

## **Joint Urgent Appeal to UN Special Procedures on Israel's Total Warfare on Gaza's Civilian Population**

### **Submitted by:**

Al-Haq, Law in the Service of Man  
Al Mezan Center for Human Rights  
Palestinian Centre for Human Rights (PCHR)



**Date:** 11 October 2023

### **For the attention of:**

- Special Rapporteur on the human rights situation of in the OPT, Ms. Albanese;
- Special Rapporteur on counter-terrorism and human rights, Ms. Aoláin;
- Special Rapporteur on the right to health, Ms. Mofokeng;
- Special Rapporteur on the right to adequate housing, Mr. Rajagopal;
- Special Rapporteur on the right to food, Mr. Fakhri;
- Special Rapporteur on the rights of internally displaced persons, Ms. Gaviria;
- Special Rapporteur on the rights to water and sanitation, Mr. Arrojo-Agudo;
- Special Rapporteur on torture, Ms. Jill Edwards;
- Special Rapporteur on contemporary forms of racism, Ms. Ashwini K.P;
- Special Rapporteur on unilateral coercive measures, Ms. Douhan;
- Special Rapporteur on the rights of persons with disabilities, Mr. Quinn;
- Special Rapporteur on violence against women and girls, Ms. Alsalem;
- Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr Morris Tidball-Binz; and
- Special Rapporteur on truth, justice, and reparation, Mr. Salvioli.

## Introduction

On 7 October 2023, Israel launched a military offensive on Gaza in a retaliatory attack. Since then, Israel's military attacks have indiscriminately targeted the civilian population and infrastructure, with statements from Israeli officials calling for the reduction of Gaza to "rubble",<sup>1</sup> which indicate Israel's intent to commit war crimes and other international crimes against the civilian population. This is compounded with the intensification of the illegal blockade, with official decisions to cut off food, water, fuel, and electricity from Gaza,<sup>2</sup> in what constitutes a total warfare on Gaza's civilian population, employing starvation as a weapon.

Since 7 October, Israel's attacks have targeted and destroyed residential homes and buildings, killing civilians and wiping out entire Palestinian families often without issuing precautionary warnings, in addition to the targeting of mosques, medical facilities and ambulances, water, electricity and sewage infrastructure, high-rise buildings, commercial areas and buildings, public institutions, schools and universities.

According to the Ministry of Health in Gaza (MoH), between 7 October and as of 2 pm, on 11 October 2023, the Israeli aggression on the Gaza strip has resulted in the killing of 1,100 Palestinians, including 326 children, 171 women, and ten medical personnel, and the injury of around 5,339 Palestinians.<sup>3</sup> The MoH also reported the killing of eight journalists in the Gaza Strip.<sup>4</sup> Moreover, since the military offensive, the IOF and Israeli settlers have killed another 27 Palestinians, and injured around 150 Palestinians across the West Bank.<sup>5</sup>

The Gaza Government Media Office reported that between 7 October and as of 2 pm, on 11 October 2023, Israeli attacks resulted in the complete destruction of 535 residential buildings, 2,152 residential housing units and the partial damage of 22,300 housing units, resulting in the displacement of 250,000 Palestinians.<sup>6</sup> The United Nations Relief and Works Agency for Palestine Refugees (UNRWA) reported on 9 October that over 175,000 displaced Palestinians are taking shelter in 88 of its schools across the Gaza Strip.<sup>7</sup>

Moreover, since the aggression, Israel closed the Erez and Kerem Shalom crossings, denying the entry of humanitarian supplies, including medical supplies or the exit of Palestinians from Gaza for treatment.<sup>8</sup> This is in addition to cutting off water and electricity off the two million population in Gaza.

---

<sup>1</sup> Israeli Minister of Defense's tweet on 9 October in Hebrew, <<https://x.com/yoavgallant/status/1711335592942875097?s=20>>.

<sup>2</sup> Israeli Prime Minister Netanyahu's speech on 7 October in Hebrew, <<https://www.news1.co.il/Archive/001-D-474855-00.html>>.

<sup>3</sup> According to the MoH on Facebook, <<https://www.facebook.com/photo/?fbid=649679477336998&set=pcb.649679547336991>>.

