

**ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION**



---

**VIOLATIONS OF INTERNATIONAL LAW IN PALESTINE AND OTHER  
OCCUPIED TERRITORIES BY ISRAEL AND OTHER INTERNATIONAL  
LEGAL ISSUES RELATED TO THE QUESTION OF PALESTINE**

---

**The AALCO Secretariat  
29-C Rizal Marg  
Diplomatic Enclave Chanakyapuri  
New Delhi – 110021  
(INDIA)**



**VIOLATIONS OF INTERNATIONAL LAW IN PALESTINE AND OTHER  
OCCUPIED TERRITORIES BY ISRAEL AND OTHER INTERNATIONAL  
LEGAL ISSUES RELATED TO THE QUESTION OF PALESTINE**

**CONTENTS**

<b>I.</b>	<b>INTRODUCTION</b>	<b>1</b>
<b>II.</b>	<b>DELIBERATIONS AT THE SIXTY-SECOND ANNUAL SESSION OF AALCO [BANGKOK, THE KINGDOM OF THAILAND, 9-13 SEPTEMBER 2024)]</b>	<b>4</b>
<b>III.</b>	<b>ISSUES FOR FOCUSED DELIBERATION AT THE SIXTY- THIRD ANNUAL SESSION OF AALCO, 2025</b>	<b>12</b>
<b>IV.</b>	<b>REPORTS ON RECENT DEVELOPMENTS IN THE OCCUPIED PALESTINIAN TERRITORIES</b>	<b>14</b>
<b>A.</b>	<b>Report of the Special Rapporteur on the situation of Human Rights in the Palestinian territories occupied since 1967 submitted to the UN General Assmebly at its seventy-ninth session (2024)</b>	<b>14</b>
<b>B.</b>	<b>Report of the UN High Commissioner for Human Rights on the Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice submitted to the Human Rights Council Assembly at its fifty-eighth session (2025)</b>	<b>24</b>
<b>C.</b>	<b>“More than a human can bear’: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023”- A conference room paper released by the</b>	

	<b>Independent International Commission of Inquiry (IICI) on the Occupied Palestinian Territory, including East Jerusalem, and Israel on 13 March 2025</b>	<b>33</b>
<b>D.</b>	<b>Report of the UN High Commissioner for Human Rights on the Israeli settlement in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan submitted to the Human Rights Council at its fifty-eighth session (2025)</b>	<b>43</b>
<b>E.</b>	<b>Request for an advisory opinion on Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory</b>	<b>50</b>
<b>F.</b>	<b>Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel</b>	<b>56</b>
<b>V.</b>	<b>Comments and Observations of the AALCO Secretariat</b>	<b>65</b>

## **I. INTRODUCTION**

1. The issue of “Deportation of Palestinians in Violation of International Law, particularly the Fourth Geneva Convention of 1949, and the Massive Immigration and Settlement of Jews in Occupied Territories” was first brought to work programme of the Asian-African Legal Consultative Organization (AALCO) during its Twenty-Seventh Annual Session in Singapore in 1988, following a proposal from the Government of the Islamic Republic of Iran. After an initial discussion, a proposal was sent by the Islamic Republic of Iran requesting a study on the legal ramifications of the deportation of Palestinians from the Occupied Palestinian Territories (OPT).

2. At the Thirty-Fourth Session in Doha (1995), the topic was discussed alongside the broader issue of the status and treatment of refugees. The following year, during the Thirty-Fifth Annual Session in Manila (1996), the Secretariat was instructed to continue monitoring developments in the OPT, focusing on key breaches of international law.

3. In subsequent years, the agenda item was expanded to encompass “Deportation of Palestinians and other Israeli Practices.” By the Thirty-Eighth Session in Accra (1999), the scope was broadened further to include “the Massive Immigration and Settlement of Jews in the Occupied Territories in Violation of International Law, Particularly the Fourth Geneva Convention of 1949.” At the Thirty-Ninth Session in Cairo (2000), it was decided to extend the coverage to all occupied territories and to keep track of legal developments in these areas. Since then, the issue has remained a regular part of AALCO’s Work Programme, with the organization examining violations of international law committed by the occupying power against the Palestinian people.

4. In 2012, the question of Palestinian statehood gained significant international attention. During the Fifty-First Annual Session in Abuja, a resolution (RES/51/S 4, adopted on 22 June 2012) tasked the Secretariat with conducting a study to clarify the legal requirements and principles necessary for the recognition of Palestine as a State, in accordance with international law and prevailing norms. The resulting study, “The Statehood of Palestine under International Law,” was subsequently published by the Secretariat.

5. Following serious violations of international law in Gaza, the issue was revisited at the Fifty-Fourth Annual Session in Beijing (2015). Resolution AALCO/RES/54/S 4 was adopted, updating the agenda item's title to "Violations of International Law in Palestine and Other Occupied Territories by Israel and Other International Legal Issues Related to the Question of Palestine."

