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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Human Rights Now, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 May 2024]

* Issued as received, in the language of submission only.



The International Community must Take Urgent Action to Protect Civilians in the Occupied Palestinian Territory

I. Introduction

Human Rights Now (HRN) condemns the continuing deaths of civilians and the humanitarian crisis in Gaza, Occupied Palestinian Territory, in light of the recent bombings, imminent attack on Rafah, and closure of the Egypt-Gaza border, a vital conduit for aid. Actions by the Israeli Defense Forces (IDF) during the current war may constitute war crimes, genocide, and crimes against humanity against Palestinian civilians, and HRN calls on the Israeli government to accept an immediate cease fire and ensure access to sufficient aid in Gaza, and on the international community to take urgent action pressuring the Israeli government to respect its obligations, including by implementing an effective arms embargo.

II. Civilian Deaths and Destruction of Property

Israel's offensive in Gaza, following the October 7 attack and hostage-taking of Hamas, has over the last six months killed 35,000 Palestinians, including 14,500 children, with more than 10,000 missing and almost 80,000 injured.[1] More than 50% of Palestinian victims are women and children.[2] More than 250 of those killed are humanitarian workers,[3] as well as at least 105 journalists.[4] On the Israeli side of the conflict, 1,139 people have been killed and 8,730 injured, the great majority on October 7.[5]

About 1.4 million Palestinians have been displaced to Rafah in south Gaza. Despite numerous calls from the international community, on May 6 the IDF began its offensive on the city, with air attacks on the eastern part. As of May 15, 450,000 Palestinians had fled the city after Israeli tanks began penetrating it, with no safe place to reside.[6] The UN Children's Fund (UNICEF) has cautioned that a military blockade and intrusion in Rafah could have disastrous consequences for the 600,000 children taking refuge there.[7]

It is estimated that 360,000 structures in Gaza, 50% of them, have been damaged or destroyed, including more than half of Palestinian homes, 80% of businesses, 73% of school buildings, and 267 places of worship.[8] Only 12 of Gaza's 35 hospitals are partially functioning, and 83% of groundwater wells are not operating.[9]

III. The Humanitarian Crisis

The Israeli siege on Gaza has drastically impeded the distribution of humanitarian aid, including essential products such as water, food, and medicine, to a population already suffering from shortages under the blockade since 2007, even as the population's needs are steadily growing. Before the start of the conflict, around 500 trucks entered the Gaza Strip daily to deliver between 9,000 to 15,000 tons of daily aid. Since October 7, it has been reported that around only a hundred trucks (3,000 tons of aid) have been authorised to enter Gaza daily, but this figure depends each day on Israeli authorities' discretion.[10] Since May 9, Israel has blocked all aid from Gaza's southern border.[11]

Meanwhile, 95% of the population is on the verge of famine, with dozens of children having already died of starvation in recent weeks.[12] Living conditions in Gaza have become intolerable and threaten to further deteriorate in the face of an invasion of Rafah and the Israeli government's persistent restrictions on aid entering Gaza. For example, on May 13 it was reported that IDF tank fire hit a UN aid convoy in Gaza killing a UN staffer.[13] The UN emphasised that the convoy was distinctly identified and its intended route had been previously communicated to Israeli officials.

IV. Violations by the Government of Israel

Regarding the allegation that the IDF has violated the principle of discrimination, a core obligation under international humanitarian law (IHL), the Special Rapporteur on the situation of human rights in the occupied Palestinian territories, Francesca Albanese, has stated in the advance text of her “Anatomy of a Genocide” report that the government of Israel has abusively appealed to “collateral damage” and “human shields” to justify its systematic use of lethal violence, subvert their protective purpose, and erode the distinction between civilians and combatants.[14]

Regarding allegations that the IDF has violated the principle of proportionality, the second core IHL obligation, an Israeli Ministry of Foreign Affairs document has given an incorrect defense for IDF’s military actions, which have killed over 35,000 people, by arguing that they are not disproportionate because the military advantage of the attacks should be measured not from the basis of the particular action but “from an operation as a whole”; however, the text of Protocol I of the Geneva Conventions requires that military advantage must be “concrete and direct” and “substantial and relatively close”, not “long term”.[15]

Regarding allegations of genocide, in response to the case brought by South Africa in December 2023 against Israel under the Genocide Convention, alleging that the government of Israel is committing acts of genocide under Article 2 of the convention, the International Court of Justice has issued two orders for Israel since January 2024. These include orders for Israel to take measures to prevent acts of genocide, to abstain from acts violating of the rights of the Palestinians in Gaza as a protected group and to increase the delivery of humanitarian aid to Gaza to sufficient levels, orders which the government has flagrantly disregarded.[16] As documented in the “Anatomy of a Genocide” report, the government of Israel has also demonstrated dehumanizing language, the targeted destruction of food and medical infrastructure, relevant official statements, and a nature and scale of atrocities which compellingly support Special Rapporteur Albanese’s conclusion that “direct evidence of genocidal intent is uniquely present.”[17]

