



Re: Palestinian Civil Society Organisations Call for an Immediate Ceasefire, Decades Long Denial of the Right of the Palestinian People to Self-Determination is Root Cause

Date: 23 October 2023

Your Excellency, United Nations High Commissioner for Human Rights, Volker Türk,

The Palestinian Centre for Human Rights, Al Mezan Center for Human Rights, and Al-Haq, urgently call on the United Nations High Commissioner for Human Rights to **strongly condemn** the ongoing war crimes, crimes against humanity and intent to commit and incitement to acts of genocide against the Palestinian people perpetrated by Israeli authorities in the occupied Gaza Strip.

Beginning on October 7, 2023, Israel initiated a large-scale destructive retaliatory military campaign against Gaza, primarily and deliberately targeting civilians and civilian infrastructure, with outspoken genocidal intent. On 19 October, a joint statement by UN [Special Rapporteurs](#) warned, “We are sounding the alarm: There is an ongoing campaign by Israel resulting in crimes against humanity in Gaza. Considering statements made by Israeli political leaders and their allies, accompanied by military action in Gaza and escalation of arrests and killing in the West Bank, there is also a risk of genocide against the Palestinian People”.

The currently ongoing large-scale Israeli offensive—carried out amid an ongoing 16-year-long illegal land, air and sea closure and blockade of Gaza, an illegal act of collective punishment—aims to inflict mass-scale destruction on Gaza, involving airstrikes, artillery bombardments, and an impending land invasion—all of which have indiscriminately targeted residential areas, holy sites, refugee camps, schools, and hospitals. As part of its ravaging warfare against Gaza, Israel has imposed further measures tightening its full siege of Gaza by cutting off water, food, electricity and fuel sources, including medicine and other essential supplies. By now, Gaza has been enduring a full electricity blackout for almost two weeks, whereas hospitals operate at minimum capacity or at the brink of collapse. Israel, enabled by other actors, has turned Gaza into a humanitarian catastrophe.

As of 22 October at 5:00 p.m., according to [OCHA](#) some 4,651 Palestinians have been killed in the Gaza Strip, whereas 14,245 have been injured since 7 October. In the West Bank, including East Jerusalem, 96 Palestinians have been killed by Israeli settlers or soldiers until

today. Meanwhile, [OCHA](#) estimates that, as of October 17, there are at least 1 million internally displaced people, with more than 30 percent of whom staying in UNRWA schools in central and southern Gaza in difficult conditions.

Moreover, on 13 October, Israel ordered the [evacuation](#) of 1.1 million Palestinians in the northern Gaza areas within 24 hours to the southern parts of Gaza—an act deemed impossible, including by UN bodies and experts, considering the ongoing aerial bombardment, siege, lack of electricity, water and food. The [UN Secretary General](#) warned against the devastating humanitarian consequences of such orders. The UN expert on the human rights of internally [displaced persons](#) condemned it as a crime against humanity and a form of collective punishment prohibited under international law. The [UN Special Rapporteur](#) on the situation of human rights in the occupied Palestinian territory warned against a repeat of the 1948 *Nakba* and 1967 *Naksa* yet on a larger scale. Israeli forces have attacked convoys of Palestinian civilians, killing at least [70 people](#), in violation of ‘safe’ passage assurances.

Customary international humanitarian law dictates that “[p]arties to an international armed conflict may not deport or forcibly transfer the civilian population of an occupied territory, in whole or in part, unless the security of the civilians involved or imperative military reasons so demand.” However, as highlighted in our detailed [analysis](#), both exceptions, the “security of the civilians” and “imperative military reasons” do not qualify in this case. The evacuation orders have subjected the lives of at least one million Palestinians in Gaza to an increased risk. As such, and in view of the absence of any guarantees of safety or return for those ordered to evacuate, the evacuation orders are in grave violation of international humanitarian law and may amount to the war crime of forcible transfer per Articles 7(1)(d) and 7(1)(k) of the Rome Statute. Here, it is imperative to remind that the evacuation orders do not absolve Israel, the Occupying Power from its obligations to protect civilians and civilian objects from indiscriminate attacks.

Among other destructive means of warfare, and in targeting civilian objects in one of the most densely populated areas in the world, Israel has used white phosphorus – an illegal weapon that inflicts significant bodily harm upon people including “[excruciating burns and lifelong suffering](#)”. Israel's use of white phosphorus munitions deliberately targeting civilians and civilian objects is a flagrant violation of international humanitarian law, including prohibitions on intentionally launching an attack with knowledge of causing incidental loss of life or injury to civilians, wilful killings, and wilfully causing great suffering or serious injury to body and health, and constitutes prosecutable war crimes.

Additionally, Israel’s imposition of a [total siege](#) on Gaza, leading to the deprivation of basic supplies necessary for the survival of the population, including food and clean water, also likely amounts to war crimes and crimes against humanity in accordance with Article 8(2)(b)(xxv) of the Rome Statute and Articles 7(1)(b), 7(2)(b), and 7(1)(k) of the Rome Statute. Meanwhile, the extensive targeting and destruction of civilian property and objects in Gaza, not justified by military necessity and carried out unlawfully and wantonly, constitutes war crimes.

Israel's dehumanisation of the Palestinian people, to maintain Israeli Jewish domination over the Palestinian people, amounts to inhumane acts within the meaning of the [Apartheid Convention](#). In addition, the scale and pattern of killing, the imposed siege depriving water, food, medicines, electricity and fuel, and large-scale intentional targeting of civilians to inflict serious bodily and mental harm, may constitute deliberate acts intended to bring about the destruction of the Palestinian population in Gaza, within the meaning of Article 2 of the Genocide Convention.

