



**The Reality of the Rights of Palestinian Children with Disabilities Under Israeli
Colonial Occupation: Patterns of Violations, Accountability Pathways, and
Remedies**

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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, effective remedies, and the protection of the rights of persons with disabilities. (www.qader.org)

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1. Executive Summary

This paper addresses the situation of the rights of Palestinian children, with a particular focus on children with disabilities, under the Israeli colonial occupation, the ongoing military aggression on the besieged Gaza Strip, and the increasing violations in the West Bank and occupied East Jerusalem. It examines **patterns of grave violations**, classified as **international crimes**, targeting Palestinian children. The analysis is grounded in the latest statistical indicators, reports, and positions from the United Nations, its agencies, independent experts, international and local organizations, as well as findings from monitoring, documentation, and fieldwork conducted by QADER for Community Development, particularly in Gaza since 7 October 2023. The paper provides a **detailed analysis of these violations from a disability and inclusion perspective**, referencing international humanitarian law, international human rights law, and international criminal law, specifically the Rome Statute of the International Criminal Court. It also considers the **2024 advisory opinion of the International Court of Justice (ICJ)** on the illegality of the Israeli occupation of Palestinian territory and the related historic resolution adopted by **the United Nations General Assembly in 2024**. Additionally, the paper explores the obligations and responsibilities arising from these legal instruments for the occupying power, Member States, and the United Nations. It highlights relevant resolutions adopted the **Security Council** during the aggression, applicable international standards, and the **United Nations' early recovery plans for Gaza**, with a particular focus on their implications for Palestinian children.

This detailed and comprehensive paper has been specifically prepared for the international conference in Jordan on "**The Role of the International Community and Civil Society Organizations in Promoting, Respecting, and Supporting the Rights of Palestinian Children**." It reflects QADER's efforts in protecting and promoting the rights of children with disabilities in Palestine, grounded in an inclusive approach, and addressing the catastrophic impacts of the recent aggression on the disability sector. The paper **aligns with the themes and topics on the conference agenda**, adding a **unique value** through its in-depth analysis of the violations and international crimes targeting Palestinian children, considering international law and disability rights. It aims to advance pathways for advocacy, accountability, and effective remedies for Palestinian children. Additionally, the paper seeks to **complement the contributions** of United Nations experts, official bodies, non-governmental organizations, and high-level regional actors participating in the conference. The importance of this paper lies in its specific actionable recommendations, which we believe are significant as a key document for the conference.

Each key section in the table of contents of this paper includes a concise and focused summary of its content. The paper explores patterns of grave violations against children and children with disabilities in Gaza, the West Bank, and occupied East Jerusalem, encompassing Willful killing and intentional harm of children, starvation, forcible transfer, persecution, apartheid, arbitrary detention (both in prisons and

homes), as well as torture and ill-treatment. The violations are identified as systematic and widespread, reflecting the policies of the unlawful Israeli occupation in targeting Palestinian children. The analysis is underpinned by credible evidence, field findings, and corroborated data, enabling a legal assessment aligned with clearly defined international crimes and their established elements.

The paper underscores the obligations of the colonial occupation, State Parties, and the United Nations and its bodies and agencies, towards Palestinian children, while addressing the associated challenges. It highlights the persistence of impunity, the prevalence of double standards, and the need for effective remedies. Particular attention is given to the critical implications of targeting UNRWA, including the potential collapse of humanitarian operations in Gaza, the West Bank, and refugee areas, with severe consequences for children and refugee-related issues. Additionally, the paper reviews the United Nations' Early Recovery Plan for Gaza, the latest developments, and key observations on its alignment with international law and its relevance to the protection and rights of children.

The paper concludes with key practical recommendations, including the establishment of a broad international coalition (*The International Coalition to End the Occupation and Realize Palestinian Self-Determination*) to put a roadmap for the full implementation of the 2024 ICJ advisory opinion and the corresponding UN General Assembly resolution, unifying efforts to protect the rights and future of Palestinian children. It calls for bridging gaps with the United Nations that have widened since the onset of the ongoing aggression, strengthening mechanisms for monitoring, documentation, and accountability, and enhancing joint efforts and sustainable interventions in the occupied Palestinian territory. These include psychosocial support, rehabilitation, inclusive education and early childhood services, and resilience-building through a disability-inclusive approach. The recommendations further emphasize redirecting the United Nations' Early Recovery Plan for Gaza to ensure the meaningful participation of civil society and the disability sector, alongside ensuring compliance with international law, and the establishment of a follow-up committee for the conference.

2. Context

Palestinian children have endured prolonged hardship under the Israeli occupation, characterized by systemic oppression and a deeply entrenched apartheid regime in the occupied Palestinian territory, resulting in widespread violations of their fundamental rights and well-being. The situation has reached alarming levels with the recent large-scale and unprecedented aggression, marked by the direct targeting of thousands of children through killings, displacement, injuries leading to disabilities, making them orphans. Numerous numbers of children remain trapped under the rubble of destroyed buildings in Gaza. United Nations facilities, which previously served as shelters for civilians, including children, have themselves come under attack, leaving no safe spaces. The United Nations has described Gaza as one of the most dangerous places in the world for children, underscoring the urgent need for international protection and accountability.

While the world watches in silence the crimes and massacres committed by the Israeli occupation, targeting thousands of children and women in the Gaza Strip, a parallel horror unfolds for Palestinian children in the West Bank and occupied Jerusalem. An unprecedented surge in violations by the occupation forces and armed settler militias has been documented. The killing of children with live ammunition in the West Bank and Jerusalem has escalated sharply, with the number of victims rising by 250% in the year of aggression (2023) compared to the previous year. The oppression and apartheid against the indigenous Palestinian people have intensified, fragmenting towns and villages in the West Bank with iron gates and turning them into isolated "ghettos", similar to the large ghetto in Gaza. Occupied Jerusalem has been increasingly militarized and besieged, while arbitrary detention, torture, and ill-treatment of children in occupation prisons have reached unprecedented levels, including for acts as simple as expressing solidarity with the victims of the ongoing genocide in Gaza, now lasting over 400 days. These violations severely impact the rights of Palestinian children as a whole, with devastating effects on their mental and social well-being and their development.

Palestinian children with disabilities, who already face marginalization and deprivation due to discrimination based on disability and lack of accessibility and accommodations, bear **compounded suffering** as a result of the aggression on Gaza. They are directly targeted and killed, while their essential needs remain unmet, with their assistive devices being destroyed, health centers rendered inoperable, and critical medications, treatments, and nutritional supplements **have been absent** from the already scarce aid since the onset of the aggression. Children with disabilities face immense challenges in mobility due to the destruction of infrastructure, roads, and streets. Displacement shelters, often unsafe, fail to accommodate their specific needs, further exacerbating their precarious conditions. The humanitarian and health situation of these children has deteriorated severely, with disabilities worsening and the number of victims continuously rising amidst the absence of adequate and inclusive emergency response. Moreover, challenges in understanding and classifying disabilities during the documentation of violations hinder an accurate assessment of their scale. It is likely that **no child in Gaza has been spared**, if the standards set by the Convention on the Rights of Persons with Disabilities were applied.

There is an **undeniable** shortfall in the protection and promotion of the rights of persons with disabilities, particularly for children with disabilities, at the level of the United Nations, its agencies, the Special Rapporteur on Disability, and other relevant stakeholders. This shortfall existed both before and after the aggression, despite disability being the most prominent characteristic of the victims—children, women, men, and the elderly. This critical issue remains largely unrecognized and unaddressed even a year after the onset of the genocide.

3. Patterns of Violations Against Children and Persons with Disabilities

This section of the paper will examine the key patterns of egregious violations that have targeted Palestinian children, particularly those with disabilities, since the initiation of the systematic and

unprecedented large-scale aggression launched by the Israeli colonial occupation on October 7, 2023. This aggression involves international crimes defined under international criminal law, especially the Rome Statute of the International Criminal Court (ICC), including the deliberate killing and injury of Palestinian children, as well as crimes of starvation and forced displacement. The first crime has been a central element of the aggression, designed to facilitate the broader objective of the second, along with crimes of persecution and apartheid, which have specifically impacted children in the occupied Palestinian territories, including children with disabilities. This section also addresses the crimes of arbitrary detention, in both prison and home settings, that have particularly affected children, especially in occupied Jerusalem, as well as the crimes of torture and ill-treatment targeting Palestinian children. The purpose of this review is not to catalog all international crimes committed by the occupying forces against Palestinian children, which encompass a wide range of violations under international criminal law, but to focus on these systematic criminal patterns.

3.1 The Crime of Willful Killing and Harm

The ongoing aggression against the Gaza Strip, which has persisted for over a year, is **the deadliest aggression** for the civilian population, particularly for children, women, and persons with disabilities, and has caused the most extensive damage to civilian objects **since World War II**, relative to the area and population of Gaza, according to UN indicators and data¹. Concurrently, the Gaza Strip, with an area of just (360) square kilometers and a population of approximately (2.3) million, the majority of whom are Palestinian refugees from the (**Nakba**), has been subjected to an enduring and severe blockade and a policy of systematic collective punishment for nearly (**18**) **years**. The occupying authorities also exert control over the "**caloric intake**" entering the Gaza Strip.

According to data and figures released by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in November 2024, the number of Palestinian casualties in the Gaza Strip and the West Bank has surpassed (43,000), with over (100,000) individuals reported as injured since October 7². In a statement issued on September 4, 2024, following its review of Israel's compliance with the Convention on the Rights of the Child (CRC), the UN Committee on the Rights of the Child confirmed that Israeli military

¹ Dr. Issam Abdeen, "**The Impact of Israeli Aggression on the Gaza Strip on the Rights of Persons with Disabilities: Monitoring Violations, Legal Analysis, Avenues for Accountability and Effective Remedies**", QADER for Community Development, April 2024, published on the organization's website at the following link: <https://www.qader.org/resources/6086.html>

² United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in the Occupied Palestinian Territory, published at the following link: <https://www.ochaopt.org/>

forces have killed approximately **(17,000) children** during the ongoing military aggression³. Furthermore, a call to action issued by UN Women on April 16, 2024, reported that, six months into the aggression in Gaza, Israel **had killed over (10,000) women, including approximately (6,000) mothers, leaving (19,000) children orphaned**. More than one million women and girls in Gaza are facing severe deprivation, with limited or no access to food, safe water, or healthcare, amid a widespread health crisis and catastrophic living conditions⁴.

According to the Ministry of Health statistics, **children constitute (33%) of the total number of martyrs**, while women account for (18.4%) and the elderly represent (8.6%). The number of Palestinian casualties continues to rise daily due to the ongoing international crimes and **genocide** that have persisted for over a year, **particularly in the northern Gaza Strip**, where killings, blockades, and the starvation of civilians are exacerbated. UNICEF, in its statement dated November 3, 2024, reported that **more than 50 Palestinian children were killed in Jabalia within 48 hours**⁵, amid a policy of impunity and a culture of double standards, with genocide continuing in Gaza.

The staggering death toll does not account for the **thousands of victims still trapped under rubble** due to ongoing bombings and fire belts, with children being the most targeted civilian group. Many others have not reached hospitals, as most are out of service, preventing proper documentation. Additionally, numerous individuals have been forcibly disappeared in Israeli detention centers, with their whereabouts unknown. UN Special Rapporteur **Francesca Albanese** has warned that **if the Israeli offensive continues, it may lead to the near-total destruction of Gaza's population within the next two years**. This highlights the unprecedented nature of the international crimes being committed.

There is a significant issue in understanding disability (**the difficulty**) and its types under the Convention on the Rights of Persons with Disabilities (CRPD), leading to **inaccurate statistics** regarding victims with disabilities, including children and adults, particularly in Gaza amidst the ongoing aggression. Disabilities resulting from the conflict encompass not only physical disabilities but also sensory disabilities (such as vision or hearing loss), intellectual disabilities, and psychological. Therefore, the **"huge" numbers of**

³ The final statement issued by **the United Nations Committee on the Rights of the Child (CRC)** on September 4, 2024, regarding Israel's discussion of its combined fifth and sixth periodic reports on the Convention on the Rights of the Child, published at the following link: <https://www.ohchr.org/en/news/2024/09/examen-disrael-au-crc-la-situation-des-minorites-non-juives-notamment-celle-des>

⁴ UN Women, at the following link: <https://www.unwomen.org/en/news-stories/press-release/2024/04/six-months-into-the-war-on-gaza-over-10000-women-have-been-killed>

⁵ A statement by UNICEF Executive Director, Catherine Russell: <https://www.unicef.org/press-releases/statement-unicef-executive-director-catherine-russell-deadly-weekend-attacks-north>

victims with disabilities cannot be compared to other civilian groups such as women, children, and the elderly without disabilities.

The statements that most closely reflect the indicators of victims based on the CRPD's disability concept are found in the UN experts' statement issued on October 25, 2024, titled "**A Tragedy Within a Tragedy**." This statement details the devastating conditions faced by Palestinians with disabilities—**children, women, the elderly, and men**—in Gaza, one year into ongoing conflict and international crimes, including genocide. It reports that **around (100,000) Palestinians will experience long-term disabilities** requiring rehabilitation, assistive devices, and psychosocial support. The effects extend beyond physical injuries, causing severe emotional trauma and broader social impacts, with women disproportionately burdened by caregiving responsibilities⁶. QADER highlights the likelihood that every child in Gaza will experience some type of disability, as defined by Article 1 of the CRPD, and this will affect tens of thousands of women, men, and the elderly. Disability, therefore, represents one of the most significant manifestations of ongoing aggression, especially given the closure of hospitals and the failure to deliver essential disability-related aid.

