

SUMMARY

Prior to 7 October 2023 attacks, the situation in the West Bank was grave and extremely volatile, with record high numbers of incidents and violations. In Gaza, the humanitarian situation has been serious for years, due to Israel's closure of the Strip, which has been affecting all areas of life. Since 7 October 2023 attacks and the ensuing escalation of hostilities, the situation has drastically deteriorated throughout the OPT, all the more so in war-torn Gaza.

More than a year after 7 October 2023 terrorist attack by Palestinian armed groups in Israel, **Hamas** still holds 97 **hostages** in Gaza. Taking of hostages constitutes a **violation of IHL** and a **war crime**. Holding hostages in densely populated areas exposes civilians at heightened risk of attack and may also amount to a war crime.

Rockets are inherently indiscriminate projectiles, prohibited under IHL. Their use by **Hamas** and **Hezbollah** violates IHL and may constitute a war crime.

In October 2024, the Integrated Food Security Phase Classification (IPC)³ projects that, **within 6 months, 91 % of Gaza population** (ca. 2 million people) will be facing high levels of acute **food insecurity**. In November 2024, UN organisations warn that due to Israel's siege, sustained bombardments and other attacks on **North Gaza**, including on health facilities and places of shelter, ongoing for a month, **the entire Palestinian population in North Gaza is at imminent risk of dying from disease, famine and violence**.⁴ On 8 November, stressing that the extreme gravity and sharp deterioration of the situation required an **"extremely urgent response"**, IPC issued a Famine Review Committee Alert calling on all parties who are directly taking part in the conflict, or have influence on its conduct, to **"take immediate action, within days not weeks"**, to avert and alleviate the humanitarian catastrophe.

OHCHR monitoring indicates that the **"unprecedented level of killing and injury of civilians"** in Gaza was **"a direct consequence of the Israeli Defense Forces' (IDF) failure to comply fundamental principles of IHL"**, *i.e.* the principles of distinction, proportionality and precautions in attack. According to OHCHR⁵, of the verified Palestinian deaths caused by attacks on residential buildings in Gaza, **44% were children** – mainly young children and babies. The **population pyramid** (age and sex) of OHCHR-verified fatalities closely resembles that of Gaza's population at large, which points to **indiscriminate attacks**. When committed intentionally, violations of the IHL principles may amount to **war crimes**. When committed as part of a widespread or systematic attack against a civilian population, pursuant to a State or organisational policy, they may also implicate **crimes against humanity**.

Given the documented scale of destruction and damage to infrastructures and services, **Israel's continued denial and disruption of humanitarian assistance**, in a context of its blockade and siege of Gaza and closures of crossing points, may, according to *i.a.* OHCHR and the ICC Prosecutor, amount to **wilful killing or causing great suffering or serious injury to body or health, or using starvation as a method of warfare**, which also constitute **atrocity crimes**. Those actions and omissions by Israel are also in violation of Israel's obligations under **ICJ Orders for provisional measures**. Israel's repeated **attacks on UNRWA** and the campaign against it (including recently adopted legislation) risk further deteriorating the humanitarian situation in the OPT.

³ IPC, GAZA STRIP: [IPC Acute Food Insecurity Special Snapshot | September 2024 - April 2025](#), 17 October 2024.

⁴ [Statement by Principals of the Inter-Agency Standing Committee](#), 1 Nov. 2024.

⁵ OHCHR, Update Report, "Six-month update report on the human rights situation in Gaza: 1 November 2023 to 30 April 2024", 8 November 2024 ("*OHCHR Nov. 2024 Update Report*").

Hospitals and medical facilities, medical staff, the wounded and sick, and their means of transport are entitled to special protective status under IHL. Since the escalation of hostilities, WHO has recorded a large number of Israeli attacks on health personnel and infrastructures in Gaza, the West Bank, as well as in Lebanon, leading to fatalities and injuries among health workers and patients, and damaging or destroying many medical facilities. According to OHCHR, the IDF has attacked hospitals across Gaza in apparent **systematic** fashion. Under international law (Rome Statute), the **intentional targeting** of hospitals and places where the sick and wounded are collected may constitute **a war crime**. Medical facilities' alleged loss of protective status, due to the presence adversary's military assets, does not exempt Israel from abiding by the **IHL principles of distinction, proportionality and precautions**.

On 20 May 2024, ICC Prosecutor Khan filed applications for arrest warrants alleging war crimes and crimes against humanity by senior Hamas leaders but also by **Israeli leaders**.

In July 2024, the ICJ has identified 6 types of **violations of IL** associated with **Israel's settlement policy**. The ICJ also found that Israel's policies and practices amount to **annexation** of large parts of the OPT, in **violation** of the prohibition of the **use of force** in IL and of the principle of non-acquisition of territory by force. The regime of comprehensive restrictions imposed by Israel on Palestinians in the OPT constitute a breach of CERD article 3 (prohibition of **racial segregation and apartheid**). Israel is also in violation of the **right the Palestinian people to self-determination**. Israel however maintains its settlement policy – while its correlate, untamed settler violence intensifies.

Israel's extensive recourse to detention (including administrative detention) in Gaza and the West Bank point to acts of **arbitrary detention** and **collective punishment**, and may amount to **war crimes**.

Concerns of violation of the IHL and IHRL requirements of necessity and proportionality have also been expressed following Israel's pager and radio attacks in Lebanon and Syria. Israel's air strikes on **Lebanon**, including on residential buildings, hospitals and UN personnel also strongly suggest that Israel's means and methods of warfare fail to comply with IHL principles. **Attacks on UN personnel and infrastructures** are a violation of **international law**. They may also constitute **war crimes**.