protocol, which are deemed "war crimes" under international humanitarian law**. Furthermore, we will scrutinize and classify this credible evidence in light of international human rights law, which is applicable during armed conflicts, with particular emphasis on the Convention on the Rights of Persons with Disabilities and the obligations of state parties therein concerning the rights of persons with disabilities in situations of armed conflicts. Additionally, we will analyze it in alignment with the seminal decision issued by the UN Security Council regarding the rights of persons with disabilities in both international humanitarian law (armed conflicts) and international human rights law, encapsulated in **Security Council Resolution 2475 (2019)**, concerning both its substance and enforcement mechanisms. Ultimately, the report **will categorize, and present various forms of international crimes** based on the credible evidence presented in therein.

### 4.1 HUMANITARIAN INTERNATIONAL LAW

147- This section of the report illuminates the serious violations of the Fourth Geneva Convention of 1949, as delineated by the compelling evidence outlined earlier. Additionally, it underscores the significant violations of the First Protocol of 1977 pertaining to international armed conflicts.

#### 4.1.1 THE FOURTH GENEVA CONVENTION OF 1949

148- In the segment dedicated to international humanitarian law, the report delineates **13 significant violations** of the Fourth Geneva Convention of 1949 and its supplementary First Protocol on international armed conflicts of 1977. These transgressions occurred during the systematic and extensive aggression against the Gaza Strip beginning on October 7, 2023. They represent **13 instances of war crimes as stipulated** by the Convention and the First Protocol, as elucidated by the detailed violations outlined in preceding sections of this report. This comprehensive analysis draws upon reports from the United Nations, as well as those from international, regional, and local independent organizations. Additionally, it incorporates firsthand testimonies documented by QADER field team operating in Gaza during the aggression. Furthermore, this section scrutinizes findings from prior investigations and fact-finding commissions preceding the recent aggression on the Gaza Strip. These findings corroborate the existence of **comparable patterns** of severe violations witnessed during previous military aggressions on the Gaza Strip and the broader occupied Palestinian territory.

This serves to underscore the evidence of systematic and widespread transgressions and the commission of fully-fledged international crimes within the occupied Palestinian territories. Such violations have intensified notably during the recent aggression on the Strip, exacerbated by the persistent absence of accountability and redress.

149- The systematic and widespread aggression launched by the occupation army on the Gaza Strip since October 7, 2023, similar to previous multiple military aggressions on Gaza, has revealed multiple patterns of **serious violations of international humanitarian law**, which have been detailed in this report. These violations are primarily documented based on the documentation, statistics, and reports from the United Nations and its specialized agencies, as well as reports from international, regional, and local independent human rights organizations. Additionally, they rely on the documentation and reports issued by the Palestinian Ministry of Health, the Palestinian Central Bureau of Statistics, and Israeli sources mentioned in those reliable reports and data. These grave breaches of international humanitarian law constitute **war crimes** under the First Protocol of the Geneva Conventions (Article 85) and the Rome Statute of the International Criminal Court. They formed a "**repeated pattern**" during previous military aggressions on the Strip.

150- One of the most egregious violations witnessed was the deliberate targeting (**willful killing**) of thousands of civilians, particularly women, children, and persons with disabilities, constituting more than **70%** of the total casualties during the aggression. This was accompanied by extensive destruction of infrastructure and residential areas, with up to 70% of residential zones affected, including factories and bakeries. Moreover, essential services such as water and electricity supplies were systematically disrupted. Additionally, nearly 2 million people were repeatedly and systematically subjected to forcible transfer without access to safe zones in Gaza. Furthermore, those forcibly displaced to the South (Rafa) were prevented from returning to their homes.

151- In addition to other grave violations perpetrated by the Israeli occupation forces in Gaza, such as the arbitrary detention of thousands of civilians in the Strip, including UNRWA employees, women, children, the elderly, and persons with disabilities. These detainees were subjected to various forms of torture and ill-treatment within Israeli detention facilities and prisons. Furthermore, there were deliberate impediments to the delivery of essential and life-saving humanitarian aid, particularly in the northern region of Gaza. This obstruction posed a grave threat to the lives and well-being of thousands, exacerbating issues of malnutrition and indicating an imminent famine crisis. Tragically, many civilians, especially children, succumbed to starvation, highlighting severe violations of international humanitarian law, notably violations of the Fourth Geneva Convention concerning the protection of civilians in time of war.

152- Before detailing the violations, it is crucial to underscore **the enduring blockade enforced on the civilian populace in the Gaza Strip for the past 18 years**, which constitutes **a policy of collective punishment and a grave breaches of international humanitarian law**. Article 33 of the Fourth Geneva Convention of 1949 expressly prohibits collective penalties, stating, "no protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited". Numerous investigations and fact-finding committees scrutinizing prior military aggressions on the Gaza Strip since 2008 have underscored this reality, urging an **immediate cessation of the blockade and the cessation of collective punishment on the Strip**. They have consistently and unequivocally alerted to the perilous trajectory of Gaza, warning of its potential descent into "**an uninhabitable place**".

153- The report from the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, established by the Human Rights Council in its 2021 decision (the Permanent Independent International Commission of Inquiry), highlighted in paragraph 42 that “The United Nations Fact-Finding Mission on the Gaza Conflict found in 2009 that the blockade amounted to a collective punishment that fit into a continuum of policies aimed at pursuing Israeli political objectives with regard to Gaza and the Occupied Palestinian Territory as a whole, including the progressive isolation and separation of the Gaza Strip from the West Bank”<sup>123</sup>. Furthermore, paragraph 53 of the UN report reiterated that **“the United Nations has warned that Gaza is at risk of becoming “unlivable” due to the serious violations of economic, social, and cultural rights resulting from the occupation and ongoing long-term land, air and sea blockade and repeated attacks that have destroyed essential infrastructure”**<sup>124</sup>. Despite repeated warnings from the United Nations, the persistence of the long-standing blockade of Gaza and the policy of collective punishment affirm the **“criminal intent”** of Israeli political and military officials to continue perpetrating grave breaches of international law, directly targeting civilians and civilian objects, thereby constituting international crimes.

154- The systematic and widespread military attacks on civilians and civilian objects in the Gaza Strip cannot be justified under the guise of **“self-defense.”** In its 2004 ruling on Israel's construction of the separation wall in the Occupied Palestinian Territory, the International Court of Justice emphasized that **Israel cannot invoke self-defense (Article 51 of the UN Charter) for attacks originating from the territory it occupies**<sup>125</sup>. This principle was reaffirmed in the 2023 report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, which highlighted in paragraph (11): **“The Commission notes that Israel has invoked Article 51 of the Charter of the United Nations, citing self-defense against an armed attack, to justify its military operation. In 2004, the International Court of Justice held that Israel is unable to rely on Article 51 about an attack emanating from the Occupied Palestinian Territory, given that the whole of the Territory is under its effective control.16 The Commission reiterates the important distinction between jus ad bellum and jus in bello, and notes that Israel is obliged to follow international humanitarian law in all its military operations**<sup>126</sup>.” Despite Israel's attempt to argue self-defense in a lawsuit filed by South Africa accusing Israel of genocide on December 29, 2023, the International Court of Justice **ignored this argument** in its interim ruling dated January 26, 2024, which imposed provisional measures on Israel. This decision aligns with the Court's 2004 ruling on the separation wall and with reports from UN bodies.

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<sup>123</sup> The report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, published on the United Nations Commissioner's website on May 9, 2022, document number (A/HCR/50/21).

<sup>124</sup> The report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, was published on the United Nations Commissioner's website on May 9, 2022, under international document number (A/HCR/50/21).

<sup>125</sup> The legal consequences arising from the construction of a wall in the occupied Palestinian territory, International Court of Justice, Advisory Opinion of July 9, 2004.

<sup>126</sup> The report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, was published on the United Nations Commissioner's website on September 5, 2023, under international document number (A/78/198) paragraph 9.

155- Israel's claim of self-defense, despite its assertion, fails to justify the systematic and widespread targeting of civilian populations, especially women, children, and persons with disabilities, as well as civilian objects. Such actions **violate established principles of international humanitarian law** and constitute fully-fledged international crimes. These principles outline clear guidelines: **The principle of distinction** requires parties in armed conflict to differentiate clearly between civilians and military targets, prohibiting direct attacks on civilians and methods that may result in indiscriminate attacks. **The principle of proportionality** demands that even if there is a clear military target it is not possible to attack it if the expected harm to civilians, or civilian property, is excessive in relation to the expected military advantage". Meanwhile, **the principle of precaution** states: "in the conduct of military operations, constant care must be taken to spare the civilian population, civilians and civilian objects. All feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects."<sup>127</sup> The targeting of significant numbers of civilians, particularly vulnerable groups like children and women, alongside civilian objects, which surpassed 70% according to credible and independent evidence, cannot be justified under any circumstances.

156- The 2023 report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, highlighted a crucial point in paragraph (67) regarding its investigation into deliberate killings targeting civilians during **the Great March of Return in the Gaza Strip in 2018**. The Commission stresses that lethal force may be used only against demonstrators in strictly prescribed circumstances where necessary to prevent an imminent threat to life. When demonstrators are killed as a result of the use of lethal force even though they did not pose an imminent threat to life or serious injury, such actions violate the rights to life and to physical and mental integrity and may amount to arbitrary killing and, within the context of occupation, to the war crime of willful killing."<sup>128</sup> This observation directly applies to the significant number of civilians, including children and women, who have been killed by the Israeli military during the ongoing aggression in the Gaza Strip since October 7, 2023. These killings represent serious breaches of international law, as lethal force has been used in situations that do not meet the stringent criteria outlined for its legitimate use.

157- Article 147 of the Fourth Geneva Convention identifies "willful killing" and "willfully causing great suffering or serious injury to body or health" as grave breaches of international humanitarian law. Israel, acting as the occupying power in a prolonged occupation stemming from annexation (colonial occupation) and an apartheid system, as verified by numerous United Nations reports, has failed to adhere to and uphold the principles of international humanitarian law. These principles include military necessity, the distinction between civilian and military targets, and the obligation to take necessary precautions during military operations to minimize civilian harm. The systematic and extensive military aggression primarily aimed at the civilian population in the Gaza Strip, with women, children, and persons with disabilities, surpassing 70% of the total casualties.

158- The uncovering of numerous mass graves, including those within hospitals such as Shifa Hospital and Nasser Hospital, which are afforded special protection under international law

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<sup>127</sup> Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, published on the United Nations Commission's website on September 5th, 2023, under international document number (A/78/198), paragraph (9).

<sup>128</sup>The report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, was published on the United Nations Commissioner's website on September 5, 2023, under international document number (A/78/198).



during armed conflicts, along with the bodies found within them - some showing signs of being unclothed, others bearing bandages and medical interventions, and some with bound hands - provides compelling evidence of serious violations and international crimes committed during the widespread and systematic aggression on Gaza. The occupying colonial power has failed to present any "reliable evidence" to account for the significant number of civilian casualties, particularly among women, children, and thousands of persons with disabilities. Similarly, it has not provided "reliable evidence" to refute its involvement in the killing of numerous civilians within hospitals it seized and destroyed during its incursions, despite these hospitals enjoying special protection. Furthermore, the immense scale of civilian deaths and injuries relative to the population and size of the Gaza Strip undermines claims of necessity and proportionality.

159- The systematic and widespread deliberate killings targeting civilians, especially women, children, and persons with disabilities, represent a "**recurring pattern**" observed in previous military aggressions conducted by the Israeli occupation forces in the Gaza Strip. The most recent military aggression resulted in a significantly higher number of civilian deaths and injuries compared to all previous attacks combined, yet there remains a persistent absence of accountability and redress for Palestinian victims. The international investigation commission's findings on the 2014 aggression on Gaza underscore this pattern, revealing the **killing of 1,462 Palestinian civilians, among whom one-third were children**. Hundreds of civilians, particularly children and women, were killed in their own homes. Additionally, **42 civilians with disabilities - comprising 25 with physical disabilities, 6 with intellectual disabilities, 3 with hearing disabilities, 4 with visual disabilities, and 4 with multiple disabilities-** were killed during this aggression. Furthermore, **1,134** civilians sustained permanent disabilities as a result of the aggression. The evidence strongly supports the assertion of a recurring pattern of willful killing targeting civilians, particularly women, children, and persons with disabilities, in Gaza.

160- Despite repeated calls by UN commissions of inquiry and fact-finding missions for Israel to disclose its "**rules of engagement**" during military operations in the occupied Palestinian territories, Israel persists in refusing to do so. This refusal strengthens the evidence suggesting **a criminal intent** to persist in committing serious violations of international law, particularly targeting civilians—especially children, women, the elderly, and persons with disabilities—which constitute fully-fledged international crimes.

161- The fact-finding mission on the conflict in the Gaza Strip in 2009, commonly known as the **Goldstone Report**, recommended that "Israel initiate a review of the rules of engagement and standard operating procedures of military and security personnel, and that it avail itself of the expertise of ICRC, OHCHR and other bodies, experts and civil society organizations with the relevant expertise in order to ensure compliance in that respect with international humanitarian law and international human rights law."<sup>129</sup> Similarly, the Independent International Commission of Inquiry, formed during the **Great March of Return** in Gaza in 2018, recommended that "Government of Israel refrain from using lethal force against civilians, and ensure that the rules of engagement permit lethal force only as a last resort, where the person targeted poses an imminent threat to life or directly participates in hostilities, and that the rules prohibit targeting persons based solely on their actual or alleged affiliation to any

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<sup>129</sup> Paragraph (38) of the report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, published on the United Nations Commissioner's website on May 9, 2022, under international document number (A/HCR/50/21).

group, rather than their conduct.”<sup>130</sup>. Despite the passage of years since these recommendations were made by the UN's international commission of inquiry and fact-finding missions, Israel has failed to disclose its rules of engagement in military operations, without providing justification. This failure reinforces evidence of criminal intentions to continue committing international crimes.

162- According to Article 147 of the Fourth Geneva Convention, the destruction of "**civilian objects**" not justified by military necessity and causing "**serious harm to health**" constitute grave breaches of international humanitarian law. Reports from various UN, international, regional, and independent local sources have confirmed that the recent aggression on the Gaza Strip resulted in the destruction of approximately 70% of residential neighborhoods. This indicates that the targeting of buildings, homes, and residential towers was carried out systematically and extensively, without regard for the necessity of military objectives or the proportionality between protecting civilians and civilian objects and achieving military advantage. The immense destruction has left approximately **26 million tons of rubble** in an area of only 360 km<sup>2</sup>, which is one of the most densely populated areas globally. The scale of destruction has been likened to the impact of **dropping two nuclear bombs on a densely populated region**, as noted by the United Nations Special Rapporteur Francesca Albanese. Such extensive destruction cannot be justified by military necessity or proportionality under international humanitarian law. Israel has failed to provide credible evidence to explain the unprecedented level of destruction in residential neighborhoods and the supposed "**military advantage**" that could justify such devastation. This level of destruction, unprecedented in modern history since World War II in terms of civilian casualties and damage to civilian objects relative to the population and residential areas, remains unjustified. Furthermore, the destruction of 32 out of 36 hospitals in the Gaza Strip, the targeting of bakeries, and the obstruction of life-saving relief supplies, particularly to northern Gaza, have resulted in widespread malnutrition, famine, and disease among thousands of civilians - especially women, children, and persons with disabilities. Such actions cannot be justified by military necessity and instead constitute a deliberate infliction of serious harm to physical and health and well-being, constituting grave breaches of the Geneva Conventions.

163- According to Article 147 of the Fourth Geneva Convention, the "**unlawful transfer**" or forcible transfer of civilian populations during armed conflicts constitutes a grave breach of international humanitarian law and human rights law. Israel, as the occupying power engaged in a long-term occupation based on annexation (colonial occupation) and an apartheid system, cannot justify **the repeated forcible transfer of civilian populations amidst continuous bombardment**. The recent displacement of civilian populations from northern and central Gaza to the south, particularly Rafah, has affected a minimum of 1.7 million people, representing **74% of the population**, and potentially up to 2 million people, accounting for **87% of the population**, as documented by independent UN, international, regional, and local reports, documentation, and statistics. Furthermore, reports and indicators from the UNRWA clearly indicate that **one million people in Gaza lost their homes** during the aggression on the Gaza Strip.

164- Israel has not presented any credible evidence to substantiate the reasons required by the security of Gaza residents or compelling military necessity (as outlined in Article 49 of the

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<sup>130</sup> Paragraph (38) of the report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, published on the United Nations Commissioner's website on May 9, 2022, under international document number (A/HCR/50/21) states... (the content of paragraph 38 would need to be provided or summarized).

Fourth Geneva Convention) to justify the massive forcible transfers - displacement of civilian populations. The statistical indicators clearly suggest the **central role of forcible transfer** in the broader aggression on the Gaza Strip, along with assertions from UN agencies and independent international, regional, and local organizations that there is no safe place for residents in the entire Gaza Strip. Moreover, the repeated targeting of civilian populations during forced displacement operations, resulting in numerous casualties, and Israel's persistent and public refusal to allow forcibly displaced civilians to return to their original homes.

165- The reports from the United Nations asserting that "**there is no safe area in the entire Gaza Strip,**" coupled with the repeated targeting of civilians during forced displacement operations resulting in significant casualties, the widespread arrests of civilians in military occupation camps and prisons, and the documented testimonies detailing the forced displacement and immense suffering of civilians - especially persons with various types with disabilities – **all refute any claim that the forced displacement was necessary for the security of residents in the Strip or compelled by military necessity** as outlined in Article 49 of the Fourth Geneva Convention. The security of Gaza residents fundamentally contradicts the killing of large numbers during forced displacement operations, which cannot be justified by any military rationale. Furthermore, given the absence of a safe area in the entire Strip and the repeated and public refusal by the occupation authorities to allow displaced civilians to return to their homes, these facts confirm the occurrence of a serious violation “forcible Transfer”. It is important to note that any eventual return of residents to their homes does not absolve the occurrence of the crime once its elements have been established. Subsequent sections will delve into further details on these violations based on **international principles for internal displacement**.

166- The recurring practice of **forcible transfer** has been identified as a "**repeated pattern**" in previous military aggressions on the Gaza Strip, including the recent aggression on the Strip. The Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, underscored this pattern in its report issued on May 9, 2023. In the report's recommendations section, the commission urged the Israeli government to "**Immediately cease, without undue delay, actions that may amount to war crimes, including the unlawful deportation or transfer of protected persons from occupied territory, and permit such persons to return to their lawful residence.**"<sup>131</sup> The conclusions and recommendations of the international commission validate the recurring pattern of forcible transfer in previous military aggressions on Gaza, establishing these actions as fully-fledged international crimes necessitating accountability and redress.

167- According to Article 149 of the Fourth Geneva Convention, arbitrary detention or what is commonly referred to as arbitrary confinement, as defined by the United Nations Working Group on Arbitrary Detention and the breach of fair trial guarantees, constitutes a grave violation of international humanitarian law. This report has highlighted the significant numbers of civilians who have been arbitrarily detained and placed in Israeli detention camps and facilities, including large numbers of children, women, persons with disabilities, and United Nations agency (UNRWA) staff and their families during forced displacement operations. According to the United Nations classification, these actions fall under arbitrary detention, which constitutes a serious violation of international law. The use of the "Unlawful Combatant

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<sup>131</sup> Paragraph (87) of the report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, published on the United Nations Commissioner's website on May 9, 2023, under international document number (A/HRC/53/22) states... (the content of paragraph 87 would need to be provided or summarized).