International crimes targeting **Palestinian children in the occupied West Bank and East Jerusalem** have escalated unprecedentedly since October 7, 2023. In a clear statement, UNICEF's Regional Director for the Middle East and North Africa, Adele Khodr, highlighted that "As the world watches on in horror at the situation in the Gaza Strip, children in the West Bank are experiencing a nightmare of their own. Living with a near-constant feeling of fear and grief is, sadly, all too common for the children affected. Many children report that fear has become a part of their daily life, with many scared even walking to school or playing outside due to the threat of shootings and other conflict-related violence." She added, "Children living in the West Bank, including East Jerusalem, have been experiencing **grinding violence** for many years, yet the intensity of that violence has dramatically increased since the horrific attacks of 7 October."⁷

UNICEF confirmed that 2023 (the year of escalation) was **the deadliest year for children in the West Bank and East Jerusalem**. According to a statement issued by UNICEF in July 2024, child casualties in the West Bank and East Jerusalem increased by **(250%)** in the nine months following October 7, compared to the preceding nine months, during which (41) children were killed. **The total number of child fatalities**

⁶ A statement issued by UN experts: "**A Tragedy within a Tragedy**", at the following link: <https://www.ohchr.org/en/press-releases/2024/10/tragedy-within-tragedy-un-experts-alarmed-harrowing-conditions-palestinians>

⁷ A Statement, by UNICEF's Regional Director, at the following link: <https://www.unicef.org/press-releases/number-children-killed-west-bank-including-east-jerusalem-reaches-unprecedented>

reached (143), with over (576) children injured, more than (440) of whom were shot with live ammunition. This underscores the lethal force directed at children in the West Bank and East Jerusalem⁸.

Data from the Jerusalem Governorate highlighted unprecedented patterns of violations against Palestinian children and civilian objects in Jerusalem since the start of the Israeli military aggression in Gaza, along with widespread and systematic attacks in occupied Jerusalem. According to the report issued on February 18, 2024, Israeli forces killed **(49) Palestinians in Jerusalem, half of whom were children under the age of (17), and injured (156) with live and rubber bullets.** Additionally, (88) demolitions were conducted, (990) arrests made, and (118) prison sentences issued. Moreover, (80) house arrests, targeting primarily children **under the age of 14**, and (36) deportation orders from Jerusalem were imposed since October 7, 2023. The report further noted that approximately (13,120) settlers have entered the mosque compound since the start of the hostilities on October 7, 2023⁹.

UN Secretary-General António Guterres included Israeli military and security forces in the annex of his latest 2024 annual report on children and armed conflict, often referred to as the "**list of shame**". The report accused these forces of committing grave violations against Palestinian children, including those from Jerusalem, involving killing, maiming, and other severe breaches of international law. The UN Secretary-General's report on "Children and Armed Conflict" detailed that the killing and maiming of children increased by 35%, with the number of children killed or maimed reaching unprecedented levels due to the devastating crises in Israel and the occupied Palestinian territories, especially in Gaza. The report highlighted that children have borne the brunt of rising violations and escalating crises, with a complete disregard for children's rights, particularly their right to life¹⁰. It is important to note that the "list of shame," which accompanies the annual report issued by the Secretary-General, includes states, armies, or groups that are among the most egregious violators of children's rights in armed conflicts globally. This particularly covers the killing or maiming of children, sexual violence, abductions, or recruitment of children into the armed forces. The report and the annex are presented to the UN Security Council and widely circulated, as mandated by the UN General Assembly.

⁸ A press release by UNICEF: "**Child casualties in the West Bank skyrocket in the past nine months**", July 22, 2024, at the following link: <https://www.unicef.org/sop/press-releases/child-casualties-west-bank-skyrocket-past-nine-months-unicef>

⁹ The Jerusalem governorate report, published on 18/2/2024 on al-Jazeera News Network: <https://tinyurl.com/yrb6t6bh>

¹⁰ The UN Secretary-General's Report: "**Children and Armed Conflict**", including the "**List of shame**", at the link: [n2409507.pdf \(un.org\)](https://www.un.org/n2409507.pdf)

3.2 Crimes of Starvation and Forcible Displacement

The policy of **starvation** has been a central weapon employed by the occupying colonial power since the onset of aggression against the besieged Gaza Strip, aimed at achieving its primary objective of **forcibly displacing** the population. A year into the escalation, the occupying forces have intensified this policy, **particularly in northern Gaza, with devastating impacts in Jabalia Camp**. Access to life-saving humanitarian assistance remains severely restricted, while hospitals and displacement sites in the north are being targeted. These actions provide further evidence of ongoing grave breaches of international law, including genocide, starvation as a method of warfare, and forced displacement. **Children, especially those with disabilities**, along with women and older persons, **bear the brunt** of these violations, facing **compounded suffering** amid the continuation of international crimes in the Gaza Strip.

The United Nations' "Integrated Food Security Phase Classification (IPC)" report, issued on December 21, 2023, stated that **"Gaza faces the threat of famine, with all its residents experiencing hunger."** The international report highlighted that approximately 2.2 million people in Gaza are **"facing crisis-level or worse acute food insecurity."**¹¹ A subsequent IPC report, issued on March 18, 2024, indicated that **acute malnutrition among children under five** is accelerating at unprecedented rates toward famine conditions. It also noted a surge in non-injury-related mortality rates, the definitive indicator of famine. According to the report, **half of Gaza's population (1.1 million people)** had entirely depleted their food supplies, exhausted their coping mechanisms, and were experiencing catastrophic hunger. This represents the largest number of individuals ever recorded as facing such conditions within the IPC framework¹². Following the release of the March report, UN Secretary-General António Guterres described the findings as "a harrowing indictment of the conditions faced by Gaza's civilian population." He stressed that leading global food security experts had unequivocally documented that famine in northern Gaza was imminent¹³. This grim forecast materialized following the occupation army's incursion into the Philadelphi Route and its seizure of the Rafah border crossing with Egypt on **May 7, 2024**, leading to its **complete closure**. This resulted in a severe decline in the already limited humanitarian aid entering Gaza, with aid failing to reach northern areas altogether. **The famine worsened**, especially after northern Gaza was effectively severed from Gaza City, coupled with intensified assaults and a total siege on Jabalia Camp. These actions further deepened the starvation crisis for the population in northern Gaza.

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) stated in a report dated May 30, 2024, that the volume of food and humanitarian assistance entering the Gaza Strip has decreased **by two-thirds** since the onset of Israel's military operation in Rafah, southern Gaza. The report noted that

¹¹ Published at the UN link: <https://news.un.org/ar/story/2023/12/1127147>

¹² Published at the UN link: <https://news.un.org/ar/story/2024/03/1129331>

¹³ Published at the UN link: <https://news.un.org/ar/story/2024/03/1129331>

"the already insufficient levels of food and other humanitarian aid entering Gaza, which were unable to meet the escalating needs, have been further reduced since May 7, 2024." OCHA highlighted that, since May 7, 2024, an average of (58) aid trucks per day had entered Gaza, compared to a pre-May 7 daily average of (176) trucks, marking a **67% decline**. This figure excludes private-sector goods and fuel. The United Nations had previously underscored, in multiple statements **prior to the escalation**, that a minimum of (500) trucks carrying humanitarian assistance and commercial goods **are required daily** to meet the needs of Gaza's population¹⁴. This severe reduction has had compounded effects on vulnerable groups, including children, women, and persons with disabilities.

Human Rights Watch stated that the starvation imposed by Israel is killing children, with children in Gaza now dying from complications related to starvation since the Israeli government began using **starvation as a weapon of war—a war crime**. The organization further reported that doctors and families in Gaza have testified that children, along with pregnant and breastfeeding mothers, are suffering from severe malnutrition and dehydration, with hospitals ill-equipped to treat them. Omar Shakir, the organization's director, emphasized: "**The Israeli government's use of starvation as a weapon of war has proven deadly for children in Gaza. Israel needs to end this war crime, stop this suffering, and allow humanitarian aid to reach all of Gaza unhindered.**"¹⁵.

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) has reported that an estimated **(1.9) million** people in Gaza have been subjected to forcible displacement since October 7, according to UN estimates¹⁶. UN agencies and international organizations have highlighted the immense suffering experienced during **repeated displacement** under airstrikes and military operations conducted by the Israeli army, which targets the civilian population in Gaza. These operations have also resulted in repeated bombardments of displacement sites, including schools, hospitals, and UN facilities, underscoring the fact that no place in Gaza is safe. **QADER field team operating in Gaza** has documented severe violations and systematic crimes targeting persons with disabilities, particularly children with disabilities, during the repeated displacement operations. The UN Humanitarian Coordinator for the Occupied Palestinian Territory stated, "**When evacuation routes are bombed, and people in the north and south find themselves trapped in hostilities, when the essentials for survival are unavailable, and no**

¹⁴ The statement from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) is published on Al Jazeera Media Network at the following link: <https://tinyurl.com/nhanuwe6>

¹⁵ Human Rights Watch: <https://www.hrw.org/news/2024/04/09/gaza-israels-imposed-starvation-deadly-children>

¹⁶ The United Nations Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territory website can be accessed at the following link: <https://www.ochaopt.org/>

guarantees of return exist, people are left with impossible choices. There is no safe place in Gaza¹⁷."

The repeated displacements have caused immense suffering for persons with disabilities, especially **children with disabilities**, with the absence of a supportive environment due to the widespread destruction of infrastructure and public services, and the lack of accessibility measures, which are fundamental to the rights of persons with disabilities.

QADER for Community Development has documented numerous grave violations and international crimes targeting persons with disabilities, particularly children with disabilities, in a detailed report and fieldwork conducted over six months since the onset of the aggression on Gaza. Among the documented cases are dozens related to crimes of starvation, forcible displacement, and other international crimes. Efforts continue despite the major challenges faced by QADER's field team in Gaza, as the aggression and its intensity persist in the besieged territory. Here, we present a written statement from a family in Gaza and refer to QADER's report for further details on the testimonies documented from the Gaza Strip¹⁸.

A testimony by (Sh.M.), resident of Beit Haboun, Northern Gaza Strip

10 Family members of whom 3 are child girls with disabilities

"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 airstrikes, resulting

¹⁷ United Nations: There is no safe place in Gaza, published on the United Nations website: <https://news.un.org/ar/story/2023/10/1125342>

¹⁸ Dr. Issam Abdeen, **The impact of the Israeli Aggression on the Gaza Strip on The Rights of Persons with Disabilities-Monitoring Violations, Legal analysis, Avenues for Accountability and Effective Remedies**. QADER for Community Development, April 2024. Published at QADER Website, at the link: <https://www.qader.org/resources/6086.html>

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."¹⁹

Since the onset of the aggression on the Gaza Strip, the Israeli occupation has been implementing a **systematic policy** aimed at forcibly displacing the population, particularly in northern Gaza. This policy involves the deliberate destruction of essential infrastructure, including the targeting of livelihoods, starving civilians, and dismantling the health sector, with most hospitals and healthcare facilities rendered non-operational. It also includes the repeated and systematic targeting of displacement sites, such as schools. The Israeli military has been engaged in the looting of civilian homes, seizing money, jewelry, and electronics, as documented by the Euro-Mediterranean Human Rights Monitor²⁰. Furthermore, it is undermining public order and security in various forms, including permitting theft of humanitarian aid convoys entering from the southern part of Gaza, in direct violation of its obligations under international humanitarian law as the occupying power to protect the civilian population and maintain public order²¹. **This policy has severe and compounded impacts on children with disabilities**, as the absence of necessary accommodations, facilitations, and inclusive infrastructure continues to exacerbate their vulnerability and suffering.

In its comprehensive report on the impact of Israeli military aggression on the rights of persons with disabilities in Gaza, published in April 2024, the QADER issued a "call to action" through its recommendations, grounded in field documentation and corroborated evidence. The report underscores a

¹⁹ The written statement is included among several documented testimonies of violations affecting persons with disabilities in QADER's report on the impact of Israeli aggression on the rights of persons with disabilities in the Gaza Strip, as previously referenced. It is also featured in QADER's report submitted to the Committee on the Rights of the Child at the United Nations concerning Israel's fifth and sixth combined periodic reports and its record in the occupied Palestinian territory under the Convention on the Rights of the Child (CRC), dated August 15, 2024. The report is published on the United Nations website at the following link: <https://tinyurl.com/yfayanvf>

²⁰ The Euro-Med Human Rights Monitor, **Amid ongoing genocide in Gaza, systematic Israeli theft occurring in Palestinian civilian homes**, at the link: <https://euromedmonitor.org/en/article/6067/Amid-ongoing-genocide-in-Gaza,-systematic-Israeli-theft-occurring-in-Palestinian-civilian-homes>

²¹ The United Nations, **The collapse of the system in Gaza represents a significant barrier to humanitarian efforts**, at the link: <https://news.un.org/ar/story/2024/06/1131966>

significant and widespread shortage in the essential needs of persons with disabilities, including children with disabilities, due to the ongoing, large-scale, and systematic impacts of the military offensive on Gaza, compounded by a severe reduction in life-saving humanitarian assistance. The limited aid that does enter Gaza fails to adequately address the specific needs of persons and children with disabilities. The risks extend beyond **the quantity** of aid to include **the type** of assistance and its adequacy in addressing the life-saving needs of individuals with disabilities. QADER emphasized **the critical shortfall in "prosthetics, wheelchairs, crutches, hearing aids, medical mattresses, nutritional supplements, disability-related medications, medical equipment, clothing, sanitary products, and medical consumables."** QADER highlighted that **these life-saving needs for children with disabilities have not received the necessary attention from UN agencies, international organizations, or states**, despite the fact that the failure to address them constitutes a severe violation of international law. This neglect has led to a dramatic deterioration in the health conditions of a large number of persons with disabilities, particularly children, resulting in an increase in preventable deaths as these critical needs remain obstructed.

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 place in the world to be a child."** He underscored that **"day after day, that brutal reality is reinforced."** UN Women has issued a series of alerts regarding gender-based concerns in Gaza, characterizing the ongoing conflict as a **"war against women."** In a statement issued on October 25, 2024, UN experts warned that the situation in Gaza represents a **"tragedy within a tragedy,"** emphasizing the dire conditions faced by persons with disabilities, including **children, women, the elderly, and men**. The UN Special Rapporteur on the right to adequate housing, Balakrishnan Rajagopal, described the scale and severity of the destruction in Gaza as surpassing that of Aleppo, Mariupol, and even Dresden and Rotterdam during World War II. UN Deputy Secretary-General, Amina Mohammed, stated that **"the world has lost its moral compass" regarding Gaza**, while UN Under-Secretary-General for Humanitarian Affairs, Martin Griffiths, called **the war in Gaza "a betrayal of humanity."**²² These statements reflect a profound global failure to address the ongoing international crimes in Gaza, exacerbated by a culture of impunity and the widening application of double standards. They underscore the urgent need for concerted efforts to ensure accountability, deliver justice for victims, and address the compounded, devastating impact on vulnerable groups, particularly children with disabilities.

