

Human Rights Now Condemns all Violations of International Law Targeting Civilians in Gaza

26 October 2023

Human Rights Now (HRN) expresses its grave concern over the indiscriminate and escalating attacks on Palestinians in Gaza by the Israel Defence Forces (IDF) and the severe impact that these attacks, the continuing military blockade of the territory, and the order for residents to leave northern Gaza without guarantees of safety or return are having on the civilian population. These acts are serious violations of international law and there is growing evidence that they may amount to genocide, in addition to war crimes and crimes against humanity. HRN is also deeply concerned about the fate of the more than 200 people who have been taken hostage by Hamas and Islamic Jihad and are currently being held in Gaza.¹ The taking of hostages is a grave violation of international humanitarian law and constitutes a war crime.

HRN reiterates its denunciation of all violations of international law targeting civilians and repeats its call for an immediate ceasefire and an end to IDF preparations for a ground invasion of Gaza. Such an invasion will cause further unimaginable suffering for the Palestinian people and jeopardize negotiations for the release of the hostages, which were beginning to show progress with the release of two American hostages on October 20. The international community must redouble its efforts to address the current crisis as a matter of the most extreme urgency.

1. Killing of civilians

Since the current hostilities began, about 1,400 Israelis and foreign nationals have been killed, nearly all on October 7 during the attack on Israel by Hamas, and more than 5,400 people injured. The subsequent ongoing bombardment of Gaza by the

¹ Cassandra Vinograd, Isabel Kershner, "Israel's Attackers Took More Than 200 Hostages. Here's What We Know About Them.", New York Times, 24 Oct. 2023, <https://www.nytimes.com/article/israel-hostages-hamas-explained.html>.

IDF has exacted a much greater toll on Palestinians, killing more than 5,000 people to date, including more than 2,000 children, and injuring more than 15,000 others.² Most of the people killed and injured on both sides are civilians.

The high and ever-increasing number of Palestinian deaths is the predictable result of carrying out an intense and indiscriminate bombing campaign against a territory in which civilians can find no safe haven and which they are unable to leave because border crossings into Israel and Egypt remain closed. On October 13 the IDF ordered residents of northern Gaza to move to the area south of Wadi Gaza “for their own safety and protection,”³ but it has continued to carry out strikes outside the evacuation zone in which many civilians, including those who heeded the order to move south, have been killed. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reports that of the 170 Palestinian fatalities recorded in the 24 hours from 17:00 October 21 to 17:00 October 22, nearly two-thirds were killed in areas south of Wadi Gaza.⁴ Strikes by the Israeli military have destroyed entire residential neighborhoods⁵ and have killed and injured civilians sheltering in civilian facilities, including an UNRWA school in the al-Maghazi refugee camp in Gaza’s middle area⁶ and the Greek Orthodox Saint Porphyrius Church in Gaza City.⁷ The night of October 22 was reportedly “one of the deadliest nights of Israeli bombing so far,” with 70 Palestinians killed “in bombardments of the densely populated Jabalia refugee camp and streets close to two hospitals in Gaza City.”⁸

² OCHA, “Hostilities in the Gaza Strip and Israel, Flash Update #17”, 23 Oct. 2023,

<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-17>.

³ Anita Powell, Margaret Basheer, “Israel: 1.1 Million in Gaza Should Evacuate Within 24 Hours”, Voice of America, 13 Oct. 2023, <https://www.voanews.com/a/israel-1-1-million-in-gaza-should-evacuate-within-24-hours-/7309101.html>.

⁴ OCHA, “Hostilities in the Gaza Strip and Israel, Flash Update #16”, 22 Oct. 2023,

<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-16>.

⁵ AP, “Unprecedented Israeli bombardment lays waste to upscale Rimal, the beating heart of Gaza City”, 11 Oct. 2023, <https://apnews.com/article/gaza-rimal-israel-hamas-incursion-war-0411aa82d51fc801c117213e508a1a1d>; BBC News, “Gaza neighbourhood flattened and hospital told to evacuate”, 21 Oct. 2023, <https://www.bbc.com/news/world-middle-east-67180844>.