6. In 2017, the Secretariat produced a "Special Study" entitled "The Legality of Israel's Prolonged Occupation of Palestinian Territories and its Colonial Practices Therein," pursuant to a mandate from the Fifty-Fifth Annual Session in New Delhi (2016).

7. At the Fifty-Seventh Annual Session in Tokyo (2018), discussions centred on the United States' relocation of its embassy to Jerusalem, which was deemed contrary to various United Nations Security Council (UNSC) and General Assembly (UNGA) resolutions, as well as other breaches of international law in the Occupied Palestinian Territories. The Secretariat was also directed to prepare a special study on recent legal developments.

8. During the Fifty-Eighth Annual Session in Dar es Salaam (2019), the Secretariat presented the Special Study, "The Status of Jerusalem in International Law: A Legal Enquiry into the Recent Attempts to Disrupt the Status Quo," focusing on the legal implications of embassy relocations to Jerusalem. Member States' statements highlighted violations of international humanitarian law and the law of occupation in the Occupied Palestinian Territories. There was widespread condemnation of embassy relocations to Jerusalem, viewed as violations of the Vienna Convention on Diplomatic Relations (1961) and customary international law on recognition.

9. At the Fifty-Ninth Annual Session in Hong Kong, SAR (2021), discussions addressed recent international developments concerning the Occupied Palestinian Territories, including East Jerusalem. Member States denounced the occupying power's expansionist policies and called for the implementation of various United Nations resolutions.

10. The Sixtieth Annual Session in New Delhi (2022) focused on escalating violations of the rights of Palestinians, including the expansion of illegal settlements, widespread settler violence, the enforcement of discriminatory laws and executive orders, and extensive breaches of international human rights and humanitarian law, particularly regarding occupation in the Occupied Palestinian Territories and the Golan Heights.

11. During the Sixty-First Annual Session in Bali (2023), Member States strongly condemned the recent escalation of armed conflict in Gaza and the failure to distinguish between military and civilian targets.

12. Most recently, at the Sixty-Second Annual Session in Bangkok (2024) Member States condemned the large-scale military operation in Gaza, citing violations of fundamental international legal norms, including deliberate targeting of civilians and critical infrastructure, use of prohibited weapons, and the imposition of starvation and blockades as methods of warfare. They also welcomed the International Court of Justice's provisional measures and advisory opinion on the Occupied Palestinian Territories, with some Member States urging support for legal actions such as the case brought by South Africa against Israel.

## **II. DELIBERATIONS AT THE SIXTY-SECOND ANNUAL SESSION OF AALCO [BANGKOK, THE KINGDOM OF THAILAND, 9-13 SEPTEMBER 2024]**

13. At the Sixty-Second Annual Session held in Bangkok, the Kingdom of Thailand, the Agenda Item titled “Violations of International Law in Palestine and Other Occupied Territories by Israel and other International Legal Issues Related to the Question of Palestine” was deliberated at the fourth general meeting on 11 September 2024.

14. **The Deputy Secretary-General of AALCO**, in his introductory statement, reaffirmed AALCO’s long-standing commitment to addressing legal issues concerning Palestine, a topic on AALCO’s agenda since 1988. He referred to the Secretariat’s report, which outlines four key developments: two major UN human rights reports, key recommendations discussed at the fifty-fifth Human Rights Council session, and two International Court of Justice (ICJ) proceedings—provisional measures in the case concerning the Genocide Convention and the July 2024 Advisory Opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem (ICJ Advisory Opinion). He noted that as the conflict in Gaza moves toward a phased ceasefire, the past year has seen a rapid succession of significant legal developments on the issue.

15. Thereafter, the delegates of the **State of Palestine**, the **Islamic Republic of Iran**, **Malaysia**, the **Republic of India**, the **People’s Republic of China**, the **Republic of Korea**, the **Republic of Indonesia**, **Japan**, the **Republic of Uganda**, the **People’s Republic of Bangladesh**, the **Arab Republic of Egypt**, the **Republic of Türkiye**, the **Republic of Yemen**, the **Republic of South Africa**, and the **Kingdom of Thailand**, as well as the Observer delegate of the **Russian Federation** delivered statements.

16. The delegation of the **State of Palestine** delivered a statement condemning the systematic violations of international law by the occupying power, highlighting serious breaches, including war crimes, crimes against humanity, and acts of genocide in Gaza, marked by mass killings, destruction of civilian infrastructure, the imposition of blockades, and the denial of food, water, and medical care. Concerns were raised over the targeting of women, children, and the



obstruction of humanitarian aid. The delegation also addressed Israel's broader policies of apartheid and settler colonialism, citing illegal settlement expansion, forced displacement, land confiscation, and the use of settler militias to terrorize Palestinian civilians— described as deliberate efforts to erase Palestinian identity and presence from their homeland. Stressing that the situation poses a serious threat to regional and international peace and security, the delegation called on Member States to act with urgency and ensure accountability in line with international law, and act decisively to end the occupation. The delegation urged all States that have not yet recognized the State of Palestine to do so without delay.