Law" and the significant number of cases of "administrative detention" in Israeli camps and prisons of civilian populations in Gaza and the West Bank unequivocally confirms instances of arbitrary detention and serious breaches of fair trial guarantees. The United Nations International Conventions Committees have repeatedly emphasized the necessity for Israel to repeal the Unlawful Combatant Law and cease its policy of administrative detentions, which deprive Palestinian detainees of their rights and fair trial guarantees, constituting serious violations of international law. While administrative detention per se does not violate international humanitarian law (Article 78 of the Fourth Geneva Convention), its use as a policy, as practiced by Israel, constitutes a grave violation of international law on this basis.

167. According to Article 149 of the Fourth Geneva Convention, unlawful detention, or what the UN Working Group on Arbitrary Detention calls arbitrary detention and violation of fair trial guarantees, constitutes a grave violation of international humanitarian law. This report outlines the vast numbers of civilians who have been arbitrarily detained and placed in Israeli camps and detention centers, including large numbers of children, women, persons with disabilities, and employees of the United Nations, especially from the UNRWA agency, and their families during forced displacement operations. According to the United Nations classification, these acts fall within the scope of arbitrary detention and constitute a grave violation of international law. The use of the "Unlawful Combatants Law" and the presence of a large number of cases of "administrative detention" in Israeli camps and prisons of civilian inhabitants from the Gaza Strip and the West Bank confirm instances of arbitrary detention and severe breaches of fair trial guarantees. United Nations treaty bodies have repeatedly emphasized the need for Israel to repeal the Unlawful Combatants Law and end the policy of administrative detentions, which deprive Palestinian detainees of their rights and fair trial guarantees, as these constitute serious violations of international law. While administrative detention itself does not violate international humanitarian law (Article 78 of the Fourth Geneva Convention), its use as a policy by Israel constitutes, on this basis, a grave breach of international law.

168- Unlawful confinement, along with other grave breaches committed by Israel during its repeated aggressions on the Gaza Strip - including the targeting of civilians and civilian objects, and forcible transfer - constitutes a **recurring pattern** observed in Israel's successive military aggressions on Gaza, including the most recent attack since October 7, 2023, and in the occupied West Bank. This report sheds light on the significant rise in the number of detainees in Israeli occupation camps and detention centers since October 7, 2023, encompassing women, children, the elderly, the sick, and United Nations personnel. Previous international fact-finding missions and commissions of inquiry, including the Permanent Independent International Commission of Inquiry, have confirmed that Israeli authorities employ prolonged or indefinite administrative detention without charge or trial. Testimonies provided by various civil society representatives to the international commission have underscored the severe impact of arbitrary detention, particularly on children.<sup>132</sup>

169. According to Article 149 of the Fourth Geneva Convention, torture or ill-treatment constitutes a grave breach of international humanitarian law. This report presents numerous documentations collected by the United Nations and independent international, regional, and local organizations of numerous instances of torture and ill-treatment that took place within camps and interrogation centers in Israeli prisons, involving children, women, the elderly,

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<sup>132</sup> The report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, was published on the United Nations Commissioner's website on May 9, 2023, under international document number (A/HRC/53/22) paragraph 23) and after that.

persons with disabilities, patients, and the injured. Testimonies documented by UNRWA from its employees who were arbitrarily detained and subjected to torture and ill-treatment, as well as testimonies recorded by QADER field team in the Gaza Strip regarding this and other serious violations, are presented in the report. Forms of torture and ill-treatment documented inside the camps and prisons of the occupation included severe physical beatings on various parts of the body, stripping detainees naked and photographing them in that state, blindfolding and handcuffing them for extended periods, depriving them of food and water, depriving them of sleep for long periods, insults, humiliation, and verbal abuse, beatings in sensitive areas of the body, simulated drowning, placing them in cages in a degrading and humiliating manner, setting dogs on the detainees, and other similar forms of torture and ill-treatment.

170. The acts of torture and ill-treatment that target Palestinians within Israeli detention centers, including children, women, and persons with disabilities, represent a "**recurrent pattern**" of grave breaches of international law. The Independent International Commission of Inquiry, established in 2021, reported in its 2022 report that it documented testimonies and met with many Palestinians who had been detained by Israel and subjected to forms of torture and ill-treatment in the Israeli occupation prisons. These acts included physical assaults, deprivation of food and clothing, lack of medical services, denial of personal hygiene essentials, and other violations that fall under cases of torture and ill-treatment according to international humanitarian law and human rights law.<sup>133</sup>

171. This report sheds light on cases of sexual violence endured by Palestinian women and girls in Israeli occupation camps and detention centers during the military aggression on Gaza, supported by **reliable evidence** affirmed by United Nations experts, as well as international, regional, and local independent organizations. Sexual violence falls within the category of torture as a form of grave breaches of the Fourth Geneva Convention (Article 147) and is consequently considered a war crime under the First Protocol to the Geneva Conventions (Article 85). Moreover, it is classified as torture under the Rome Statute of the International Criminal Court as a form of war crimes and crimes against humanity. Sexual violence within Israeli detention centers experienced by Palestinian women and girls is not confined to the recent aggression on the Strip; it is documented in reports by previous international investigative and fact-finding committees, indicating a "recurring pattern" within Israeli detention facilities and beyond, during raids conducted by the occupying army in the occupied Palestinian territory and at military checkpoints.

172. The Independent International Commission of Inquiry established by the Human Rights Council in 2021 noted in its 2022 report in a dedicated section (Violence Against Women and Girls) that international reports confirm that women and girls in the occupied Palestinian territory continue to be subjected to sexual and gender-based violence in the context of Israeli detention operations, night raids, and at military checkpoints.<sup>134</sup> Its 2023 report further

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<sup>133</sup> The report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, was published on the United Nations Commissioner's website on May 9, 2023, under international document number (A/HRC/53/22). Paragraphs (26) and (27) of the report.

<sup>134</sup> The report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, was published on the United Nations Commissioner's website on May 9, 2022, under international document number (A/HRC/50/21). Paragraph (61) of the report.

emphasized that it received numerous testimonies about cases of torture and ill-treatment within Israeli detention facilities, including instances of sexual assaults and harassment.<sup>135</sup>

#### **4.1.2 THE FIRST ADDITIONAL PROTOCOL TO THE GENEVA CONVENTIONS OF 1949 (INTERNATIONAL ARMED CONFLICTS)**

173- According to Article 85 of the Additional Protocol I to the Geneva Conventions on International Armed Conflicts (1977), acts defined as grave breaches in the Geneva Conventions are also considered grave breaches under this protocol. Furthermore, Article 85 underscores that these grave breaches of international humanitarian law **constitute war crimes**.

174- Based on comprehensive and credible evidence gathered from reports, data, and statistics from the United Nations, as well as independent international, regional, and local organizations, along with documented testimonies obtained by QADER field team in Gaza, this report highlights several **grave breaches falling under the provisions of the protocol, constituting war crimes** as per Article 85. Notably, intentional grave breaches resulting in death or severe harm to individuals or their health, such as the deliberate targeting of civilian populations or launching indiscriminate attacks with the knowledge of causing significant loss of life or injury to civilians or damage to civilian objects. These grave breaches, affecting civilians and civilian objects, have been meticulously outlined in this report to present a clear picture of these violations.

175- According to Article 85 of the Additional Protocol I to the Geneva Conventions on international armed conflicts of 1977, targeting **historical monuments and places of worship** is considered a grave breach and constitutes a war crime. Reports and data from the United Nations and independent international, regional, and local organizations, including the Euro-Mediterranean Human Rights Monitor, reveal that the recent military attack on the Gaza Strip led to the destruction of **200 archaeological sites, 647 mosques, and 3 churches** by the occupation forces. This deliberate targeting highlights the systematic nature of these grave breaches.

176- The colonial occupation authorities have been systematically targeting Palestinian cultural heritage and places of worship across the occupied Palestinian territory, particularly in the Old City of occupied Jerusalem and the Old City of Hebron<sup>136</sup>. This deliberate erasure of the cultural identity of the Palestinian people has been underscored by the permanent independent international commission of inquiry in its 2022 report. The report, specifically in paragraph 78, highlights the appalling nature of reported attempts by Israeli authorities and non-governmental actors to obstruct demonstrations focused on Palestine's culture, arts, history, and heritage. Additionally, it mentions **statements made by members of the Israeli government aimed at erasing elements of Palestinian identity**<sup>137</sup>. The report emphasizes the patterns of grave

<sup>135</sup> Paragraph (27) of the report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, published on the United Nations Commissioner's website on May 9, 2023, under international document number (A/HRC/53/22).

<sup>136</sup> The joint report submitted by coalitions and institutions of the independent Palestinian cultural sector to the Committee concerned with Economic, Social, and Cultural Rights at the United Nations regarding cultural rights in the occupied Palestinian territory, Al-Yind (4) 'The apartheid system affects the Palestinian cultural sector.

<sup>137</sup> The report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, was published on the United Nations Commissioner's website on May 9, 2023, under international document number (A/HRC/53/22).

breaches targeting cultural and religious sites and rights in the occupied Palestinian territory broadly and systematically.

## 4.2 INTERNATIONAL LAW OF HUMAN RIGHTS

177- The report addresses violations targeting the rights of persons with disabilities during the aggression on the Gaza Strip under the Convention on the Rights of Persons with Disabilities (2006) and Security Council Resolution 2475 (2019). This is one of the most significant binding resolutions for the protection of persons with disabilities in peace and armed conflict.

### 4.2.1 THE CONVENTION ON RIGHTS OF PERSONS WITH DISABILITIES

178- The Convention on the Rights of Persons with Disabilities (2006) emphasizes the crucial obligation to protect and ensure the safety of persons with disabilities in armed conflicts. Both the State of Palestine and Israel – the occupying power- as signatories to the convention, are bound by its provisions. Article 11, titled "**Situations of risk and humanitarian emergencies**," explicitly states that "States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters." Israel's actions during the current and previous aggressions on Gaza and in the occupied territories have seriously breached this international obligation.

179- This report has previously provided a comprehensive overview of the serious violations experienced by persons with disabilities during the aggression on the Gaza Strip. The information was gathered from various sources, including the United Nations, international, regional, and local independent organizations, as well as numerous written testimonies documented by QADER field team in the Gaza Strip. These violations, which contravene the Convention on the Rights of Persons with Disabilities (Article 11), resulted in the killings and injuries of thousands of persons with disabilities, with thousands more undergoing limb amputations, particularly children. Additionally, there was a deterioration in their health conditions, leading to a significant rise in the prevalence of disabilities during the attack. The collapse of the healthcare system in Gaza, due to the destruction of most hospitals by the occupying army, further exacerbated the situation, impacting the ability to provide healthcare and rehabilitation services for individuals with various disabilities in the Gaza Strip.

180- The report has brought to light grave breaches of international humanitarian law and international human rights law, specifically targeting persons with various disabilities by denying them **essential protection and safety measures**. This was a result of deliberate attacks on residential areas, extensive destruction of infrastructure in the Gaza Strip, and the inability of people with disabilities to seek refuge from the relentless bombings and destruction due to the ongoing aggression, lack of accessibility arrangements, and inability to access safety. Consequently, persons with disabilities endured immense suffering during displacement, were exposed to life-threatening situations, and sustained severe physical injuries.

181- The extensive and systematic aggression on the Gaza Strip resulted in **further violations of Article 11 of the Convention**, causing immense suffering for persons with disabilities

during multiple displacement operations in Gaza. These displacements occurred under dire conditions, marked by a **deprivation of essential resources such as food, medicine, and adequate housing**. Severe food insecurity, particularly in northern Gaza, led to fatalities **among persons with disabilities** due to malnutrition and starvation, as evidenced in the report.

182- During the relentless and sustained bombardment, residential neighborhoods were targeted with fire belts, resulting in widespread destruction of assistive devices for persons with disabilities. **Prosthetic limbs, wheelchairs, crutches**, and other essential aids were often destroyed during attacks on residential neighborhoods without forewarnings, and during repeated displacements under heavy bombardment. Additionally, persons with disabilities were arbitrarily detained in occupation camps and prisons during the aggression on the Gaza Strip and were subjected to various forms of torture and ill-treatment in interrogation centers.

183- The occupation authorities and their military are persistently obstructing the entry of essential supplies for persons with disabilities into the Gaza Strip. Even the limited humanitarian aid trucks permitted entry lack crucial supplies such as specialized foods, nutritional supplements, medications, medical supplies, and assistive devices for persons with disabilities. **Numerous appeals** from health sector officials, UN agencies, international organizations, and **documented testimonies** by QADER field team in Gaza have highlighted the pressing needs of persons with disabilities in Gaza. These testimonies, representing persons with disabilities and their families, consistently emphasize the **severe shortage of prosthetics, wheelchairs, crutches, hearing aids, medical mattresses, nutritional supplements, medications related to disabilities, medical devices, clothing, sanitary pads, and medical consumables**. This shortage is especially alarming given the significant rise in the number of persons with disabilities due to the ongoing large-scale aggression on the Gaza Strip.

184- Immediate and comprehensive action is urgently needed to ensure the unimpeded entry of essential supplies for persons with disabilities through relief convoys. This is an international obligation primarily incumbent upon the occupying authorities and is also the responsibility of all parties to the Geneva Conventions. According to "**common article 1**" of the Geneva Conventions, "The High Contracting Parties undertake to **respect and to ensure respect for the present Convention in all circumstances**." Respecting and ensuring respect for the Fourth Geneva Convention entails the responsibility of third parties (all state parties) to facilitate the entry of all necessary supplies and provisions for persons with disabilities into the Gaza Strip. The persistent shortages exacerbate the already dire conditions for persons with disabilities, posing a grave and escalating threat to their right to life and well-being.

185- **Article 23 of the Fourth Geneva Convention** places a crucial obligation on all state parties to facilitate the unrestricted passage of essential humanitarian supplies such as food, medicine, clothing, and special dietary supplements for children, provided they are not intended for military purposes. Specifically, the article mandates that " Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases." Failure to uphold Article 23 not only violates the Fourth Geneva Convention but also infringes upon Article 11 of the Convention on the Rights of Persons with Disabilities, which pertains to the protection and safety of individuals with disabilities. Consequently, it is the duty of all states party to both conventions to **ensure unimpeded access to humanitarian aid, including the specific needs of persons with disabilities, into the Gaza Strip**. It is important to note that relief convoys entering Gaza undergo comprehensive



inspections by the occupation authorities, thereby eliminating any claims that these supplies are being utilized for military purposes. Consequently, **all state parties must uphold** their individual and collective responsibility to facilitate the unrestricted entry of humanitarian aid into the Gaza Strip through land, sea, or air.

186- The entry of life-saving relief aid for civilians in the Gaza Strip, including children, women, persons with disabilities, the sick, and others, should not be contingent upon the approval of the occupying authorities, as they are responsible for the Gaza Strip under international humanitarian law. While the primary responsibility falls on the occupying power under the Geneva Conventions, particularly the Fourth Geneva Convention, all state parties to the Convention also have clear obligations **to ensure respect for it**, as emphasized by the **common Article 1**. Additionally, under **Article 23**, they are required to ensure the free passage of relief aid for civilians in another contracting party, even if the contracting party is an adversary. The failure of any contracting party to ensure the free passage of life-saving aid **makes them complicit in committing grave breaches of international humanitarian law and war crimes under the Rome Statute, including the starvation of the civilian population.**

187- Israel, as the colonial occupying power, consistently invokes that human rights agreements do not extend to the Palestinian population due to their geographical location outside its sovereign territory. This position is reiterated **in all of Israel's reports** on fundamental human rights conventions, including those concerning the Convention on the Rights of Persons with Disabilities, in an effort to evade its international law obligations. Despite numerous affirmations by United Nations bodies, the International Court of Justice, human rights treaty committees, and international resolutions, Israel is still held accountable for its responsibilities toward the Palestinian population as the occupying power in the occupied Palestinian territory. For example, in the concluding observations of the Committee on Economic, Social, and Cultural Rights on **Israel's fourth periodic report (E/C.12/ISR/CO/4)** published on November 12, 2019, concerns were highlighted under the title "**Application of the Covenant in the Occupied Territories**" (section C-8). The committee reiterated its concern over Israel's stance that the Covenant does not apply outside its sovereign territory and its assertion that only the laws of armed conflict and international humanitarian law are applicable in the circumstances in the occupied territories. The committee expressed disappointment over Israel's refusal to provide a report on the situation in the occupied territories. In section C Article 9: "The Committee reminds the State party that the applicability of its human rights obligations in the Occupied Palestinian Territory, as well as the concurrent application of international human rights law and international humanitarian law in a situation of armed conflict or occupation, have been affirmed by the International Court of Justice in its advisory opinion rendered on 9 July 2004 on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory." This perspective has been consistently supported by various human rights treaty bodies, including the committee, and has been reflected in relevant General Assembly resolutions and reports from the Special Rapporteur on the situation of human rights in the occupied Palestinian territories since 1967, the Secretary-General, and the Office of the United Nations High Commissioner for Human Rights. The committee urges Israel to fulfill its obligations under the Covenant in accordance with the International Court of Justice's advisory opinion. It also reiterates its previous recommendations that Israel include information on the rights outlined in the Covenant enjoyed by the residents of the occupied Palestinian territories in its fifth periodic report.

188- Israel, as the occupying colonial power, has consistently violated obligations outlined in human rights law and international humanitarian law, particularly regarding the protection and safety of persons with disabilities. These breaches, as defined by Article 11 of the Convention on the Rights of Persons with Disabilities, extend beyond the recent aggression on the Gaza Strip by the Israeli army. Rather, they exemplify a “**recurrent pattern**” evident in past military incursions into Gaza and the broader occupied Palestinian territories. Numerous reports from previous commissions of inquiry and fact-finding missions, including the International Commission of Inquiry established during the Great March of Return in 2018, affirm this disturbing trend. The commission unequivocally stated that the killing or injuring of journalists, medics, and persons who pose no direct and imminent threats of death or serious injury, is unjustifiable. Furthermore, it highlighted particularly **the alarming targeting of children and persons with disabilities**, suggesting that **Israeli snipers deliberately shot journalists, medics, children and persons with disabilities, fully aware of their identities**”. A statement issued by the International Commission of Inquiry on February 28, 2019, revealed that since March 30, 2018, 122 individuals have undergone limb amputations as a result of these actions<sup>138</sup>.

189- The failure to address the serious violation of the measures for protecting persons with disabilities under Article 11 of the Convention on the Rights of Persons with Disabilities extended beyond the investigation and fact-finding committees established by the United Nations following repeated military attacks on the Gaza Strip. Reports from the Committee on the Rights of Persons with Disabilities in the United Nations also highlighted Israel's obligations under the Convention on the Rights of Persons with Disabilities in the occupied territories. In its "**List of Issues**" concerning Israel's initial report (**CRPD/C/ISR/Q/1**), the Committee requested detailed information regarding the measures taken by Israel to ensure the protection and safety of persons with disabilities in the occupied Palestinian territories, improve their living conditions, guarantee their freedom of movement, and provide them with humanitarian assistance and access to services and goods in society, including water, electricity, healthcare, education, rehabilitation, housing, employment, and work opportunities, particularly in the Gaza Strip. It also requested detailed information on the measures taken by Israel to ensure the safety of medical missions and prevention of attacks on hospitals, rehabilitation centers, ambulances, and ambulance personnel, including during the aid of injured persons with disabilities in instances of violence, and the prevention of armed attacks in the occupied Palestinian territories, including East Jerusalem. However, in response to the List of Issues (**CRPD/C/ISR/RQ/1**), Israel merely stated that the Convention on the Rights of Persons with Disabilities does not apply to Palestinians outside its sovereign boundaries. Israel, the occupying colonial and apartheid power, not only denies all rights to persons with disabilities in the occupied Palestinian territories but also denies its status as an occupying state.