<sup>4</sup> Figures as of 10 October 2023. Press release by the MoH, <<https://shorturl.at/hkwJW>>

<sup>5</sup> Figures by the MoH between 7 October and as of 7:45 pm, on 11 October 2023.

<sup>6</sup> According to the Gaza Government Media Office on Facebook, <<https://www.facebook.com/mediagovps>>.

<sup>7</sup> According to UNRWA's tweet, <<https://x.com/UNRWA/status/1711768042198212682?s=20>>.

<sup>8</sup> OCHA, 'Escalation in the Gaza Strip and Israel | Flash Update #3' (9 October 2023), <<https://www.ochaopt.org/content/escalation-gaza-strip-and-israel-flash-update-3>>.

## **Bombing the Civilian Population and Destroying Civilian Properties with Intent**

Since the launch of the military offensive on 7 October on Gaza, Israeli officials have been issuing statements, showcasing their intent to commit a widespread and systematic attack against the civilian population. On 7 October, Israeli Prime Minister Netanyahu declared the intention to reduce Gaza to rubble calling on Gaza residents to “get out of there now, because we will act everywhere and with all the strength”.<sup>9</sup> Similarly, on 9 October, the Israeli Coordinator of Government Activities in the Territories (COGAT) announced that the IOF call on residents of Al-Remal neighbourhood to evacuate their homes.<sup>10</sup> Al-Remal is a densely residential neighbourhood in the city center of Gaza, where Al Shifa hospital, the main hospital of Gaza city is located. Again, on 10 October, the IOF spokesperson stated that “hundreds of tons of bombs” had already been dropped on Gaza, adding that “the emphasis is on damage and not on accuracy”.<sup>11</sup>

These statements suggest an intention to indiscriminately carpet bomb civilians and civilian objects in one of the most densely populated areas in the world. Notably, 80 of Gaza’s population are refugees, forcibly denied their right of return to their original homes they were forcibly displaced from 75 years ago.<sup>12</sup> As a result of the 16-year old illegal blockade and closure, and Israel’s subsequent bombing of the Rafah crossing, Palestinians in the Gaza Strip have no place to seek safety, or to “get out of there”.

Indeed, such statements are reflected in Israel’s military attacks since 7 October. In five days, Israel’s bombings resulted in the killing of 326 children, and 171 women. Entire families have been wiped out. The following are the most egregious Israeli attacks conducted between 7 and 9 October 2023, mostly highlighting Israel’s bombing of residential buildings, often without warnings, and the killing of entire families, as monitored jointly by Al-Haq, Al-Mezan, and PCHR:

### **On 7 October, Israel bombed the following residential homes:**

- At around 10 pm, an Israeli warplane bombed a five-storey building in Al-Shaboura refugee camp in Rafah, killing 17 Palestinians, 12 of them from the Abu Qouta family, among them five children.
- At around 8:30 pm, Israeli warplanes bombed, a three-storey building in Gaza city, killing 10 Palestinians, nine of them from the Al-Dous family, including five children.
- At around 11 pm, Israeli warplanes bombed, without warning, a three-storey building of the Abu Daqqa family, in Khan Younis, killing ten Palestinians, including four women and three children.

### **On 8 October, Israel bombed the following residential homes:**

---

<sup>9</sup> Israeli Prime Minister Netanyahu’s speech on 7 October in Hebrew, <<https://www.news1.co.il/Archive/001-D-474855-00.html>>.

<sup>10</sup> Arabic Facebook post by the Israeli Coordinator of Government Activities in the Territories, <<https://www.facebook.com/COGAT.ARABIC>>.

<sup>11</sup> The Guardian, ‘Emphasis is on damage, not accuracy’: ground offensive into Gaza seems imminent’, (10 October 2023), <<https://shorturl.at/vyA26>>.

<sup>12</sup> UNRWA, <<https://www.unrwa.org/where-we-work/gaza-strip>>.