3.3. Crimes of Persecution and Apartheid

The report issued by ESCWA on March 15, 2017, titled **"Israeli Practices Towards the Palestinian People and the Question of Apartheid"**, prepared by international experts Richard Falk and Virginia Tilley,

²² The statements issued by UN officials regarding the **"global failure"** to address the situation in Gaza are published in the 2024 report of QADER, a previous reference

concluded that Israel has established a system of apartheid targeting the Palestinian people as a whole. This system operates through two primary mechanisms: **first**, the political and geographic fragmentation of the Palestinian population to undermine their capacity to resist and alter the status quo; **second**, the subjugation of Palestinians through a range of laws, policies, and practices designed to establish and perpetuate the dominance of one racial group over another. The ESCWA report underscored the imperative to dismantle the apartheid regime in the occupied Palestinian territory, identifying it as a “**crime against humanity**” under international criminal law²³.

The Israeli occupation perpetrates **the crime of persecution**—defined as the intentional and severe deprivation of fundamental rights in violation of international law—and **the crime of apartheid**, characterized by **systematic oppression** with the intent to sustain this regime. **Both crimes are recognized as crimes against humanity** under international criminal law, including the Rome Statute of the International Criminal Court. These violations manifest in various forms targeting the Palestinian people in the occupied Palestinian territory, encompassing the full spectrum of human rights—civil, political, economic, social, and cultural—and affecting both children with disabilities and those without. The policies of persecution and the apartheid system are evident across multiple and interlinked areas, including policies, laws, and practices that disproportionately impact Palestinian children. Examples include the identity system, family fragmentation, the Annexation and Separation Wall, illegal settlements, land confiscation, access to education and healthcare, labor rights, freedom of movement, and broader aspects of daily life. The apartheid regime is particularly pronounced in areas such as **the Old City of occupied East Jerusalem and Hebron**, where its impact is “**most deeply entrenched**.”

Immediately following the occupation, Israel established an identity card system in the occupied Palestinian territory, designed to fragment the Palestinian population and disrupt the cohesion of the Palestinian people. This system included issuing “**Jerusalem ID cards**” to residents of East Jerusalem while issuing “personal ID cards” to residents of the West Bank and separate “ID cards” for residents of the Gaza Strip. Israel conducted a population census in 1967 immediately after gaining control of the occupied Palestinian territory, excluding at least (270,000) Palestinians who were outside the territory at the time. These individuals were denied identity documents, effectively rendering hundreds of thousands of Palestinians stateless²⁴. This system is not applied to Israelis (**Jews**) but exclusively **targets Palestinians and their children**, revealing the true nature of **the policy of persecution and the apartheid regime**.

²³ See also the forms of apartheid detailed in the reports by Amnesty International, “**Israel’s Apartheid Against Palestinians: A Cruel System of Domination and Crime Against Humanity**” (2022), and Human Rights Watch, “**A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution**” (2021).

²⁴ Human Rights Watch, “**Forget About Him, He’s Not Here**”: Israel’s Control of Palestinian Residency in the West Bank and Gaza,” February 5, 2012.

The Israeli colonial occupation (with persecution and apartheid as its colonial legacy) treats Palestinian Jerusalemites and their children as "**residents**" of Jerusalem under the status of "**permanent residency**." In practice, however, this status is conditional and effectively **temporary, subject to revocation** based on criteria, restrictions, and discretionary decisions made by the Israeli Ministry of Interior. It is estimated that at least **(14,595) Palestinians** lost their residency status between 1967 and 2016²⁵. This policy has resulted in the denial of residency rights for a significant number of Palestinian children in Jerusalem, leading to **family separation** and serious violations of the best interests of the child, including the separation of children from their families. The policy inflicts **substantial psychological, social, and economic harm** on Palestinian Jerusalemites and their children, aiming to **forcibly displace** them and alter the demographic composition of Jerusalem by reducing the Palestinian population. The impact is particularly severe for children with disabilities, who face compounded barriers due to restricted access to essential services. The stated objective of this persecution and apartheid, directed at children and their families, is to establish a demographic ratio of 70% Jewish Israelis to 30% Palestinians²⁶. This goal is pursued, among other methods, through the imposition of "**temporary**" residency status **subject to revocation** at any time.

The identity system, along with the resulting violations of the right to housing, freedom of movement, and the right to live with dignity for **Palestinians and their children**, forces them to live in areas determined by the type of identity card they hold, thereby restricting their residency to those areas. This is accompanied by a policy of "**settlement**" that transforms the occupied West Bank and East Jerusalem into "**ghettos**," similar to the "**large ghetto**" in the Gaza Strip. As a result, the Palestinian (**indigenous**) population lives in fragmented enclaves with iron gates and hundreds of military checkpoints on their own land. These conditions have compounded effects on children, impacting the full spectrum of their human rights, including the right to freedom of movement, education, healthcare, and other basic rights. In contrast, Jewish Israelis and their children live under normal conditions, with separate roads and privileges, resembling the apartheid system previously experienced in South Africa.

The policy of persecution and apartheid is further entrenched through the isolation of Jerusalem (**Jerusalem's separation**) by establishing illegal settlements, which create a **tight "cordon"** around the holy city. This is supported by a "**wall of annexation and racial segregation**" extending over **(700) km**, cutting through the West Bank and completely surrounding occupied Jerusalem. This leads to further fragmentation of the occupied Palestinian territories and exacerbates the suffering of the Palestinian population and their children. The occupied city of Jerusalem becomes increasingly "**isolated**" as most Palestinians holding other forms of identification in the occupied territories are required to obtain special permits to enter Jerusalem. The proliferation of checkpoints, the expansion of the annexation wall, and the

²⁵ Human Rights Watch, "**Israel Strips Jerusalemites of Their Residency**," published on August 8, 2017

²⁶ Maria Farah, "**Occupation of the Old City in Jerusalem: Israeli Policies of Isolation, Intimidation, and Transformation**," published by Al-Haq, 2020

presence of mobile barriers effectively encircle Jerusalem, hindering movement and access. As a result, cities and villages that are geographically close to Jerusalem are, in practical terms, **rendered distant**. This situation is further aggravated by the permanent military presence and intensified patrols in Jerusalem, particularly **in the Old City**, along with ongoing attacks by armed settler militias on Palestinian Jerusalemites, repeated incursions into Al-Aqsa Mosque, and the widespread installation of "biometric" surveillance cameras in Jerusalem's streets and alleys, integrated into intelligence systems. This strategy aims to **isolate, annex, and militarize the entire city**, exposing the most extreme forms of apartheid.

The apartheid system is starkly evident in **the Israelization and of the curricula for Palestinian children** in Jerusalem through **widespread manipulation of educational materials**. The Israeli colonial occupation has carried out extensive alterations to the school curricula for Palestinian children in occupied Jerusalem, with **the Israeli Ministry of Education and the Jerusalem Municipality** altering (54) textbooks. A total of (689) confirmed instances of manipulation were documented, targeting the Palestinian flag, Palestinian national anthems, the Palestinian keffiyeh, and erasing the history of Jerusalem, as well as removing references to the annexation wall (**apartheid wall**) from the prescribed curricula for Palestinian children in occupied Jerusalem. Significant pressure, in various forms, was exerted on school administrations in occupied Jerusalem to comply with these imposed curricula under the threat of sanctions and the denial of the ability to operate²⁷. The objective is to distort the consciousness of Jerusalemite children, erase their national identity, and entrench the apartheid system.

The entrenched apartheid system is starkly evident in the Old City of Hebron, through settlement expansion, assaults by armed settler militias, and the pervasive military checkpoints throughout the Old City. **Three schools for Palestinian children in the Old City of Hebron—Qurtuba School, Al-Faihaa School, and Ibrahimiyyah School**—are surrounded by military checkpoints on all sides. Palestinian schoolchildren, both male and female, are subjected to prolonged body searches and bag checks before reaching their schools, often arriving late due to the cumbersome inspection procedures at the Israeli military checkpoints in the Old City of Hebron. In addition to these delays, Palestinian children, including those with disabilities, are repeatedly subjected to attacks by armed Israeli settler militias present in the Old City of Hebron. **Qurtuba School**²⁸, located on "**Shuhada Street**" in the Old City, faces even more severe

²⁷ Investigative Report by Al-Araby Al-Jadeed - London: The Occupation Distorts the Palestinian Curriculum in Jerusalem, published at the following link: <http://tiny.cc/r8qgzz>

²⁸ A video illustrating the suffering of Palestinian children at "Qurtuba School" on the northern entrance of "Shuhada Street" in the Old City of Hebron, caused by military checkpoints and Israeli settlers, is available here: <https://reuters.screenocean.com/record/560243>. This video confirms that the assaults by the occupying authorities and armed settler militias on Palestinian children in the Old City of Hebron, particularly on Shuhada Street, have been ongoing for years. This is further confirmed by documentation published by the official Palestinian News and Information Agency (WAFA) in 2017, which records "firsthand Palestinian testimonies" of settler attacks on schoolchildren, supported by Israeli

persecution. A **list** of the "teachers and staff of Qurtuba School" is posted at Israeli military checkpoints, preventing the families of Qurtuba students from reaching the school to follow up on their children's education. In this way, the **apartheid** system continues to manifest as part of an institutionalized system of oppression and systematic control over Palestinians and their children in all aspects of life, even within Israeli detention facilities.

3.4 Crimes of Arbitrary Detention

Recent statistical data released by the Palestinian Commission for Detainees and Ex-Detainees Affairs, the Palestinian Prisoners' Club, and Addameer – the Prisoner Support and Human Rights Association, on August 12, 2024, indicates an **unprecedented** increase in the number of Palestinian detainees and prisoners in the West Bank and Jerusalem since the onset of the aggression. The number has **exceeded (10,000) detainees** held in Israeli occupation prisons and detention centers **in the occupied West Bank and Jerusalem alone**, including **at least (700) Palestinian children**, over (345) Palestinian women, and more than (8,322) administrative detention orders since October 7, 2023. Prior to October 7, the number of detainees and prisoners was around (5,000), including (160) children and (30) women²⁹. Furthermore, the Euro-Mediterranean Human Rights Monitor (Geneva) has documented the detention of more than 3,120 individuals in the Gaza Strip alone, including numerous children, women, and others. These indicators confirm that arbitrary detention and the targeting of children constitute a "**systematic**" and widespread practice.

Documentation from Addameer – Prisoner Support and Human Rights Association in August 2023 indicates that there are at least 100 Palestinian **detainees with disabilities**, including children, held in Israeli detention facilities³⁰. However, no precise statistics are available to account for the number of detainees with various disabilities, as defined under Article 1 of the Convention on the Rights of Persons with Disabilities. Taking into account the definition of disability in the Convention, alongside the systematic policies targeting Palestinian detainees over the years, which have escalated since October 7, 2023, in the

soldiers at Israeli military checkpoints, especially those targeting Qurtuba School on Shuhada Street in the Old City of Hebron in the West Bank: <https://english.wafa.ps/Pages/Details/91194> (<https://english.wafa.ps/Pages/Details/91194>

²⁹ The recent indicators released by the Palestinian Commission for Detainees and Ex-Detainees Affairs, the Palestinian Prisoners' Club, Addameer – the Prisoner Support and Human Rights Association, as well as the Wadi Hilweh Information Center – Jerusalem, can be found in the link: [*معطيات عن حملات الاعتقال في الضفة منذ بدء حرب الإبادة المستمرة*](https://cda.gov.ps/*معطيات عن حملات الاعتقال في الضفة منذ بدء حرب الإبادة المستمرة*) (cda.gov.ps)

³⁰ Dr. Issam Abdeen, Report Submitted by the Palestinian Disability Coalition to the Committee on the Rights of Persons with Disabilities at the United Nations Regarding **Israel's Obligations Toward Palestinian Persons with Disabilities Under the Convention on the Rights of Persons with Disabilities**, Published on the United Nations Website, at the following link: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCRPD%2FCSS%2FISR%2F53345&Lang=ar&fbclid=IwY2xjawGZLbNleHRuA2FlbQIxMQABHXAR4hhWnvZG8UsMYMPW76tOmplGfPwb_XG7QfECfmcEgDDIOLthOfPCQQ_aem_pmaY3RxcZnSTSt6rTlmsQ

form of unprecedented suppression, including deliberate acts of medical neglect against Palestinian detainees – including children and children with disabilities, particularly after October 7 – all of which are supported and endorsed by the three branches of the Israeli occupation authorities, the number of detainees with disabilities, including Palestinian children, is **expected to increase**. These children are subjected to the same violations and treatment as adult detainees. It is important to note that the term “**medical neglect**” used to describe the treatment of Palestinian detainees is inaccurate, as the actions of the Israeli occupation authorities are systematic (**state policy**). Therefore, what is occurring is “**deliberate medical abuse**” rather than “**medical neglect**,” as the latter typically refers to unintentional actions.

Statistics confirm that the **arbitrary detention of Palestinian children** by the illegal colonial Israeli occupying authorities in the occupied Palestinian territory has been carried out in a systematic and widespread manner **over the past years**, with an accelerating pace in the West Bank and even more rapid escalation in occupied Jerusalem. According to the data, Israeli authorities detained **(6,768) Palestinian children** between 2015 and 2019, including **(3,388) Palestinian children in Jerusalem alone** during these years leading up to the ongoing aggression against Gaza and the occupied Palestinian territory since October 7, 2023³¹. This means that **the proportion of arbitrary detentions targeting "Jerusalemite children" in Jerusalem was higher than those affecting Palestinian children in all West Bank governorates combined over the five-year period**. The average proportion of arbitrary detentions targeting children in Jerusalem alone during the five years prior to the aggression (2015–2019) **was more than 50% higher** than the total number of detentions targeting children in all West Bank governorates. When distributing the annual average of detentions across the 11 governorates of the West Bank including East Jerusalem, based on the facts and figures, the annual average of arbitrary detentions targeting children **in the 10 West Bank governorates over the five years was (677) children**, while the average number of **detentions in Jerusalem alone during those five years was (678) Jerusalemite children**³².

To illustrate the systematic and widespread nature of arbitrary detention targeting Jerusalemite children in the Jerusalem Governorate, as well as Palestinian children in general, sanctioned by the political level in Israel, particularly since the far-right Israeli government assumed power at the beginning of 2023, **the “Knesset” has enacted over (30) new laws**³³ or amendments to fundamentally discriminatory legislation

³¹ Masarat - The Palestinian Center for Policy Research and Strategic Studies, A Fact Sheet on **Violations by Israeli Occupation Authorities Against Jerusalemite Minor Detainees**, published in August 2020.

