



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: 1 November 2023

Your Excellencies, The Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel,

The Palestinian Centre for Human Rights, Al Mezan Center for Human Rights and Al-Haq, urgently call on the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem and Israel (hereafter “The Commission”) to strongly condemn the ongoing war crimes, crimes against humanity and incitement of and intent to commit 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 a land invasion, all of which have [indiscriminately](#) targeted residential areas, commercial centres, 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, fuel, medicines and other essential supplies necessary for the survival of the population.

By now, Gaza has been enduring a full electricity blackout for almost three 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 31 October, according to [OCHA](#) at least 8,525 Palestinians have been killed and 21,543 injured in the Gaza Strip since 7

October. In the West Bank, including East Jerusalem, 125 Palestinians have been killed by Israeli settlers or soldiers until today. Additionally, OCHA estimates that, as of October 30, there are at least 1.4 million internally displaced people, more than 40 percent of whom are staying in UNRWA schools in central and southern Gaza [in difficult conditions](#).

Moreover, on 13 October, Israel ordered 1.1 million Palestinians to [evacuate](#) from northern Gaza within 24 hours to southern Gaza—an act deemed impossible 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 [World Health Organization](#) called the evacuation order “a death sentence for the sick and injured.” 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 Nakba 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 [Rule 129\(A\)](#) 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.” Similarly [Article 49](#) of the Fourth Geneva Convention, to which Israel is a party, entirely prohibits individual or mass forcible transfers from occupied territory and only permits evacuation from a part of the occupied territory for security or imperative military reasons. 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 – as required by customary international humanitarian law [Rule 132](#) – 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 emphasise 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 Rome Statute Articles 8(2)(b)(xxv), 7(1)(b), 7(2)(b), and 7(1)(k). Meanwhile, the extensive targeting and destruction of civilian property and objects in Gaza, not justified by military necessity and carried out unlawfully and wantonly, constitute war crimes.

Israel's dehumanisation of the Palestinian people, to maintain Israeli Jewish domination 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 three 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 "[ruins](#)." 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."
- Issac Herzog, the President of Israel [stated](#) that "there are no innocent civilians in Gaza"
- 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!"
- Ben Gvir has stated on [Twitter](#): "As long as Hamas does not release the hostages in its hands - the only thing that needs to enter Gaza are hundreds of tons of explosives from the Air Force, not an ounce of humanitarian aid."
- 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 already been directly translated to action inflicting harm, large-scale destruction, and death across the Gaza Strip (and beyond) are starkly illustrative of genocidal language and 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. For decades, the acquiescence of the international community to Israel's apartheid and its ongoing [illegal occupation](#) of Palestinian territory 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, which international humanitarian law requires regardless of the rationality or legality for initiating military action. While the occupation of Palestinian territory following from an unlawful pre-emptive 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 ask the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel to:

- Call on the international community to take immediate and urgent action to enact a ceasefire and demand an end to the illegal siege and occupation of Gaza, the West Bank, and East Jerusalem;
- 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;
- Recognise the root causes of the ongoing Israeli military aggression, illegal occupation and apartheid, as a tool of its settler colonial regime;
- Acknowledge and call for the realisation of the Palestinian peoples' right to self-determination, including their right to return, by urging the end to and the

dismantling of Israel's settler colonial apartheid regime and illegal military occupation;

- Call on states to refrain from assisting in maintaining the illegal situation caused by 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-defence". 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 targeted economic sanctions on government and military leaders, and implement an arms embargo;
- Call on the UN Security Council to impose targeted economic sanctions on government and military leaders 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 and outside of Gaza.