- At around 3:00 am, an Israeli warplane bombed, without warning, a four-storey building in Beit Hanoun, killing 14 Palestinians, 10 of them from the Shabat family, including five children.
- At around 6:30 am, Israeli warplanes bombed, a residential building in Gaza city, killing six members of the Sha'ban family; the two parents and their four children
- At around 7:00 am, Israeli warplanes bombed, without warning, the home of Abu Rqab's family, killed its seven members; the two parents and their five children.
- At around 11:30 am, Israeli warplanes bombed and destroyed the four-story house of the Al-Nabaheen family, east of Al-Bureij refugee camp without prior warning, killing 13 Palestinians, including 10 children and two women.
- At around 12:30 pm, Israeli warplanes bombed and destroyed the four-story house of Jamil Hassan Mohammad Al-Za'anin, located in Beit Hanoun, and housing four families. The attack killed 20 Palestinians inside the houses, including five women and 11 children.
- At around 8:30 pm, Israeli warplanes bombed and destroyed the two-story house of the Shamallakh family, located in the Sheikh Ejlein neighbourhood south of Gaza City, and home to three families. Nine Palestinians were killed in the attack, including two women and three children.

**On 9 October, Israel bombed the following residential homes:**

- At around 1:20 am, Israeli warplanes bombed and destroyed the house of Rafat Abu Helal, a leader of the Al-Nasser Salah al-Deen Brigades, in Rafah refugee camp, without prior warning. The attack resulted in the killing of Raafat Abu Helal, along with 19 civilians from his family and four other families, including nine women and four children.
- At around 3:00 a.m, Israeli warplanes bombed and destroyed the four-story house of Mousa Samir Al-Qatanani, located in the North Gaza District, without prior warning. This resulted in the killing of all 13 civilian occupants, including four women and five children.
- At around 4:30 am, Israeli warplanes targeted the Ahmed Yassin mosque, located in Al-Shate' refugee camp, west of Gaza City. The attack completely destroyed the mosque and killed three civilians, two women and a young girl.
- At around 11:10 a.m., Israeli warplanes targeted the Al-Sousi mosque in Al-Shate' refugee camp, killing 11 civilians, including children.
- Lastly, at noon on 9 October, Israeli warplanes targeted a building of the Abu Eshkian family, located in a densely populated area near shelter centers designated for displaced individuals in the Jabaliya refugee camp. The attack killed 35 civilians.

The above mentioned incidents reveal a widespread pattern of indiscriminate and disproportionate attacks targeting civilian objects in breach of international

humanitarian law, which may give rise to international crimes. The Occupying Power is obliged to distinguish between civilian objects and military objectives and to direct their attack only against military objectives,<sup>13</sup> and to employ means and methods of warfare that would not cause excessive damage to civilian lives or civilian objects in relation to the expected military advantage.<sup>14</sup> Breach of such, may amount to several war crimes prosecutable under the International Criminal Court including intentionally “launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects”, “wilfull killings”, “willfully causing great suffering or serious injury to body and health”, and “extensive destruction and appropriation of property, not justified by military necessity, and carried out unlawfully and wantonly.”<sup>15</sup>

### **Total Warfare on Gaza’s Civilian Population, Employing Starvation as Weapon**

On 7 October, the Israeli Minister of Energy announced that Israel will stop supplying electricity to the Gaza Strip.<sup>16</sup> Adding to this illegal collective punishment, on 9 October, Israeli Defense Minister announced: “We are imposing a complete siege on [Gaza]. No electricity, no food, no water, no fuel – everything is closed. We are fighting human animals, and we act accordingly”.<sup>17</sup> The latter statement, which includes genocidal language and indicates intent to commit war crimes against the civilian population in the Gaza Strip, has been implemented, foreseeing a humanitarian catastrophe.

On 10 October, Israeli Minister of Energy announced: “So far, we have transported 54,000 cubic meters of water and 2,700 megawatts of electricity to Gaza per day. Done. Without fuel, even the local electricity will shut down within days and the pumping wells will stop within a week. This is what a people of murderers and butchers of children deserve.”<sup>18</sup>

On 11 October, the Energy Authority in Gaza announced that fuel completely ran out from Gaza’s sole power plant,<sup>19</sup> which means that soon all services vital for the survival of the population, including hospitals, will no longer function.