³² Dr. Issam Abdeen, **A Specialized Analytical Study on the Reality of the Child Protection Sector in Jerusalem - Root causes of violence, torture, ill-treatment, and Future Aspirations**, Palestinian Vision – Jerusalem, 2024.

³³ Addameer Prisoner Support and Human Rights Association, "New Laws and Amendments in 2023," addresses the laws enacted by Israeli governments, which intensified under the recent administration, based on apartheid policies, <https://www.addameer.org/ar/media/5347>. Additionally, the Global Movement for the Defense of Children and Addameer statement, issued in November 2015, titled **"The Occupation Escalates Policies Violating Children's Rights, Especially in Occupied Jerusalem."**

targeting Palestinian children in Jerusalem and the occupied Palestinian territories. This legislative activity has occurred under the pretext of events before and after October 7th. Notably, on November 25, 2015, the Knesset approved a new bill in its first reading, which stipulates the **“imprisonment of children from the age of (12) if convicted of committing crimes with nationalistic motives”**. Discussions regarding this bill have intensified in the “Knesset” since October 7th, primarily targeting Jerusalemite children, despite existing Israeli legislation prohibiting the imprisonment of children under the age of (14). Additionally, the “Knesset” approved an amendment to the National Insurance Law that allows for the **deprivation of national insurance benefits for Jerusalemite children if they are convicted of crimes characterized as “nationalistic” or “terroristic activities”** during their detention, along with imposing hefty financial penalties on their families. It’s important to note that the **2016 Counter-Terrorism Law** in Israel directly targets Palestinians without any foundational criteria, standards, or guarantees, contravening international law.

The “Knesset” enacted a law permitting the **revocation of citizenship or residency status of Palestinian prisoners and detainees residing in Jerusalem, as well as those from 1948 Palestine, including minors**, if it is established that they have received compensation or any funds from the Palestinian Authority. This legislation was ratified on February 15, 2023, and its provisions came into effect for all prisoners starting February 19, 2023. The “Knesset” also approved a preliminary reading of a draft law that **restricts prisoners' access to medical treatment beyond basic healthcare services**. In response to this legislation, Israeli National Security Minister “Ben Gvir” announced that many medical services, including initial assessments and dental treatment, would be at the expense of Palestinians. Following October 7, there has been a systematic violation of Palestinians' fundamental rights, including the right to health, alongside the closure of several medical clinics within prisons. Furthermore, on February 15, 2023, the “Knesset” ratified a measure allowing for the deportation of families of prisoners or martyrs who are believed to have knowledge of **“terrorist activities”** or who have demonstrated support, encouragement, or sympathy for such acts through social media. There is no distinction between children and adults in the treatment within the Israeli occupation's prisons and detention facilities.

On November 7, 2024, the Israeli “Knesset” passed a **law** granting the Israeli Minister of the Interior the authority to deport relatives of Palestinian resistance fighters from Jerusalem and Palestinians in Israel (48). The law also approved a proposal allowing **the Israeli judiciary** to issue prison sentences against Palestinian children **under the age of 14**, continuing a systematic legislative process that has targeted **Palestinian childhood** for years. Under this law, the Israeli Minister of the Interior can expel relatives of Palestinians who are deemed by Israeli authorities to have committed **“terrorist”** acts for **up to (20) years**³⁴, as part of a policy of collective punishment, which is prohibited under the Fourth Geneva

³⁴ Al Jazeera Network, Knesset approves law allowing the deportation of families of Palestinians in Israel, available at the link: <https://tinyurl.com/y89yptpb>

Convention and customary international humanitarian law. Such actions constitute international crimes under international criminal law.

The “Knesset” utilizes legislation as a means of systematic persecution (**apartheid**) against the Palestinian people, including Palestinian children held in its prisons. It intentionally employs "**vague and broad**" terminology for criminalization and punishment under the pretext of "**terrorism**"³⁵, allowing for its widespread and systematic application in arbitrary detention practices and the policy of collective punishment, both of which are prohibited under international law. **The roles of the Knesset, government, and judiciary of the occupying power are integrated**, resulting in a comprehensive set of international crimes. In contrast, resistance to colonial occupation is a legitimate right under international law and a fundamental component of the inalienable right of peoples to self-determination.

The Israeli authorities systematically enforce a policy of "**house arrest**" targeting Palestinian children in Jerusalem. This policy, which affects Palestinian children under the age of 14, involves detaining the child within their home among family members, or transferring them to a different residence for the duration of the Israeli court's review of their case, until the completion of legal proceedings and the issuance of a final ruling. **The duration of house arrest, regardless of its length, is not subtracted from the eventual sentence.** Additionally, amendments are being proposed by the Knesset to lower the minimum age for detention of children from 14 to 12 years old.

The practice of house arrest for Palestinian children, particularly in Jerusalem, can last for several days, weeks, or even months, and may extend up to a full year or more. The period spent under house arrest "**is not counted**" towards the final sentence or punishment that may be imposed after the judicial process. A significant role in determining the child's fate and the length of their sentence is played by the "**probation officer**", who submits reports to the Israeli court. These officers often engage in **deceptive practices**, such as asking Palestinian children to sign documents in Hebrew that they do not understand, typically without the presence of their parents, or including statements in the report that strengthen the Israeli judge's decision to convict the child. This process once again highlights the pervasive nature of the "**apartheid**" system in action.

Palestinian children from Jerusalem are subjected to house arrest for extended periods, often equipped with **electronic monitoring devices (electronic bracelets)** linked to a **GPS** to track their movements. It is rare for a child, after months of house arrest, to be granted permission to attend school or visit a medical clinic, and even then, only when accompanied by a guarantor. This situation **turns the child's life, and**

³⁵ Dr. Issam Abdeen, **A Specialized Analytical Study on the Reality of the Child Protection Sector in Jerusalem - Root causes of violence, torture, ill-treatment, and Future Aspirations**, Palestinian Vision — Jerusalem, 2024.

that of their family, into an unbearable ordeal, whether they comply with the house arrest orders or are forced to violate them.

Statistics from the Palestinian Commission of Detainees and Ex-Detainees Affairs indicate that **over (600) Palestinian children from Jerusalem were subjected to house arrest in 2022 alone**. The Commission reports that the procedures for house arrest, as ordered by Israeli courts, vary by case and generally follow two paths. **The first** involves the child remaining at home with their family for the duration specified in the court's decision, pending a ruling on their case. In many instances, families are forced to sell assets and savings to deposit large sums into the Israeli court's account to secure their children's release. **The second**, which is more complex and difficult, involves a court order removing the child from their family home, often relocating them outside of Jerusalem. This results in **family separation** and imposes additional financial burdens on parents, who must rent a home far from their own to comply with the house arrest conditions, leading to numerous social issues³⁶. In such cases, the families of Palestinian children in Jerusalem essentially become both "**prisoners and jailers**," enduring unbearable conditions under house arrest with their children.

The Palestinian Commission of Detainees and Ex-Detainees Affairs has confirmed that many parents in the Jerusalem Governorate now prefer their children to remain in actual detention until their sentence is completed, rather than endure **the hardships of house arrest**. This preference is driven by several reasons, primarily the severe social, financial, and psychological impacts that house arrest inflicts on Palestinian children and their families. Additionally, the duration of house arrest is not counted toward the actual sentence that will be imposed on the children later.

3.5 Crimes of Torture and Ill-Treatment

The Israeli Knesset enacted the "**Amendment to the Prison Service Orders Law**"³⁷ on October 18, 2023. This amended law aims to empower the far-right Israeli Minister of National Security, "Itamar Ben Gvir", to declare a state of emergency concerning detention practices. This amended law, fundamentally based on a discriminatory framework, **legitimizes** the repression and mistreatment of Palestinians and the violation of their dignity, including children, within the Israeli occupation's detention facilities. The law permits the detention of Palestinian prisoners without providing adequate sleeping arrangements and allows for the overcrowding of large numbers of detainees in small holding cells, **including children**. These conditions

³⁶ Report by the Palestinian Commission of Detainees and Ex-Detainees Affairs titled "**House Arrest: A Dagger in the Flank of Jerusalemites**," published in December 2022 and available on the Commission's website at the following link: <https://cda.gov.ps/index.php/ar/ar-news-2/11764-2023-01-03-07-48-12>.

³⁷ The Amendment to the Prison Service Orders Law (**Law No. 64 – Temporary Instructions – Iron Swords**) (**State of Emergency Concerning Detention**) 2023.

create severe overcrowding that fails to meet minimum standards of humane treatment as established in international human rights law. Furthermore, the Israeli "Knesset" approved amendments to the "**Counter-Terrorism Law of 2016**"³⁸ in October 2023, which is inherently discriminatory. Under these amendments, penalties for alleged incitement and support for a "**hostile organization**" have been intensified, imposing a prison sentence of two years, stipulating that the **actual** incarceration period in such cases must be no less than half of that duration.

This explains the wave of arrests targeting Palestinians, **including children, who are subjected to either imprisonment or house arrest**, depending on the circumstances, for posts, images, or expressions of solidarity with Gaza on social media³⁹.

Palestinian prisoner organizations have confirmed that **the most significant violations targeting Palestinian children in Israeli detention facilities**, which have escalated since October 7, 2023, include the deliberate invasion of their homes by occupation forces during the terrifying hours of the night and early morning. Families of the children and their legal representatives are prohibited from attending interrogations, and the children face deprivation of food and water. They are often kept shackled for prolonged periods, subjected to beatings and kicking all over their bodies during interrogations, and are verbally abused, insulted, and degraded. They are threatened with extrajudicial execution and sexual violence, forced to sign statements "in Hebrew" without understanding the content of what they are signing, and are coerced with the claim that Israeli intelligence and police will release them if they accept the accusations against them. Additionally, they are threatened with the arrest of their families if they refuse to confess, aiming to compel them to confess out of fear for their families. The children are placed in inhumane detention conditions lacking adequate lighting and ventilation, overcrowded in holding areas, and deprived of showers and hygiene supplies, leading to the spread of diseases, particularly scabies, among them, as with adults. They also face denial of visits and are subjected to exorbitant fines, among other violations, which leave long-lasting psychological effects on the children⁴⁰.

³⁸ Order Regarding the Intensification of Penalties for Incitement Offenses and Support for a Hostile Organization (**Iron Swords**) (**Temporary Instructions**) (**Judea and Samaria**) (**No. 2153**) for the Year 2023. This order regarding the intensification of penalties for incitement offenses and support for a hostile organization was issued on October 27, 2023.

³⁹ The Cyber Monitoring Unit in Israel is part of the Ministry of Justice, and there is a more dangerous and widespread unit (**Unit 8200**) that operates under the Israeli Military Intelligence Division. This unit is responsible for electronic espionage, decryption, and electronic warfare and is located at the "**Galiyah**" military base in Israel.

⁴⁰ Addameer Prisoner Support and Human Rights Association: "**Child Detention: A Systematic Destruction of Palestinian Childhood**," April 2020. Al Jazeera News Network Report: "**Conditions of Jerusalemite Prisoners after October 7**," available at <https://tinyurl.com/yhnczr4>. A paper issued by prisoner organizations regarding "**The Totality of Crimes and Violations Committed by the Israeli Occupation Against Prisoners and Detainees after October 7**," published on the

The case of **Jerusalemite prisoner Ahmad Manasra, who spent his childhood and beyond inside Israeli prisons**, is a prominent example of the systematic destruction of Jerusalemite childhood within detention facilities. The deliberate crime committed by the occupation in showing images of child Manasra undergoing psychological torture during interrogation **has left a deep impact on the minds of children**, particularly those in occupied Jerusalem. Ahmad Manasra, a Palestinian child from Beit Hanina, north of occupied Jerusalem, was born on January 22, 2002, and was arrested by Israeli forces on October 12, 2015, when he was not yet 13 years old. During the interrogation phase following his arrest in October 2015, the child Manasra was subjected to psychological and physical torture and isolation. The occupation authorities deliberately leaked a **"video"** showing an interrogation session in which the Israeli investigator publicly perpetrated the **"crime of psychological torture"** against the child Ahmad Manasra in order to extract confessions from him through coercion. The leak of this video **does not appear to be a random act**, and the psychological warfare waged by the investigator against the child Manasra in public cannot be considered an improvised action. **It constitutes organized criminality intended to be displayed openly as a psychological war against Jerusalemite and Palestinian children and their families**, delivering an unequivocal message that this is the fate of Palestinian children within our prisons⁴¹.

Investigative reports by the Israeli newspaper "Haaretz" and data from the Israeli military confirm the detention of approximately (1,500) residents of Gaza at the "Sde Teiman" military camp under an executive order issued by former Israeli Defense Minister Yoav Gallant. According to these reports, **(48) Palestinians, mostly from Gaza, have died as a result of torture and ill-treatment in Israeli camps and prisons since the onset of hostilities. Among these, 36 individuals were killed in "Sde Teiman" alone**, located northeast of Beersheba inside Israel. Palestinians refer to this facility as **"Israel's Guantanamo"** or **"The Nightmare"** due to the brutal violations reportedly occurring within. A report issued by UNRWA on April 16, 2024, based on testimonies from numerous released Palestinian detainees, **including children and UNRWA staff members**, details systematic torture and abuse in Israeli detention centers and camps. These abuses included severe physical beatings, deprivation of food and water, denial of hygiene facilities and family visits, sexual violence, threats of rape, forced nudity with photographs taken, electric shocks,

website of the Addameer Prisoner Support and Human Rights Association, available at <https://www.addameer.org/ar/media/5246>.

⁴¹ For more details, see: Dr. Issam Abdeen, **"Specialized Analytical Study on the Situation of the Palestinian Childhood Sector in Jerusalem Governorate"**, previously cited reference, 2024.

confinement in cages, dog attacks, waterboarding, and physical assault by prison doctors during medical consultations. The report also confirmed incidents of deaths occurring within detention facilities⁴².

UN expert bodies have documented "**verified allegations**" of **sexual violence, including rape, perpetrated against Palestinian women and girls** within Israeli detention facilities. Evidence confirms at least two cases of rape, alongside incidents of sexual humiliation and threats of rape. The UN Special Rapporteur on Violence Against Women has highlighted that the true extent of sexual violence may be significantly greater, with the systemic **dehumanization of women and children becoming a disturbing norm in the context of this war**⁴³". The Euro-Mediterranean Human Rights Monitor, based in Geneva, has documented testimonies from Palestinian women detainees in the Gaza Strip who reported being subjected to sexual violence, including forced nudity, sexual harassment, and threats of rape during their detention by Israeli military forces. Accounts from released detainees revealed systematic practices of torture, ill-treatment, and sexual violence, with dozens of women and girls confirming they had experienced such abuses. The United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, reported incidents of sexual violence perpetrated in the West Bank, particularly in detention facilities, at military checkpoints, and during nighttime raids by Israeli forces on Palestinian homes in the West Bank and occupied East Jerusalem⁴⁴.