#### **4.2.2 SECURITY COUNCIL DECISION 2475 (2019)**

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190- Resolution 2475, adopted by the Security Council at its 8556th meeting on June 20, 2019, represents a significant milestone in international efforts to **protect persons with disabilities** in armed conflicts and humanitarian response, as well as in the realm of international human

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<sup>138</sup> You can find the statement issued by the investigation committee on February 28, 2019, at the following link: <https://news.un.org/ar/story/2019/02/1028022>

rights law. The resolution introduces crucial mechanisms for enforcing the Security Council's decision.

191- Security Council Resolution 2475 (2019) Reiterates in the preamble its primary responsibility for the maintenance of international peace and security, and in this connection, expressing its commitment to address the disproportionate impact of armed conflict and related humanitarian crises on persons with disabilities. It emphasized **the need to consider the particular needs of persons with disabilities in humanitarian response**, while recognizing the need for timely **data and information** on, and analysis of, the impact of armed conflict on persons with disabilities. The resolution underscored also the obligations under **Article 11** of the Convention on the Rights of Persons with Disabilities that states parties shall take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, and humanitarian emergencies. Accordingly, persons with disabilities are entitled to their rights and freedoms without discrimination. There is a need for current **data and information** regarding the impact of armed conflicts on persons with disabilities and the analysis of this impact.

192- Article (1) of the resolution reiterates the crucial obligations of parties involved in armed conflicts to protect civilians, including those with disabilities, and to prevent violence and abuses against civilians in situations of armed conflict, including those involving killing and maiming, abduction and torture, as well as rape and other forms of sexual violence. Article (2) emphasizes the need for States to end **impunity** for criminal acts against civilians, including those with disabilities, and to ensure that such persons have access to justice and effective remedies and, as appropriate, **reparation**. Article 3 calls upon all parties to armed conflict to allow and facilitate **safe, timely and unimpeded humanitarian access to all people in need of assistance**.

193- The resolution underscores the imperative for states to put an end to impunity for criminal acts against persons with disabilities, facilitate unrestricted humanitarian aid, and ensure their access to justice and effective remedies and, as appropriate, reparation. This is particularly crucial given the obligatory nature of Security Council resolutions. Furthermore, the resolution incorporates subsequent paragraphs outlining follow-up mechanisms, such as engagement with the UN Secretary-General, regular briefings to the Security Council, interaction between civil society, organizations, and coalitions of individuals with disabilities with the Security Council, and the presentation of briefings to the Council during enforcement. It also entails deploying "**field missions**" to implement the resolution and protect the rights of persons with disabilities in armed conflicts, as evidenced in the case of the aggression on Gaza.

194- The resolution issued by the Security Council marks a significant milestone **in the realm of international civil liability (reparation)**, underscoring the importance of ensuring effective redress for civilians, particularly those with disabilities. It is imperative to highlight the significance of international civil liability rules within the framework of international law and customary law. Prioritizing international civil liability, in conjunction with criminal liability, for infractions against civilians in the Gaza Strip is essential for fostering accountability and securing meaningful remedies.

195- The resolution underlines the benefit of providing **sustainable, timely, appropriate, inclusive and accessible assistance** to civilians with disabilities affected by armed conflict, including reintegration, rehabilitation and psychosocial support, to ensure that their specific needs are effectively addressed, in particular those of **women and children with disabilities**. Article 6 urges Member States to enable the meaningful participation and representation of

persons with disabilities, including their **representative organizations**, in humanitarian action, conflict prevention, resolution, reconciliation, reconstruction and peacebuilding, and to consult with those with expertise working on disability mainstreaming. Article 8 urges Member States to take all appropriate measures to eliminate discrimination and marginalization of persons on the basis of disability.

196- United Nations Security Council resolution (2475) contains **a crucial follow-up mechanism** in Article (9), “which requests the Secretary-General to include, where pertinent, information and related recommendations on issues of relevance to persons with disabilities, in the context of armed conflict, in thematic and geographic reports and regular briefings to the Council, as well as to include, where pertinent, data disaggregated by disability within existing mandates and within existing resources.” However, there is a noticeable sort of failure by UN bodies to provide comprehensive and classified data on the serious violations against persons with disabilities during the ongoing aggression on the Gaza Strip and previous military attacks. Therefore, it is imperative to activate paragraph (9) by urging UN Secretary-General António Guterres to implement this provision. This can be accomplished by directing the UN High Commissioner for Human Rights to focus on violations targeting persons with disabilities during the aggression on the Gaza Strip, involving the United Nations Special Rapporteurs on country-specific and thematic issues, and providing periodic briefings to the Security Council. Additionally, efforts should be concentrated on ensuring unimpeded access to the essential needs of persons with disabilities in the Gaza Strip and fully implementing all provisions of the Security Council resolution. Reports should be submitted to the Human Rights Council and the General Assembly to ensure accountability and transparency.

197- The United Nations Security Council resolution (2475) contains **a second crucial follow-up mechanism in article (10)** “Recognizing the importance of **interactions between civil society and the Council** and, in this regard, expresses its intention to invite persons with disabilities, including their representative organizations, to brief the Council in relevant thematic and geographic areas and consider including interactive meetings with local persons with disabilities, and their representative organizations, in the field during **Council missions**.” Activating this provision is essential to ensure the safety, well-being, and access to essential needs of persons with disabilities in the Gaza Strip. It also plays a vital role in ensuring accountability and redress for any violations. To implement this provision, it is imperative to reach out to the Secretary-General and the President of the Security Council to provide briefings on the violations against the rights of persons with disabilities during the aggression. Additionally, the Security Council **is requested to form a mission authorized by it, as a subsidiary body of the Council, to carry out field tasks in the Gaza Strip** to address serious violations against civilians and persons with disabilities due to the blockade, military attacks, and ongoing aggression on the territory, and the catastrophic suffering of civilians, including persons with disabilities, in the Gaza Strip.

### 4.3 INTERNATIONAL CRIMINAL LAW

198- On 1 January 2015, the Government of The State of Palestine lodged a declaration under article 12(3) of the Rome Statute accepting the jurisdiction of the International Criminal Court ("ICC") over alleged crimes committed "in the occupied Palestinian Territory, including East Jerusalem, since June 13, 2014". The State of Palestine further solidified its commitment to the ICC by joining the Rome Statute on January 2, 2015, with the deposit of the instrument of accession with the United Nations Secretary-General. The Rome Statute officially entered into

force for Palestine on April 1, 2015. Moreover, on May 22, 2018, pursuant to Articles 13(a) and 14 of the Rome Statute, the State of Palestine called on the Lead/Chief Prosecutor, requesting an “investigation into “to investigate, in accordance with the temporal jurisdiction of the (ICC), past, ongoing and future crimes within the [ICC’s] jurisdiction, committed in all parts of the territory[Territories] of the State of Palestine, in accordance with the court’s temporal jurisdiction”.

199- On December 20, 2019, the ICC Prosecutor Fatou Bensouda announced the conclusion of a preliminary examination of the situation in Palestine. Following a comprehensive and objective assessment, it was determined that all legal criteria under the Rome Statute for opening an investigation had been met. The Prosecutor specifically cited the commission of "war crimes" in the West Bank, including East Jerusalem, and the Gaza Strip. Subsequently, On 22 January 2020, the Prosecutor seized the Chamber under article 19(3) of the Rome Statute, requesting a ruling only on the scope of the Court's territorial jurisdiction in the Situation in the State of Palestine. After considering submissions from various stakeholders, including victims, states, organizations, and scholars, Pre-Trial Chamber I affirmed, on February 5, 2021, that the court's territorial jurisdiction in the Palestine situation extends to the territories occupied by Israel since 1967, encompassing Gaza and the West Bank, including East Jerusalem. On March 3, 2021, the Prosecutor confirmed the opening of an investigation into the situation in Palestine.

#### 4.3.1 WAR CRIMES

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200- This section of the report examines the war crimes depicted in the Statute of the International Criminal Court, based on credible evidence detailing the facts and patterns of violations committed by the occupying forces during the military aggression on the Gaza Strip. The evidence draws from reports, data, and statistical indicators issued by United Nations entities, as well as independent international, regional, and local organizations. Additionally, it incorporates numerous testimonies collected by QADER field team in Gaza, documenting serious violations of international law against persons with disabilities and their families. These incidents represent various forms of war crimes outlined in the Statute of the International Criminal Court. The previous references to serious violations are avoided for redundancy, with a focus on adaptation, legal analysis, and accountability.

201- Based on the details and facts documented in this report from independent sources, there are numerous **reliable pieces of evidence** confirming that the occupying army and its military and political leaders have committed **(18) manifestations of war crimes** as defined in Article 8 of the Rome Statute of the International Criminal Court against the civilian population and civilian objects in the Gaza Strip, including children, women, and persons with disabilities. These violations constitute serious breaches of the Geneva Conventions of 1949 and other grave breaches of the laws and customs applicable in international armed conflicts within the established framework of international law, explicitly referred to as war crimes in the Rome Statute. This aspect reviews the findings in reports of previous international commissions of inquest and fact-finding missions preceding the recent aggression against the Gaza Strip, confirming the occurrence of "**the same patterns**" of serious violations during previous military attacks on the Gaza Strip and in the occupied Palestinian territory as a whole. This further strengthens **the reliable and compelling evidence regarding the commission of (18) instances of war crimes** as part of a widespread and systematic policy during the ongoing aggression and preceding military attacks and serious violations committed within the Gaza Strip.

202- Article 8 of the Statute of the International Criminal Court outlines **the scope of "war crimes"** falling under its jurisdiction. Specifically, Article 8(2)(a) considers grave breaches of the Geneva Conventions of 12 August 1949 as war crimes and enumerates the actions that constitute war crimes under this framework. Therefore, the grave breaches listed in Article 149 of the Fourth Geneva Convention, analyzed as 13 grave breaches, all fall within the category of **"war crimes"** according to the Statute of the International Criminal Court. It is important to note that the International Criminal Court also has jurisdiction over other serious international crimes resulting from serious violations of laws and rules regulating armed conflicts, whether **written or customary**, as clearly indicated in Article 8(2)(b) "Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, ....". Thus, the extent of war crimes and their manifestations as outlined in the provisions of the Rome Statute of the International Criminal Court becomes apparent.

203- The foundational principle of the International Criminal Court provides a broad framework for war crimes, particularly when they are committed as part of a widespread or systematic policy. This means that the ICC has jurisdiction over any act constituting a war crime, but this jurisdiction is particularly established when the act is committed as part of a widespread or systematic policy or operation. The Rome Statute encompasses a broad concept of war crimes.

204- Article 8(2)(a)(i) of the Rome Statute of the International Criminal Court defines **the war crime of willful killing**. Referring to the Elements of Crimes document (ICC-ASP/1/3) regarding the elements of the crime of willful killing, it entails the perpetrator intentionally killing or engaging in conduct that directly results in the killing of one or more persons, with knowledge of the factual circumstances indicating that the targeted individuals are those protected under the Geneva Conventions, and that the targeting occurs in the context of an international armed conflict. This report presents detailed information, independent and reliable reports from UN bodies, international, regional, and local organizations, and numerous field documentation by QADER field team in Gaza during the current aggression. It confirms that the total number of fatalities and missing persons under the rubble during the six months of the aggression exceeded 40,000, with a total of over 110,000 fatalities and casualties among the population of Gaza. More than 70% of the total fatalities and casualties are women and children. Shockingly, over 14,000 children and more than 10,000 women from the population of Gaza were killed during the aggression, and the numbers of fatalities and casualties continue to rise daily as the aggression persists.

205- Despite the relative variations in the numbers of casualties during the extensive aggression on the Gaza Strip for numerous reasons, as previously explained, it is related to the continuous intensive daily bombing targeting civilians and civilian objects, the daily increase in the number of victims, the large number of missing individuals under the rubble of destroyed buildings, and the prevention of the entry of rescue equipment, journalists, and international organizations due to the strict blockade imposed on the Gaza Strip, among other reasons. However, the established fact, **supported by reliable and confirmed evidence** in reports from United Nations bodies, international, regional, and independent local organizations, is that the killings targeting this huge number of protected civilians, especially women, children, and persons with disabilities, **occurred within the framework of a systematic and widespread operation directed against the civilian population in the context of armed conflict and associated with it. This makes the jurisdiction of the International Criminal Court inevitable for willful killings**, as they reflect a general policy and are committed on a wide scale, regardless of the relative variations in the numbers of civilian casualties in Gaza, which are **"enormous"** in any case. The basic statute of the International Criminal Court is clear that

it is sufficient for the killing of "**one person**" in this context to constitute a war crime subject to the jurisdiction of the International Criminal Court according to its statute and the Elements of Crimes document.

206- The systematic and widespread targeted killings have also taken the lives of United Nations personnel, including employees of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (**UNRWA**), **with 179 staff members killed** in just six months, according to UNRWA data and spokesperson statements. Additionally, **489 healthcare workers**, including specialized doctors and surgeons in fields such as cardiology, orthopedics, nephrology, hematology, and other specialties, were killed during the same period. Furthermore, **136 journalists** have been killed. These figures are based on reports and statistics from the United Nations, and international, regional, and independent local organizations. Moreover, **7 employees of the World Central Kitchen** in Gaza have also been killed.

207- The widespread and systematic killing of protected civilian populations in the Gaza Strip, including children, women, the elderly, people with disabilities, doctors, surgeons, nurses, journalists, and UN and international organizations' staff, cannot be justified. The massive number of civilian casualties during the Israeli military's deliberate and wide-ranging attack on Gaza cannot be regarded as "**collateral damage**." The use of lethal force can only be justified when necessary to prevent an imminent threat to the lives of Israeli soldiers or serious injuries, in accordance with the principles of necessity, proportionality, distinction, and taking necessary precautions. This is in stark contrast to the escalating and staggering numbers of protected civilians killed in the daily intense shelling of residential neighborhoods, without justification, with the daily and significant increase in civilian casualties. Despite warnings from UN entities and international organizations, the occupying authorities have not provided reliable information that explains the massive and ongoing killing of civilians during the aggression. The widespread and systematic killing of protected civilians in the context of an armed conflict constitutes a war crime in **the form of Wilful Killing**.

208- The evidence supporting the commission of war crimes by the occupying army is increasing and widespread. Manifestations of **targeted killing** of civilians, especially children, women, people with disabilities, journalists, and UN staff, have escalated during the recent military aggression. The analysis of grave breaches of international law, as outlined in the 2022 report of the International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel, particularly under Article 36, concluded that "previous investigative mechanisms established by the Human Rights Council, including those on the 2009 and 2014 Gaza conflicts, found that violations of the core international humanitarian law principles of distinction, proportionality, and precautions in and from the effects of attacks by the Israeli military forces and Palestinian armed groups may have amounted **to war crimes**."

209- Although specific intent is not a prerequisite for war crimes such as wilful killing, and the traditional general elements of materiality, culpability, and causation suffice, statements made by Israeli officials bolster the evidence confirming the commission of war crimes in the form of wilful killing. Among these statements are those of Israeli President Isaac Herzog in a press conference on October 12, 2023, where he stated that Israel does not distinguish between militants and civilians in Gaza, saying, "It is an entire nation there that is responsible. This discourse is not accurate about civilians who are unaware and uninvolved. It is absolutely not true... We will fight until we break their backbone." Additionally, statements by Israeli Minister of National Security, Itamar Ben Gvir, in a televised speech on November 10, 2023, where he said, "Let things be clear, when we say that Hamas must be destroyed, this also means those who celebrate, those who support, and those who distribute sweets, all of them are terrorists

and must also be destroyed." These official statements affirm the "criminal intent and determination" to commit wilful killing under the political cover of a colonial occupying state.

210- Article 8(2)(a)(ii) of the Rome Statute of the International Criminal Court (ICC) criminalizes **war crimes related to torture**. According to the Elements of Crimes document, the ICC requires that the perpetrator inflicts severe physical or mental pain or suffering on one or more individuals protected under the Geneva Conventions, with the knowledge of the factual circumstances, in the context of an armed conflict of international character, and with the intent of obtaining information or a confession, or for the purpose of intimidation, coercion, or discrimination of any kind. In our presentation of serious violations in this report, we have provided numerous reliable evidence from reports, information, data, and statistics from UN bodies, international and regional organizations, and local entities, as well as field documentation by QADER field team during the aggression on Gaza. These confirm the arbitrary torture of thousands of civilian detainees, held in the Israeli occupation prisons and military camps, including **children, women, persons with disabilities, patients, and UN staff**, in various forms such as **beatings all over the body, waterboarding, electric shocks, confinement in cages with unleashed dogs, deprivation of food, water, and sleep for extended periods**, and other violations falling within the concept of torture, widely suffered by civilian detainees. Additionally, reliable information from UN reports confirms that **Palestinian women and girls have been subjected to sexual and gender-based violence** in Israeli occupation camps and prisons, as well as during the Israeli army's nightly raids on the homes of Palestinian civilians. According to the UN Committee against Torture, sexual violence constitutes a form of torture under international law.

211- Here, to further substantiate the credible evidence regarding the commission of war crimes through torture, we refer back to a segment previously presented concerning grave breaches outlined in this report. **Ajith Sunghay, Director of the United Nations Office for Human Rights in the Occupied Palestinian Territory**, elucidated during his visit to Gaza on January 22, 2024, based on testimonies of numerous detainees from the Strip. He stated, "During my time there (in Gaza), I had the opportunity to meet with several released Palestinian detainees, men who had been held by Israeli security forces in undisclosed locations for periods ranging from 30 to 55 days. They recounted experiences of beatings, humiliation, mistreatment, and, in some cases, **torture**." This testimony reinforces the credible evidence, corroborated by Palestinian detainees' accounts before United Nations bodies, of torture crimes occurring during the aggression on the Gaza Strip.

212- Article 8(2)(a)(ii) of the Rome Statute of the International Criminal Court defines **the war crime of inhuman treatment**. According to the Elements of Crimes document, inhuman treatment as a war crime requires the perpetrator to inflict severe physical or mental pain or suffering on one or more protected persons under the Geneva Conventions, with knowledge of the factual circumstances, in the context of an armed conflict. Unlike torture, inhumane treatment does not require the perpetrator's intent to obtain information or confession, or to intimidate or coerce, or for any discriminatory purpose. Reliable information presented in this report, based on reports, data, and statistics from the United Nations and international, regional, and local organizations, as well as field accounts obtained by QADER field team in Gaza, clearly confirms various forms of inhuman treatment committed by the Israeli colonial occupation authorities against thousands of prisoners and detainees. These include stripping them of their clothes, brutal beatings, deprivation of food and water, prolonged sleep



deprivation, and keeping them restrained for several days, as well as confining them in cages, in addition to a torrent of insults and humiliation directed at them during the period of detention.

Here, a subsequent citation is referenced, previously presented by Ajith Sunghay, Director of the United Nations Office for Human Rights in the Occupied Palestinian Territory, during his visit to Gaza on January 22, 2024. This passage further underscores the systematic nature indicative of a broad and pervasive policy of war crimes, including mistreatment and torture, perpetrated by Israeli occupation authorities in Gaza.