17. The Delegate of the **Islamic Republic of Iran** expressed strong condemnation of Israel's actions in Gaza and other occupied territories, highlighting extensive violations of international law, including genocide. The statement welcomed the AALCO Secretariat's report on these violations and emphasized the ongoing destruction of Palestinian infrastructure, homes, and cultural sites. It was pointed out that Israel has weaponized starvation and continued attacks on refugee camps, exacerbating the humanitarian crisis.

18. In reference to the findings of the Special Rapporteur and rulings by the International Court of Justice (ICJ), the delegate asserted that Israel's actions met the legal threshold for genocide and apartheid. It was urged that the international community, particularly AALCO Member States, to refuse to recognize Israel's occupation as legitimate and comply with their international obligations as recognized by the ICJ in its advisory opinion. The statement called for an immediate end to occupation and aggression and reaffirmed Iran's stance that Palestinian resistance would continue until full self-determination is achieved. The delegate stressed that lasting peace could only be established through the creation of an independent Palestinian State, formed via a referendum among all original Palestinian residents. It was reiterated that such a resolution was the only viable path to ensuring stability in the West Asia region.

19. The Delegate of **Malaysia** appreciated the AALCO Secretariat's report and reaffirmed Malaysia's commitment to addressing human rights violations in the Occupied Palestinian Territory (OPT). Malaysia acknowledged the findings of the Special Rapporteur and the United Nations High Commissioner for Human Rights, emphasizing the need for accountability and justice. Malaysia welcomed the resolution adopted at the fifty-fifth session of the UN Human

Rights Council, which calls for an immediate ceasefire, cessation of arms transfers to Israel, and condemnation of the use of starvation as a method of warfare. Malaysia also highlighted its active participation in international legal actions, including the ICJ advisory opinion hearings, asserting that Israel's policies in the occupied territories violate international humanitarian and human rights law. The statement commended the ICJ's ruling on Israel's occupation and urged all states to enforce the ruling and end support for Israel's continued illegal occupation. The delegate commended South Africa's legal proceedings against Israel at the ICJ as a significant step in holding Israel accountable. On the humanitarian front, Malaysia reiterated its support for Palestinian refugees by increasing financial contributions to United Nations Relief and Works Agency for Palestine Refugees in the Near East ("UNRWA"). The statement also emphasized Malaysia's commitment to seeking international cooperation in ending atrocities in Palestine and reaffirmed its position on establishing an independent Palestinian State based on pre-1967 borders, with East Jerusalem as its capital. Malaysia also urged the Security Council to advance efforts toward Palestine's full membership in the United Nations.

20. The Delegate of the **Republic of India** expressed concern over escalating violence and the humanitarian crisis, urging all parties to protect civilians. India reaffirmed its support for a two-State solution, advocating for a sovereign Palestinian state coexisting peacefully with Israel. The delegate concluded by emphasizing India's commitment to lasting peace and stability in West Asia.

21. The Delegate of the **People's Republic of China** reaffirmed the Palestinian question as central to the Middle East issue and expressed support for AALCO's continued deliberations on the matter. The delegate condemned the recent escalation of conflict, which resulted in the deaths of over 40,000 civilians, and highlighted ongoing legal proceedings at the ICJ. The statement welcomed the ICJ's Advisory Opinion and emphasized China's participation in legal proceedings to uphold international justice and the Palestinian people's rights. The People's Republic of China strongly condemned all violence against civilians and called for the implementation of ICJ provisional measures, including halting Israeli military aggression in Gaza. The delegate urged the international community to act on the ICJ's findings to work toward a peaceful resolution.

22. The statement also referenced the constructive role played by the People's Republic of China in the Palestinian issue, including President Xi Jinping's three-point proposal advocating for Palestinian sovereignty and increased international aid. The reconciliation talks among Palestinian factions in Beijing were highlighted as a significant step towards peace.

23. The Delegate of the **Republic of Korea** expressed deep concern over the ongoing humanitarian crisis in Palestine, emphasizing the devastating impact of the conflict on civilians. The delegate urged all parties to exercise restraint and called for an immediate ceasefire, the release of hostages, and de-escalation in line with UN Security Council (UNSC) Resolution 2735. Acknowledging the ICJ's Advisory Opinion on Israel's policies in the OPT, the statement stressed the importance of dialogue and negotiations to achieve lasting security in the region. The delegate reaffirmed support for a two-State solution, advocating for a permanent peace settlement where all residents can live safely and peacefully.

24. The Delegate of the **Republic of Indonesia** expressed appreciation for the AALCO Secretariat's documentation and welcomed the upcoming draft resolution endorsing the ICJ Advisory Opinion on Palestine, urging AALCO Member States to support its implementation. The delegate emphasized that Israel's occupation severely violates the Palestinian people's right to self-determination and commended South Africa and AALCO members for pursuing accountability at the ICJ. The statement highlighted three key points from the ICJ Advisory Opinion: the illegality of Israel's occupation in its entirety, the reaffirmation that the West Bank and Gaza are occupied territories, and the need for the UN General Assembly (UNGA) and UNSC to take concrete steps toward ending Israel's unlawful presence. The delegate stressed that international law obligates States to reject Israel's occupation as legally valid. Indonesia called on AALCO Member States to provide insights on necessary steps for the UNGA and encouraged those on the UNSC to lead efforts addressing the issue. The delegate expressed hope that AALCO's continued advocacy would contribute to achieving Palestine's full independence.