Israel’s policies not only constitute an illegal collective punishment against the civilian population, they further may meet the threshold of the crime against humanity of ‘extermination’, as they are committed in a context of widespread and systematic attacks against the civilian population.<sup>20</sup> Further, the dehumanising language by Israel’s

---

<sup>13</sup> Article 52, Additional Protocol I (1977); Rule 10, ICRC, “Study on Customary IHL”, <<https://www.icrc.org/en/doc/assets/files/other/customary-law-rules.pdf>>

<sup>14</sup> Rule 14, ICRC, “IHL Database, Customary IHL”, <[https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul)>

<sup>15</sup> Articles 8(2)(b)(iv); 8(2)(a)(i); (2)(a)(iii); and 8(2)(a)(iv), Rome Statute of the ICC.

<sup>16</sup> Hebrew tweet by the Israeli Minister of Energy, <[https://x.com/Israel\\_katz/status/1710695021769265450?s=20](https://x.com/Israel_katz/status/1710695021769265450?s=20)>.

<sup>17</sup> Israeli Minister of Defense’s tweet on 9 October in Hebrew, <<https://x.com/yoavgallant/status/1711335592942875097?s=20>>.

<sup>18</sup> Hebrew tweet by the Israeli Minister of Energy, <[https://x.com/Israel\\_katz/status/1711659347590156417?s=20](https://x.com/Israel_katz/status/1711659347590156417?s=20)>.

<sup>19</sup> Aljazeera, ‘Gaza faces ‘humanitarian catastrophe’ as power plant running out of fuel’, (11 October 2023), <<https://www.aljazeera.com/news/2023/10/11/gaza-faces-humanitarian-catastrophe-as-sole-power-plant-runs-out-of-fuel>>.

<sup>20</sup> Rome statute, article 7 (2) (b).

Minister of Defence, a senior ranking government minister, calling the Palestinian people “human animals” comprises a particularly egregious form of inciteful invective, employed to degrade and encourage the commission of international crimes.

Cutting off vital objects indispensable to the survival of the civilian population is particularly dangerous as the population in Gaza is being indiscriminately killed, injured, and displaced, under total blockade. Already in 2015, the UN underscored that the Gaza Strip would become uninhabitable by 2020.<sup>21</sup> This reality is a direct result of Israel’s 16-year old closure, compounded with at least six massive military offensives since 2008.<sup>22</sup> Such reality has shattered Gaza's welfare system and ability to meet the basic needs of the population, particularly health services. As a result, Gaza has become gradually reliant on humanitarian aid: in January 2023, the UN OCHA reported that 58 percent of Gaza Strip residents require humanitarian aid, and a large number of households are subjected to severe, extreme, or catastrophic conditions.<sup>23</sup> Moreover 97 percent of water in Gaza is unfit for human consumption based on the standards of the World Health Organization.<sup>24</sup>

With 1,100 Palestinians killed, and 5,339 injured in the last four days (as of 2:00 p.m., 11 October 2023), the already crippled health system in Gaza may not cope with the influx of people needing treatment. The ongoing bombing of civilians, the cutting off of electricity, which is vital for the operation of medical and humanitarian services, as well as the denial of the movement of patients in need of urgent medical care out of Gaza via Israel, or the entry of medical supplies, will evidently result in a humanitarian catastrophe.

On 10 October, the MoH reported that health facilities in the Gaza Strip suffer from a severe shortage in medicines and medical disposables, with around a 44 percent shortage in medicines and about a 32 percent shortage in medical disposables.<sup>25</sup> The next day, the ministry reported that all hospital beds have been exhausted, and medicines and medical disposables are about to run out.<sup>26</sup>

This is all compounded with the targeting of medical facilities and teams. On 9 October, the MoH reported that the Israeli aggression targeted medical teams and facilities and ambulances, resulting in the damage of seven medical institutions and hospitals.<sup>27</sup>

---

<sup>21</sup> UN, ‘Gaza could become uninhabitable in less than five years in wake of 2014 conflict and ongoing de-development, according to new UNCTAD report’, (September 2015), <<https://unctad.org/press-material/gaza-could-become-uninhabitable-less-five-years-wake-2014-conflict-and-ongoing-de>>.

<sup>22</sup> Aljazeera, ‘Timeline: Israel’s attacks on Gaza since 2005’, (7 Aug 2022) <<https://www.aljazeera.com/news/2022/8/7/timeline-israels-attacks-on-gaza-since-2005>>.

<sup>23</sup> OCHA, ‘Humanitarian Response Plan OPT’, (January 2023), <[https://www.ochaopt.org/sites/default/files/HRP\\_2023.pdf](https://www.ochaopt.org/sites/default/files/HRP_2023.pdf)>.