Sungai reported, "Detainees informed me that they were blindfolded for long periods, some for consecutive days. Some individuals were released wearing only prison attire, with all their possessions, including clothes, belongings, and money, completely confiscated and not returned to them. Some were exited wearing only diapers. It was evident they were in a state of shock and trembling when I met and spoke with them."

The accounts provided to me were consistent with reports compiled by the office regarding the widespread detention of Palestinians, including many civilians held in secret, often subjected to mistreatment, without access to their families, lawyers, or effective legal protection. Families of detainees, believed to number in the thousands, were not provided with information regarding the fate or whereabouts of their loved ones. While we heard that the number of detainees could be in the thousands, I am unable to provide precise figures or even a rough estimate.

What they told me was consistent with reports our Office has been gathering of the detention of Palestinians on a broad scale, including many civilians, held in secrecy, often subject to ill-treatment, with no access to their families, lawyers or effective judicial protection. The families of detainees – believed to number in the thousands – have not been provided with information on the fate or location of their loved ones.

214- Article 8(2)(a)(3) of the Rome Statute of the International Criminal Court defines the war crime of **willfully causing great suffering, or serious injury to body or health**. According to the Elements of Crimes document of the Court, for this crime to occur, the perpetrator must intentionally cause severe physical or mental pain or suffering, or serious harm to the body or health of one or more persons protected under the Geneva Conventions, knowing the factual circumstances that establish the protected status, and the crime must occur in the context of an armed conflict of an international nature, such as the case of military occupation in the Palestinian situation, with knowledge of the factual circumstances. This international crime differs from the crime of torture previously outlined, as the infliction of severe physical or mental pain is not for obtaining information, confessions, intimidation, coercion, or any form of discrimination, but may be motivated by revenge, retaliation, gratification, or other motives in this context.

215- International crime has emerged widely and systematically during the aggressive attack on Gaza. It has manifested in various forms, leading to immense suffering for civilians, **especially children, women, and people with disabilities**. Thousands of civilians have endured severe physical and psychological harm due to the shelling of most hospitals, rendering them out of service and causing the collapse of the healthcare sector. The blockade by the occupation authorities has hindered the entry of aid into the besieged Gaza Strip, resulting in food insecurity and famine indicators among civilians, particularly in the northern part of Gaza. It also led to numerous fatalities, especially among children and persons with disabilities. This obstruction has led to a drastic shortage of prosthetics, wheelchairs, crutches, hearing aids, medical mattresses, nutritional supplements, disability-related medications,

medical devices, clothing, sanitary pads, and medical consumables, resulting in immense suffering and a severe deterioration of physical and mental health for people with disabilities. The severe suffering and serious physical and psychological harm inflicted on Gaza's civilian population over several months have been detailed in various sections in this report, based on United Nations reports, and international, regional, and local organizations, in addition to testimonies documented by QADER field team in Gaza capturing the immense suffering of people with disabilities during repeated forced displacement operations, all clearly point to "**reliable and strong evidence**" of the commission of war crime by the Israeli occupation army intentionally causing severe suffering or serious harm to the body or health.

216- Article 8(2)(a)(iv) of the Rome Statute of the International Criminal Court prohibits the war crime of **extensive destruction and appropriation of property, not justified by military necessity**. Property protected under the law includes buildings, residential units, hospitals, health centers, schools, religious sites, cultural centers, civilian properties, and other civilian objects subject to protection under international humanitarian law. Referring back to the Elements of Crimes document of the Court, it is stipulated for this crime to occur that the perpetrator destroys or seizes the protected property in an arbitrary and widespread manner, with knowledge of the factual circumstances and in the context of an armed international conflict. This violation occurs systematically and extensively in Gaza.

217- In this report, we have detailed facts regarding the serious violations within the context of the aggression on Gaza, relying on reliable information from United Nations bodies, international, regional, and local organizations, as well as testimonies from many civilian witnesses documented by QADER field team during the aggression on Gaza. These facts are also supported by data and statistics from the Euro-Mediterranean Human Rights Monitor, which documented the total destruction of over 122,000 residential units, with around 270,000 units sustaining damage due to daily indiscriminate shelling. Over 400 schools, including many United Nations Relief and Works Agency (UNRWA) schools, were destroyed, along with 32 out of 36 hospitals, including those providing specialized healthcare services for people with disabilities in Gaza. Additionally, 647 mosques and 3 churches were destroyed, along with 200 archaeological sites in Gaza. The arbitrary, systematic, and widespread targeting of civilian objects continues to escalate, completely violating the principles of international humanitarian law (necessity, proportionality, distinction, precaution), with no military necessity justifying it, especially considering that the destruction of homes has affected, according to UN data, **approximately 70% of Gaza's area**. These reliable and compelling pieces of evidence affirm the systematic and widespread nature of the crime of property destruction as a war crime under the Rome Statute.

218- The data and credible evidence outlined above, sourced from United Nations agencies, independent international, regional, and local organizations, as well as other reliable sources detailed in the report, unequivocally affirm the systematic and widespread nature of **the war crime involving the destruction of property without military necessity**, as defined by the Rome Statute and the Elements of Crimes Document. The colonial occupying authorities have failed to provide any credible evidence justifying the military necessity for the destruction of **70% of residential neighborhoods in the Gaza Strip and the majority of hospitals** in the Strip, rendering them completely non-functional. This absence of justification suggests a systematic and widespread targeting of property and constitutes serious violations of international law. Furthermore, this destructive approach has become a **recurring pattern** during previous military aggressions in the region.

219- Article 8(2)(e)(vi) of the Rome Statute of the International Criminal Court stipulates **the war crime of denying fair trial**. Referring to the Elements of Crimes Document, the commission of this international crime necessitates depriving individuals protected under the Geneva Conventions of their right to a fair trial, taking into account the factual circumstances, particularly in the context of an armed international conflict. Reliable information presented in this report during the aggression, as well as previous international fact-finding and investigative commissions, affirms the arbitrary detention of thousands of individuals, particularly in the Gaza Strip, under the Israeli "**Unlawful Combatants Law**," which continues to deny Palestinian detainees their rights and fair trial guarantees. The international human rights treaty bodies, including the UN Human Rights Committee and the Committee on the Rights of Persons with Disabilities, have urged Israel to repeal this still-effective law, especially concerning arbitrary detentions in Gaza, which international bodies and the Euro-Mediterranean Human Rights Monitor have documented to have reached around 4,000 arbitrary detainees, including numerous cases of **enforced disappearance**, where the occupation authorities refuse to disclose their fate or allow international organizations such as the International Committee of the Red Cross to know their whereabouts. The existence of enforced disappearances strengthens the credible evidence of the commission of the war crime of denying fair trial, which is an international crime in itself.

220- Article 8(2)(a)(vii) of the Rome Statute of the International Criminal Court criminalizes **the war crime of unlawful deportation or transfer or unlawful confinement**. According to the Elements of Crimes Document, this international crime requires the perpetrator to deport or transfer one or more persons to another state or within the same state, and the person or persons must be protected under the Geneva Conventions. This crime must occur in the context of an armed conflict, and it should be committed with knowledge of the factual circumstances. This crime of forcible transfer is evident in Gaza, where it has been systematically and extensively carried out since the beginning of the military aggression. Forcible displacement, recurrent under bombardment, of civilians from the northern and central parts of Gaza to the south (Rafah), has affected between **1.7 million people at a minimum (74% of the total population) to 2 million people at a maximum (87% of the total population)**, according to reports from various international, regional, and local organizations, including the Palestinian Central Bureau of Statistics. The UN reports affirm that "**there is no safe area in Gaza at all**," and the repeated targeting of civilians during forcible transfers, resulting in the killing of many, arrest and detention of others in occupation camps and prisons, along with the repeated public statements by Israeli leaders and officials refusing the return of the residents of northern Gaza to their forcibly evacuated homes, further substantiates the strong and reliable evidence of the crime of forcible transfer. Since this crime has been ongoing since the beginning of the aggression on Gaza, the future return of the residents to their homes does not negate the occurrence of this international crime, as its elements have already been fulfilled.

221- The provisions of Article 8(2)(b) of the Rome Statute of the International Criminal Court encompass other forms of war crimes resulting from serious violations of the laws and customs applicable in international armed conflicts, within the established framework of international law. These include acts falling under the crimes highlighted in this report, which relied on "reliable information" concerning the perpetration of these acts by the occupying forces during the systematic and widespread aggression in the Gaza Strip. Among the most notable of these are attacks on civilians, targeting civilian objects, assaulting aid workers and humanitarian assets, deliberate attacks with the knowledge that they will cause excessive loss of life and damage to civilian objects, attacks on un-defendant sites, attacks on protected objects, looting, assaults on personal dignity, rape, and sexual violence. Given that most of these manifestations of war crimes outlined in Article 8(2)(b) of the Rome Statute share elements with war crimes

detailed in **Article 8(2)(a) concerning serious violations of the Geneva Conventions**, which we have previously presented in the context of violations. The report will provide a "concise" overview of these new manifestations after presenting "reliable evidence" of their commission in the Gaza Strip.

222- The International Criminal Court (ICC) Statute, specifically Article 8(2)(b)(1), defines **the war crime of attacking civilians**. According to the ICC's Elements of Crimes Document, this international crime occurs when an attack is intentionally launched with the aim of targeting a civilian population or individuals who are not directly participating in hostilities, occurring within the context of an international armed conflict, such as the ongoing situation in the occupied Palestinian territory and be connected to that conflict with knowledge of the factual circumstances. In this context, the war crime arises when civilians are deliberately targeted, especially as part of a systematic policy or on a large scale, regardless of the subsequent crimes it may cause, such as intentional killing, severe suffering, or serious bodily harm, which themselves constitute other war crimes under the Rome Statute. This report presents numerous reliable pieces of evidence regarding the war crime of attacking civilians, **particularly targeting women, children, persons with disabilities, the wounded, and UN staff**. These civilian casualties **accounted for over 70%** of the total deaths (willful killings) and injuries during the systematic and widespread attack on Gaza, as reported by the United Nations and international, regional, and local independent organizations, as well as written statements obtained by QADER field team. Furthermore, the facts and serious violations outlined in the report underscore statements from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), indicating that around 6% of the civilian population in Gaza has either been killed, wounded, or gone missing during the attack. These figures provide strong and reliable evidence confirming the commission of the war crime of attacking civilians during the broad and systematic aggression on Gaza.

223- The Rome Statute, specifically Article 8(2)(b)(2), defines **the war crime of attacking civilian objects**. According to the ICC's Elements of Crimes Document, this international crime occurs when there is an intentional launch of an attack targeting civilian objects that do not constitute military objectives. The attack must occur within the context of an international armed conflict and be connected to it, with knowledge of the factual circumstances of the conflict. In this context, war crime arises when attacks are deliberately directed at civilian objects as part of a systematic policy or on a large scale, regardless of the resulting destruction to these objects. This report has emphasized numerous documented pieces of information, including statements from the United Nations Special Rapporteur on the right to adequate housing, indicating that attacks targeted at residential areas have affected nearly 70% of these areas. Additionally, attacks on hospitals, schools, the power plant, water wells, bakeries, factories, commercial stores, places of worship, cultural centers, and more have been documented. The destruction of most hospitals in Gaza has resulted in the collapse of the healthcare system, while UNRWA indicators confirm that over a million people have lost their homes during this aggression on Gaza. These documented sources, derived from reports of the United Nations and international, regional, and local organizations, as well as accounts from QADER field staff in Gaza, provide reliable evidence of systematic and widespread targeting of civilian objects. This systematic and large-scale targeting constitutes a fully-fledged war crime.

224- Article 8(2)(b)(3) of the Rome Statute of the International Criminal Court establishes **the war crime of attacking personnel or objects involved in humanitarian assistance**. According to the Elements of Crimes Document of the International Criminal Court, the commission of this international crime requires the perpetrator or perpetrators to deliberately

attack personnel, facilities, materials, units, or vehicles engaged in a humanitarian or relief mission. These entities are protected under the rules of international law applicable in armed conflicts, within the context and knowledge of the armed conflict and its associated elements.

225- In this report, we have presented credible evidence, corroborated by reports from United Nations bodies, international, regional, and local organizations, as well as documentation from QADER field team in Gaza, confirming that the Israeli army targeted humanitarian aid workers and facilities dedicated to humanitarian and relief efforts. These attacks include **targeting humanitarian aid trucks, particularly those destined for northern Gaza**, which is facing food insecurity and signs of famine. Additionally, there have been repeated attacks on warehouses belonging to the United Nations Relief and Works Agency (UNRWA), designated for the distribution of relief aid. UNRWA data indicates that 160 of its facilities were directly and indirectly destroyed during the aggression on Gaza, underscoring the urgent need for protection and accountability measures.

226- **On Monday, April 1, 2024, the Israeli army carried out three drone strikes on a convoy belonging to the World Central Kitchen organization in Gaza.** This attack resulted **in the tragic deaths of seven staff members from the organization**, including three British, one Australian, one Polish, one American-Canadian, and one Palestinian driver. The strikes occurred consecutively within four minutes while the staff members were moving from one vehicle to another. The convoy had been en route to southern Gaza following the supervision of the offloading of a ship carrying 300 tons of food aid from Cyprus. The deliberate targeting of humanitarian aid workers and facilities, clearly identifiable by the distinctive markings of the organization, elicited widespread international condemnation, including from the United Nations and other international bodies. Calls for accountability for this grave violation of international law resounded globally. Despite claiming to have investigated the incident, **the Israeli occupation authorities failed to provide credible justification for this blatant war crime, even while acknowledging their targeting of the World Central Kitchen convoy. In response to the Israeli investigation, the World Central Kitchen organization stated on April 4, 2024, asserting that "the Israeli army failed to justify its attack on our convoy and neglected to provide any rationale for firing upon unarmed convoy members who posed no threat."**<sup>139</sup>

227- The ongoing and repeated attacks by the Israeli army on the convoy of the World Central Kitchen in the Gaza Strip serve to bolster "**strong and credible evidence**" of multiple war crimes under the International Criminal Court's Rome Statute. These crimes encompass willful killing, the targeting of civilians and civilian objects, and other international crimes delineated in the Rome Statute. Moreover, the assault constitutes a war crime involving the deliberate targeting of humanitarian aid workers and objects. This is particularly egregious given that the occupying authorities openly admitted to targeting the World Central Kitchen staff and failed to provide any justification for their actions.

228- Article 8(2)(b)(4) of the Rome Statute of the International Criminal Court delineates **intentionally launching an attack with the knowledge that it will cause incidental loss of life and damage to civilian objects**. According to the Elements of Crimes Document, this international offense necessitates the deliberate initiation of an attack resulting in civilian casualties, injuries, or damage to civilian property, or severe, long-term, and widespread harm

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<sup>139</sup> Details of the targeting of a convoy by the World Kitchen Organization in the Gaza Strip at the link <https://tinyurl.com/yc5c7fer>, and details of the World Kitchen Organization's response to the targeting of its convoy in the Gaza Strip, along with widespread international condemnations and calls for accountability, at the link <https://tinyurl.com/uv92jh52>.

to the natural environment that is disproportionate to the anticipated military advantage. This attack must occur within the context of an international armed conflict, with an awareness of the factual circumstances surrounding the conflict. The elements and criteria of this international crime are manifest in many of the war crimes outlined in this report, **including the targeting of the World Central Kitchen** as a case of this war crime, with its material, mental, and legal elements of criminalization as defined by the Rome Statute of the International Criminal Court. Moreover, the deliberate targeting of approximately **70% of residential neighborhoods** in the Gaza Strip through intense bombardment and fire belts, often without warning, particularly in densely populated residential areas, constitutes **compelling evidence** of the awareness that such targeting would inevitably lead to excessive losses. This is evidenced by the more than 110,000 civilian deaths and injuries resulting from this extensive aggression.

229- Article 8(2)(b)(5) of the Rome Statute of the International Criminal Court outlines the war crime of attacking undefended places. According to the Elements of Crimes document, this international offense occurs when the perpetrator targets one or more towns, villages, dwellings, or buildings that are undefended and do not qualify as military objectives, within the context and connection of an international armed conflict, with awareness of the factual circumstances of the armed conflict. Reliable evidence of this war crime has been presented in this report through comprehensive accounts of the systematic targeting of civilian objects. This includes the deliberate targeting and destruction of residential neighborhoods, the destruction of most hospitals in the Gaza Strip, rendering them inoperable, the destruction of numerous United Nations (UNRWA) schools accommodating thousands of displaced civilians due to the aggression, and the targeting and destruction of various universities, institutions, schools, places of worship, bakeries, shops, and other sites in Gaza. The Israeli occupation authorities have failed to justify this systematic and widespread targeting, constituting a serious violation of the principles of international humanitarian law regarding necessity, proportionality, discrimination, and precaution. This targeting has affected all these undefended and protected sites under international law, as corroborated by numerous United Nations bodies and independent international, regional, and local organizations.

230-Article 8(2)(b)(9) of the Statute of the International Criminal Court delineates **the war crime of attacking protected objects**. According to the Elements of Crimes Document, the perpetration of this international crime entails launching intentionally directing attacks against buildings dedicated to religion, education, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not military objectives, within the context of an international armed conflict, with an awareness of the factual circumstances of the conflict. Reliable evidence of this war crime has been presented through reports and statements from the United Nations and international organizations. Documentation from the Euro-Mediterranean Human Rights Monitor, based in Geneva, documents the systematic targeting of more than 400 schools, over 300 health facilities, more than 600 mosques, 3 churches, and 200 archaeological sites, along with thousands of housing units. This targeting continues to escalate daily during the systematic and large-scale aggression against the Gaza Strip, confirming the **reliable evidence** of the war crime of attacking civilian objects.

231- Article 8(2)(b)(16) of the Statute of the International Criminal Court outlines **the war crime of pillage**. According to the Elements of Crimes Document of the court, perpetrating this international crime entails the deliberate seizure of specific properties without the owner's consent, thereby depriving the owner of these properties and appropriating them for private or

personal use without military necessity. This occurs within the context of an international armed conflict, with an awareness of the factual circumstances of the conflict.

232- The Euro-Mediterranean Human Rights Monitor has documented numerous testimonies from the Gaza Strip, affirming the presence of "**reliable evidence**" indicating that Israeli army soldiers engaged in pillaging the private property of Gaza residents during ground operations and raids on homes. This occurred alongside wide-scale arbitrary arrests of civilians in Israeli camps and prisons. In a statement released on December 29, 2023, the Euro-Mediterranean Human Rights Monitor confirmed the documentation of various cases revealing the involvement of Israeli army soldiers in acts of "**pillaging and theft, including the seizure of gold, money, valuable possessions, cash, mobile phones, and laptops belonging to Palestinians. These acts were carried out on a widespread and systematic basis, resulting in losses totaling millions of dollars**". The statement presented numerous testimonies collected from victims in Gaza, providing compelling evidence of Israeli army soldiers committing the war crime of pillage on a large scale.<sup>140</sup> There is no military justification for the pillaging of money and valuable personal belongings to protected civilian residents in the Gaza Strip.

233- Article 8(2)(b)(xxi) of the Rome Statute of the International Criminal Court defines **the war crime of committing outrages upon personal dignity**. Referring to the Elements of Crimes document of the Court, the commission of this international crime requires the perpetrator to subject one or more persons to treatment that is degrading and offensive to their dignity, or to otherwise assault their dignity to the extent that such assaults are considered attacks on personal dignity. The concept of "person" in this international crime encompasses assaults on the dead and violations of their dignity. This crime occurs in the context of armed conflict and with knowledge of the factual circumstances.