⁶ UNRWA, “Gaza: UNRWA school sheltering displaced families is hit”, 17 Oct. 2023, <https://www.unrwa.org/newsroom/official-statements/gaza-unrwa-school-sheltering-displaced-families-hit>

⁷ Al Jazeera, “Israel bombs Greek Orthodox Gaza church sheltering displaced people”, 20 Oct. 2023, <https://www.aljazeera.com/news/2023/10/20/war-crime-israel-bombs-gaza-church-sheltering-displaced-people>.

⁸ Guardian, “Israel hits Gaza with one of deadliest nights of bombings so far in war against Hamas”, 23 Oct. 2023, <https://www.theguardian.com/world/2023/oct/23/gaza-second-aid-convoy-rafah-crossing-israel-bombardment>.

The constant bombardment and the lack of any safe haven are having a particularly grave impact on the mental health of children in Gaza, who “are developing severe trauma symptoms alongside the risk of death and injury.”⁹

The killing and injury of Palestinians in the West Bank by Israeli forces and settlers has also been documented since the current hostilities began. To date a total of 95 Palestinians, including 28 children, have been killed and 1,738 injured there. Obstruction of the provision of health care, attacks on health care workers, and vandalization of Palestinian property by settlers have also been reported.¹⁰

HRN stresses that under international humanitarian law (IHL), Israel has a duty not only to refrain from specifically targeting civilians and civilian objects, but also to refrain from indiscriminate attacks that fail to distinguish between civilians and military objectives. Such acts are serious violations of IHL and also constitute war crimes. The indiscriminate nature of the IDF bombardment of Gaza is evidenced by the sheer scale of the destruction of civilian infrastructure and the large number of civilian deaths. It has also been confirmed by detailed investigation of specific incidents by Amnesty International, whose investigation also documented a failure to take feasible precautions to spare civilians and possible cases of direct targeting of civilian objects.¹¹

HRN further notes that the October 13 evacuation order placed civilians at grave risk, as residents of north Gaza were expected to make their way south at short notice through an active war zone with no transport provided and no provision made for their shelter upon arrival in the south. At least 40 were killed in airstrikes when attempting to travel south on Al Rashid and Salah ad Din roads shortly after the order was issued.¹² Many residents have refused to leave their homes because

⁹ Guardian, “Children in Gaza ‘developing severe trauma’ after 16 days of bombing”, 22 Oct. 2023, <https://www.theguardian.com/world/2023/oct/22/children-in-gaza-developing-severe-trauma-after-16-days-of-bombing>.

¹⁰ OCHA, *supra*, note 2.

¹¹ Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”, 20 Oct. 2023, <https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/>.

¹² OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #8”, 14 Oct. 2023,

of the danger, or because they fear that once they left the north they would not be permitted by Israeli authorities to return, in a repeat of the 1948 Nakba.¹³ Others are unable to evacuate due to age or disability or because their health status makes it too dangerous to move them from hospitals. HRN stresses that an evacuation order that cannot be followed safely and that does not guarantee the right of return, issued in the context of “relentless attacks against civilians or civilian infrastructure, including schools and hospitals, coupled with the complete denial of humanitarian aid, which may be said to render life uninhabitable in a certain area,”¹⁴ constitutes forced displacement, which is a war crime and a crime against humanity.¹⁵

2. Blocking access to resources necessary for the health and survival of the civilian population

The lives and health of Palestinians in Gaza are also being placed in extreme jeopardy as a result of Israel cutting off the supply of fuel, electricity, medicine, water and food to the territory. Hospitals are “nearing collapse,” are running out of pain medication and fuel to run generators, and have resorted to using vinegar as an antiseptic and operating with sewing needles and without anesthesia.¹⁶ Water

<https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-8>.

¹³ Middle East Eye, "Israel-Palestine war: Palestinians refuse to leave north Gaza after Israel orders forcible transfer", 13 Oct. 2023, <https://www.middleeasteye.net/news/israel-palestine-war-gaza-north-civilians-ordered-evacuate-south>; Donnellan, Ackew, Hermant, "The Gazans who refuse to leave their homes despite the risks", Australian Broadcasting Corporation, 16 Oct. 2023, <https://www.abc.net.au/news/2023-10-16/gaza-family-refuse-to-leave-their-home-israel-ground-assault-730/102983054>.

¹⁴ Yousuf Syed Khan "The Directive to Evacuate Northern Gaza: Advance Warning or Forced Displacement?", Just Security, 19 Oct. 2023, <https://www.justsecurity.org/89617/the-directive-to-evacuate-northern-gaza-advance-warning-or-forced-displacement/>.