<sup>24</sup> OCHA, ‘Study warns water sanitation crisis in Gaza may cause disease outbreak and possible epidemic’, (16 November 2018), <<https://www.ochaopt.org/content/study-warns-water-sanitation-crisis-gaza-may-cause-disease-outbreak-and-possible-epidemic>>.

<sup>25</sup> Press release in Arabic by the Gaza Ministry of Health on 10 October 2023, <<https://shorturl.at/hlKRU>>.

<sup>26</sup> MoH on Twitter, <[https://x.com/MOH\\_PR/status/1712027439616888933?s=20](https://x.com/MOH_PR/status/1712027439616888933?s=20)>.

<sup>27</sup> Press release in Arabic by the Gaza Ministry of Health on 9 October 2023, <<https://shorturl.at/hszHL>>

Currently, the only hospital in the Beit Hanoun area is out of service due to the repeated strikes that have made it impossible for ambulances to enter and exit the hospital.<sup>28</sup>

Furthermore, Israel bombed the Rafah crossing gate twice according to the Ministry of Interior and National Security in Gaza.<sup>29</sup> At the moment, the Rafah crossing is the only available exit for Gaza residents out of the Strip via Egypt, and the only channel to supply the civilian population with humanitarian assistance. On 10 October, Sinai for Human Rights reported that it obtained “exclusive footages confirming the blocking of Egyptian fuel trucks and humanitarian aids from access to the Rafah land crossing borders after Israel issued a warning to the Egyptian authorities that if it brought relief supplies into the Gaza Strip, the trucks would be bombed”.<sup>30</sup>

The compounded attacks, and collective punishment policies over the past days constitute total warfare, absolutely prohibited under international humanitarian law. Article 54 of Additional Protocol I to the 1949 Geneva Conventions provides the absolute prohibition on starvation as a method of warfare, prohibiting combatants “to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs”. Rule 53 of the ICRC Customary International Law Database further cites the prohibition of starvation as a customary rule of international law. The deprivation of basic supplies necessary for the survival of the population, including food and clean water, may amount to a war crime under Article 8(2)(b)(xxv) and to a crime against humanity under Articles 7(1)(b), 7(2)(b), and 7(1)(k) of the Rome Statute of the International Criminal Court.

### **Context: Israel’s Apartheid Regime and Illegal Occupation Negate Israel’s Right to Self-Defence Claim**

On 7 October 2023, Palestinian armed groups engaged in an operation in response to escalating Israeli crimes against the Palestinian people, including the ongoing closure of the Gaza Strip, full scale military attacks against Palestinians in the West Bank, killings, mass arbitrary arrests, and settler incursions into Al-Aqsa mosque in purportedly annexed East Jerusalem, in tandem with expanding colonisation. The past two years have witnessed escalated Israeli crimes, compared with the numbers of atrocities recorded during the second Intifada. Between the beginning of 2022 and 6 October 2023, Israeli occupying forces and settlers killed 430 Palestinians, including 89 children, from the occupied Palestinian territory (OPT).<sup>31</sup> As of 19 September 2023, Israel continues to arbitrarily arrest 5,200 Palestinians, including 170 children, and 1,264 Palestinians under administrative detention.<sup>32</sup> Between the beginning of 2022 and 30 June 2023, OCHA recorded 1,449 settler attacks against Palestinians and their

---

<sup>28</sup> Al-Haq, ‘Urgent: Israel Announces Total Warfare on Gaza’s Civilian Population, Employing Starvation as a Weapon’, (9 October 2023), <<https://www.alhaq.org/advocacy/21830.html>>.

<sup>29</sup> Press release in Arabic by the Gaza Ministry of Interior on 10 October 2023, <<https://moi.gov.ps/Home/Post/167169>>.

<sup>30</sup> Middle East Monitor, ‘Israel threatens to bomb Egypt aid trucks heading to Gaza’, (10 October 2023), <<https://www.middleeastmonitor.com/20231010-israel-threatens-to-bomb-egypt-aid-trucks-heading-to-gaza/>>.

<sup>31</sup> According to Al-Haq’s documentation.