234- This report has provided "reliable evidence" of violations against the human dignity of civilian residents, including children, women, and persons with disabilities, within occupation camps and prisons, as well as during forced displacement operations. Field testimonies documented QADER illustrate widespread and systematic assaults on the human dignity of persons with disabilities. Furthermore, **the occupation authorities have been reported to bulldoze graves and steal corpses, as evidenced in the Al-Tuffah neighborhood cemetery east of Gaza. Here, the occupation army bulldozed the cemetery, exhumed 1,100 graves, and stole 150 bodies, using bulldozers to trample them**. Numerous media outlets have presented **audio and visual** footage depicting the occupation army bulldozing graves in the Gaza Strip and showing occupation bulldozers and tanks crushing corpses under their treads.<sup>141</sup> This serves as strong and documented evidence, captured in both sound and visual media, of the occupation army repeatedly assaulting human dignity during the aggression. Statements made by occupation leaders further affirm the **criminal intent** to commit this international crime. For instance, Israeli Defense Minister Yoav Gallant's statement on October 9, 2023, where he stated: "we are fighting human animals," underscores the official acknowledgment of a deliberate intent to assault human dignity.

235- Article 8(2)(b)(22) of the Statute of the International Criminal Court defines the war crime of rape and sexual violence. According to the Elements of Crimes document of the court, this international crime encompasses acts such as rape, sexual slavery, enforced prostitution, forced

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<sup>140</sup> The statement from the Euro-Mediterranean Human Rights Monitor, supported by testimonies and accounts victims, at published at the following link: (<https://tinyurl.com/ymvkhpz4>)

<sup>141</sup> Statistics and live footage regarding the Israeli army's grave desecration and theft of corpses in Gaza are available at the link: <https://tinyurl.com/3m7fcbya>

pregnancy, forced sterilization, and other forms of sexual violence. These acts constitute grave breaches of the Geneva Conventions and occur within the context of an armed conflict, with an awareness of the factual circumstances of the conflict.

236- There exists compelling and substantiated evidence concerning the victimization of numerous Palestinian women from the Gaza Strip who were detained in occupation camps and prisons, subjected to various forms of sexual violence during their confinement by the occupying army in the Strip. The United Nations Committee<sup>142</sup> of Experts meticulously documented numerous testimonies verifying the exposure of Palestinian women in the Gaza Strip to instances of sexual violence while under detention. Furthermore, **the Euro-Mediterranean Human Rights Monitor in Geneva**<sup>143</sup> extensively cataloged dozens of testimonies from detained Palestinian women, apprehended by the occupation army in the Gaza Strip, attesting that they had endured forms of sexual violence, alongside torture and ill-treatment, as corroborated in their testimonies post-release. These details were comprehensively outlined in the documented information presented within the section addressing violations related to torture in the report. Additionally, **findings from inquiry and fact-finding committees** concerning prior military incursions into the Gaza Strip substantiate the exposure of Palestinian women in the Palestinian territories to forms of sexual violence during night raids by occupation soldiers on Palestinian civilian residences and at military checkpoints dispersed across the West Bank, thereby **reinforcing the evidence of the systematic perpetration of sexual violence crimes** by occupation soldiers in the occupied Palestinian territories. These international reports will also be encompassed under the category of crimes against humanity in the report.

237- This category of international crime, **namely sexual violence**, encompasses various legal classifications within international criminal law. It is categorized as a crime of torture, constituting a form of war crime and a crime against humanity. Specifically, within the realm of war crimes, it represents a severe breach of the laws and customs applicable to international armed conflicts, as recognized within established frameworks of international law. Moreover, it qualifies as a distinct crime within the domain of crimes against humanity when perpetrated systematically and on a wide scale. Consequently, the report will scrutinize the sexual violence crimes committed by occupation soldiers against Palestinian women under the purview of crimes against humanity.

238- Article 8(2)(b)(23) of the Statute of the International Criminal Court delineates **the war crime of employing protected persons as human shields**. As outlined in the Elements of Crimes Document of the Court, perpetrating this international crime necessitates the deliberate action of moving or exploiting one or more sites inhabited by civilians or other individuals protected under international law with the intent of shielding a military objective from attack, facilitating or protecting military operations, or obstructing them, within the context of an international armed conflict, and possessing knowledge of the factual circumstances of the international conflict. The proscription against using protected persons as human shields constitutes a customary norm of international law applicable to both international and non-international armed conflicts. Notably, customary rule number 97 underscores the imperative of **prohibiting the use of human shields**.

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<sup>142</sup> "UN Committee: Allegations of Israeli Sexual Assaults Against Palestinian Women Are Credible." Published at the link: <https://tinyurl.com/fwefuk69>

<sup>143</sup> The Euro-Mediterranean Human Rights Monitor documents testimonies of Palestinian female detainees subjected to sexual violence. Published at the following link: <https://tinyurl.com/fwefuk69>



239- The Euro-Mediterranean Human Rights Monitor meticulously documented numerous consistent testimonies detailing the deliberate exploitation by the occupation army of Palestinian civilians as human shields against their will, thereby exposing them to life-threatening circumstances, all to safeguard and fortify its forces and military operations within the Al-Shifa Medical Complex in Gaza City and its surroundings. These testimonies revealed that **Israeli army forces utilized civilian patients and displaced individuals within the Al-Shifa Medical Complex as human shields**, either to bolster their military operations within the hospital premises or to establish a protective barrier behind their forces and military equipment. Additionally, civilians were coerced, under threat, to venture into nearby residences and buildings surrounding the complex to request evacuation by the residents before the Israeli army conducted invasions, arrests, and subsequent destruction of many of these structures<sup>144</sup>. Moreover, the Euro-Mediterranean Human Rights Monitor presented **televised testimonies** portraying instances of Palestinian civilians being employed as human shields within residential dwellings in Gaza<sup>145</sup>. Furthermore, a **televised testimony** showcased the Israeli army's use of **an elderly Palestinian-American man** from the village of Silwad, located near Ramallah in the West Bank, as a human shield, transforming his residence into a military barracks during Israeli army military operations within the village<sup>146</sup>.

240- The utilization of civilians as human shields during military operations has been identified as a **recurrent pattern**, as consistently verified by United Nations inquiry and fact-finding committees established during successive Israeli army military aggressions on the besieged region of Gaza. Notably, the fact-finding mission report on the Gaza conflict released on September 25, 2009 (**commonly known as the Goldstone Report**), highlighted in article (55) that **"The Mission investigated four incidents in which the Israeli armed forces coerced Palestinian civilian men at gunpoint to take part in house searches during the military operations. The men were blindfolded and handcuffed as they were forced to enter houses ahead of the Israeli soldiers"**<sup>147</sup>. This acknowledgment underscores the alignment between the conclusions drawn by the fact-finding mission and those of the Euro-Mediterranean Human Rights Monitor, predicated on documented testimonies and statements, affirming that the use of civilians as human shields constitutes a recurrent pattern by the Israeli army in the Gaza Strip. Such alignment reinforces the presence of **'reliable evidence'** pertaining to the crime of employing human shields in the Strip.

241- Article 8(2)(b)(24) of the Rome Statute delineates **the war crime of intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions**. According to the Elements of Crimes Document of the Court, perpetrating this international crime entails the deliberate targeting by perpetrator(s) of one or more individuals, medical facilities, units, means of transportation, or other objects that bear a distinctive emblem in conformity with international law, such as the Red Cross and Red Crescent symbols, within the context of an international armed conflict, and with knowledge of the prevailing factual circumstances. This prohibition constitutes a peremptory norm in customary international law, as underscored by customary

<sup>144</sup> Television Testimonies of Civilians Used as Human Shields in Gaza" on the link provided by the Euro-Mediterranean Observatory: <https://euromedmonitor.org/ar/videos/76>.

<sup>145</sup> "Television Testimonies of Civilians (Elderly Palestinian) Used as Human Shields in Gaza" on the link provided by the Euro-Mediterranean Observatory: <https://tinyurl.com/29j6t9tt>.

<sup>146</sup> Television testimonies of civilians (elderly Palestinian) being used as human shields in Gaza, on the Euro-Mediterranean Observatory link: <https://tinyurl.com/29j6t9tt>

<sup>147</sup> The Fact-Finding Mission Report on the Gaza Conflict issued on September 25, 2009 (Goldstone Report)" is published at the link: <https://www.palquest.org/en/historictext/25046/report-fact-finding-mission-gaza-conflict-goldstone-report>

rule number (30), which unequivocally states, Attacks directed against medical and religious personnel and objects displaying the distinctive emblems of the Geneva Conventions in conformity with international law are prohibited.

242- This report presents compelling information and statistics validating the systematic targeting of ambulances adorned with the Red Crescent and Red Cross emblems during the aggression on the Gaza Strip. The Euro-Mediterranean Human Rights Monitor meticulously documented the Israeli army's deliberate targeting and destruction of over **200 ambulances**, exhibiting varying degrees of damage, within the Gaza Strip. Many of these ambulances prominently displayed the distinctive emblems of the Red Crescent and Red Cross. The spokesperson for the Ministry of Health in Gaza affirmed that **the occupation army completely demolished 126 ambulances, rendering them inoperable**, during the initial six months of the large-scale aggression on the Gaza Strip, as previously detailed in the report. Various United Nations bodies and international organizations have condemned the recurrent targeting of ambulances through numerous statements. Notably, on November 4, 2023, when the Israeli army **attacked a Red Crescent ambulance in front of the Al-Shifa Medical Complex, resulting in the tragic killing of 15 Palestinians** who were en route to the Rafah crossing on the border with Egypt in pursuit of medical treatment abroad. United Nations Secretary-General António Guterres denounced **this targeting as 'shocking,' emphasizing that 'the images of scattered bodies in the street in front of the Al-Shifa Medical Complex are horrifying.'**<sup>148</sup> Such incidents unequivocally affirm the 'reliable evidence' of the occupation army's commission of war crimes involving the deliberate targeting of persons and objects bearing distinctive emblems within the Gaza Strip.

243- Article 8(2)(b)(25) of the Rome Statute delineates **the war crime of intentionally starving civilians**. According to the Elements of Crimes Document of the Court, perpetrating this international crime involves the deliberate deprivation by the perpetrator(s) of civilians of essential items necessary for their survival, with the explicit intent to subject them to starvation as a method of warfare, within the context of an international armed conflict, and possessing knowledge of the factual circumstances of the armed conflict. Starvation is unequivocally proscribed under customary international law governing armed conflicts, as affirmed by rule number (53), which unequivocally states that **"the use of starvation of the civilian population as a method of warfare is prohibited." This egregious and systematic international crime of starving civilians has been evident since the commencement of the Israeli military attack on the Gaza Strip, serving as the principal tool to coerce civilians in the Gaza Strip into forced migration.**

244- The report meticulously presents substantiated evidence gathered from a variety of sources, including reports, statements, and statistics from United Nations entities, international, regional, and local independent organizations, as well as numerous testimonies documented by QADER field team in Gaza. This evidence unequivocally confirms that the starvation of civilians has been employed by occupation authorities and their military as a weapon, referred to as the **'weapon of starvation,'** since the onset of the aggression on the Gaza Strip. This tactic has been executed through **diverse methods and mechanisms**, including the cessation of electricity, water, and fuel supplies, impeding the entry of life-saving humanitarian and relief aid, particularly to the northern region of the Gaza Strip, and targeting numerous hospitals and bakeries through bombardment. Furthermore, critical infrastructure such as power stations, water wells, and food warehouses have been subjected to relentless bombing, exacerbating the

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<sup>148</sup> The United Nations Condemns the Bombing of Ambulances in Gaza and Calls for an End to the Killing and Siege of Civilians," on the link: <https://tinyurl.com/aa34d8k9>.

dire humanitarian situation. Additionally, there have been repeated instances of aid trucks, particularly those en route to the northern Gaza Strip, being targeted by bombings, resulting in numerous fatalities among those seeking sustenance, such as the tragic incident at the Nablusi Circle in western Gaza, infamously referred to as the '**flour massacre.**' Civilians, particularly in the northern Gaza Strip, have been compelled to consume 'animal feed' and other unconventional food sources, further corroborating the deliberate use of starvation as a weapon during the assault. This reprehensible strategy has inflicted immense suffering upon civilians, leading to food insecurity, widespread famine, and the proliferation of diseases and epidemics, as meticulously detailed in the report based on information gleaned from United Nations reports, statements, and specialized agencies, alongside reports from international organizations.

245- The report delineated **the profound and exacerbated repercussions of employing starvation as a weapon on persons with disabilities**, as well as on women, children, patients, pregnant women, and all marginalized groups within the Gaza Strip throughout the ongoing assault on the region, with the explicit aim of coercing civilians into fleeing. Drawing upon numerous testimonies **documented by QADER field team**, including accounts from hospital directors, persons with disabilities, and their families in the Gaza Strip, the report illuminated the catastrophic effects of using starvation as a weapon during this assault on persons with disabilities. This included the dire shortage of food, medication, nutritional supplements, assistive devices, and other essential life-saving necessities for persons with disabilities, precipitated by the obstruction of life-saving humanitarian aid convoys, which notably lacked disability-specific provisions. Consequently, there has been a marked deterioration in the health and safety of persons with disabilities, leading to fatalities among them and children due to food insecurity and famine. Statements issued by Israeli officials since the inception of the assault on the Gaza Strip corroborate the criminal intent and unwavering determination to employ starvation as a weapon from the onset of the large-scale offensive. Notably, Israeli Defense Minister Yoav Gallant's remarks on October 9, 2023, explicitly asserting that Israel is '**imposing a complete siege on Gaza. No electricity, no food, no water, no fuel, everything is closed. We are fighting human animals,**' underscore the unequivocal intent to utilize starvation as a weapon in this offensive. Such an overt and official statement, issued at the outset of the assault, confirms the definitive intent to employ starvation as a central tool for collective punishment and to compel civilians into mass forced migration.

#### **4.3.2 CRIMES AGAINST HUMANITY**

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246- This aspect of the report examines the forms of crimes against humanity outlined in the Rome Statute of the International Criminal Court, based on reliable evidence presented in detail at the level of facts and patterns of violations committed by the occupying army during the military aggression on the Gaza Strip in a systematic and widespread manner. This analysis relies on reports, data, and statistical indicators from United Nations bodies, as well as international, regional, and local independent organizations. It also includes dozens of documentations conducted by the QADER field team in Gaza on severe violations suffered by persons with disabilities (disadvantaged groups) and their families, falling within various forms of crimes against humanity outlined in the Rome Statute. The reliable evidence gathered and analyzed confirms that the Israeli occupying army committed **10 forms of crimes against humanity** as outlined in Article 7 of the Rome Statute of the International Criminal Court, targeting civilian populations and civilian objects during the systematic and widespread aggression on the besieged Gaza Strip.

247- Article 7 of the Rome Statute of the International Criminal Court defines crimes against humanity as **acts committed** as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. While the Rome Statute does not require war crimes to be committed as part of a plan, policy, or on a widespread scale, meaning they are not considered elements of war crimes, but rather serve as evidence of their occurrence, **crimes against humanity are only deemed to have occurred when committed as part of a widespread or systematic attack directed against civilian populations, with knowledge of the attack.** Therefore, they constitute elements of crimes against humanity (both materially and morally), meaning that the scale, extent, and nature of the attack fall within the elements of crimes against humanity, unlike war crimes. This distinction between war crimes and crimes against humanity is outlined in the Rome Statute.

248- As the report presented details of violations with reliable evidence from reports, statements, and statistics from United Nations bodies and trusted international, regional, and local organizations, as well as statements from Israeli political and military officials that confirm the commission of forms of war crimes in a 'systematic and widespread' manner, and reports from United Nations investigative and fact-finding committees that confirm the occurrence of such severe and serious violations in a 'systematic and widespread' manner during previous military attacks in Gaza and the occupied Palestinian territories, these violations fall within the forms of crimes against humanity outlined in the Rome Statute.

Therefore, we will present the forms of crimes against humanity based on reliable evidence of their commission during the assault on Gaza, with reference links in the report that indicate the systematic and widespread perpetration of these crimes against the civilian population, and with knowledge of the attack.

249- Article 7(1)(a) of the Rome Statute of the International Criminal Court addresses **the crime against humanity of Murder** (targeted Killing). According to the Court's Elements of Crimes, this crime occurs when the perpetrator intentionally kills one or more persons as part of a widespread or systematic attack. The emphasis is placed on the nature of the attack rather than the precise number of deaths resulting from it. The attack, constituting the criminal conduct or material element, must be part of a '**widespread or systematic**' assault directed against the civilian population. Moreover, the perpetrator must be aware that this conduct was part of or intended the conduct to be part of a widespread or systematic attack against a civilian population. Thus, the form of willful killing as a crime against humanity is delineated in the Rome Statute.

250- We reference the reliable evidence regarding the commission of the crime against humanity in the form of willful killing during the assault on the Gaza Strip, detailed in this report under the sections titled '**Willful Killing**,' '**Serious Violations of International Humanitarian Law**,' and '**Willful Killing as a Form of War Crimes**.' These sections substantiate that willful killings occurred within the context of a widespread and systematic attack directed against civilians in the Gaza Strip. The **robust and compelling evidence**, derived from reports, data, and statistics provided by UN agencies and independent international, regional, and local organizations, along with documentation from QADER in the Gaza Strip, underscores that the occupation army perpetrated the crime against humanity of willful killing in a systematic and widespread manner targeting the civilian population, including **children, women, persons with disabilities, patients, and UN personnel** in the Gaza Strip, with full knowledge of the nature of the attack. The aforementioned reports and data, coupled with earlier findings from the investigation and fact-finding committees regarding previous military assaults on the Gaza Strip, unequivocally demonstrate that

repeated, large-scale military operations by the Israeli army in the Gaza Strip violated fundamental principles of international humanitarian law. These principles include **military necessity, discrimination, proportionality, and the obligation to take necessary precautions** during military operations. Such violations resulted in a significant number of civilian casualties, constituting **6% of the population of the Gaza Strip**, with a disproportionate impact on women, children, and persons with disabilities. It is untenable to justify the large number of civilian deaths by invoking self-defense or the purported threat to the lives of soldiers.

251- Article 7(1)(b) of the Rome Statute of the International Criminal Court defines the **crime against humanity of extermination**. It is essential to distinguish between the “**extermination**” as defined in this article 7(1)(b) as a form of crimes against humanity and the “**genocide**” as defined in Article 6 of the Rome Statute under the title of genocide, which will be discussed later in this report. Extermination is a form of crimes against humanity and differs in terms of classification and elements from the crime of genocide. The latter (genocide) requires a higher burden of proof due to its inclusion of a 'specific intent' in addition to the traditional elements of international crimes, as we will see later.

252- Referring to the Elements of Crimes Document of the International Criminal Court regarding the crime of 'extermination' as a form of crimes against humanity, this international crime necessitates the perpetrator to kill one or more persons, including by inflicting conditions of life calculated to bring about the destruction of part of a population. The perpetrator's conduct must occur within the context of a mass killing of members of a civilian population, and the perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population. Article 7(2)(b) of the Rome Statute specifies that “Extermination includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population.” After clarifying the concept of "extermination" and its components, the reports, data, and statistics published by United Nations agencies, international, regional, and local independent organizations, along with documentation from QADER field team in Gaza, presented in this report, specifically highlighting targeted killings, starvation, and food insecurity, substantiate the "credible evidence" of the commission of the crime of extermination as a form of crimes against humanity amidst a widespread and systematic aggression by the Israeli army on the Gaza Strip.