¹⁵ Amanda Taub, "What the Laws of War Say About Forced Displacement and 'Human Shields' " 19 Oct. 2023, <https://www.nytimes.com/2023/10/19/world/europe/interpreter-laws-human-shields-forced-displacement.html>; OHCHR, "Israel must rescind evacuation order for northern Gaza and comply with international law: UN expert", Oct. 2023, <https://www.ohchr.org/en/press-releases/2023/10/israel-must-rescind-evacuation-order-northern-gaza-and-comply-international>.

¹⁶ Isabel Debre, Swfaa Shurafa, "Little light, no beds, not enough anesthesia: A view from the 'nightmare' of Gaza's hospitals", 21 Oct. 2023, <https://apnews.com/article/palestinian-health-care-doctor-israel-bombing-gaza-siege-hospital-63d00d907f5469c81f49c0201801c997>; Bel Trew, "Patients operated on without anaesthetic in Gaza as WHO runs out of medicine", Independent, 19 Oct. 2023, <https://www.independent.co.uk/news/world/middle-east/patients-anaesthetic-who-medicine-gaza-b2431993.html>.

is in short supply as there is not enough electricity to run pumps and desalination plants, and the lack of safe drinking water has led to an increase in health problems such as diarrhea and has heightened the risk of cholera and dysentery. People are reportedly surviving on an average of only three liters of water per person per day for all needs, including washing and cooking, far below the World Health Organization recommendation of a minimum of 50 liters.¹⁷

On October 17, it was reported that there was only enough food left in Gaza shops to last another week, and that the supply of bread was insufficient and people were lining up for hours to purchase it,¹⁸ with the director of the World Food Program stating on October 22 that people in Gaza were “starving to death.”¹⁹ Since October 21, about 20 trucks a day “at best” have been permitted to enter Gaza from Egypt, but the amount of aid remains grossly inadequate to meet the needs of the 2.3 million residents of the territory and end the humanitarian crisis,²⁰ and it does not include fuel essential for truck deliveries and generators for electricity to hospitals, bakeries, and water desalination.²¹ Officials from multiple UN agencies, including OHCHR, UNRWA, and WHO, have emphasized that the need is more than 20 times current deliveries—with “some 465 trucks ... needed per day”—and they pleaded for scaled-up and unimpeded flow of aid into Gaza given the dire need and catastrophic humanitarian crisis it is facing.²²

HRN notes that as an occupying power, Israel is obliged to provide for the basic needs of the residents of Gaza. Deliberately blocking access to vital resources

¹⁷ Guardian, "Fears grow people are dehydrating to death in Gaza as clean water runs out", 17 Oct. 2023, <https://www.theguardian.com/world/2023/oct/17/fears-grow-people-are-dehydrating-to-death-in-gaza-as-clean-water-runs-out>; OCHA, supra, note 4.

¹⁸ WFP, "World Food Programme appeals for sustained access to Gaza to provide food lifeline ", 17 Oct. 2023, <https://www.wfp.org/news/world-food-programme-appeals-sustained-access-gaza-provide-food-lifeline>.

¹⁹ CBC, "'People are starving to death in Gaza,' director of World Food Program says", 22 Oct. 2023, <https://www.cbc.ca/player/play/2275747907835>.

²⁰ Guardian, supra, note 8.

²¹ Jobain, Magdy, Krauss, " Hamas frees two Israeli women as US advises delaying ground war to allow talks on captives", AP, 24 Oct. 2023, <https://apnews.com/article/israel-palestinian-gaza-war-syria-lebanon-hamas-c0e7ec55428fedc97f75bdfdc0c0679a>; Tétrault-Farber, "UN organisations plead for unimpeded Gaza aid 'on our knees' ", 24 Oct. 2023, <https://www.reuters.com/world/middle-east/un-palestinian-refugee-agency-calls-unimpeded-flow-aid-gaza-2023-10-24/>.

²² Reuters, id.

amounts to collective punishment, which is a violation of IHL and also constitutes a war crime, and it may also amount to crime against humanity.²³ HRN also notes that while provision of humanitarian aid by the international community is critically important to save lives in the short term, it is not an adequate response on its own, as the humanitarian crisis in Gaza is the result of Israel's deliberate violations of international law, which have escalated since October 7 but were already occurring at a lower level previously. Pressure must therefore also be placed on Israel to end these violations, along with the violations described in section 1.