<sup>32</sup> Addameer, ‘Statistics’, <<https://www.addameer.org/statistics>>.

properties,<sup>33</sup> while Israeli occupying authorities demolished 436 Palestinian homes, forcibly displacing 1,660 Palestinians, half of whom are children.<sup>34</sup>

The 7 October 2023 operation was not only in response to escalated Israeli violations from the last years, but also to the structural regimes underpinning daily and systemic violations: the 56-year illegal occupation, and the seven-decade long settler-colonial apartheid regime. As observed by the Commission of Inquiry on Palestine: “Israel has no intention of ending the occupation, and the persistent discrimination against Palestinians”.<sup>35</sup> On the contrary, Israel is relentlessly working to entrench facts on the ground that would render its colonial domination irreversible, as it suppresses any form of Palestinian resistance including through the use of excessive force, extrajudicial killings, mass imprisonment, widespread collective punishment, and attacking civil society organisations.<sup>36</sup> In effect, Palestinians have been denied the exercise of their right to self-determination.<sup>37</sup>

Recalling the Great March of Return in the Gaza Strip in 2018-2019, which employed peaceful protests calling for the realisation of the right to return, and an end to the illegal blockade, Israel responded with excessive use of force, killing 217 protesters, including 48 children, nine persons with disabilities, two journalists, and four paramedics, and injured above 9,000 Palestinians, rendering 207 permanently disabled, in 80 weeks of protests.<sup>38</sup> UN experts at the time noted that “where [Israel] has congratulated its military forces for their use of force, then the international community must fill the investigatory void to ensure respect for international law”.<sup>39</sup> Meanwhile, and for seven decades, the international community continues to embolden Israel’s illegal apartheid and occupation regime. With states’ failure to uphold their obligations not to assist the illegal apartheid regime and the denial of the right to self-determination of the Palestinian people, and their obligation to cooperate to end such peremptory norms, they have allowed the perpetuating of the denial of the Palestinian people their individual and collective human rights.

Adding on this decades-long complicity, the international community is giving Israel a green light to use widespread aggressive force across the Gaza Strip, as many states are

---

<sup>33</sup> OCHA, ‘Increase in Settler Violence, Displacement’, (05 Aug 2023), <<https://shorturl.at/qCFI7>>

<sup>34</sup> According to Al-Haq’s documentation.

<sup>35</sup> OHCHR, ‘Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, issues first report’ (07 June 2022) , <<https://www.ohchr.org/en/press-releases/2022/06/commission-inquiry-occupied-palestinian-territory-including-east-jerusalem>>

<sup>36</sup> Al-Haq, ‘Israeli Apartheid: Tool of Zionist Settler Colonialism’, (November 2022), 121-165, <[https://www.alhaq.org/cached\\_uploads/download/2022/12/22/israeli-apartheid-web-final-1-page-view-1671712165.pdf](https://www.alhaq.org/cached_uploads/download/2022/12/22/israeli-apartheid-web-final-1-page-view-1671712165.pdf)>.

<sup>37</sup> Badil, ‘Forced Population Transfer: The Case of Palestine Suppression of Resistance’ (December 2016) <<https://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp19-Suppression-of-Resistance.pdf>> accessed 7 July 2022.

<sup>38</sup> Al Mezan, ‘Attacks on Unarmed Protesters at the “Great March of Return” Demonstrations’, (2020), <<http://www.mezan.org/en/uploads/files/15952354571567.pdf>>; PCHR, ‘2nd Anniversary of the Great March of Return: Impunity Continues to Prevail’, (30 March 2020), <<https://www.pchrgaza.org/en/2nd-anniversary-of-the-great-march-of-return-impunitycontinues-to-prevail/>>.