Over the past two weeks, Israeli government officials and military personnel have made statements indicating a clear intent to commit war crimes, crimes against humanity and incitement to [genocide](#), using dehumanising language to describe Palestinians to justify the ongoing massacres in Gaza. Israeli Prime Minister, Benjamin Netanyahu, threatened to reduce Gaza to "[rubble](#)". Israeli military spokesperson R Adm Daniel Hagari indicated that "the emphasis is on damage and not on accuracy" in the thousands of missiles launched. Israeli Defence Minister, Yoav Gallant, [stated](#): "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". The Coordinator of the Government in the Territories (COGAT) Maj. Gen. Ghassan Alian [announced](#) that "Israel has imposed a total blockade on Gaza, no electricity, no water, just damage. You wanted hell, you will get hell". Nissim Vaturi, member of the Knesset for Likud [called](#) for, "erasing the Gaza Strip from the face of the earth. Those who are unable will be replaced." Another member of the Knesset for Likud, Ariel Kallner, [called](#) for another Nakba "Right now, one goal: Nakba! A Nakba that will overshadow the Nakba of 48. Nakba in Gaza and Nakba to anyone who dares to join!" Israel's Minister for Foreign Affairs, Eli Cohen, [promised](#) that "[a]t the end of this war, not only will Hamas no longer be in Gaza, the territory of Gaza will also decrease".

Such statements that have been well-translated to action inflicting harm, large-scale destruction, and death across the Gaza Strip (and beyond) are starkly illustrative of genocidal language and an explicit intent of the Israeli government and military to commit war crimes, crimes against humanity and potentially a genocide against the population of Gaza. The UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967 has called on the international community to prevent an ethnic cleansing from taking place in Palestine under the guise of self-defence. Meanwhile, nearly 1,000 scholars and practitioners of international law, conflict studies and genocide studies, [have already warned](#) of the possibility of genocide being perpetrated by Israeli forces against Palestinians in the Gaza Strip.

We further highlight that many international states and state officials that have supported Israel's actions against the Palestinian people are complicit in Israel's ongoing war crimes. Since 1948, the acquiescence of the international community to the ongoing [illegal occupation](#) and Apartheid has emboldened Israel to commit war crimes and crimes against humanity while using aggressive force in the Gaza Strip, falsely framed as a legitimate exercise of self-defence. Much global discourse neglects the root causes of Israel's recurrent military actions as an

outgrowth of their illegal Apartheid and occupation regime, rendering the claim of lawful self-defence [invalid](#). While Israel arguably asserts legitimacy in the use of force and argues their prolonged occupation in self-defence (*jus ad bellum*), scrutiny reveals their failure to meet contemporary legal standards of necessity and proportionality. While the occupation of Palestinian territory following from an unlawful preemptive strike in 1967, it was also similarly illegal [ab initio](#).

Since 1967, Israel's occupation consistently violates international humanitarian law and peremptory norms, including the right to self-determination and the prohibition of implementing an Apartheid regime. In light of this large-scale illegal conduct, states and state officials supporting Israel's actions should be recognized as accomplices to these violations, warranting accountability by the United Nations, International Criminal Court, and the international community.

Recommendations:

In light of all the aforementioned, and as Palestinians in Gaza, human rights organisations, scholars and practitioners around the world send clear warnings against a potential genocide, we urgently call on the United Nations High Commissioner for Human Rights and his Office to call on Israel to immediately:

- Cease its aggressive military offensive on the Gaza Strip, including the willful killing of civilians and indiscriminate attacks on civilian properties;
- Restore electricity, water, food, and fuel to the Gaza Strip, recognizing these as critical services for the survival of the population;
- Enable the immediate and unconditional transfer of patients from Gaza to receive healthcare treatment, considering the imminent malfunctioning of vital services, including hospitals;
- Allow the unimpeded access of fuel and humanitarian aid, including medical supplies, into the Gaza Strip to alleviate the humanitarian crisis;
- Lift its 16-year-old illegal siege and closure on the Gaza Strip, recognizing its unlawful status and severe impact on the population;
- Cease its illegal occupation of both Gaza and the West Bank, a continuous act of aggression since 1967, and ensure the immediate and unconditional withdrawal of all Israeli occupying forces and settlers from the territory;

We further call on the High Commissioner and his Office to:

- Call on the international community to take immediate and urgent action to enact a ceasefire;
- Call on the international community, including states and international bodies, to take concrete steps to protect the population in the Gaza Strip, including through

ensuring the revocation of Israeli decisions to cut off water, electricity, and food, and facilitating unimpeded access for humanitarian aid, including medical supplies;

- Recognize the root causes of the ongoing Israeli military aggression, illegal occupation and apartheid regime, as a tool of its settler colonial regime;
- Acknowledge and call for the realisation of the right to self-determination of the Palestinian people, including their right to return, by urging an end to Israel's settler-colonial apartheid regime and illegal military occupation;
- Call on states to refrain from assisting in maintaining the illegal situation resulting from Israel's violations of peremptory norms. States should immediately cease providing military equipment used in Israeli war crimes and refrain from issuing statements that greenlight aggressive force under the guise of "self-defense". States also have an obligation to cooperate in ending the illegal situation, and therefore, it is imperative to urge states to intervene to cease Israel's attacks, impose sanctions, and implement an arms embargo;
- Call on the UN Security Council to implement economic sanctions and other countermeasures until Israel adheres to its obligations under international law.
- Call on the [Prosecutor](#) of the International Criminal Court to expedite the investigation into the Situation in Palestine with full resources and on-site visits, as promised in December 2022, to ensure accountability for the egregious violations taking place in Gaza.