3. Categorization of the current situation as genocide

In addition to war crimes and crimes against humanity, there is growing concern about the possibility that Israel's attacks on Palestinians may be taking on a genocidal character. The UN special rapporteur on the situation of human rights in Palestine, Francesca Albanese, stated that "Israel has already carried out mass ethnic cleansing of Palestinians under the fog of war... Again, in the name of self-defence, Israel is seeking to justify what would amount to ethnic cleansing."²⁴

Genocide is defined in the 1948 Genocide Convention and the Rome Statute of the International Criminal Court as any of five acts, including killing, the infliction of serious bodily or mental harm, and the deliberate infliction of conditions of life calculated to bring about physical destruction, carried out against members of a national, ethnical, racial or religious group with the intent to destroy the group in whole or part. In its bombing of Gaza, including of areas it instructed civilians to evacuate to, Israel has killed and caused physical and mental harm to thousands of Palestinians, and the number of victims will only increase if the planned Israeli ground assault goes ahead. It has also deliberately created conditions of life in Gaza

²³ Rabia Ali, "Significant part of Palestinian population in Gaza being 'wiped off': UN official", AA, 13 Oct. 2023, <https://www.aa.com.tr/en/middle-east/significant-part-of-palestinian-population-in-gaza-being-wiped-off-un-official/3017093>.

²⁴ OHCHR, "UN expert warns of new instance of mass ethnic cleansing of Palestinians, calls for immediate ceasefire", 14 Oct. 2023, <https://www.ohchr.org/en/press-releases/2023/10/un-expert-warns-new-instance-mass-ethnic-cleansing-palestinians-calls>.

that jeopardize the lives of Palestinians, by denying them food, water, medical supplies and the means to keep hospitals supplied with electricity. An intent to destroy the Palestinian population of Gaza can be inferred from the many statements made by Israeli officials, former officials, and prominent Israeli citizens dehumanizing Palestinians and calling for them to be “punished, attacked without any limitations or distinctions on the targets, and ‘cleared,’” and from the fact that such statements have been followed by “actions aimed at achieving the goal,”²⁵ including the violations of international law described in sections 1 and 2 of this statement.

HRN stresses that states have an obligation under the Genocide Convention to prevent genocide.²⁶ Further, the international community has accepted that it has a duty to act to protect populations from genocide, along with war crimes, ethnic cleansing and crimes against humanity,²⁷ a point reiterated by Special Rapporteur Albanese in the context of the Gaza conflict.²⁸ States must act with urgency to pressure Israel to stop its targeting of the Palestinian population, particularly those, most importantly the US, which supply Israel with weapons and other forms of support that are enabling it to continue to carry out criminal acts.

4. Recommendations

HRN calls for an immediate cease fire by all parties.

We demand that the government of Israel cease its indiscriminate attacks on and targeting of civilians and civilian objects in Gaza and end its blockade of essential supplies to the territory. Moreover, we call on the government of Israel to bring an end to the underlying source of hostilities with the Palestinian people by ending its

²⁵ Center for Constitutional Rights, “Israel’s Unfolding Crime of Genocide of the Palestinian People & U.S. Failure to Prevent and Complicity in Genocide,” 18 Oct. 2023, p. 39, <https://ccrjustice.org/israel-s-unfolding-crime-genocide-palestinian-people-us-failure-prevent-and-complicity-genocide>.

²⁶ Office on Genocide Prevention and Responsibility to Protect, “Legal Framework”, <https://www.un.org/en/genocideprevention/genocide-convention.shtml>.

²⁷ United Nations General Assembly, 2005 World Summit Outcome, A/RES/60/1, 24 Oct. 2005, paras. 138-139.

²⁸ OHCHR, *supra*, note 24.

illegal occupation of the Gaza Strip and the West Bank and its apartheid policies.

We urge Hamas and Islamic Jihad to immediately and unconditionally release all hostages taken in the October 7 attack.

We also call on the international community, including the UN Security Council, to immediately intervene in the situation to prevent further escalation of conflict, especially a ground invasion of Gaza, any further commission of international crimes, including the crime of genocide, and to make every effort to bring about an end to the conflict and facilitate a durable peace.