<sup>39</sup> OHCHR, ‘UN human rights experts condemn killings of Palestinians near Gaza fence by Israeli security forces’ (17 April 2018), <<https://shorturl.at/jwC37>>.



promoting the claim that Israel's military attack is a legitimate exercise of its right to self-defence.<sup>40</sup>

Such discourse completely ignores the root causes of Israel's recurrent military attacks, happening in a context of an illegal apartheid and occupation regime, which renders such claim legally invalid. Hamas is the product of Israel's aggressive occupation that started in 1967, in breach of the UN Charter, an unlawful use of force that continues today.<sup>41</sup> While Israel argues that its use of force and continuing occupation are legitimate acts of self-defence *jus ad bellum*, the use of force in self-defence must satisfy the requirements of necessity and proportionality. Even assuming for argument's sake that Israel's use of force against Egypt satisfied these criteria in 1967, Israel's conduct in maintaining the occupation as a use of force in self-defence after five decades, fails to satisfy the requirements of necessity and proportionality today. Since 1967, occupation has breached international humanitarian law rules and peremptory norms of international law including *inter alia* self-determination, the prohibition of acquisition of territory through use of force and the implementation of an apartheid regime.<sup>42</sup> As such, Israel's occupation of the West Bank, including East Jerusalem, and the Gaza Strip, is categorically illegal *jus ad bellum*.<sup>43</sup>

## Recommendations

In light of Israel's total warfare on the Gaza Strip, widespread indiscriminate and disproportionate bombing of civilians and civilian objects under complete closure, and the imminent malfunctioning of all basic services vital for the survival of the population, including hospitals, as a result of Israel's collective punishment policies, we call on the UN special procedures to:

- Call on Israel to immediately cease its aggressive military offensive on the Gaza Strip; including by stopping the willful killing of civilians and its patterns of indiscriminate attacks on civilian properties;
- Call on Israel to immediately restore electricity, water, food, and fuel to the Gaza Strip,
- Call on Israel to allow the immediate and unconditional transfer of patients from Gaza to receive healthcare treatment;
- Call on Israel to immediately allow the unimpeded access of fuel and humanitarian aid, including medical supplies into the Gaza Strip;

---

<sup>40</sup> U.S Embassy in Israel, 'Joint Statement on Israel', (9 October 2023) <<https://il.usembassy.gov/joint-statement-on-israel/>>.

<sup>41</sup> Al-Haq, 'Position Paper: ICJ Advisory Opinion on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem', (29 July 2023), <[https://www.alhaq.org/cached\\_uploads/download/2023/07/29/icj-advisory-opinion-1690635145.pdf](https://www.alhaq.org/cached_uploads/download/2023/07/29/icj-advisory-opinion-1690635145.pdf)>.

<sup>42</sup> Definition of Aggression, United Nations General Assembly Resolution 3314 (XXIX), <<http://hrlibrary.umn.edu/instate/GAres3314.html>>.

<sup>43</sup> UN Committee on the Exercise of the Inalienable Rights of the Palestinian People, 'The Legality of the Israeli Occupation of the Occupied Palestinian Territory, Including East Jerusalem', (30 August 2023), <https://www.un.org/unispal/document/ceirpp-legal-study2023/>.

- Call on Israel to immediately lift its 16-year old illegal blockade and closure on the Gaza Strip;
- Call on Israel to immediately end its illegal occupation as a continuing act of aggression since 1967, and for the unconditional withdrawal of all Israeli occupying forces and Israeli settlers from the territory;
- Recognize the root causes underpinning the ongoing Israeli military aggression, including Israel's apartheid regime, as a tool of its settler colonial regime, and the denial of the right to self-determination of the Palestinian people, including their right to return;
- Call for the realisation of the right to self-determination of the Palestinian people, including their right to return, including by calling for a complete end to Israel settler-colonial regime and its military occupation;
- Call on the international community, including states and international bodies, to take concrete steps to ensure the protection of the population the Gaza Strip, including by ensuring the revocation of the Israeli decision to cut off water, electricity, food in Gaza, and the unimpeded access of humanitarian aid, including medical supplies into the Gaza Strip;
- Call on States to abide by their obligation to refrain from assisting in maintaining the illegal situation, arising from Israel's violations of peremptory norms. States should immediately stop the provision of military equipment used in Israeli war crimes, and issuing statements greenlighting aggressive force under the guise of "self-defence". States further have an obligation to cooperate to bring the illegal situation to an end. In that, we call on you to urge states to immediately intervene to cease Israel's attacks and to impose sanctions and an arms embargo on Israel;
- Call on the UN Security Council to implement economic sanctions and other countermeasures until Israel adheres to its obligations under international law; and
- Call on the Prosecutor of the International Criminal Court to expedite the investigation into the Situation in Palestine with full resources and onsite visits as promised in December 2022.