Finally, regarding violations related to unjustifiable restrictions on the provision of humanitarian aid, the government of Israel has rejected responsibility for the distribution delays and has accused the UN of responsibility, despite states and NGOs echoing the conclusion of Doctors Without Borders that there is “no clarity or consistency to what is allowed into Gaza.”[18] UN experts have further stated that Israel is “using food as a weapon” against Palestinians and on May 10 stated that the incursion into Rafah was a flagrant breach of Israel’s responsibilities as an occupying force, asserting that given the “grievous humanitarian situation on the ground, no evacuation order issued by Israel can be considered compliant with international humanitarian law.”[19]

While the international community has taken some actions that begin to respond to the catastrophe in Gaza, including the May 10 General Assembly resolution urging the Security Council to reevaluate the admission of the State of Palestine for full membership and the resumption of funding for UNRWA by some states, including Japan, that had previously cut funding, more urgent action must be taken to end Israel’s violations.

V. The International Community Must Take Urgent Action

HRN is deeply concerned with the crisis in Gaza and urgently calls on the government of Israel to end its violations in the current conflict, including to

- immediately accept a ceasefire and
- immediately permit and facilitate full access to sufficient humanitarian aid in Gaza.

Israel must immediately cease its use of starvation as a method of warfare, guarantee the safety of displaced civilians, and ensure the uninterrupted access to sufficient food, clean water, healthcare, and other essential services in Gaza.

We also urgently call on states to

- support and implement an international and binding arms embargo against Israel,
- support and cooperate with any appropriate mechanism to ensure accountability for human rights and IHL violations, and
- support and implement UN recommendations regarding living conditions in Gaza and the State of Palestine.

[1] Horton, Sardarizadeh, Durbin, "Gaza war: Why is the UN citing lower death toll for women and children?", BBC, <https://www.bbc.com/news/world-middle-east-69014893>.

[2] Id.

[3] UNOCHA, "Humanitarian Access Snapshot", 10 May 2024, <https://www.ochaopt.org/content/humanitarian-access-snapshot-gaza-strip-1-30-april-2024>.

[4] Committee to Protect Journalists, "Journalist casualties in the Israel-Gaza war", 15 May 2024, <https://cpj.org/2024/05/journalist-casualties-in-the-israel-gaza-conflict/>.

[5] AlJazeera, "Israel-Gaza war in maps and charts: Live tracker", checked 19 May 2024, <https://www.aljazeera.com/news/longform/2023/10/9/israel-amas-war-in-maps-and-charts-live-tracker>.

[7] UNICEF, "There is 'nowhere safe to go' for the 600,000 children of Rafah, warns UNICEF", 6 May 2024, <https://www.unicef.org/press-releases/there-nowhere-safe-go-600000-children-rafah-warns-unicef>.

[8] Taştan, "360,000 buildings damaged or destroyed in Gaza Strip: ESCWA", AA, 9 May 2024, <https://www.aa.com.tr/en/middle-east/360-000-buildings-damaged-or-destroyed-in-gaza-strip-escwa/3214148>.

[9] AlJazeera, *supra*, note 5.

[11] AFP, "Qatar says humanitarian aid unable to reach Gaza since May 9", 14 May 2024, <https://today.lorientlejour.com/article/1413750/qatar-says-humanitarian-aid-unable-to-reach-gaza-since-may-9.html>.

[12] IPC, "Famine Review Committee: Gaza Strip, March 2024", https://www.un.org/unispal/wp-content/uploads/2024/03/IPC_Famine_Committee_Review_Report_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf.

[14] Albanese, "Anatomy of a Genocide", Human Rights Council, 25 March 2024, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session55/advance-versions/a-hrc-55-73-auv.pdf>.

[15] Rubenstein, "Israel's Rewriting of the Law of War", Just Security, 21 Dec. 2023, <https://www.justsecurity.org/90789/israels-rewriting-of-the-law-of-war/>.

[16] HRN "Statement on the Situation in Gaza", 2 Apr. 2024, <https://hrn.or.jp/eng/news/2024/04/02/gaza-statement-2/>.

[17] Albanese, *supra* note 14, para. 50.

[18] Medecins sans Frontieres, "What it takes to get lifesaving supplies into Gaza", 1 May 2024, <https://www.doctorswithoutborders.org/latest/impossible-task-getting-lifesaving-supplies-gaza>.

[19] OHCHR, "Over one hundred days into the war", 16 Jan. 2024, <https://www.ohchr.org/en/press-releases/2024/01/over-one-hundred-days-war-israel-destroying-gazas-food-system-and>; OHCHR, "Israel's Rafah invasion must stop now, say UN experts", 10 May 2024, <https://www.ohchr.org/en/press-releases/2024/05/israels-rafah-invasion-must-stop-now-say-un-experts>.