25. The Delegate of **Japan** expressed deep concern over the ongoing conflict in Gaza and the rising civilian casualties. The delegate reiterated Japan's consistent efforts to urge Israel to adhere to international law and humanitarian principles.

26. Highlighting the ICJ's Advisory Opinion, Japan underscored the reaffirmation of the prohibition on territorial acquisition through force as a fundamental principle of international law. Japan stressed the importance of upholding the rule of law and warned against unilateral attempts to change territorial *status quo* through coercion. The delegate reaffirmed Japan's support for a Two-State solution and the right of Palestinians to self-determination, while emphasizing that such rights must be exercised in accordance with international law.

27. The Delegate of **Republic of Uganda**, in capacity as the Chair and representative of the Non-Aligned Movement (NAM), reaffirmed NAM's long-standing solidarity with the Palestinian people and strongly condemned Israel's violations of international humanitarian and human rights law. The Republic of Uganda denounced Israel's military aggression in Gaza, calling for an immediate ceasefire, channelling of humanitarian aid, and an end to forced displacement. The delegate urged sustained international political, economic, and humanitarian support for Palestine, advocating for self-determination and an independent state based on pre-1967 borders. The statement also expressed NAM's grave concern over Israel's settlement policies and their impact on the occupied territories and acknowledged UN efforts, particularly those of UNRWA, in supporting Palestinian refugees

28. The Delegate of the **People's Republic of Bangladesh** strongly condemned Israel's ongoing violations of international law in Palestine, describing its actions as genocide and an affront to global conscience. The delegate highlighted the devastating humanitarian toll, with over 40,000 Palestinian casualties since October, and asserted that legal grounds for genocide have been met. The statement also informed the Member States of the People's Republic of Bangladesh's decision to join South Africa's case against Israel at the International Court of Justice concerning the Genocide Convention. The statement reaffirmed People's Republic of Bangladesh's support for the International Criminal Court (ICC) and urged the UNSC to refer mass atrocity crimes in Gaza to the ICC. The delegate also called for unhindered humanitarian aid access, condemned efforts to undermine UNRWA, and rejected continued Israeli settlement expansion in the West Bank. The People's Republic of Bangladesh urged all nations to recognize Palestine as a sovereign State and advocated for the Two-State solution based on pre-1967 borders, with East Jerusalem as the capital.

29. The Delegate of the **Arab Republic of Egypt** reaffirmed its position on the Palestinian issue, calling for an immediate ceasefire, unrestricted humanitarian aid, and a comprehensive resolution leading to the establishment of an independent Palestinian state. The statement welcomed the ICJ Advisory Opinion and urged international organizations, including the UN, to uphold this ruling and refrain from recognizing Israel's occupation as legitimate. The statement informed the Member States of the participation of the Arab Republic of Egypt in the ICJ proceedings and outlined key legal points, including the illegality of forced displacement, settlement expansion, and changes to Jerusalem's status. The delegate condemned Israel's prolonged occupation, citing violations of international law and excessive use of force. The delegate reiterated that the West Bank and Gaza were occupied territories and stressed that Palestine had endured the longest occupation in history. The statement expressed the Arab Republic of Egypt's call for global efforts to end Israeli attacks, secure humanitarian aid, and halt aggression in the West Bank. The delegate expressed the commitment of the Arab Republic of Egypt to rights of the Palestinians, supporting the Two-State solution based on pre-1967 borders with Jerusalem as the capital.

30. The Delegate of the **Republic of Türkiye** strongly condemned Israel's actions in Gaza, emphasizing violations of international law and the worsening humanitarian crisis. The statement highlighted the Republic of Türkiye's submission of a Declaration of Intervention in the case concerning the Genocide Convention at the ICJ and encouraged more States to support the case. The Republic of Türkiye also stressed the significance of ICJ provisional measures and called for Israel's full compliance. The delegate urged the UNSC to ensure the implementation of the ICJ rulings and welcomed contributions from AALCO Member States in the ICJ Advisory Opinion process, that confirmed the illegality of Israel's occupation. The delegate reaffirmed the support of the Republic of Türkiye for an independent Palestinian State based on 1967 borders with East Jerusalem as its capital, emphasizing that a just resolution is necessary for lasting peace.

31. The Delegate of the **Republic of Yemen** strongly condemned Israel's actions in the OPT as flagrant violations of international law and called for decisive measures against the occupation. The Republic of Yemen praised South Africa's efforts in holding Israel accountable under international law and emphasized the importance of fairness and justice in applying legal principles.