4. Legal Analysis of Crimes under International Law

This paper, under the given title, analyzes the gravest breaches (**international crimes**) targeting **Palestinian children** by the illegal and colonial Israeli occupation in the occupied Palestinian territory. The violations covered in this paper include crimes such as willful killing and intentional harm, starvation and forcible displacement, persecution and apartheid, arbitrary detention (both in detention facilities and at home), as well as torture and ill-treatment. These violations are examined based on **international humanitarian law**, which governs armed conflicts and situations of military occupation, especially the

⁴² Dr. Issam Abdeen's report for "QADER for Community Development", submitted to the United Nations Committee on the Rights of the Child on August 15, 2024, was prepared ahead of the comprehensive review scheduled by the Committee regarding Israel's record under the Convention on the Rights of the Child. The report is published on the United Nations website and can be accessed via the following link: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCRC%2FNGO%2FISR%2F59405&Lang=en

⁴³ UN Committee: Credible Allegations of Israeli Sexual Assaults on Palestinians: <https://tinyurl.com/fwefuk69>

⁴⁴ Dr. Issam Abdeen, Parallel Report Submitted to the United Nations Committee on the Rights of the Child (CRC) in Response to Israel's Fifth and Sixth Periodic Reports on Its Record under the Convention on the Rights of the Child (**Palestinian Children**), previously cited, published on the United Nations website at the following link: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCRC%2FNGO%2FISR%2F59405&Lang=en. And the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory report, International Document No. A/HRC/50/51.

Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949) and its First Additional Protocol (1977), which protects victims of international armed conflicts and applies to the Israeli occupation as an international armed conflict. The paper also draws on **international human rights law**, particularly the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Guiding Principles on Internal Displacement (1998), which serve as the global framework established by the United Nations to protect internally displaced persons (IDPs), with a specific focus on Palestinian children and persons with disabilities. Furthermore, the paper references **international criminal law**, particularly the Rome Statute of **the International Criminal Court (ICC)**, and international jurisprudence, especially from **the International Court of Justice (ICJ)** in its capacity as the principal judicial body of the United Nations. The ICJ holds jurisdiction over **cases involving genocide** under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. Additionally, we will address the ICJ's advisory opinion and the United Nations General Assembly resolution (2024) regarding the illegality of the occupation, discussed under subsequent headings.

4.1 International Humanitarian Law

The primary grave violations committed against **Palestinian children**—both children with disabilities and without disabilities—in the occupied Palestinian territory, as highlighted in this paper, include willful killing, intentional infliction of serious injury, starvation as a method of warfare, forced displacement, persecution and apartheid, arbitrary detention (including both incarceration and house arrest), torture, and ill-treatment. These violations have been systematically carried out and constitute state policy, as evidenced by data and reports from United Nations bodies, specialized agencies, and independent human rights organizations. This conclusion is further corroborated by matching evidence, statements from Israeli political and security officials—especially those escalating since the onset of the aggressions against Gaza and the wider occupied Palestinian territory from 7 October 2023—legislation enacted by the Israeli parliament (the Knesset) that institutionalizes policies targeting Palestinian children, and judicial rulings from the Israeli courts, including (the Supreme Court), that sanction and legitimize these policies and practices. These violations constitute **grave breaches under Article (147) of the Fourth Geneva Convention** relative to the Protection of Civilian Persons in Time of War and amount to “**war crimes**” **under Article 85 of the First Additional Protocol to the Geneva Conventions** relating to the Protection of Victims of International Armed Conflicts. With the evolution of international criminal law, including the Rome Statute of the International Criminal Court, the scope of prohibited acts against civilians and civilian objects has been expanded and further classified. In this context, the documented violations qualify as **war crimes, crimes against humanity, and potentially acts of genocide**.

Article (147) of the Fourth Geneva Convention of 1949 states the following: "Grave breaches to which the preceding [Article](#) relates shall be those involving any of the following acts, if committed against persons or

property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."

The violations, including **wilful killing and infliction of harm, starvation, forced displacement, arbitrary detention, and torture or ill-treatment**, are classified as grave breaches as outlined in Article (147) of the Fourth Geneva Convention and are therefore considered "**war crimes**" under the provisions of Article (85) of the First Additional Protocol to the Geneva Conventions of 1949. Violations such as persecution and apartheid are also categorized as grave breaches under Article (85) of the First Additional Protocol entitled "**Repression of breaches of this Protocol**", which explicitly confirms that acts recognized as grave breaches in the Conventions are also deemed grave breaches under this Protocol. It further identifies additional forms of grave violations, including **persecution and apartheid**, which, like the aforementioned violations, are considered "**war crimes**" under this Protocol. The grave breaches of occupation against Palestinian children, **as addressed in this paper**, are the result of a systematic policy, supported by credible evidence.

4.2. International Human Rights Law

Israel, the occupying power in the occupied Palestinian territories, has acceded to key international human rights treaties, including the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the Convention Against Torture, and the International Convention on the Elimination of All Forms of Racial Discrimination. However, Israel continues to refuse to apply these international human rights treaties in the occupied Palestinian territories. This position is consistently reflected in its reports submitted to the treaty bodies regarding its obligations under these conventions, **including the rights of Palestinian children** under the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, among others. Israel, as the occupying power, argues that international treaties do not apply outside the sovereign territory of the state, despite the fact that it exercises de facto annexation and apartheid, maintaining full and effective control over the occupied Palestinian territories.

All international treaty bodies have **repeatedly** expressed their **deep concern** in their concluding observations following dialogues with Israel regarding this unjustified position, where Israel fails to comply with its obligations under international law in the occupied Palestinian territories. This concern has also been reflected in reports by UN Special Rapporteurs, including the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, the Office of the United Nations High Commissioner for Human Rights, the UN Secretary-General, as well as the Advisory Opinion of the

International Court of Justice on the construction of the wall in the occupied Palestinian territories (2004) and its more recent advisory opinion (2024) regarding the illegality of the occupation of the Palestinian territories, along with other international legal instruments. This stance of colonial occupation continues to unmistakably evoke the characteristics of "**apartheid**."

The serious Israeli violations targeting Palestinian children in the occupied Palestinian territories represent clear and direct breaches of its obligations under numerous provisions of the **Convention on the Rights of the Child (CRC)**, and there is no legal validity under international human rights law for its blatant refusal to implement the Convention. Among the key violations in relation to the patterns of violations highlighted in this paper are: Article (23), concerning the violation of the rights of Palestinian children with disabilities under this Convention; Article (38), addressing the violation of the rights of Palestinian children with disabilities in armed conflict; Article (2), concerning racial discrimination and the systemic persecution targeting Palestinian children, in serious violation of this provision; Articles (3) and (4), regarding policies and legislation based on persecution and apartheid targeting the rights of Palestinian children under the Convention; Article (6), regarding the violation of Palestinian children's right to life through extrajudicial killings and intentional harm; Article (9), concerning the separation of Jerusalemite children from their families and the fragmentation of Jerusalemite families in serious violation of the said provision; Articles 12 and 13, addressing violations of Palestinian children's freedom of expression and arbitrary detention targeting them, particularly with regard to their expression on social media; and Article 37, regarding forms of torture and ill-treatment of Palestinian children in Israeli detention, among other Israeli violations of the provisions of this Convention.

Referring to the provisions of **the Convention on the Rights of Persons with Disabilities (CRPD)**, the violations targeting Palestinian children with disabilities in Gaza, the West Bank, and occupied Jerusalem represent grave breaches of **Article (11)** of the Convention, which obliges the occupying power to take all necessary measures to ensure the protection and safety of **children with disabilities** in situations of armed conflict and military occupation. These violations are evident in cases of extrajudicial killings, intentional harm, starvation, forced displacement, persecution, apartheid, arbitrary detention, torture, ill-treatment, denial of **life-saving** humanitarian assistance for children with disabilities in Gaza, and the lack of reasonable accommodations and accessibility related to the rights of children with disabilities, particularly in Gaza. This reflects a broader violation of the rights outlined in the CRPD, which have been systematically targeted against Palestinian children with disabilities.

Referring to the provisions of **the Convention Against Torture (CAT)**, the absolute prohibition of torture constitutes a peremptory norm of international law, in addition to the explicit prohibition outlined in the Convention. Under no circumstances may any justification, including a state of emergency, armed conflict—such as the systematic and large-scale military aggression by the occupying forces against the

occupied Palestinian territories since October 7, 2023—or political instability, exceptional circumstances, or orders from military officers, senior military commanders, political leaders, or any other authority, be invoked as a justification for torture under the Convention (**Article 2**). These acts are unequivocally prohibited under the absolute prohibition of torture, as defined by customary international law and the provisions of the Convention Against Torture. Israeli occupying authorities have, on several occasions, claimed that a "**Palestinian child**" constitutes a "**ticking time bomb**,"⁴⁵ implying that the child is about to carry out an operation threatening the security of the occupying forces or possessing relevant information. This justification for torture has been "**legitimized**" by the **Israeli Supreme Court**. Such justifications, along with others, are inadmissible under international law (**absolute prohibition**) in all circumstances. However, they clearly reflect a systematic policy (**state policy**) endorsed by all relevant public authorities, and therefore fall within the scope of international crimes.

The unprecedented repressive measures implemented by the Israeli occupation authorities since October 7, 2023, against Palestinian children detained in its prisons, along with the deliberate medical neglect, have resulted in **a rise in disabilities among both child and adult detainees**. The severe deterioration in healthcare for Palestinian children in prisons, the closure of several prison clinics post-October 7, prolonged sleep deprivation during interrogations, denial of food and water, physical and sexual violence, and the lack of reasonable accommodations for detained children with disabilities, all fall under the scope of torture and ill-treatment as defined by the Convention Against Torture (Articles 1, 16). These acts amount to "**international crimes**" as defined under the Rome Statute of the International Criminal Court.

Furthermore, the Israeli colonial occupation has violated international principles, including **the 1998 United Nations Guiding Principles on Internal Displacement (IDPs)**, during the "**recurrent displacement**" operations within the Gaza Strip due to the ongoing military aggression, particularly affecting Palestinian children with and without disabilities. These Guiding Principles, established by the United Nations to protect and uphold the rights of internally displaced persons (IDPs) as a result of armed conflict and other crises, consist of (30) principles that focus on the rights of displaced persons and outline the responsibilities of states and the international community to provide support and protection, ranging from the prevention of displacement to ensuring their safe return.

⁴⁵ In 1999, the Israeli Supreme Court issued a ruling prohibiting Israeli Security Agency (Shabak) investigators from using torture methods during interrogations. However, this judicial ruling allowed investigators to use "**physical interrogation methods**" in high-risk cases, often referred to as the "**ticking time bomb**" scenario. The Israeli Supreme Court justified this exception by invoking a "**necessity**" to protect the lives of others. For further reading, see Dr. Issam Abdeen, *Opposing Torture in International Conventions and the Palestinian Reality*, Al-Haq, 2012. The frequency of torture in prisons has escalated since October 7, 2023.

Based on these international principles, the occupying authorities are obligated, before making any decision to displace individuals, to explore **all possible alternatives** to avoid displacement and take all necessary measures to minimize its occurrence and harmful consequences. They must also ensure the provision of adequate housing for the displaced, with appropriate conditions concerning food security, health, hygiene, and the preservation of family unity (Principle 7). Furthermore, the rights of **children, pregnant women, persons with disabilities, and the elderly** to receive the protection and assistance required by their specific humanitarian needs and vulnerabilities must be upheld (Principle 4). The right of every displaced person to freedom of movement and to choose their place of residence must also be respected (Principle 14). As a minimum standard, regardless of the circumstances and without discrimination, the following essentials must be provided: adequate food, safe drinking water, shelter, appropriate clothing, medical services, and basic healthcare facilities (Principle 18). Moreover, it is imperative to ensure that **all injured, sick, and displaced persons with disabilities receive the medical care they need** to the greatest extent possible, as well as **psychological and social services**, with particular attention to the needs of women (Principle 19). **Humanitarian assistance must be facilitated**, ensuring that humanitarian actors can access internally displaced persons without delays or obstacles (Principle 25). These principles underscore the grave violations targeting children during repeated displacement operations, **particularly children with disabilities**, in the absence of necessary accommodations and access arrangements amid the extensive destruction in the Gaza Strip.

It is important to note that the ongoing aggression, which primarily and systematically targets **Palestinian children**, constitutes a violation of the resolutions issued by the Security Council during the aggression, particularly **Resolution 2712 (2023)**. This resolution reaffirmed that the forcible displacement of civilians, including children, constitutes a violation of international law. It called for ensuring the full, rapid, safe, and unhindered access of United Nations bodies, specialized agencies, humanitarian organizations, the International Committee of the Red Cross, and other neutral humanitarian actors to provide continuous humanitarian assistance across the Gaza Strip and to support urgent rescue and recovery efforts, including for children missing in damaged and destroyed buildings, while preventing the deprivation of the population from life-saving services and assistance. **Resolution 2720 (2023)** emphasized, among other points, the urgent need for the full, rapid, safe, and unhindered delivery of humanitarian aid to all areas of the Gaza Strip. **Resolution 2735 (2024)** reaffirmed the Security Council's call for **the immediate and total cessation of fire in Gaza**, unhindered humanitarian access, and the commencement of reconstruction efforts in the Gaza Strip.