253- Article 7(1)(d) of the Rome Statute of the International Criminal Court provides for **the crime against humanity of deportation or forcible transfer of population**. The report focuses on the crime of “**forcible transfer**”, which occurs within the borders of a single state, rather than the crime of “**deportation**”, which occurs across state borders. According to the Elements of Crimes Document of the court, this form (forcible transfer) of crimes against humanity is realized by forcibly transferring, without grounds permitted under international law, one or more persons to another State or location, by expulsion or other coercive acts, such as the threat of using force against them or creating conditions that compel them to forcibly transfer either directly or indirectly through acts not recognized by international law, within the framework of a widespread or systematic attack and with knowledge of the attack.

254- The report provides detailed accounts of the forcible transfer of civilians from northern and central Gaza to southern Gaza during the military aggression on the Gaza strip. Based on reports and statistics from United Nations agencies, international and regional organizations, and local entities, an estimated 1.7 to 2 million civilians (representing 74-87% of the total population of approximately 2.3 million) were forcibly displaced. These reports also

underscore the absence of any safe areas within the entire Gaza Strip, with heavy bombardment targeting civilian objects, including hospitals in the north and center, thereby impeding the delivery of life-saving aid and resulting in widespread displacement. Drawing from dozens of documented testimonies collected by the QADER field team in Gaza, the report highlights the profound suffering and catastrophic conditions endured by persons with disabilities and their families during forced displacement. Large numbers of civilians, including women, children, the elderly, and persons with disabilities, faced repeated attacks by the Israeli military while being displaced to areas designated as "safe" within Gaza. Furthermore, the report highlights Israeli authorities' repeated denial of forcibly displaced people to return to their homes, in addition to targeting schools that displaced people took refuge in, including UNRWA schools. This **credible evidence** confirms the **systematic and large-scale** nature of forced displacement in Gaza. Additionally, it underscores the use of **starvation** as a weapon against civilians, which facilitated the systematic and widespread forced displacement of most Gaza residents, thus constituting a crime against humanity.

255- The Israeli occupation authorities have seriously violated **the international guiding principles on internal displacement created in 1998**, which identify the rights and guarantees relevant to the protection of persons facing forced displacement and offer assistance during displacement and upon their return. These violations further **corroborate the occurrence of forcible transfer** as a grave breach of international humanitarian law, specifically the Fourth Geneva Convention, as well as human rights law, constituting a form of crimes against humanity. In accordance with these international principles, the authorities concerned - prior to any decision requiring the displacement of persons - shall ensure that **all feasible alternatives** are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects, and proper accommodation to be provided to the displaced persons, that such displacements are affected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated (principle 7). Moreover, the authorities concerned shall ensure that displaced persons, such as **children, pregnant women, persons with disabilities, and the elderly**, provided to protection and assistance required by their condition and to treatment which takes into account their special needs (principle 4). Additionally, they must uphold the right of every displaced person to freedom of movement and the choice of residence (principle 14). Furthermore, the authorities concerned must provide essential supplies to the displaced, including food, clean water, adequate shelter, clothing, and **medical services** (principle 18). They must also ensure access to medical care and treatment for all internally displaced persons who are **injured, sick, or with disabilities**, as well as provide psychological and social services, with particular attention to the needs of women (principle 19). Finally, they must **facilitate unimpeded access for humanitarian aid and ensure the unrestricted movement of those providing assistance to internally displaced persons** (principle 25).

256- Within the framework of accountability and the pursuit of effective remedies, the aforementioned guiding principles affirm the **criminal responsibility** of individuals under international law, particularly concerning genocide, crimes against humanity, and war crimes (principle 2). They underscore the obligation of the competent authority (the occupying authorities) to ensure **appropriate compensation** in cases where individuals are unable to recover their funds and assets left behind during internal displacement, which have been destroyed. The serious violations of the 1998 guiding principles on internal displacement committed by the occupying army in the Gaza Strip **reinforce the evidence of the crime of forcible transfer** perpetrated by the occupation on a widespread and systematic manner in Gaza strip, creating significant avenues for accountability and effective remedies.

257- Article 7(1)(e) of the Rome Statute of the International Criminal Court defines the crime against humanity of **imprisonment or other severe deprivation of physical liberty**. Referring to the Elements of Crimes Document, this form of crime against humanity (arbitrary detention) occurs when the perpetrator imprisoned one or more persons or otherwise severely deprived one or more persons of physical liberty, in a manner that constitutes a violation of international law, with knowledge of the circumstances that demonstrate the seriousness of the conduct, within the context of a widespread or systematic attack directed against the civilian population. In this report, we have presented "**reliable evidence**" sourced from United Nations agencies, international, regional, and local independent organizations, as well as documentation from QADER, confirming the occurrence of widespread and systematic arbitrary detention against the civilian population under factual circumstances, with compelling evidence of awareness of those circumstances. This is detailed in the comprehensive presentation of facts under the section on arbitrary detention, as well as in the details of grave breach of international humanitarian law and the war crime of arbitrary detention. These reliable and compelling pieces of evidence confirm the commission of the crime against humanity of arbitrary detention.

258- Article 7(1)(f) of the Rome Statute of the International Criminal Court delineates **the crime against humanity of torture**. As per the Elements of Crimes Document, this international crime occurs when the perpetrator inflicted severe physical or mental pain or suffering upon one or more persons while they are in the custody or under the control of the perpetrator, and that the conduct was committed as part of a widespread or systematic attack directed against a civilian population, with the knowledge of the perpetrator. Under Article 7(2)(e) of the Rome Statute, the crime against humanity of **torture** is defined as "the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions". Hence, we find that the definition of torture as a crime against humanity differs from torture as a war crime, as it does not necessitate that the act be aimed at obtaining information or a confession, punishment, intimidation or coercion or for any reason based on discrimination of any kind. Conversely, for torture to be considered a war crime, there must be an "intent" behind it, aligned with one of those purposes. The absence of a defined definition for torture as a war crime in the Rome Statute leads to the application of the established definition in international law (the Convention Against Torture), while torture as a crime against humanity constitutes a distinct definition under the category of crimes against humanity exclusively. This report provides **compelling evidence** sourced from reports, statements, and statistics issued by United Nations agencies, international, regional, and local organizations, as well as independent sources, and documentations by QADER in Gaza. It includes dozens of testimonies of persons from Gaza who were released, corroborating their harrowing experiences of **various forms of torture**, such as severe beatings, prolonged deprivation of food and water, extended periods of sleep deprivation, beatings in sensitive areas, waterboarding (one of the most severe forms of torture), confinement in cages, the release of dogs on detainees, and other appalling methods. These testimonies were obtained from numerous detainees released from Israeli detention camps and prisons in Gaza. Such crimes of torture targeted **children, women, persons with disabilities, the elderly, sick people, United Nations (UNRWA) personnel, and their families**. This confirms the strength of reliable evidence indicating the widespread and systematic commission of the crime of torture as a crime against humanity in Gaza.

259- Article 7(1)(g) of the Rome Statute of the International Criminal Court defines **the crime against humanity of rape or sexual violence**. According to the Elements of Crimes Document, this international crime occurs in cases of rape or any other form of serious sexual

violence, involving the use or threat of force, coercion, or coercion within the context of a widespread or systematic attack directed against the civilian population, with knowledge of the attack. This report cites "**reliable evidence**" from the **United Nations expert committee, the Euro-Mediterranean Human Rights Monitor**, which includes testimonies from dozens of Palestinian women from Gaza who were released after being detained in Israeli occupation camps and prisons, confirming their experiences of various forms of sexual violence. Additionally, reports from **international investigation and fact-finding committees** established by the United Nations prior to the recent aggression on Gaza corroborate these testimonies, highlighting the systematic and widespread nature of sexual violence crimes committed by Israeli occupation forces in Gaza and the Palestinian territories as a whole. These reports confirm, through numerous testimonies, that Palestinian women experienced sexual violence while in Israeli prisons, outside of prisons during nighttime raids by the Israeli army on civilian homes, and at military checkpoints. **The permanent and independent International Commission of Inquiry established by the Human Rights Council in 2021 emphasized in its May 9, 2022, report on "Violence against Women and Girls" (section 61)** states that "reports have emphasized that women and girls continue to be subjected to excessive use of force and abuse by the Israeli security forces and settlers, including physical, psychological and verbal abuse and sexual harassment and violations of their right to life. Harassment and abuse of Palestinian women and girls by the Israeli security forces in the Occupied Palestinian Territory has been reported at checkpoints and on the way to and from school and work. Sexual and gender-based violence has also been reported in detention and during night raids conducted by Israeli security forces in the occupied Palestinian territory". Dozens of documented testimonies from UN experts, the Euro-Mediterranean Human Rights Monitor, and Commissions of Inquiry and Fact-Finding Missions established prior to the recent aggression on Gaza, confirm the systematic and widespread nature of sexual violence crimes committed by Israeli army soldiers in Gaza and the broader Palestinian territories. These acts constitute both crimes against humanity and war crimes under the Rome Statute of the International Criminal Court.

260- Article 7(1)(h) of the Rome Statute of the International Criminal Court defines the **crime against humanity of persecution**. According to the Elements of Crimes document, this international crime stipulates that the perpetrator severely deprives, contrary to international law, one or more persons of fundamental rights, due to the identity of a group or collectivity or targeted the group or collectivity as such, based on political, racial, national, ethnic, cultural, religious, gender, or other grounds prohibited under international law, in the context of a widespread or systematic attack directed against the civilian population and with knowledge of the attack. Article 7(2)(g) of the Rome Statute defines "**persecution**" as "the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity".

261- The crime of "persecution" stands out among the most egregious international crimes, supported by compelling and reliable evidence of its widespread and systematic perpetration against Palestinian civilians in Gaza and throughout the occupied Palestinian territory. This persecution has taken various forms, resulting in severe deprivation of their fundamental rights, including children, women, and persons with disabilities in the occupied territories. Our report meticulously reviews evidence from United Nations agencies, international, regional, and local organizations, as well as documentations by QADER field team in Gaza which **encompassed dozens of testimonies detailing the severe deprivation of rights, based on discriminatory acts and targeting of Palestinians**. The evidence includes deliberate killings "willful killing", of over 14,000 children, over 10,000 women, and more than 5,000 individuals left with disabilities, including the killing of a substantial number of persons with disabilities due to



bombardments, the collapse of the health system, and the exacerbation of food insecurity along with indicators of widespread famine, with daily growing numbers of fatalities among Palestinian civilians. Moreover, thousands of Palestinians from Gaza and the occupied territories have been arbitrarily detained in Israeli military camps and prisons, enduring various forms of torture and ill-treatment. In addition to the repeated forcible transfer of 1.7 to 2 million out of the 2.3 million residents of the Gaza Strip, and food insecurity and famine indicators in Gaza based on reports from the World Health Organization and other UN and international bodies. On top of all of that, the severe marginalization faced by persons with disabilities in Gaza, marked by a systematic denial of their rights - enshrined within the Convention on the Rights of Persons with Disabilities - the obstruction of humanitarian aid and life-saving aid provisions for persons with disabilities and the entire civilian residents in the Gaza Strip, compounded by other forms of acute deprivation **based on systematic discriminations** against **Palestinians** in Gaza and Occupied Palestinian territory, constitute clear and **compelling evidence** of the widespread and systematic commission of the crime of persecution.

262- Numerous international reports have underscored Israel's implementation of the policy of "**persecution**" within the occupied Palestinian territories. Notably, one such report, issued by **Human Rights Watch** on April 27, 2021, draws upon extensive research and documentation spanning several years, conducted not only by Human Rights Watch but also by other independent human rights organizations. This comprehensive endeavor includes meticulous fieldwork conducted while compiling the report. Furthermore, the report incorporates a thorough examination of Israeli laws, governmental planning documents, statements issued by Israeli officials, and Israeli land records. These diverse sources were scrutinized against legal standards related to the crimes of "persecution" and "apartheid." Human Rights Watch reached out to Israeli Prime Minister Benjamin Netanyahu in July 2020, seeking his government's perspective on the matters elucidated within the report. Regrettably, despite these efforts, no response was forthcoming from the Israeli authorities.

263- The Human Rights Watch report concluded, among its findings, that "**Israeli officials have perpetrated the crime of persecution, constituting a crime against humanity, rooted in the discriminatory intent underlying Israel's treatment of Palestinians, alongside grave abuses within the occupied Palestinian territories.**" These abuses encompass a broad spectrum, including the widespread confiscation of privately owned land, the de facto prohibition on construction or habitation in numerous areas, the systematic denial of residency rights on a mass scale, and the imposition of unjust constraints spanning decades on freedom of movement and basic civil liberties. Such policies and practices deliberately and severely infringe upon the fundamental rights of millions of Palestinians, encompassing rights to residency, private property, access to land, services, and resources, systematically and extensively predicated on their Palestinian identity."<sup>149</sup> This report strengthens the mass of reliable evidence surrounding the perpetration of the crime of persecution within Palestinian territories, constituting a crime against humanity. Furthermore, it corroborates the evidence on the commission of **apartheid** within the framework of "**systematic persecution**," a theme that will be further explored in subsequent sections of the report.

264- Article 7(1)(i) of the Rome Statute of the International Criminal Court delineates the **crime against humanity of enforced disappearance of persons**. According to the Elements of Crimes Document of the International Criminal Court, the perpetration of this international

<sup>149</sup> Human Rights Watch, report "Crossing the Boundaries: Israeli Authorities and the Crimes of Apartheid and Persecution." <https://tinyurl.com/225d2yxd><https://tinyurl.com/225d2yxd>

crime requires the arrest, detention, abduction, or other forms of deprivation of freedom of one or more individuals through various means, followed by a denial of such deprivation of freedom or a refusal to disclose information regarding their fate or whereabouts, all with the intent to deprive them of the protection afforded by the law for a prolonged period. Crucially, these actions must occur as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. Furthermore, Article 7(2)(i) of the Rome Statute specifically defines **enforced disappearance of persons** as “the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time”.

265- On December 16, 2023, the Office of the **United Nations High Commissioner for Human Rights (OHCHR)** disclosed “the receipt of numerous alarming reports originating from the northern Gaza Strip, detailing mass detentions, ill-treatment, and instances of enforced disappearance, potentially impacting thousands of Palestinians, including children.”<sup>150</sup> While, the Euro-Mediterranean Human Rights Monitor, in early January 2024, corroborated Israel's policy of enforced disappearance concerning detainees from Gaza. They highlighted the challenges in obtaining reports due to the forced relocations of Gazans resulting from the ongoing bombardments and forced displacement, compounded by recurrent disruptions in communication and internet services, stemming from denying the entry of fuel and electricity into the strip. **Preliminary estimates suggested the presence of over 3,000 detainees from Gaza** in Israeli occupation prisons, including at least 200 women and children arbitrarily apprehended<sup>151</sup>. In a statement released on January 20, 2023, Amnesty International issued a call for an "urgent investigation" into cases of enforced disappearance and the inhumane treatment of detainees from Gaza. Human Rights Watch affirmed the credibility of “photos and video footage verified by Amnesty International's Crisis Evidence Lab, showed Israeli forces’ inhuman and degrading treatment of detainees in Beit Lahia, a city in northern Gaza. The fate and whereabouts of many of these detainees remain unknown, underscoring the urgent need for an independent effective investigation into all deaths in custody, reports of enforced disappearance, torture and other ill-treatment of Palestinians from Gaza.”<sup>152</sup> Reports from various United Nations bodies and international organizations collectively attest to the presence of compelling and credible evidence substantiating the perpetration of enforced disappearance crimes within Gaza Strip.

266- Article 7(1)(j) of the Rome Statute of the International Criminal Court delineates **the crime against humanity of apartheid**. In accordance with the delineation provided in Article 7(2)(h) of the Rome Statute, which defines the elements of the crime as outlined in the Elements of Crimes Document, apartheid is characterized by "inhumane acts of a character similar to those referred to in Article 7/ paragraph 1" of the Statute—referring to types of crimes against humanity—committed in the context of an institutionalized regime of **systematic oppression** and domination by one racial group over any other racial group or groups and **committed with the intention of maintaining that regime**”. This definition delineates the elements of the crime of apartheid, comprising a material element manifested in the inhumane acts grounded in the **systematic oppression and domination** by one racial group over others, within the context of a widespread or systematic assault. It also entails a mental element encompassing

<sup>150</sup> Amnesty International <https://tinyurl.com/y8ecsswx>

<sup>151</sup> Interview with the Director of the Euro-Mediterranean Human Rights Monitor, Rami Abdo, at the link: <https://tinyurl.com/y8ecsswx>

<sup>152</sup> Amnesty International <https://tinyurl.com/y8ecsswx>

knowledge, intent, and a specific purpose aimed at **sustaining an apartheid regime**. In addition to the legal element entailing the presence of criminal provisions in international law.

267- The crime of apartheid stands out as a prominent international crime, underscored by **credible and compelling evidence** of its perpetration throughout the aggression on the Gaza Strip and in preceding military aggressions, as well as across the occupied Palestinian territories more broadly. Reports emanating from United Nations bodies, alongside those from international, regional, and local independent organizations, supplemented by documentation by QADER field team in Gaza - as lengthily explained in this report - vividly illustrate the presence of "**systematic oppression with the intent to maintain apartheid**" within Gaza. This systematic oppression is manifested by sustained stringent siege, the policy of slow death targeting the civilian populace in the Gaza Strip (2.3 million) over the past 18 years and rendering Gaza a locale deemed "**unfit for human habitation**" according to UN reports. This is also compounded by the inhumane acts serving the systematic oppression regime across the recurrent military aggressions, encompassing the recent systematic and widespread aggression on the Gaza Strip. These include manifestations of the systematic oppression resulting in the killing of thousands of Palestinian victims including **children, women, persons with disabilities, the elderly, and sick people**. Add to that, the massive destruction of civilian objectives, torture, forcible transfer, and other forms of crimes against humanity, as delineated in the Rome Statute (definition of apartheid). Such actions are committed within the broader context of systematic persecution, with the explicit intent of sustaining the apartheid regime. This assertion finds reinforcement in statements issued by Israeli officials, which openly articulate the imperative of resettlement within the Gaza Strip. Notably, the pronouncement of " Zvika Fogel," head of the National Security Council in the Israeli Knesset, stating: "**Israel must end the war when Jews settle in the entire northern Gaza Strip**"<sup>153</sup>. This comes in conformity with **opinion polls** conducted in Israel during the early weeks of the aggression revealing the widespread support for settlement activities in Gaza,<sup>154</sup> which supports the compelling evidence of the commission of apartheid crimes within the Strip.

268- The occupying colonial state has entrenched a comprehensive system of apartheid within the occupied Palestinian territories. **The 2017 report released by the United Nations Economic and Social Commission for Western Asia (ESCWA), titled "Israeli Practices Toward the Palestinian People and the Question of Apartheid,"**<sup>155</sup> delineated Israel's imposition of an apartheid regime spanning several decades. This regime operates through two primary mechanisms: **firstly, the political and geographic fragmentation of the Palestinian people which enfeebles their capacity for resistance and makes it almost impossible for them to change the reality on the ground. Secondly, the oppression of all Palestinians through an array of laws, policies and practices that ensure domination of them by a racial group and serve to maintain the regime,** which explicitly indicate the crime of apartheid.