32. The Delegate of the **Republic of South Africa** presented its strong stance on the Palestinian issue, calling for immediate international action to end aggression against Palestinians. The statement emphasized the need for a ceasefire, hostage releases, and unhindered humanitarian aid access, condemning Israel's violations of international law. South Africa commended efforts by the Arab Republic of Egypt, the State of Qatar, and the Republic of Türkiye to secure a lasting ceasefire and highlighted the ICJ's Advisory Opinion, which found Israel in violation of racial discrimination laws. The delegate urged the UNSC to halt the ongoing genocide and prevent further regional escalation. The Republic of South Africa announced its upcoming submission to the ICJ to present evidence of genocide and acknowledged growing global support for the case, with multiple States joining the proceedings.

33. The Delegate of the **Kingdom of Thailand** reaffirmed support for Palestine's right to self-determination, highlighting the Kingdom of Thailand's recognition of the State of Palestine and maintenance of diplomatic relations since 2012. The statement expressed deep concern over escalating violence and the worsening humanitarian crisis in Gaza, calling for the immediate and unconditional release of civilian hostages, including Thai nationals, and ensuring humanitarian access. The Kingdom of Thailand welcomed the adoption of UNSC Resolution 2712, emphasizing its commitment to advancing peace efforts. The delegate reiterated the Kingdom of Thailand's consistent support for a negotiated Two-State solution as the only viable path to achieving a just and lasting resolution to the conflict.

34. As an Observer State, the Delegate of the **Russian Federation** expressed deep concern over the ongoing conflict in Gaza, highlighting the devastating humanitarian toll with over 150,000 casualties. The statement condemned Israel's blockade and continued military operations despite multiple UN resolutions calling for a ceasefire. The delegate stressed the destabilizing effect of the conflict on the region and the need for immediate action to stop the bloodshed. Russia reaffirmed its active participation in international legal proceedings, welcoming the ICJ's Advisory Opinion. The delegate emphasized that Israel's policies amount to de facto annexation and violate Palestinian self-determination. Russia called for the UNGA and UNSC to take further steps to end Israel's occupation and resume peace talks. The statement also acknowledged South Africa's case against Israel under the Genocide Convention, recognizing elements requiring legal assessment, but emphasized negotiation for a lasting resolution. The

Russian federation also voiced some criticism of the ICC, regarding its credibility and effectiveness in addressing the conflict.

### **III. ISSUES FOR FOCUSED DELIBERATIONS AT THE SIXTY-THIRD ANNUAL SESSION OF AALCO, 2025**

35. The current brief prepared for the Sixty-Third Annual Session of AALCO features salient issues presented by the Special Rapporteur in her report on the situation of Human Rights in the Palestinian territories occupied since 1967 submitted to the UN General Assembly at its seventy-ninth session (2024).<sup>1</sup> Titled “Genocide as colonial erasure”, the report analyses genocidal intent behind escalating atrocities in the occupied Palestinian territory. This analysis considers decades of territorial expansion and ethnic cleansing aimed at eliminating Palestinian presence in Palestine.

36. This brief also examines and notes the recommendations of the Report of the UN High Commissioner for Human Rights on the Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice submitted to the Human Rights Council Assembly at its fifty-eighth session (2025). It provides an overview of the developments relevant to the human rights situation in the OTP and the obligation to ensure accountability and justice.

37. Further, the brief presents the key elements of the most recent report presented in the form of a conference paper by the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel (IICI) to the UNGA and the Report of the UN Office of the High Commissioner for Human Rights (UNOCHR) on the Israeli settlement in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan submitted to the Human Rights Council at its fifty-eighth session (2025).<sup>2</sup> The Report of the IICI titled ““More than human can bear’: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023” examines Israel’s widespread destruction in Gaza and violence particularly against women and children, including reproductive violence due to deliberate attacks.

---

<sup>1</sup> UN Human Rights Council, ‘Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967’ UN Doc. A/79/384 (1 October 2024) accessed 27 May 2025

<sup>2</sup> UN Human Rights Council, ‘Report of the United Nations High Commissioner for Human Rights on Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice’ UN Doc. A/HRC/58/28 (13 February 2025) accessed 20 May 2025



38. The Report<sup>3</sup> of the UNOCHR on the Israeli settlement in the OPT, including East Jerusalem, and in the occupied Syrian Golan contains an update on the unlawful advancement of Israeli settlements in the OPT and its impact on the human rights of the Palestinian people due to forcible transfer of the Palestinian population, in grave breach of international law. The report also contains an update on the unlawful Israeli settlements in the occupied Syrian Golan.

39. Further the report also highlights the key details of the most recent report<sup>4</sup> of the Independent International Commission of Inquiry and the developments in the proceedings before the ICJ in the Advisory Opinion on Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory

40. Each of the reports of the UN bodies provides a detailed factual and legal analysis of the violations of international law that are being committed with impunity in the OPT. The AALCO Secretariat urges Member States to consider the conclusions and recommendations presented in these reports.