It should also be noted that the continued aggression and international crimes in the Gaza Strip constitute a violation of the judicial order issued by **the International Court of Justice (ICJ)** on January 26, 2024, in the case brought by South Africa against Israel, demanding measures to ensure the application of the Genocide Convention in Gaza. In this case, the Court issued "**three provisional measures**," **the first** of which, included in the reasoning of the ruling, required Israel to take all necessary measures to prevent the commission of acts constituting genocide and to ensure, without delay, that its armed forces refrain from committing any act that would amount to genocide. Additionally, Israel was ordered to take immediate and effective steps to provide essential services and humanitarian aid, to address the severe living conditions faced by Palestinians in Gaza. **The second** provisional measure, issued on March 28, 2024, called on Israel to take all necessary and effective measures, without delay, and in full cooperation with the United Nations, to ensure the unhindered and broad delivery of essential services and humanitarian assistance throughout Gaza. **The third** provisional measure, issued on May 24, 2024, required Israel to immediately cease military operations in Rafah, southern Gaza, open the Rafah crossing, and allow the unhindered and broad flow of humanitarian aid into all areas of Gaza. It further stipulated that the Rafah crossing remain open to facilitate the urgent and widespread provision of essential services and humanitarian aid to the population. It also demanded the implementation of effective measures to ensure the unhindered access of any investigation committees, fact-finding missions, or other investigative bodies authorized by the relevant UN agencies to Gaza, to investigate allegations of genocide. As a result, the ongoing international crimes targeting Palestinian children violate the rulings of both the International Court of Justice and the Security Council.

1.1. International Criminal Law

The international crimes targeting Palestinian children in the Gaza Strip, the West Bank, and East Jerusalem, including crimes of **willful killing, causing serious bodily or mental harm, starvation, forced displacement, arbitrary detention, torture, and ill-treatment**, as outlined in this paper, are substantiated by credible evidence from documentation, indicators, and monitoring by UN bodies, agencies, and independent international and local organizations. This includes field documentation and corroboration of reliable evidence conducted by "QADER" in its human rights activities. These crimes fall under **the categories of war crimes as defined in Article (8) of the Rome Statute of the International Criminal Court (ICC) and are complete under the Elements of Crimes document (ICC-ASP/1/3)** regarding international crimes committed against Palestinian children. Article (8), paragraph (1), of the Rome Statute affirms the Court's jurisdiction over war crimes, "**especially**" when committed as part of a widespread or systematic attack, while paragraph (2) of the same article qualifies such crimes as war crimes for the purposes of the Court's jurisdiction.

The International Criminal Court (ICC) has jurisdiction over these crimes due to their severity under the categories of "**war crimes**" specified in **Article (8)** of the Rome Statute, which apply to the **grave violations**

committed against Palestinian children. The Statute does not require that these violations reflect a general policy or be committed as part of a widespread or systematic attack to establish jurisdiction, as indicated by the phrase "**in particular**" in the text. The gravity of the crimes alone is sufficient to confer jurisdiction. However, the presence of reliable evidence that these violations were committed as part of a policy or widespread attack would **strengthen the Court's jurisdiction** over these international crimes as war crimes. This is why we have emphasized evidence from **statements by Israeli officials**, legislation enacted by **the Israeli Knesset**, and rulings from the **Israeli judiciary (Supreme Court)**, which "**legitimize**" the commission of these crimes, thereby reinforcing the ICC's jurisdiction to address these international crimes under the "**war crimes**" provisions of the Rome Statute.

Given that these international crimes targeting Palestinian children were committed as part of a systematic and widespread Israeli military assault, which escalated since October 7, 2023, with unprecedented severity and destruction of civilians and civilian objects since World War II, according to reliable information from United Nations bodies, its agencies, special procedures (special rapporteurs), and independent human rights organizations, these crimes also constitute "**crimes against humanity**" under Article (7) of the Rome Statute of the International Criminal Court. Therefore, we are confronted with instances of "**multiple crimes**" targeting children under the provisions of the Court's Statute.

Referring to the forms of **crimes against humanity** under Article (7) of the Rome Statute of the International Criminal Court, the crimes of **persecution** and **apartheid** (as defined in the Statute) targeting Palestinian children, as outlined in the patterns of international crimes, constitute crimes against humanity. These are in addition to other international crimes, including willful killing, intentional infliction of serious harm, forcible transfer, arbitrary detention, and torture committed against Palestinian children. This is in accordance with the definitions and elements of the crimes of persecution and apartheid under Article (7) of the Statute, and as set out in **the Elements of Crimes document (ICC-ASP/1/3)**, which demonstrate that these crimes targeting Palestinian children meet the required elements for crimes against humanity.

Article (7) of the Rome Statute of the International Criminal Court (ICC), addressing crimes against humanity, encompasses all forms of crimes committed against Palestinian children discussed in this paper, as well as other manifestations of crimes against humanity. Such crimes fall within the scope of the Statute **when committed** as part of a widespread or systematic attack directed against any civilian population—in **this case, children**—and with knowledge of the attack. Unlike war crimes, which under the ICC Statute do not require the existence of a policy or plan or a widespread or systematic nature as a formal element of the crime, **crimes against humanity inherently require these elements. The material and mental elements of crimes against humanity demand the presence of a large-scale or systematic nature of the attack, typically carried out under a state policy.** This distinction underscores a key difference between war crimes and crimes against humanity under international criminal law. The public statements

of Israeli **officials**, legislative enactments by the **Knesset**, and **judicial decisions** purportedly **legitimizing** such crimes further substantiate credible evidence of the commission of crimes against humanity against Palestinian children. These factors demonstrate the existence of a systematic policy and deliberate targeting of civilians, strengthening the case for ICC jurisdiction over such crimes.

Article (6) of the Rome Statute of the International Criminal Court (ICC) defines **genocide** as follows: "For the purposes of this Statute, 'genocide' means 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". This definition aligns with the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, which serves as the cornerstone of international legal provisions concerning this crime. **The crime of genocide** is regarded as one of the most heinous international crimes (**the "crime of crimes"**) due to, among other factors, the profound **stigma** it attaches to its perpetrators. Each of the five acts listed in the statute constitutes genocide in itself, fulfilling the necessary elements of the crime.

According to the **Elements of Crimes** document of the International Criminal Court (**ICC-ASP/1/3**), the "actus reus" (material element) of genocide involves committing any of the five prohibited acts enumerated under Article 6 of the Rome Statute against Palestinian children. The "mens rea" (mental element) requires both knowledge and intent to commit these acts, alongside the requisite "**specific intent**" to destroy, in whole or in part, a national, ethnic, racial, or religious group "**as such**"—in this case, the **Palestinian population**. The phrase "as such" underscores that the group is targeted specifically due to its identity, distinguishing genocide from other international crimes within the Court's jurisdiction. Evidence of "specific intent" may be inferred from "**the factual circumstances, statements by perpetrators, policies, legislation, judicial rulings,**" and other relevant indicators, as elaborated in this paper's section on patterns of violations.

The UN Special Rapporteur on the situation of human rights in the occupied Palestinian territory, Francesca Albanese, has asserted that the "**threshold for the commission of genocide by Israel has been met,**" following an analysis of Israel's actions and patterns of violence during its military aggression against Gaza. This conclusion has been corroborated by numerous international bodies and organizations, which have provided credible evidence pointing to the perpetration of genocide in the Gaza Strip⁴⁶. Drawing on the

⁴⁶ Euro-Med Human Rights Monitor, **De-Gaza: A Year of Israel's Genocide and the Collapse of World Order**, October 2024.

verified evidence presented in this analysis, there are compelling reasons to conclude that four distinct acts of genocide, as defined in Article (6) of the Rome Statute of the International Criminal Court—namely, (a) killing members of the group, (b) causing serious bodily or mental harm to members of the group, (c) deliberately inflicting conditions of life calculated to bring about the group’s physical destruction in whole or in part, and (d) imposing measures intended to prevent births within the group—have been committed against **Palestinian children in Gaza**. Additionally, at least two of these acts, (a) and (b), appear to have been systematically and widely perpetrated against **Palestinian children in the West Bank and East Jerusalem**. These findings are supported by reliable evidence documenting the large-scale and systematic killing of Palestinian children in these territories, with incidents increasing by over (250%) since October 7. These killings are accompanied by other grave violations of international law, including widespread and systematic acts of torture, cruel or inhumane treatment, arbitrary detention, persecution, and apartheid directed against Palestinian children. This assertion is further reinforced by public statements made by **Israeli officials**, political and military leaders, and legislation **enacted by the Knesset**, as well as **judicial decisions by Israeli courts**. Collectively, these measures and actions serve to legitimize and institutionalize practices that align with the prohibited acts constituting genocide under international law.

2. The Responsibility of States and the United Nations

This section will examine the legal responsibilities of Israel, as the occupying power maintaining an unlawful colonial regime in the occupied Palestinian territory, alongside the obligations of third-party states, as High Contracting Parties to the Geneva Conventions, and the duties of the United Nations and its specialized agencies concerning the protection of Palestinian children in the occupied Palestinian territory. The analysis will be rooted in applicable international law, including the 2024 Advisory Opinion of the International Court of Justice and the 2024 United Nations General Assembly resolution.

5.1 The Responsibility of the Colonial Occupation

Israel, as the occupying power maintaining an unlawful colonial and settler regime in the occupied Palestinian territory, frequently invokes the doctrine of "**self-defense**" to evade its obligations under international humanitarian law, particularly the Fourth Geneva Convention of 1949 concerning the Protection of Civilian Persons in Time of War, as well as its obligations under international human rights law. This invocation is used to justify its systematic and widespread targeting of protected civilian populations, especially **Palestinian children** in Gaza, the West Bank, and occupied Jerusalem, as well as civilian objects. Such actions constitute grave breaches of international law and meet the legal thresholds for **war crimes, crimes against humanity, and the crime of genocide**, as codified under international criminal law. The invocation of self-defense is **repeatedly supported by the United States and certain European states**.

The Israeli colonial occupation cannot invoke the right of "**self-defense**" to justify its systematic and widespread military aggression targeting civilians, particularly children, and civilian objects. This was explicitly confirmed by **the International Court of Justice (ICJ), the principal judicial organ of the United Nations, in its 2004 advisory opinion** concerning the construction of the illegal separation wall by Israel in the occupied Palestinian territories. Specifically, in paragraphs (138) and (139), the Court held that: "**Israel cannot invoke the right of self-defense (Article 51 of the UN Charter) in relation to an armed attack originating from the occupied Palestinian territories, which remain under its effective control**"⁴⁷.

This was further affirmed by the Independent International Commission of Inquiry on the Occupied Palestinian Territory in its 2023 report, specifically in paragraph (11), which states: "**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 operations. In 2004, the International Court of Justice held that Israel is unable to rely on Article 51 in relation to 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***⁴⁸, and notes that Israel is obliged to follow international humanitarian law in all its military operations".⁴⁹ Therefore, the deliberate targeting of civilians and civilian objects, as well as violations of the core principles of international humanitarian law (**military necessity, distinction, proportionality, and precautions in attack to avoid or minimize incidental harm**), cannot be justified by arguments that contravene international law, as invalidated by the Court.

5.2 The Responsibility of Third-Party States

The responsibility of third-party States towards the Palestinian child population stems primarily from the obligations of States under international humanitarian law, particularly in situations of armed conflict and military occupation. This includes, specifically, the Fourth Geneva Convention of 1949 relative to the protection of civilian persons in times of war, and, crucially, **Article 1 common** to the four Geneva

⁴⁷ The legal consequences arising from the construction of a wall in the occupied Palestinian territory, **International Court of Justice**, advisory opinion, 9 July 2004.

⁴⁸ The law of war (**Jus in Bello**) belongs to international humanitarian law (protection of civilians and civilian objects), while the law of justification for war (**Jus ad Bellum**) belongs to public international law (conditions and justifications for the use of force) between states, according to the rules governing international relations in general.

⁴⁹ Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel (A/78/198)

Conventions, which unequivocally stipulates: "**The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.**"

Article 1 common to the Geneva Conventions imposes a "**comprehensive obligation**" on the High Contracting Parties to "**respect**", and to "**ensure respect**" for, the Conventions "**in all circumstances**" and to refrain from engaging in or encouraging any acts in the occupied Palestinian territory that would result in or support violations of the rights of Palestinian children. The obligation to "**ensure respect**" necessitates that States Parties adopt **all necessary measures** to prevent the occupying power from violating its obligations under the Convention. Should States Parties fail to uphold their obligations to "**respect and ensure respect**" they would be "**in breach of**" the provisions of the Convention.

Article (146) of the Fourth Geneva Convention mandates all High Contracting Parties to adopt legislative measures necessary to impose effective criminal penalties on individuals who commit or order the commission of any grave breaches of the Convention. It also requires the Contracting Parties to prosecute those accused of committing such breaches or ordering their commission. Furthermore, Parties are obligated to take the necessary measures to prevent any actions that contravene the provisions of the Convention, whether these involve grave breaches or other violations.

Article (148) of the Fourth Geneva Convention clearly states that "**No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding article.**"⁵⁰ As such, in accordance with this explicit provision, third-party contracting states, such as the United States and European countries, **cannot lawfully disregard or be exempted from their obligation to take appropriate action to ensure compliance with the Convention in relation to Israel's violations and crimes.**

There are several **effective** measures and actions that the High Contracting Parties to the Fourth Geneva Convention can take to fulfill their obligations under Articles **148, 147, 146, and 1** of the Convention. These include political, diplomatic, and economic pressures (**such as economic sanctions**), military measures (**such as the prohibition of the export of arms and ammunition**), and judicial actions (**such as accountability and reparations for victims**). These measures must be pursued in light of the ongoing and escalating patterns of violations and international crimes committed by the colonial occupying power in the occupied Palestinian territory, particularly targeting the Palestinian child population. They must also

⁵⁰ Article (147), referenced in Article 148, pertains to "**grave breaches**" of the provisions of the Convention, previously outlined in the paper, with a specific focus on violations affecting Palestinian children.

ensure compliance with the advisory opinion of the International Court of Justice and the resolution of the General Assembly (2024).

The advisory opinion issued by the International Court of Justice on July 19, 2024, regarding the illegality of Israel's occupation of the Palestinian territory and its legal consequences, does not exempt Israel from its obligations under the Fourth Geneva Convention or the Court's ruling. Rather, it should reinforce a **"rigorous commitment"** to international law under the principle of **"illegality."** This requires stricter and more stringent monitoring of the occupation, eliminating any possibility of justifying Israeli practices through **"military necessity," "security necessity,"** or **"precautionary measures"** as outlined in international humanitarian law. Furthermore, it establishes stronger obligations for Israel to end its prolonged and illegal colonial occupation of the occupied Palestinian territory.

This **"unequivocal commitment"** was further solidified **by the adoption of the United Nations General Assembly resolution on September 18, 2024**, concerning the advisory opinion of the International Court of Justice on the legal consequences arising from Israel's policies and practices in the occupied Palestinian territory, including East Jerusalem, and the illegality of Israel's continued presence in the occupied Palestinian territory. The resolution establishes **mechanisms** and **obligations** for states and the United Nations to ensure its enforcement, along with a timeline (**one year from the date of adoption**) for the complete cessation of the occupation.