269- Numerous reports from independent international organizations have substantiated the entrenched system of apartheid within the occupied Palestinian territories, unequivocally categorizing it as a crime against humanity. Notably, **Human Rights Watch's** April 2021 report titled "**A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution**"<sup>156</sup> meticulously outlined the various manifestations of apartheid within the

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<sup>153</sup> <https://tinyurl.com/2mv3e6rj>

<sup>154</sup> The opinion poll is published on the Al Jazeera Network website at the link: <https://tinyurl.com/3dm2t67b>

<sup>155</sup> ESCWA website: <https://tinyurl.com/38jsxf4n>

<sup>156</sup> Published at "Human Rights Watch" website at <https://www.hrw.org/>

occupied Palestinian territories. Drawing upon extensive documentation and testimonies, the report underscored the imperative for accountability, recommending that the Office of the Prosecutor at the International Criminal Court undertake investigations into Israeli officials implicated in the crime against humanity of apartheid, in accordance with the court's statute. Similarly, **Amnesty International's February 2022 report**, titled "**Israel's Apartheid Against Palestinians**", provided comprehensive documentation and testimonies illuminating the pervasive forms of apartheid present in the occupied Palestinian territories. The report advocated for the accountability of Israeli officials responsible for perpetuating apartheid, emphasized the need for justice for the victims, and urged Israel to dismantle its apartheid system rather than continue the demolition of Palestinian homes.<sup>157</sup>

270- Article 7(1)(k) of the Rome Statute of the International Criminal Court delineates **the crime against humanity of "other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health."** This provision seeks to broaden the scope of crimes against humanity to encompass acts deliberately inflicting severe suffering or grave harm to the body or mental and physical health. These acts are committed within the context of a widespread or systematic attack directed against the civilian population, with the perpetrator's knowledge of the ongoing assault, thereby ensuring that such acts are unequivocally criminalized as crimes against humanity. This report has brought to light numerous instances of inhumane acts perpetrated by the Israeli military during its aggression on the Gaza Strip, which fall within this particular crime under crimes against humanity. Notably, these include the deliberate **obstruction of essential provisions intended for persons with disabilities from reaching the Gaza Strip as part of humanitarian aid and relief efforts.** Such items encompass life-saving medications, food and nutritional supplements for persons with disabilities, prosthetic limbs, and assistive devices such as wheelchairs and crutches. As attested by numerous testimonies documented by QADER field team in the Gaza Strip, this obstruction has inflicted profound suffering upon thousands of persons with disabilities and other thousands who have become with disabilities as a consequence of the aggression. Their health conditions have sharply deteriorated owing to the denial of access to vital necessities, resulting in fatalities attributable to these crimes. Furthermore, reports and statements issued by entities such as the World Health Organization and the United Nations Relief and Works Agency (UNRWA) underscore the devastating toll exacted by the aggression on the Gaza Strip. Hundreds of thousands of civilian residents have been left grappling with psychological and mental illness stemming from the harrowing trauma endured during the assault, necessitating protracted periods of treatment spanning years.

### 4.3.3 GENOCIDE CRIMES

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271- Article 6 of the Rome Statute defines the crime of genocide falling within the jurisdiction of the International Criminal Court. For the purposes of this statute, "**genocide**" any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group: as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group. The definition provided in the Rome Statute is derived from the definition of

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<sup>157</sup> Publish on Amnesty International Website: <https://tinyurl.com/2p9wbrpf>

**genocide set forth in the Convention on the Prevention and Punishment of the Crime of Genocide of 1948.**

272- The crime of genocide holds a paramount status among international crimes, often referred to as the "**crime of crimes**," owing to the profound stigma attached to its perpetrators. **Each of the five forms** enumerated in the Rome Statute constitutes a distinct and completed act of genocide. In accordance with the Elements of Crimes Document of the International Criminal Court, the perpetration of genocide necessitates the material element of engaging in criminal act in any of its five forms: namely, killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting conditions of life calculated to bring about the physical destruction of the group in whole or in part, imposing measures intended to prevent births within the group, and forcibly transferring children of the group to another group. Crucially, the victims targeted in acts of genocide must belong to a national, ethnic, racial, or religious group. The mental element of genocide involves a combination of **knowledge and intent**, wherein the perpetrator commits the acts intent to destroy, in whole or in part, a national, ethnical, racial or religious group. This intent must be demonstrated within the context of a clear pattern of conduct directed against the group. Furthermore, the legal element of genocide is manifested in the criminalization of the act in any of its five forms, as delineated within the provisions of the Rome Statute.

273- The specific intent constitutes the defining hallmark of the crime of genocide across its five forms outlined in the Rome Statute. Proving this intent can pose a considerable challenge; however, it may be inferred **from factual circumstances and statements attributed to potential perpetrators**, which indicate a clear intention to perpetrate this egregious international crime.

274- The report highlights the presence of substantiated and compelling evidence delineating the occurrence of "**four forms of genocide**" as outlined in Article 6 of the Rome Statute during the Israeli aggression on the Gaza Strip. These include **the genocidal acts of killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, and imposing measures intended to prevent births within the group**. The report concludes that based reports, declarations, and statistical data from various United Nations entities, as well as international, regional, and local organizations, are bolstered by numerous testimonies and field inquiries. Additionally, it incorporates **official statements by numerous Israeli political and security official** during the ongoing aggression on the Gaza Strip. The following parts of the report present key official statements, which bear direct relevance to the specific intent of committing genocide.

275- On October 12, 2023, **Israeli President Isaac Herzog** stated at a press conference that "**there is no distinction between militants and civilians in Gaza. It's an entire nation out there that is responsible. It's not true this rhetoric about civilians not aware [or] not involved .....and we will fight until we break their backbone.**" Additionally, on October 9, 2023, **Israeli Defense Minister Yoav Gallant** clearly stated, "**Israel is imposing complete siege on Gaza. No electricity, no food, no water, no fuel. Everything is closed. We are fighting human animals.**"

276- On November 10, 2023, **Israeli Minister of National Security Itamar Ben Gvir** stated in a televised speech, "**to be clear, when they say that Hamas needs to be eliminated, it also means those who sing, those who support and those who distribute candy, all of these are terrorists.**" Furthermore, on October 8, 2023, **Israeli Minister of Finance Bezalel Smotrich**

declared, **"we need to deal a blow that hasn't been seen in 50 years and take down Gaza."** Additionally, on November 1, 2023, Israeli Minister of Heritage Amihai Eliahu stated that **"north Gaza is more beautiful than ever. Blowing up and flattening everything is amazing. Once we are finished, we will hand over the lands of Gaza to the fighting soldiers and settlers who lived in Gush Katif,"** while advocating for **"dropping a nuclear bomb on Gaza"**. Moreover, on October 7, 2023, Deputy Speaker of the Knesset and member of the Foreign Affairs and Security Committee Nasim Fattori stated, **"our common goal now is to eradicate the Gaza Strip from existence."**

277- Similar statements were also made by Israeli military officials in the context of genocide. Major General Ghassan Alian, the Head of Coordinator of Israeli Government Activities, stated on October 9, 2023, in a published video, **"Israel imposed a comprehensive siege on Gaza, no electricity, no water, only harm. You wanted hell and you will get it."** Additionally, Reserve Soldier in the Israeli Army Ezra Yakhin, aged 95, a veteran who participated in the Deir Yassin massacre and was summoned to motivate Israeli soldiers, said in a **motivational speech** to the Israeli army on October 11, 2023, broadcasted on social media while driving a military vehicle, **"Be triumphant and finish them off and don't leave anyone behind. Erase the memory of them. Erase them, their families, mothers, and children. These animals can no longer live.... every Jew with a weapon should go out and kill them"**. All these statements by Israeli political and military officials confirm strong evidence of "genocidal intent" in the aggression against Gaza.

278- This report highlighted reliable and detailed information from multiple independent sources, including documentations by QADER field team in Gaza, regarding the systematic targeting of Palestinian civilians and civilian objects. This targeting resulted in the killing and injuries of over 110,000 Palestinians due to daily bombardments of residential areas and civilian objects. **More than 70% of the casualties were children and women**, including pregnant women, **with thousands left with disabilities** - as a result of the aggression - representing **6% of Gaza's total population**. Additionally, approximately **70% of residential neighborhoods** in Gaza were partially or completely destroyed, along with most hospitals in the Strip, leading to the collapse of the healthcare system and exacerbating the dire conditions for patients, injured individuals, and pregnant women in Gaza. Pregnant women in the Strip were forced to give birth in unsafe conditions, and many surgical procedures, including cesarean sections, were performed without anesthesia and under conditions lacking medical care due to hospitals being rendered inoperative. Water and electricity supplies were cut off, with fuel and gas being denied entry, and bakeries and food warehouses were bombed. Humanitarian life-saving aid, especially in northern Gaza, including the needs and requirements of persons with disabilities of all kinds, was hindered from entering. Food insecurity and signs of famine - especially in northern Gaza - worsened, exacerbating environmental risks and the spread of diseases in the Gaza Strip.

279- All the facts presented in detail in this report, along with a series of statements issued by political and security officials in the colonial occupying state, corroborate **strong evidence of the commission of the crime of genocide in its four mentioned forms** during the ongoing aggression on the Gaza Strip. We refer here to indicators from the United Nations Children's Fund (UNICEF), which we have included in this report, along with numerous reports, data, and statistics from UN agencies, as well as independent international, regional, and local organizations supporting evidence of the commission of the four forms of genocide crimes in Gaza. UNICEF has affirmed that **"Gaza is on the verge of a child mortality crisis that can be averted, which could exacerbate already unbearable levels of child deaths in Gaza."** It also emphasized that there is **"a significant risk of rising malnutrition rates throughout**

**Gaza due to alarming shortages in food, water, health services, and nutrition."** Additionally, it stated: **"90% of children under the age of two and 95% of pregnant and lactating women suffer from acute malnutrition, and the food they can obtain is of low nutritional value. 95% of families face limitations in the number and size of meals, with 64% of families consuming only one meal per day."**<sup>158</sup> These alarming indicators, which grossly violate the principles of international law, further substantiate evidence of genocide.

280- Upon his return from the Gaza Strip, Dominic Allan, the representative of the United Nations Population Fund in Palestine, stated on April 19, 2024, that **"the situation in the Gaza Strip is a humanitarian hellscape after six and a half months of Israeli military operations in Gaza where hospitals are exhausted in northern, central, and southern Gaza."** Speaking to journalists at the United Nations headquarters in Geneva, he added, **"what I witnessed is heartbreaking and cannot be described. We saw medical equipment being deliberately broken and destroyed. Ultrasound machines, critical to help ensure safe deliveries, had their wires cut and their screens smashed."** He also stated, **" I am terrified for the one million women and girls in Gaza now, especially the 180 women who give birth every day in unimaginably inhumane conditions."**<sup>159</sup> In a statement issued on April 18, UN experts clearly stated, **"with more than 80% of schools in Gaza damaged or destroyed, it may be reasonable to ask if there is an intentional effort to comprehensively destroy the Palestinian education system, an action known as (scholasticide)"**<sup>160</sup>

281- On November 2, 2023, **UN experts** warned that time is running out to prevent **"genocide and humanitarian catastrophe in the Gaza Strip."**<sup>161</sup> The independent experts added in a joint statement, **" We remain convinced that the Palestinian people are at grave risk of genocide,"** the experts said. **"The time for action is now. Israel's allies also bear responsibility and must act now to prevent its disastrous course of action."**<sup>162</sup> These reliable pieces of evidence, along with others previously presented, indicate the intent of genocide and its manifestations in the Gaza Strip.

282- **Francesca Albanese**, the United Nations Special Rapporteur on the situation of human rights in the occupied Palestinian territory, delivered a significant report to the UN Human Rights Council on March 23, 2024 (document number A/HRC/55/73), confirming that **"the context, facts and analysis presented in this report lead to the conclusion that there are reasonable grounds to believe that the threshold indicating Israel's commission of genocide is met in Gaza."** Albanese urged member states to ensure that Israel is fully bound by its obligations under the Convention of the Prevention and Punishment of the Crime of Genocide. In her comprehensive report, she underscored **"the staggering toll of human lives lost, the irreparable harm inflicted upon survivors, and the systematic obliteration of essential elements of life in Gaza, including hospitals schools, residential places, and cultivable land, in addition to harm endured by hundreds of thousands of children, pregnant women, and girls, can only be interpreted as constituting a prima facie evidence of the intent of the systematic destruction of Palestinians as a distinct group"**.<sup>163</sup> The assertions made by the Special Rapporteur serve to fortify the robust evidence underpinning the completion of the elements

<sup>158</sup> Children's lives threatened by rising malnutrition in the Gaza Strip, at the website:

<https://tinyurl.com/4se85aj6>

<sup>159</sup> UN official: The situation in Gaza is an unimaginable humanitarian hell, at the UN website:

<https://news.un.org/ar/story/2024/04/1130201>

<sup>160</sup> Official website of the UN: <https://tinyurl.com/yaedw4de>

<sup>161</sup> Official Website of the UN. The following link: <https://tinyurl.com/f55ar2et>

<sup>162</sup> Official Website of the UN. The following link: <https://tinyurl.com/f55ar2et>

<sup>163</sup> Official website of the UN: <https://news.un.org/ar/story/2024/03/1129576>

and intent of genocide against the Palestinian populace. These findings resonate with the delineation of genocide's four forms as articulated in the Rome Statute.

283- Francesca Albanese, the United Nations Special Rapporteur on the situation of human rights in the occupied Palestinian territory, affirmed that **“the threshold indicating Israel’s commission of genocide is met.** She points to the alarming proliferation of dehumanizing rhetoric emanating from high-ranking Israeli officials, a sentiment often echoed by soldiers on the ground<sup>164</sup>. Moreover, Albanese emphasizes the enduring impact of this crisis, noting that the people of Gaza have been subjected to **“immeasurable collective trauma, the repercussions of which will reverberate for generations”**<sup>165</sup>. She highlights the “prevalent and virulent anti-Palestinian rhetoric pervasive within Israeli society, portraying the entire Palestinian population in Gaza as enemies to be exterminated by force, of particular concern are the explicit calls for violence and genocide issued by high-ranking officials, directed at on-duty soldiers, constituting “incriminating evidence” of overt encouragement to commit acts of genocide”<sup>166</sup>. Such assertions firmly underpin the robustness and reliability of the evidence attesting to the commission of genocide.

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<sup>164</sup> The report of the Special Rapporteur submitted to the United Nations Human Rights Council on March 25, 2024 (A/HRC/55/73) can be found on the United Nations website at the following link: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session55/advance-versions/a-hrc-55-73-auv.pdf>

<sup>165</sup> Official Website of the UN: <https://news.un.org/ar/story/2024/03/1129576>

<sup>166</sup> Official Website of the UN: <https://news.un.org/ar/story/2024/03/1129576>



## 5. THE ABSENCE OF ACCOUNTABILITY AND EFFECTIVE REMEDIES FOR THE VICTIMS

284- **Commissions of Inquiry and fact-finding missions, established by the United Nations Human Rights Council** in response to recurrent military aggressions by the Israeli occupation army, highlighted that there were serious doubts about the willingness of Israel to carry out genuine investigations despite their repeated calls, and that **“the lack of accountability and effective remedies for Palestinian victims”** lead to continued serious violations in the occupied Palestinian territories, and **persistent "impunity"** for the grave breaches of human rights<sup>167</sup>.

285- In a dedicated section titled **"Lack of Accountability,"** the 2022 report of the International Independent Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel, extensively detailed Israel's failure to address its serious violations of international law and the consequent absence of accountability. Paragraph 62 of the report specifically highlighted this issue, noting, "Numerous findings and recommendations by United Nations bodies have addressed the lack of accountability for violations of international humanitarian law and violations and abuses of international human rights law. The United Nations Fact-Finding Mission on the Gaza Conflict, in 2008–2009, found **that Israel failed to investigate, and when appropriate prosecute,** acts by its agents or by third parties involving serious violations of international humanitarian law and human rights. The Mission concluded that there were serious doubts about the willingness of Israel to carry out genuine investigations in an impartial, independent, prompt and effective way as required by international law. The Mission also took the view that the system presented inherently **discriminatory features** that made the pursuit of justice for Palestinian victims extremely difficult"<sup>168</sup>.

286- Paragraph 63 of the report issued by the Independent International Commission of Inquiry, established by the United Nations Human Rights Council in 2021, “expressed concern that **impunity prevailed across the board for violations of international humanitarian law and international human rights law allegedly committed by Israeli forces,** and found that Israel must break with its **“recent lamentable track record”** in holding wrongdoers accountable, not only as a means to secure justice for victims but also to ensure the necessary guarantees for non-repetition”. Reports from the International Commission of Inquiry and Fact-Finding Missions explicitly underscore Israel's failure to conduct thorough investigations into serious violations amounting to fully-fledged international crimes. This persistent lack of accountability underscores a broader policy of impunity, denying effective remedies to Palestinian victims across numerous military attacks on the besieged Gaza Strip and the wider occupied Palestinian territories over the years. As a result, the recent systematic and wide-scale

<sup>167</sup> Some of the prominent international reports include: the Fact-Finding Mission Report (Beit Hanoun) 2008, the Goldstone Report of the Fact-Finding Committee 2009, the Report of the Commission of Inquiry into the Gaza Conflict 2014, the Report of the Commission of Inquiry of the Great March of return (2018), reports of the Permanent Independent Commission of Inquiry established by the Human Rights Council in 2021 (the Independent International Commission of Inquiry concerned with the Occupied Palestinian Territory, including East Jerusalem, and in Israel), particularly its reports published on May 9, 2022 (document number A/HRC/50/21) and the report published on May 9, 2023 (document number A/HRC/53/22), as well as the report of the same Permanent and Independent International Commission of Inquiry published on September 5, 2023 (document number A/78/198).

<sup>168</sup> Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, UN Document number (A/HRC/ 50/21).

military aggression on the Gaza Strip has led to a significant increase in the targeting of civilians, particularly children, women, persons with disabilities, and civilian objects by **manifold** compared to previous military attacks on the Strip **combined**. This has perpetuated catastrophic suffering among civilians and civilian objects.

287- Special Rapporteur Albanese highlighted **“Israel’s genocide on the Palestinians in Gaza is an escalatory stage of a longstanding settler colonial process of erasure. For over seven decades this process has suffocated the Palestinian people as a group – demographically, culturally, economically, and politically –, seeking to displace it and expropriate and control its land and resources.”** Albanese emphasized that **“the ongoing Nakba must be stopped and remedied once and for all.”**<sup>169</sup>

288- In their collective statement, independent UN experts underscored **“the need for an arms embargo on Israel is heightened by the International Court of Justice’s ruling on 26 January 2024 that there is a plausible risk of genocide in Gaza and the continuing serious harm to civilians since then”**. The UN experts said that **“State officials involved in arms exports may be individually criminally liable for aiding and abetting any war crimes, crimes against humanity or acts of genocide”**. They added that **“all States under the principle of universal jurisdiction, and the International Criminal Court, may be able to investigate and prosecute such crimes.”**<sup>170</sup>

289- From the Egyptian side of the Rafah border crossing between Egypt and the Gaza Strip, **International Criminal Court (ICC) Prosecutor, Karim Khan, stated on October 29, 2023**, that **“the court has active investigations ongoing in relation to crimes allegedly committed in Israel on October 7, and also in relation to Gaza and the West Bank in our jurisdiction”**. He added that **“the court is independently looking at the situation in Palestine, we are looking at events in Israel and the allegations that Palestinian nationals have also committed crimes”**. He also added that **“the ICC will work professionally to separate allegation from fact and examine all relevant evidence”** and emphasized that **there should not be any impediment to humanitarian relief supplies going to children, to women and men, civilians. They are innocent, they have rights under international humanitarian law”**.<sup>171</sup>

290- While International Criminal Court (ICC) Prosecutor, Karim Khan, hasn't unveiled any new actions regarding the Palestine investigation since former ICC Prosecutor Fatou Bensouda formally launched it on March 3, 2021, Khan's remarks are **"noteworthy,"** particularly **concerning the crime of starving civilians as a form of war crime** under the Rome Statute. The report extensively outlines how the deliberate use of starvation as a weapon against civilians was a central strategy during the aggression, aimed at compelling Gaza residents into forced migration.