---

<sup>3</sup> UNHRC, 'Ensuring respect for international human rights law and international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, and in Israel' UN Doc. A/HRC/RES/S-30/1 (13 March 2025)

<sup>4</sup> UNHRC, 'Report for the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel' UN Doc. A/HRC/59/26 (6 May 2025) <<https://docs.un.org/en/A/HRC/59/26>> accessed 31 July 2025

#### **IV. REPORTS ON RECENT DEVELOPMENTS IN THE OCCUPIED PALESTINIAN TERRITORIES**

##### **A. Report of the Special Rapporteur on the situation of Human Rights in the Palestinian territories occupied since 1967 submitted to the UN General Assembly at its seventy-ninth session (2024)**

##### **1. Introduction**

41. In the present report titled “Genocide as colonial erasure”,<sup>5</sup> (or “the Report”) the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, reports on the ongoing horrors in the occupied Palestinian territory. The Special Rapporteur emphasizes that the post-7 October 2023 violence in Gaza and other areas is part of a long-term, intentional Israeli strategy of forced displacement and replacement of Palestinians. This trajectory threatens the existence of the Palestinian people in Palestine, necessitating immediate intervention from Member States to prevent further atrocities.

42. In March 2024, the Special Rapporteur had posited that there existed substantial grounds for the belief that Israel had perpetrated acts of genocide in Gaza. It is the purpose of this present report to further develop the analysis of the violence experienced in Gaza subsequent to 7 October 2023, which has since extended to the West Bank, inclusive of East Jerusalem.

43. In this Report, the Special Rapporteur focuses on genocidal intent, contextualising the situation within a decades-long process of territorial expansion and ethnic cleansing aimed at liquidating the Palestinian presence in Palestine. She suggests that genocide should be perceived as a fundamental component and tool in the pursuit of complete Israeli colonization of Palestinian territories, concurrent with the displacement of a substantial number of Palestinians.

---

<sup>5</sup> UN Human Rights Council, ‘Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967’ UN Doc. A/79/384 (1 October 2024) accessed 27 May 2025.

44. The present Report is based on legal research and analysis, interviews with victims and witnesses, including in Jordan and Egypt, open-source information and input from experts and civil-society organizations. The Special Rapporteur, denied access to the OPT, emphasizes that Israel's prohibition of fact-finding missions in this illegally occupied territory is illegitimate. This continued denial of access to the UN mechanisms and ICC investigators may constitute obstruction of justice, defying the order of the ICJ for Israel to permit international investigators into Gaza and ensure evidence preservation.

45. The Special Rapporteur asserts that the ongoing Israeli actions against Palestinians, though differing in scale and specifics across areas, collectively demonstrate a pattern of destruction, targeting the entire Palestinian population with the objective of seizing all of Palestine. This widespread violence warrants the application of the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) to stop, prevent, and punish genocide throughout the occupied Palestinian territory.

## **2. Legal framework and developments**

46. The present Report relies on the legal framework established in the prior reports of the Special Rapporteur, encompassing international humanitarian law, international human rights law, international criminal law, and customary international law. Key instruments include the Genocide Convention and the International Convention on the Suppression and Punishment of the Crime of Apartheid, alongside pertinent legal developments and jurisprudence.

47. This Report is based on two significant legal developments.

48. Firstly, in its Advisory Opinion of July 2024, the ICJ ruled that Israel's ongoing presence and establishment of a colony regime within all Palestinian territory occupied since 1967 are unlawful and constitute acts aimed at annexation. The ICJ further stated that this annexation is intended to be permanent, creating "irreversible effects on the ground", "undermin[ing] the integrity of the Palestinian people in the Occupied Palestinian Territory" and seeking to "acquire sovereignty over an occupied territory".

49. The Court recognized the violation of non-derogable norms prohibiting territorial acquisition by force, racial segregation and apartheid, and protecting the right to self-determination of the Palestinian people. It determined that the occupation, largely due to its settler-colonial character, effectively constitutes an act of aggression. Consequently, the Court emphasized the necessity for a swift end to the occupation, the dismantling and evacuation of settlements, comprehensive reparations for Palestinian victims, and the permission for Palestinians displaced since 1967 to return.

50. The ICJ, building on the Wall opinion, dismissed Israel's "security concerns" as justification for its occupation. The occupation's illegality negates any claim of self-defense, leaving Israel with only one lawful option: complete and unconditional withdrawal from the occupied territory.

51. Secondly, in the case of South Africa v. Israel, the ICJ issued provisional measures aimed at preventing and/or stopping acts of genocide. In January 2024, the Court acknowledged a "real and imminent risk [of] irreparable prejudice" to Palestinians in Gaza under the Genocide Convention, directing Israel to prevent all acts defined within the Convention. Subsequently, in March, the ICJ noted the deteriorating humanitarian situation and, in May, citing an "exceptionally grave" risk in Rafah, ordered Israel to immediately halt its military offensive there. However, these orders have largely been disregarded by Israel and most other States, as arms shipments to Israel continue.

52. In the following sections, the Special Rapporteur examines critical developments on the ground, highlighting patterns of conduct that evidence an intent to employ genocidal acts as a means to ethnically cleanse all or parts of the occupied Palestinian territory.