5.3. The Responsibility of the United Nations and its Agencies

In light of the critical importance of the 2024 advisory opinion issued by the International Court of Justice (ICJ) concerning the illegality of Israel's occupation of the Occupied Palestinian Territory (OPT) and its subsequent legal implications, as well as the 2024 United Nations General Assembly (UNGA) resolution outlining the obligations of the occupying power, third-party states, and the United Nations, along with a clear timeline for the full cessation of the occupation within one year from the adoption of the resolution, this document will summarize the key elements of both the ICJ opinion and the UNGA resolution. The purpose is to elucidate the responsibilities of the United Nations and all relevant actors. Following this, we will present a **"strategic proposal"** outlining actionable steps to ensure the unified and integrated implementation of the advisory opinion and the UNGA resolution.

In its second advisory opinion issued on July 19, 2024, the International Court of Justice (ICJ) concluded, inter alia, that Israel's settlement policies, extensive land confiscation in the Occupied Palestinian Territory (OPT), exploitation of natural resources, and the unilateral declaration of Jerusalem as its capital are measures aimed at consolidating its control over the OPT. The ICJ affirmed unequivocally that Israel lacks any sovereign claim over the OPT. The Court **reaffirmed the inalienable right of the Palestinian people to self-determination, emphasizing that this right is unconditional and non-derogable.** It further

ruled that Israel is obligated to evacuate all settlers from illegal settlements, dismantle the separation wall constructed within the OPT, and facilitate the return of all Palestinians displaced during the occupation to their original places of residence. The ICJ found that Israel's prolonged occupation constitutes a violation of international law, rendering its presence in the OPT **unlawful**. Accordingly, **Israel is under an obligation to bring its occupation to an immediate end**. The ICJ also established that **Israel is obligated to provide full reparations for its internationally wrongful acts, including restitution, compensation, and satisfaction where appropriate. This obligation extends to the restoration of land, immovable property, and assets unlawfully appropriated since 1967, including cultural heritage and properties**. Furthermore, the Court held that Israel must compensate all natural and legal persons adversely affected by its violations in the OPT.

The International Court of Justice determined that the United Nations, **particularly the General Assembly and the Security Council, must urgently identify specific mechanisms and implement additional measures to bring Israel's unlawful presence in the occupied Palestinian territory to an end without delay**. The Court further emphasized that international organizations, including **the United Nations, are under a legal obligation to refrain from recognizing the legitimacy of the situation arising from Israel's illegal occupation of the Palestinian territory**. Additionally, it underscored that **all states are bound by international law to neither recognize Israel's unlawful presence nor provide any form of aid or assistance that would sustain or perpetuate the occupation**.

On September 18, 2024, the United Nations General Assembly adopted the historic resolution (A/ES-10/L.31/Rev.1*) concerning the **"Advisory Opinion of the International Court of Justice on the Legal Consequences of Israel's Policies and Practices in the Occupied Palestinian Territory, including East Jerusalem, and the Illegality of Israel's Continued Presence in the Occupied Palestinian Territory"**. This resolution affirmed the conclusions of the International Court of Justice's historic advisory opinion, issued on July 19, 2024, which declared Israel's occupation of the Palestinian territory to violate international law and identified the consequent legal obligations and implications. The resolution also set forth **mechanisms, obligations, and responsibilities** for the occupying power, the United Nations, and Member States to ensure its effective implementation. Crucially, the resolution mandated that Israel must bring an end to its unlawful presence across the entirety of the occupied Palestinian territory, including East Jerusalem. It further stipulated that this termination **must be fully achieved within a maximum period of (12) months from the date of the resolution's adoption**.

The General Assembly resolution emphasizes that **all States have a binding obligation** not to recognize the legality of the situation resulting from Israel's unlawful presence in the occupied Palestinian territory, nor to provide any assistance or support that would sustain the status quo arising from this continued presence. Similarly, **international organizations, including the United Nations and regional bodies,**

are obligated to refrain from recognizing the legal validity of the situation created by Israel's unlawful actions in the occupied Palestinian territory. The resolution calls on the United Nations, particularly the General Assembly—which initiated the request for the advisory opinion—and the Security Council, to consider and implement **specific mechanisms and additional measures** necessary to bring Israel's unlawful presence in the occupied Palestinian territory to an end as expeditiously as possible. As highlighted by the International Court of Justice, Israel's violations encompass obligations "**erga omnes**"—universal obligations that concern **all States** and carry legal significance for the international community as a whole. These include the duty to respect the Palestinian people's right to **self-determination**, the prohibition against the acquisition of territory through the use of force, and compliance with international humanitarian and human rights law. The resolution further underscores the critical importance of ensuring accountability for all breaches of international law, **ending impunity**, upholding justice, deterring future violations, and protecting civilians under international law.

The United Nations General Assembly resolution underscores that States must not recognize any alterations to the physical characteristics or demographic composition of the territories occupied by Israel since June 5, 1967, including East Jerusalem, whether in terms of their institutional structure or status. In this context, States are obligated to adhere to a set of responsibilities, particularly regarding their diplomatic, political, legal, military, economic, commercial, and financial relations with Israel. Specifically, States must distinguish between Israel and the Palestinian territories it has occupied since 1967 through various means, including refraining from establishing contractual relationships with Israel in any circumstances where it is claimed that Israel is acting on behalf of the occupied Palestinian territories. States must also abstain from engaging in any economic or commercial transactions with Israel related to the occupied Palestinian territories that could perpetuate Israel's unlawful presence in these territories, including its settlements and the systems associated with them. Additionally, States must refrain from establishing or maintaining diplomatic missions in Israel that would implicitly recognize Israel's unlawful presence in the occupied Palestinian territories, including refraining from establishing diplomatic missions in Jerusalem. As High Contracting Parties to the Fourth Geneva Convention, States must ensure full compliance with international humanitarian law and their obligations therein. This includes the urgent need for enforcement measures within the occupied Palestinian territories, including East Jerusalem. Furthermore, States are urged to take proactive steps to prevent, prohibit, and eliminate all forms of racial discrimination, including apartheid.

The aforementioned resolution of the General Assembly also underscores the necessity of establishing an "**International Mechanism for Reparations**" to address all damages, losses, or injuries arising from Israel's internationally unlawful actions in the occupied Palestinian territories. It calls upon Member States, in coordination with the United Nations and its relevant bodies, to establish an "**International Damage Register**" to document evidence and information related to claims of damages, losses, or injuries

sustained by individuals, legal entities, and the Palestinian people due to Israel's unlawful actions in the occupied Palestinian territories. This mechanism aims to enhance and coordinate the collection of evidence and initiatives designed to ensure that Israel is held accountable for reparations. The resolution further calls for the establishment of a **"Follow-up Mechanism"** through the UN Secretary-General, in consultation with the High Commissioner for Human Rights and Member States with relevant expertise, regarding Israel's violations of **Article (3)⁵¹ of the International Convention on the Elimination of All Forms of Racial Discrimination (apartheid)**, as defined by the International Court of Justice in its advisory opinion. Moreover, the resolution requests that **the UN Secretary-General submit a report to the General Assembly within three months**, detailing the progress in implementing this decision, including actions taken by Israel, other states, and international organizations, including the United Nations, to enforce the provisions of the resolution or to address any violations thereof.

The United Nations General Assembly resolution, in conjunction with the International Court of Justice (ICJ) advisory opinion on the illegality of Israel's occupation of the Palestinian territories, serves as a **"decisive roadmap"** for ensuring coordinated action at the United Nations, its specialized agencies, member states, and regional and international organizations to implement both the advisory opinion and the resolution in a unified manner. The advisory opinion and resolution must be promptly activated through the **establishment of an international coalition (the International Coalition for Ending the Occupation and Ensuring the Right to Self-Determination for the Palestinian People)**. This coalition should include a diverse range of influential actors, including independent legal and international experts, international and regional organizations, civil society groups, academics, research institutions, advocacy professionals, media and public relations experts, and key figures with significant international influence.

The proposed permanent coalition will develop a **"comprehensive roadmap"** for the implementation of the International Court of Justice (ICJ) advisory opinion and the General Assembly resolution, outlining the necessary measures and mechanisms for the complete cessation of Israeli colonial settlement activities in the occupied Palestinian territories. This process will include strengthening political, diplomatic, and economic pressure, including economic sanctions, a ban on arms and ammunition exports, as well as the initiation of legal proceedings for international crimes committed by the occupying power. The coalition's efforts will also involve proposing practical solutions for the creation of a compensation fund, establishing an international registry of damages caused by the occupation, and developing an effective monitoring mechanism for apartheid-related crimes, with the goal of dismantling the system of racial segregation. Furthermore, the coalition will submit an initial report **to the Secretary-General** responsible for overseeing the implementation of the resolution within the designated timeframe, as well as periodic

⁵¹ Article (3) of the International Convention on the Elimination of All Forms of Racial Discrimination: **"States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction"**.

follow-up reports to ensure full compliance with the advisory opinion and the General Assembly resolution within the stipulated schedule.

The strategic objective of the proposed coalition is **to effect tangible, on-the-ground changes**, ensuring that the measures implemented uphold justice and equity for Palestinians and their children, and contribute to the termination of the illegal and colonial Israeli occupation of all occupied Palestinian territories.

6. United Nations Early Recovery Plan for the Gaza Strip

On September 25, 2024, the United Nations, through the United Nations Country Team (UNCT) and the Humanitarian Country Team (HCT), launched the draft "**Early Recovery Action Plan for Gaza**." This strategy aims to outline the priorities and measures necessary for recovery once the security and political situation in Gaza stabilizes. The plan operates within a framework designed to address immediate humanitarian needs while ensuring long-term recovery. It includes damage and recovery assessments overseen by the United Nations, in collaboration with the World Bank and the European Union. However, the involvement of Palestinian civil society and the disability sector in the draft plan appears to be marginal.

The United Nations Country Team (UNCT) is composed of UN agencies operating in Palestine and is tasked with coordinating development and humanitarian efforts to enhance the response to both development and relief needs. It aims to ensure alignment between UN programs and Palestinian national priorities and includes agencies such as the United Nations Development Program (UNDP), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), and other specialized UN bodies. **The Humanitarian Country Team (HCT)** comprises UN agencies, international humanitarian organizations, and local NGOs responsible for managing and coordinating the humanitarian response in Palestine, particularly during crises and emergencies. The HCT undertakes needs assessments and establishes priorities for rapid, life-saving interventions in conflict and emergency settings. **The United Nations Resident Coordinator and Humanitarian Coordinator, who also serves as the Deputy Special Coordinator for the Middle East Peace Process, plays a central role** in leading and guiding the UN teams, ensuring effective coordination between humanitarian and development efforts. This role also includes shaping response strategies that align with international development objectives, addressing the humanitarian needs of the Palestinian population, while advancing a framework for peace in the region.

6.1. General Framework and Coordination with Civil Society and the Disability Sector

The Early Recovery Plan for Gaza seeks to rehabilitate critical infrastructure, restore essential services, and provide urgent humanitarian assistance to populations facing food and healthcare shortages. The plan emphasizes the most vulnerable groups, including children, women, persons with disabilities, and the elderly, to ensure a rapid and effective humanitarian response, while enabling these groups to actively engage in and benefit from the recovery process. Furthermore, the plan focuses on the reconstruction of

damaged housing, providing financial and technical support for rebuilding efforts, and addressing economic challenges by supporting small and medium-sized enterprises (SMEs) and low-income individuals. It also highlights the importance of strengthening coordination among local and international partners, alongside launching community-driven programs and initiatives to enhance the local population's resilience and capacity to address and recover from crises.

Conversely, the core challenges of the plan primarily center on **the security and political conditions** affecting the recovery and reconstruction process, necessitating the establishment of a stable environment for the delivery of aid and the implementation of projects. **Logistical challenges**, including securing safe passageways for humanitarian assistance through the Gaza crossings, add an additional layer of complexity due to the ongoing blockade and closure imposed by the occupying power. The role of the UN Resident Coordinator and Humanitarian Coordinator is crucial in navigating these challenges, particularly by facilitating coordination among relevant actors, addressing barriers in the recovery process, and ensuring the alignment of international and local efforts. Furthermore, **the role of UNRWA is conspicuously absent from the plan, except for a single reference highlighting its indispensable role**. While the mandate of the UN Resident Coordinator is typically linked to supporting the Middle East peace process, in this context, their primary responsibility is to direct efforts toward an immediate and effective humanitarian response in Gaza.

Despite the fundamental principle that the relationship between the United Nations, through its country teams, should be based on **comprehensive cooperation and partnership with Palestinian civil society organizations** at all stages of planning, implementation, and evaluation—including the integration of marginalized groups such as persons with disabilities, as emphasized in the draft Early Recovery Plan—**this cooperation was overlooked** during the development of the plan. While the draft plan refers to several consultations held with the Palestinian government and relevant ministries, civil society participation was limited to a single brief meeting on October 15, 2024, between the UN Resident Coordinator, Mr. Muhannad Hadi, and representatives of Palestinian civil society organizations. This meeting addressed the general human rights situation following a year of aggression, yet it did not involve a detailed discussion on the role of civil society in the preparation, implementation, or oversight of the Early Recovery Plan. This approach is inconsistent with the core principles of effective partnership and inclusive governance that should underpin any recovery or rehabilitation process in the State of Palestine, as per international standards and UN norms.

QADER, in its successive statements and documents, particularly since the onset of the aggression against the Gaza Strip, has emphasized the critical need to involve persons with disabilities and organizations working with persons with disabilities in all matters about their rights, grounded in the principle of inclusion. This is following the obligations outlined in the **Convention on the Rights of Persons with**

Disabilities (Article 4, paragraph 3), to which the State of Palestine is a party. QADER reaffirmed this position in the aforementioned meeting⁵², stressing the importance of institutionalizing cooperation with the United Nations and its specialized agencies. QADER expresses concern over the decline in the effectiveness of the United Nations and its bodies and agencies, particularly since the commencement of the aggression against Gaza. It further highlights the urgent need for a comprehensive review and assessment of the UN's response and the development of a collaborative framework with civil society organizations and the disability sector. This should include regular, strategic dialogues, joint programs, and initiatives, particularly in relation to the draft Early Recovery Plan and other relevant programs, all underpinned by the principle of disability inclusion.