291- In a video released on **the International Criminal Court's account on X Platform on October 29, 2023**, ICC Prosecutor Karim Khan stressed the importance of ensuring that persons living in fear and terror are afforded equal protection rights under international law.

<sup>169</sup> Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, on March 25, 2024. UN Document number (A/HCR/55/73).

<sup>170</sup> OHCHR official website: <https://tinyurl.com/3y6jntpe>

<sup>171</sup> Published on the UN website: <https://news.un.org/ar/story/2023/10/1125447>

Khan affirmed that his office is committed to protecting these rights wherever possible and within its jurisdiction in the ongoing aggression on Gaza.<sup>172</sup>

292- The International Criminal Court (ICC) Prosecutor Karim Khan **has not addressed the reasons for his office's inability to enter Gaza with an investigation team to conduct inquiries, collect evidence, hear testimonies from victims and witnesses, and examine crime scenes**, as mandated by the Rome Statute and other relevant documents guiding the ICC's Office of the Prosecutor. There have been no statements or updates provided by the ICC's Office of the Prosecutor or Karim Khan regarding the ongoing investigation into the situation in Palestine, initiated by the previous prosecutor, Fatou Bensouda, **since March 3, 2021**. Despite numerous reports from Commissions of Inquiry and Fact-Finding Missions, including the Independent International Commission of Inquiry since 2021, and statements from UN special rapporteurs like Francesca Albanese on the Occupied Palestinian Territories, as well as various UN bodies and international organizations, all of which confirm credible and substantial evidence of serious violations committed by Israeli occupation authorities in Gaza.

293- In an open letter addressed to the Assembly of State Parties to the International Criminal Court (ICC) on December 6, 2023, signed by numerous international law experts, professors, and representatives of international organizations worldwide (**comprising 269 experts and professors in international law**), concerns were raised regarding the engagement with the situation in Palestine by ICC Prosecutor Karim Khan. The letter highlighted perceived concerns about **adherence to impartiality and non-discrimination** in Prosecutor Khan's actions. Specifically, it pointed out that while Prosecutor Khan heard testimonies from Israeli families whom he met both in The Hague and in Israel during the aggression on the Gaza Strip, he neglected the Palestinian victims in Gaza. This negligence was perceived as a clear violation of standards of non-discrimination and impartiality.<sup>173</sup>

294- The conduct of Prosecutor Khan, along with the stagnant progress in the Palestinian situation **compared to the Ukrainian's before the Office of the Prosecutor of the International Criminal Court**,<sup>174</sup> raises concerns. The failure to enter Gaza or provide reasons for the Prosecutor and the investigation team's inability to conduct on-site investigations, hear from victims and witnesses, and examine crime scenes, contrasts sharply with the approach taken in the Ukrainian case, where the investigation team made multiple visits during the investigation process. These disparities suggest a bias and a lack of professionalism in the Prosecutor's conduct, violating Article 42(5) of the Rome Statute, which mandates professionalism and independence in the Prosecutor's role.

295- **Richard Falk**, former UN Special Rapporteur on the situation of human rights in the Palestinian territories and chairman of the board of trustees of Euro-Mediterranean Human Rights Monitor, has underscored **“the Israeli aggression on the Gaza Strip since October 7, 2023, adopted a genocidal approach with a clear intent of ethnic cleansing”**. Falk criticized Western countries for their complicity in “enabling these genocidal acts to persist in Gaza”. He

<sup>172</sup> Video posted on ICC account on X platform: <https://twitter.com/IntlCrimCourt/status/1718661091155161172>

<sup>173</sup> Open letter to the Assembly of State Parties regarding the ICC Office of the Prosecutor's engagement with the Situation in Palestine <https://tinyurl.com/mvkc4epz>

<sup>174</sup> The International Criminal Court's prosecutor's office has issued **"four arrest warrants" against leaders and officials in Russia, including Russian President Vladimir Putin**, who has a warrant issued against him **for war crimes**. The arrest warrant against President Putin was issued **just one year after the investigation into the Ukrainian situation began, which started less than a month after the armed international conflict between Russia and Ukraine**. The International Criminal Court subsequently issued two arrest warrants against two Russian officers for war crimes and crimes against humanity during the conflict between Russia and Ukraine.

highlighted Israel's use of “disproportionate, indiscriminate, and sadistic violence against Gaza's civilian population, aimed at rendering the territory uninhabitable and forcibly displacing its residents”. Folk emphasized that "supporters of Israel have actively contributed by providing frontline weaponry and ammunition, supplying crucial intelligence, and affirming the readiness of ground forces to engage, if necessary, along with offering diplomatic support in the United Nations and other forums throughout this crisis."<sup>175</sup>

296- In conclusion, there is a dire need for **collective, organized, and persistent action across multiple paths** to hold Israeli colonial occupation leaders and officials accountable for international crimes committed in the Gaza Strip and across the Palestinian territories. This includes not only criminal accountability but also, and no less importantly, civil compensation and protecting of civilians - especially vulnerable groups (children, women, and people with disabilities) – in light of the grave breaches in the framework of the international humanitarian law, international human rights law, and international criminal law. Such grave breaches are committed, particularly in Gaza, occurring within widespread and systematic attacks on civilians and civilian objects, and constituting many forms of international crimes. Humanitarian aid, including all the needs and requirements of persons with disabilities, must pass freely and without restriction into the Gaza Strip. Forcibly displaced persons must return to their places of origin. Effective remedies for victims must be provided. The blockade (collective punishment) imposed on the Gaza Strip for 18 years must be lifted, and the area rebuilt. This will be outlined in the report’s recommendations.

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<sup>175</sup> Published on the Euro-Mediterranean website: <https://tinyurl.com/2v2b37h9>

## 6. RECOMMENDATIONS

297- There is an urgent need to work towards convening an extraordinary session of the United Nations General Assembly under its Resolution 377 titled "**Uniting for Peace**" to adopt a binding resolution regarding the aggression on Gaza in light of the Security Council's failure - multiple times - to act as required to maintain international security and peace during the ongoing aggression of the Gaza Strip. The resolution by the General Assembly should state: the immediate ceasefire and end to the aggression on Gaza, condemnation of international crimes committed by the Israeli settler-colonial authorities during the aggression of Gaza and in the Occupied Palestinian territory, return of forcibly displaced people to their homes, entry of all relief humanitarian aids without any restrictions or conditions in accordance to international law, end the sieges and collective punishment on Gaza, and commencing reconstruction of the Strip. In addition, the Resolution should necessarily include **specific mechanisms**, clear responsibilities, and a timeline to ensure enforcement, impose sanctions, and compensate victims.

298- The **Palestinian government must urgently declare the entire the Gaza Strip as a "famine zone"**, relying on the reports, assessments, and statistics provided by relevant UN agencies and independent international organizations regarding famine indicators and food insecurity. Add to that the warnings issued by the World Food Programme (WFP) on April 24, 2024, regarding the surpass of famine threshold in Gaza within six weeks. The Palestinian Government must also form an independent and professional committee to continuously monitor and assess the situation in Gaza as a national priority. **This declaration carries significant importance**, signaling the Palestinian government's steadfast commitment to addressing famine indicators in the strip. It provides strong momentum for accelerating and intensifying efforts by specialized UN agencies (such as WFP, UNICEF, WHO, and UNHCR) and international organizations, as well as governments, to mitigate the risk of famine in Gaza. Moreover, it strengthens and intensifies the efforts to ensure the passage of relief aid without delay.

299- There is an urgent need for unified and concerted action to **monitor and document the grave breaches and international crimes** committed during the ongoing aggression on Gaza and Palestinian territories in general, extensively, and systematically targeting civilians and civilian objects. Such grave breaches of international law disproportionately affect the most vulnerable groups, such as **persons with disabilities**, due to the exacerbated suffering, discrimination, and denial of rights in armed conflicts. This poses a serious threat to life and physical safety, necessitating all necessary measures for protection under international law. It is worth noting that there is a difference between data collection efforts as done locally and documenting according to the standards of the United Nations and the International Criminal Court. It is worth noting that the **documentation** of grave breaches and international crimes should follow the standards of the UN and the ICC, and local efforts in this regard should follow such standards.

300- It is imperative to enforce **UN Security Council Resolution 2475 (2019)** to address the serious impact of armed conflict (the aggression on Gaza) on persons with disabilities of all types. The resolution explicitly affirms the obligation of states to protect civilians, especially persons with disabilities, in armed conflicts from violence and abuse involving killing and maiming, abduction and torture, as well as rape and other forms of sexual violence. It recognizes the need for timely data information on, analysis of, the impact of armed conflicts on persons with disabilities, and calls upon to allow and facilitate safe, time and unimpeded humanitarian access to all people in of assistance. Furthermore, it emphasizes accountability

through ending impunity for criminal acts against civilians, including those with disabilities, and to ensure their access to justice, effective remedies, reparations, and reconstruction. Finally, the resolution urges to enable meaningful participation and representation of persons with disabilities, including their representative organizations in humanitarian actions and reconstruction. All these provisions are outlined in the binding resolution issued by the Security Council, and action should be promptly taken to ensure its implementation without delay.

301- It is crucial to activate the important mechanisms outlined in **United Nations Security Council Resolution 2475 (2019)** by requesting the UN Secretary-General to provide regular briefings to the Security Council to enforce all provisions of this binding resolution. This includes engaging the UN High Commissioner for Human Rights, international treaty bodies, and UN special rapporteurs, to focus on civilians, especially persons with various disabilities, victims of the aggression on Gaza. Civil society organizations representing persons with disabilities should also be invited to provide briefings to the Security Council on the extent of compliance with the resolution in Gaza. Furthermore, a Security Council-authorized mission should be established as a subsidiary body of the council to conduct field missions in Gaza in accordance with the mechanisms outlined in the resolution.

302- There is an urgent need for collective, unified, and persistent action, utilizing the full mechanisms of the United Nations and diplomatic means to ensure the full, sustainable, unconditional, and unrestricted entry of humanitarian and relief aid into Gaza, prioritizing the provisions for persons with all types of disabilities. This report, grounded in verified documentation and evidence, highlights a severe shortage of essential items such as **“prosthetics, wheelchairs, crutches, hearing aids, medical mattresses, nutritional supplements, disability-related medications, medical devices, clothing, sanitary pads, and medical consumables”**. This scarcity arises from their prevented delivery via aid trucks into Gaza amidst the ongoing aggression in the Strip. Despite representing grave breaches of international law and resulting in severe health deterioration for massive numbers of persons with disabilities, these critical needs are being inadequately addressed by United Nations bodies, international organizations, and governments. Consequently, mortality rates are on the rise as access remains obstructed.

303- It is imperative to notice and address the **"selective"** media promotion that portrays the entry of life-saving humanitarian and relief aid to civilians in the besieged Gaza Strip as contingent upon the approval of the occupying authorities, given their role as the occupying power responsible under international humanitarian law for Gaza. The primary responsibility indeed rests with the occupying power in accordance with the Geneva Conventions, particularly the Fourth Geneva Convention, and it must abide by its obligations under international humanitarian law. However, all state parties to the Fourth Geneva Convention also have clear obligations **"to ensure respect for this Convention,"** as affirmed in the **Common Article 1** of the Fourth Geneva Convention. They also bear obligations under Article 23 of the Convention to ensure the freedom of passage of relief aid for civilians in another contracting party, even if the contracting party is considered an adversary. The failure of any contracting party to the Fourth Geneva Convention to ensure the free passage of life-saving aid **renders them complicit in committing grave breaches of international humanitarian law and war crimes under the Rome Statute, including the starvation of civilian populations.**

04- It is imperative to undertake concerted efforts at both official and unofficial Palestinian levels, in collaboration with international partners, to exert pressure on the Office of the Prosecutor of **the International Criminal Court (ICC)** to initiate investigations into the Palestinian situation. This urgency arises from evidence and indications highlighting the

Prosecutor's perceived reluctance, lack of professionalism, and independence, as exhibited by Karim Khan, in contravention of the provisions of the Rome Statute. These efforts should encompass mobilizing all embassies, diplomatic missions, and Palestinian communities abroad, as well as launching a well-coordinated and extensive international campaign by civil society and partners targeting all ICC member states. The aim is to expose and denounce the double standards in the Prosecutor's performance and to sustain pressure towards ensuring accountability for the fully-fledged international crimes committed in Gaza.

305- It is imperative to engage in diligent and persistent efforts at the official Palestinian level, as well as within Palestinian civil society organizations and coalitions, in collaboration with partners, to submit "**specialized, consecutive, and intensified**" communications containing factual records and legal analysis to the Office of the Prosecutor of the International Criminal Court (ICC). This entails prioritizing referrals of international crimes committed in the Gaza Strip within a comprehensive plan, particularly focusing on cases that are mature in terms of the reliability, strength, and completeness of evidence both factually and legally. One such case pertains to the **crime of starvation of civilians**, alluded to by the Prosecutor of the ICC, Karim Khan, on October 29, 2023, near the Rafah crossing from the Egyptian side. The deliberate use of starvation as a weapon against civilians has been a prominent tactic since the beginning of the aggression, aimed at coercing the population of Gaza into forcible transfer. Additionally, the case of **mass graves** scattered across the Gaza Strip, including within hospitals such as Al-Shifa Hospital and Nasser Hospital, **the targeting of the World Central Kitchen and United Nations premises** in the context of willful killings, and **the forcible transfer** affecting most of Gaza's population, all warrant attention. The approach should mirror the strategies employed by the Office of the Prosecutor of the ICC in the Ukrainian situation, aligning with advocacy campaigns aimed at exerting pressure on the ICC Prosecutor's Office.

306- There is an urgent need to enhance and intensify both official and unofficial Palestinian efforts, in collaboration with partners, within a comprehensive plan and operational mechanisms, defining roles and responsibilities, to support **South Africa's endeavors in the case against Israel before the International Court of Justice, charging it with genocide**. This includes providing South Africa's legal team with reliable evidence of Israel's commission of genocide during the aggression against the Gaza Strip. Furthermore, it is essential to encourage state parties to the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 to bring suits before the International Court of Justice against countries that have contributed to, participated in, incited, or engaged in any form of criminal complicity outlined in Article 3 of the Convention in relation to the aggression on the Gaza Strip, including supplying Israel with weapons, ammunition, intelligence and surveillance information, or financial support to sustain the aggression. Such suits are supported by available credible evidence, particularly those of the United Nations bodies and independent international organizations, as referenced in the report, to reinforce accountability and avenues for effective remedies for the victims.

307- Efforts aimed at ensuring accountability and preventing impunity should not be confined solely to the realm of criminal justice. It is crucial to dedicate efforts and focus, of no lesser importance, to **civil liability and reparations** for grave breaches of international law during the aggression on Gaza and in the occupied Palestinian territories overall. This should be based on the principles of customary international humanitarian law, particularly Rule 150, which mandates states responsible for violations to make full reparation for the loss or injury caused, holding the occupying authorities and third-party contracting parties accountable under the Fourth Geneva Convention. Moreover, it should draw upon states' obligations under fundamental human rights treaties such as the International Covenants, the Convention on the

Rights of Persons with Disabilities, the Convention on the Rights of the Child, and the CEDAW Convention, as well as decisions of international courts, General Assembly resolutions, and Security Council resolutions concerning international civil liability and reparations, including Security Council Resolution 2475 (2019) and international principles such as the Guiding Principles on Internal Displacement.

308- There is a pressing need for organized collective action **on multiple avenues to prosecute the leaders and officials of the Israeli colonial occupation** for the fully-fledged international crimes committed during the aggression on the Gaza Strip and in the occupied Palestinian territory. This includes earnest efforts to establish **a special international tribunal** by a Security Council resolution - despite the anticipated veto and double standards – while underscoring the importance of placing pressure to end the aggression, and repeatedly highlighting the imperative of accountability, non-impunity, and effective remedies. Additionally, the avenue of **universal jurisdiction** should be pursued by filing legal cases in collaboration with partners against the international crimes committed by leaders and officials of the colonial occupation before the numerous countries exercising universal jurisdiction. Moreover, concerted efforts should be made to enact specific legislation on universal jurisdiction in the Palestinian situation within Arab and Islamic countries to broaden the scope of accountability and effective remedies.

309- It is imperative for Palestinian human rights organizations and coalitions, including disability organizations, to engage in effective cooperation and coordination with the "**United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel.**" This commission, established by the UN Human Rights Council in 2021 through resolution (A/HRC/RES/30/1), is an independent and permanent international body mandated to investigate violations of international humanitarian law and international human rights law in the occupied Palestinian territory and Israel. This international commission is active and provides credible, independent, and highly significant reports to the Human Rights Council and the General Assembly, documenting international crimes and violations of international law, and promoting avenues for accountability, non-impunity, and effective remedies for victims. Activating and enhancing mechanisms of communication with this international commission and providing it with documentation and evidence of grave breaches and international crimes - committed during the aggression on the Gaza Strip and in the occupied Palestinian territory - contributes to the inclusion of such documentation in the Commission's credible reports and supports its avenues of accountability and justice for the victims.

310- It is imperative for the Palestinian government to promptly declare **a plan to confront the ongoing aggression in the Gaza Strip**, outlining areas of governmental intervention, allocated financial budgets, roles and responsibilities, implementation mechanisms, and tools, ensuring - as a priority - the protection of the most vulnerable groups in Gaza, such as children, women, and persons with disabilities. Furthermore, civil society organizations, especially organizations of persons with disabilities, **must enhance and intensify their programs and activities in the Gaza Strip**, focusing on protection, empowerment, psycho-social support, rehabilitation, in addition to contributing to addressing the immense gaps in meeting the needs of persons with disabilities and the most vulnerable groups who face compounded suffering from the aggression on the Gaza Strip.

311- It is crucial to undertake **substantial and serious reforms in the deteriorating Palestinian political system**; due to the concentration of power and decision-making, the absence of public authorities, the erosion of constitutional principles and values ( the rule of



law, segregation of authorities, and judicial independence), the prolonged absence of general elections and peaceful democratic transition of power, the deterioration of human rights conditions, widespread corruption, and absence of accountability and justice. Undertaking such reforms and organizing, and unifying the internal Palestinian house, enhances the resilience of Palestinians on their land, as well as their determination and will to confront colonial occupation, serious violations, and international crimes.

312- There is a crucial need for unified Palestinian action **to organize an international conference aimed at ending the colonial occupation** in the Palestinian territories. This conference should include, among other matters, lifting the blockade and collective sanctions on the Gaza Strip, which according to United Nations reports, has become uninhabitable. Additionally, there should be a professional, independent, and effective plan and mechanism for **reconstruction**, as emphasized by United Nations bodies, free from politicization that hindered previous reconstruction efforts adopted in the context of previous military attacks on the Gaza Strip.



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