### **3. The unfolding genocide as a "means to an end"**

53. The present Report states that following Israel's order for 1.1 million Palestinians to evacuate northern Gaza in October 2023, the Special Rapporteur warned of potential ethnic cleansing. This has largely occurred, with over 90% of Palestinians in Gaza forcibly displaced,

accompanied by calls for Palestinians to leave and Israelis to resettle. Violence has also escalated in the West Bank, including East Jerusalem, with increased ethnic cleansing. Israeli officials continue to promote the displacement of Palestinians, accelerating the ongoing Nakba since 1948.

**i. Failure to cease and punish genocide in Gaza**

54. The present Report details escalating acts of genocide in Gaza since March 2024, despite ICJ interventions. Over 10,000 Palestinians have been killed, with attacks on aid sites, hospitals, and schools. The extensive destruction, including domicide, urbicide, and ecocide, is evident in widespread debris. Bombardment of safe zones including UNRWA schools and UN shelters persists, alongside a growing Israeli presence and buffer zone causing displacement. Healthcare and infrastructure are systematically targeted, leading to disease outbreaks and starvation, the latter justified by an Israeli minister. Palestinians face abuse in detention, with many disappearing or dying. These actions constitute irreparable harm warned against by the ICJ, intentionally inflicted on Palestinians as a group.

**ii. Risk of genocide in the West Bank, including East Jerusalem**

55. The Special Rapporteur reports that the devastation seen in Gaza is spreading to the West Bank, including East Jerusalem, with increased Israeli military raids and settler attacks resulting in deaths and injuries of hundreds of Palestinians, including Child casualties. Palestinians in the West Bank face systemic abuse, torture, and rape in detention, with mass arrests of various individuals labeled as “terrorists.” The northern West Bank has experienced severe military violence, including sieges and aerial bombardment. “Operation Summer Camps” in August 2024 imposed Gaza-like conditions on West Bank cities. Attacks on the health sector have been replicated, and governance shifted to pro-settlement authorities, furthering annexation and land appropriation. The West Bank’s economy is collapsing. The Special Rapporteur concludes that the genocidal conduct in Gaza sets a dangerous precedent for an intensified Israeli strategy to make Palestinian life unsustainable in the West Bank, with devastating consequences.

#### **4. Understanding the legal complexity and scope of genocidal intent**

56. The Special Rapporteur discusses the legal definition of genocide, noting that while the definition is better established following recent genocides, proving genocidal intent remains challenging. The Special Rapporteur highlights that a composite understanding of genocide is crucial, as compartmentalizing acts can obscure intent. Additionally, acts beyond the explicitly defined genocidal acts can indicate intent. The focus of existing jurisprudence on individual criminal prosecution can limit the early recognition of broader State Responsibility for genocide, hindering prevention efforts. In the next sections, the Special Rapporteur briefly outlines how relevant jurisprudence, analysed in abstracto, is fully capable of capturing genocidal intent in State conduct when a comprehensive interpretative approach is adopted.

##### **i. Considering the plurality of facts, circumstances and conduct**

57. The Special Rapporteur emphasises on the necessity of analyzing genocidal conduct in its entirety and within its broader context to understand the magnitude and complexity of the crime. International practice recognizes that the same facts can underlie multiple charges, including war crimes, crimes against humanity, and genocide. Determining genocidal intent requires assessing all evidence together to reveal a genocidal mental state.

##### **ii. Singularity of intent: destroying “a group” “as such”**

58. The Special Rapporteur explains that Genocide includes acts beyond mass killings, like forcibly transferring children. Identifying this intent demands a broad view considering acts outside the Convention’s explicit list and the historical context. The Special Rapporteur explains that a group’s existence encompasses its people, history, traditions, relationships, and land connection; destroying these impacts survival. The report asserts that forced displacement, especially under harsh conditions, can be genocide if a group’s existence is targeted so it cannot recover.

### **iii. Genocidal intent in the context of State responsibility**

59. The Special Rapporteur states that early identification of genocide is crucial for prevention. The report notes that the ICJ relies on jurisprudence from international criminal tribunals to assess state responsibility for genocide. While acknowledging that State responsibility can be established “without an individual being convicted of the crime”, in *Bosnia v. Serbia* in 2007, the Court found State genocidal intent only where individual perpetrators had been held criminally responsible. The Court established that, in the absence of direct evidence of State intent, the pattern of conduct must be such that it “could only point to the existence of such intent”. This approach was tempered in 2015, in *Croatia v. Serbia*, where the Court determined that “reasonableness” must be considered when inferring genocidal intent from patterns of conduct. The Special Rapporteur notes that there is a need for further clarity on inferring state genocidal intent, as relying solely on individual convictions may delay justice and prevention. Three factors are key: (a) filtering out unsupported alternative intents and assessing if motives preclude or confirm genocidal intent; (b) treating the State holistically, considering all its organs; and (c) recognizing that failure to see the totality of conduct can obscure genocide behind claimed strategies.