6.2 Excluded from the Draft Plan: The ICJ Advisory Opinion and the General Assembly Resolution

The United Nations Early Recovery Plan for Gaza, launched on September 25, 2024, reaffirms its commitment to upholding international humanitarian law and human rights law, emphasizing the importance of a rights-based approach to recovery. However, the draft notably **omits reference to Security Council Resolution 2735 (2024), adopted on June 10, 2024**, which clearly outlines several critical provisions, including: the immediate and unconditional ceasefire in Gaza, ensuring the unhindered and effective delivery of humanitarian aid, the complete withdrawal of Israeli forces from Gaza, and the initiation of a comprehensive reconstruction plan. Despite the resolution's significance and its direct relevance to the core challenges identified in the draft, its exclusion raises concerns about the integration of the international political and humanitarian frameworks that the United Nations is mandated to implement.

Although the draft Early Recovery Plan reaffirms international law and a rights-based approach, it fails to address **the pivotal advisory opinion issued by the International Court of Justice (ICJ) on July 19, 2024, regarding the illegality of Israel's occupation of Palestinian territory and the legal consequences thereof**. Additionally, the plan does not reference the landmark United Nations General Assembly resolution adopted on September 18, 2024 (A/ES-10/L.31/Rev.1), which **reaffirmed the core principles of the ICJ's advisory opinion on the legal consequences of Israel's policies and practices in the occupied Palestinian territories, including East Jerusalem**. This resolution underscores the legal invalidity of Israel's continued occupation of Palestinian land, and it establishes clear, binding mechanisms, obligations, and responsibilities for the **United Nations**, Israel, and

⁵² Press Release by QADER for Community Development, dated 16/10/2024, regarding the meeting with the United Nations Resident Coordinator and the Senior Adviser of the United Nations High Commissioner for Human Rights, published on QADER's website at the following link: <https://www.qader.org/news-blogs/6419.html>

all State Parties to ensure the effective implementation of the opinion and the full adherence to international law.

The omission of these historic decisions issued by the principal bodies of the United Nations (the General Assembly and the International Court of Justice) in the draft Early Recovery Plan **reflects a marginalization of the international legal framework that defines the rights of Palestinians and guides the UN's response to the needs of the Gaza Strip**. The absence of reference to these international decisions may undermine the credibility of the Early Recovery Plan and weaken the humanitarian response's ability to meet international legal obligations. This is especially concerning given the critical and precarious situation of **UNRWA**, which plays a central role in providing humanitarian assistance and relief to Palestinian refugees. This omission reflects a significant gap in international coordination and exacerbates concerns among civil society about the effectiveness of the comprehensive plan.

The United Nations General Assembly resolution and the International Court of Justice (ICJ) advisory opinion mark **a pivotal moment** in ensuring justice for the Palestinian people. However, the draft Early Recovery Plan for the Gaza Strip fails to incorporate these essential international legal instruments, revealing a significant gap in international coordination between the humanitarian and political processes and the legal framework. In the face of the ongoing repercussions of aggression and genocide in Gaza, the implementation of the ICJ advisory opinion and the General Assembly resolution through **"the proposed international coalition"** demands immediate and decisive action. This must move beyond delays and establish a practical, effective approach based on an inclusive human rights framework that upholds the principles of international law and the protection of human rights in the occupied Palestinian territory. Central to this is the urgent need to end the Israeli colonial occupation and fully realize the Palestinian people's inalienable rights, including the right to return and the right to self-determination.

7. Recommendations

After completing the analysis of the prominent patterns of international crimes targeting Palestinian children and persons with disabilities, and examining them in light of international humanitarian law, international human rights law, and international criminal law, as well as the responsibilities of the occupying power, third States parties, the United Nations and its agencies, and the early recovery plan for Gaza, this section of the paper presents the proposed recommendations:

1. It is crucial to enhance the collective efforts of the United Nations, its specialized agencies and bodies, as well as international, regional, and Palestinian local organizations, in a coordinated and **complementary approach** to implement the resolutions adopted by the Security Council, particularly **Security Council Resolution 2735 (2024)**, and the three interim measures issued by the International Court of Justice (ICJ) on January 26, 2024, in the case brought by South Africa against Israel concerning allegations of genocide. These measures call for the immediate and unconditional ceasefire in the Gaza

Strip, the unimpeded entry of humanitarian and relief aid throughout Gaza, the full withdrawal of Israeli military forces, the lifting of the blockade and collective sanctions, and the initiation of reconstruction efforts. This coordinated approach is essential to protect Palestinian children from the severe consequences of the ongoing aggression while ensuring the inclusion and protection of persons with disabilities in all humanitarian actions and interventions.

2. It is essential to strengthen the collective efforts of the United Nations, its specialized agencies, special rapporteurs, and international and regional organizations in monitoring, documenting, and addressing international crimes targeting the Palestinian child population in the Gaza Strip, the West Bank, and the occupied city of Jerusalem. This includes ensuring **unrestricted access for international investigative teams, the Office of the Prosecutor of the International Criminal Court (ICC), special rapporteurs, and other relevant entities to the entirety of the Gaza Strip for on-the-ground investigations**, in full compliance with the rulings of the International Court of Justice (ICJ). These efforts must go beyond statements and digital monitoring to ensure comprehensive accountability and adherence to international legal obligations.
3. It is imperative to strengthen the collective efforts of the United Nations, international and regional organizations, state parties, and civil society to ensure the immediate entry of **life-saving** assistance and essential supplies for **persons and children with disabilities** into Gaza, which have been obstructed since the commencement of the aggression. This includes addressing **the critical shortages** of prosthetic limbs, wheelchairs, crutches, pharmaceuticals, and nutritional supplements, to avert further health deterioration and mitigate the threat to their lives. Furthermore, it is essential to facilitate the entry of **rescue equipment** necessary for the recovery of the injured and deceased from beneath the rubble in Gaza.
4. The establishment of an International Coalition (**the International Coalition for Ending Occupation and Achieving the Right to Self-Determination for the Palestinian People**) is imperative to develop a comprehensive roadmap for the implementation of **the 2024 International Court of Justice (ICJ) historic Advisory Opinion** on the illegality of Israel's occupation of Palestinian territories and the resulting legal consequences. This also encompasses **the historic 2024 United Nations General Assembly Resolution**, which outlines mechanisms, responsibilities, and obligations for the United Nations, member states, and regional and international organizations to uphold the resolution. The Coalition will be tasked with ensuring compliance within a specified timeline (**one year from the adoption of the resolution**) for the complete termination of the occupation of all Palestinian territories, thereby guaranteeing freedom, justice, and self-determination for Palestinian children and the Palestinian population at large. The Coalition will comprise independent legal and international experts, civil society organizations, academic institutions, research centers, advocacy specialists, media

professionals, and internationally influential figures. It will provide **regular reports to the UN Secretary-General** in line with the resolution and undertake all actions necessary to facilitate the full implementation of the resolution.

5. It is essential for the proposed international coalition to focus efforts on providing clear, practical, and effective proposals for the international mechanisms established in United Nations General Assembly Resolution (A/ES-10/L.31/Rev.1), grounded in the 2024 Advisory Opinion. This includes **the proposed mechanism for full reparation** for all damages, losses, or injuries resulting from Israel's unlawful acts in the occupied Palestinian territory, the establishment of an **international registry** for claims related to compensation for the harm inflicted on the Palestinian people due to the occupation, and **the follow-up mechanism** concerning **apartheid** in the occupied Palestinian territory, as outlined in the resolution. The coalition should also ensure the timely submission of reports to **the UN Secretary-General**, who is tasked with monitoring the implementation of the resolution, as well as to the relevant bodies specified in the text of the resolution. This is particularly critical given the resolution's explicit mandate for **the UN Secretary-General to report to the General Assembly within "three months"** of the adoption of the resolution, on 18 September 2024, regarding the status of implementation and any violations of the resolution.
6. It is imperative for the **proposed international coalition** to initiate a **wide-reaching global campaign** to protect Palestinian children in the occupied Palestinian territory and to effect a significant shift in the implementation of the Advisory Opinion of the International Court of Justice and the United Nations General Assembly Resolution (2024), to advance the decolonization of the occupied Palestinian territory and ensure justice and the realization of the right to self-determination for the Palestinian people. The proposal for the international coalition to end the occupation and fulfill the right to self-determination for the Palestinian people, alongside the international campaign, should be considered **an essential component of the conference's recommendations**.
7. It is imperative to enhance the efforts of the United Nations, international and regional organizations, and civil society, within the proposed coalition, to challenge the Israeli occupation's claims of "**self-defense**" used to justify its international crimes targeting civilians, particularly children and civilian objects. This includes systematically refuting and exposing the falsehood and inherent dangers of such claims, relying on **the Advisory Opinion of the International Court of Justice (2004)**, which concluded that Israel cannot invoke the right to self-defense on territory under occupation and effective control. This should be further reinforced by **the findings of international fact-finding missions and UN experts** in this regard. Additionally, it is crucial to dismantle the **arguments supporting genocidal** acts under pretexts that contravene international law, jurisprudence, and human rights standards.

8. It is essential to strengthen the efforts of the United Nations, international and regional organizations, and civil society, within the proposed coalition, to monitor, document, and track violations targeting Palestinian children in the Gaza Strip, the West Bank, and occupied East Jerusalem, ensuring the inclusion of persons with disabilities. This should include the establishment of a **“Palestine Observatory”** to monitor, document, and report on the systematic and large-scale commission of international crimes **against Palestinian children**, particularly since the commencement of the ongoing Israeli colonial aggression on October 7. This initiative will enhance the proposed international coalition's advocacy efforts and contribute to international accountability, including by submitting communications to the Office of the Prosecutor of the International Criminal Court (ICC). Additionally, it is critical to oppose the obstructive interventions of entities **hindering the issuance of arrest warrants** against Israeli officials before the ICC Pre-Trial Chamber, particularly following the Prosecutor's requests to the Pre-Trial Chamber on May 20, 2024, for the issuance of arrest warrants.
9. It is crucial to enhance the efforts of the United Nations, international and regional organizations, and civil society, within the proposed coalition, to ensure accountability for **third-party states** that support the ongoing aggression and perpetration of acts of genocide and other serious international crimes targeting Palestinian children, civilians, and civilian objects on a systematic and widespread scale. This requires a clear affirmation of these states' **obligations** under the Fourth Geneva Convention, the Advisory Opinion of the International Court of Justice, and the United Nations General Assembly Resolution 2024, underlining **their duty to uphold their commitments** under international law. Furthermore, there is a **need to raise global and public awareness** regarding the significance of the ICJ's advisory opinion and the General Assembly Resolution (2024) in advancing justice for the children of the State of Palestine and in efforts to end the occupation.
10. It is imperative to strengthen the coordinated efforts of the United Nations, international and regional organizations, and civil society in defending **the United Nations Relief and Works Agency for Palestine Refugees (UNRWA)**, which was established by UN General Assembly Resolution in 1949. This defense is critical in light of the systematic Israeli actions targeting UNRWA, including the unlawful suspension of its activities and the obstruction of communications with the agency, actions that constitute **a clear violation of the United Nations Charter and international law—an unprecedented development in the history of the United Nations**. Such targeting and restrictions have **grave implications for the Palestinian refugee issue and the future of humanitarian and relief operations in the Gaza Strip**, where UNRWA plays a pivotal and irreplaceable role. With over **13,000 staff in Gaza**, UNRWA is **the cornerstone for providing essential services** in education, health, relief, and assistance, and it maintains **comprehensive and continuously updated databases**. No other international organization, with staffing limited to only a “few dozen personnel”, can effectively fill the void left by UNRWA's absence. UNRWA's operations directly affect millions of Palestinian refugees in Gaza, the West Bank, and surrounding refugee camps. The targeting of UNRWA

strikes at the very core of the Palestinian cause, particularly the right of return and the right to self-determination. The outcomes of this conference must include a robust and unequivocal position on the targeting of UNRWA and its detrimental impact on the Palestinian cause, humanitarian relief efforts, and the rights and well-being of Palestinian children.

11. It is essential to conduct a **comprehensive review of the draft United Nations Early Recovery Plan for the Gaza Strip**, with a focus on both its methodology and substance, to ensure full adherence to principles of **transparency, governance, and compliance** with international law, particularly **the Advisory Opinion of the International Court of Justice, United Nations General Assembly Resolution 2024**, and relevant international human rights and humanitarian instruments. The review must prioritize **the inclusion of Palestinian civil society, the disability sector**, and child-focused organizations in all stages of the plan, ensuring their meaningful participation in planning, implementation, and the clear delineation of roles and responsibilities. Additionally, it must **unequivocally reaffirm the critical and irreplaceable role of UNRWA** in Gaza.
12. It is essential to strengthen coordinated efforts to develop and implement sustainable programs and interventions **in the Gaza Strip** to mitigate the profound impact of hostilities on children. These measures should include providing psychosocial support for affected children, operationalizing rehabilitation and reintegration programs through inclusive and comprehensive early childhood services, and expanding **“remote learning”** initiatives to ensure the continuity of education following the destruction of educational infrastructure, including schools and universities. Adequate resources must be allocated to guarantee the sustainability of these programs, with a particular focus on ensuring the full inclusion of children with disabilities and building their psychological resilience to address trauma effectively.
13. It is imperative to address the complex and perilous conditions faced by **“Jerusalemite children”** under Israel's apartheid regime in the occupied city. This regime is characterized by systematic and institutionalized violations of international law, including grave breaches targeting children, repeated raids and closures of Palestinian institutions, the manipulation and imposition of Israelized educational curricula, the fragmentation of Palestinian families, the physical and social isolation of Jerusalem from its surroundings, unlawful annexation, and the militarization of the city. These conditions demand urgent, effective, and sustainable interventions across all sectors, including support for inclusive and rights-based educational programs, psychosocial support for affected children, the creation of protective environments, and the enhancement of international advocacy campaigns to mobilize the global community to uphold their obligations under international law and safeguard the rights and dignity of Palestinian children in Jerusalem.

14. We underscore the critical importance of establishing a **"Follow-Up Committee"** for this pivotal international conference held in Jordan, which addresses **"The Role of the International Community and Civil Society Organizations in Promoting, Protecting, and Fulfilling the Rights of Palestinian Children."** The committee would be tasked with ensuring the effective implementation and monitoring of the recommendations, proposals, and substantive inputs presented at the conference, as well as those outlined in this document. "QADER" affirms the commitment of its experts to actively and meaningfully engage in the committee's work, contributing to its objectives in line with international legal standards and frameworks.