## **5. “Totality triple lens”: Israeli intent towards the Palestinians as a group as such**

60. The Special Rapporteur notes that the Israeli conduct indicates an intent to destroy the Palestinian people. This is viewed through a “totality triple lens,” analyzing the conduct targeting all Palestinians in the occupied territories. The analysis includes the political context, the nature of the destruction, and the motives obscuring the specific intent.

### **i. Totality of the land: “Greater Israel”**

61. The Special Rapporteur explains that the pursuit of a “Greater Israel,” including present-day Israel and occupied Palestinian territory, has been a long-term Zionist objective. Palestinians’ presence and right to self-determination have hindered this goal, leading successive Israeli governments to aim for their erasure. Despite international support for a two-state

solution, colony expansion and settler numbers have grown, with the 2018 Nation State Law emphasizing Jewish sovereignty. Plans for further settlement expansion and land confiscation, along with the dehumanization of Palestinians, have been advanced. The events of 7 October 2023 intensified calls for displacement, revealing a clearer intent to destroy Palestinian existence and sever their connection to the land.

**ii. Totality of the group: destruction of the Palestinian people**

62. The present Report explains how since 7 October 2023, there has been a swift and extensive decimation of Palestinian life, rendering the occupied territory intentionally unliveable through mass killings, targeting of families and children, torture, and destruction of homes and communities spreading from Gaza to the West Bank. This calculated destruction includes the systematic dismantling of healthcare, food security, and Water, Sanitation and Hygiene for All (WASH) infrastructure, leading to starvation, epidemics, and forced displacement with no safe return, intentionally jeopardizing the long-term survival of Palestinians. Forced displacement inflicts immense psychological harm, resembling death marches and severing connections to land and community, while the overall conduct aims to humiliate and degrade Palestinians through various atrocities, including the desecration of bodies and mass torture, with lasting generational impacts. The Special Rapporteur notes that these genocidal acts, also emerging in the West Bank and impacting Palestinians within Israel and refugees through attacks on UNRWA, indicate a clear intention to destroy the Palestinian people's capacity for renewal and long-term survival.

**iii. Totality of the conduct: genocidal intent rationalized as self-defence**

63. The Special Rapporteur explains that Israel's stated goals of eradicating Hamas and bringing hostages home do not preclude a finding of genocidal intent, and in fact, substantiate it. The report states that genocide can occur during armed conflict, and ulterior motives do not negate genocidal intent. The Special Rapporteur asserts that Israel's framing of its actions as self-defence against a terrorist group is illegitimate against an occupied population it is obligated to protect. This framing also portrays the entire Palestinian population as eliminable resistance.



The dehumanization of Palestinians has desensitized the world to their suffering. Israel's targeting has extended beyond Hamas to ordinary civilians, as evidenced by statements from Israeli leadership holding the entire nation responsible and the disproportionate harm inflicted. The callous killing of civilians further indicates a systematic destructive intent. The goal of rescuing hostages has been undermined by Israeli actions that have led to hostage deaths, suggesting that territorial control has become the priority.

#### **iv. Understanding genocidal intent within a State**

64. The Report explains that State responsibility for genocide goes beyond individual criminal accountability. It arises when a genocidal act occurs with manifest intent. States have a duty to prevent, not commit, and punish genocide, which begins upon awareness of a serious risk or reasonable suspicion of genocidal intent within the State apparatus. Failure to act on this knowledge can indicate intent.

65. The Report further states that even in States claiming rule of law, the failure of state organs to curb excesses that could lead to genocide should be considered part of the totality of conduct in determining state genocidal intent. Acts or omissions creating the "opportunity to commit genocide," a "prevailing atmosphere of impunity," and "the encouragement of the authorities" are relevant.

66. The ICJ's orders to Israel in January 2024 to prevent genocide, punish incitement, allow aid, preserve evidence, and report on implementation should have triggered this duty to act. However, genocidal violence and incitement continued, with no investigations or prosecutions. Actions by various Israeli State organs, including leadership statements, cabinet authorizations, Knesset legislation, Attorney General inaction, judicial failures, and media incitement, among others demonstrate the State's intent. The Special Rapporteur notes that the State of Israel is predicated on Palestinian erasure, with its political system and institutions advancing this goal.

67. The Report offers the following concluding observations and recommendations:

## **6. Conclusions**

68. The Gaza genocide, a predictable tragedy with potential expansion, stems from Israel's long-standing treatment of Palestinians as an unwanted threat to be eliminated. This has manifested in generations of indignities, killings, imprisonment, displacement, segregation, and apartheid, driven by the goal of "Greater Israel" and the erasure of the Indigenous Palestinian population.

69. Israel's actions, falsely framed as self-defence, constitute a genocidal campaign in the form of numerous actions (totality of conduct) jointly targeting the Palestinians as such (totality of a people) across the entire territory where they reside (totality of the land). This conduct aims to fulfill Israel's ambition for sovereignty over all of former Mandatory Palestine by forcibly removing Palestinians from their land, which Israel covets.

70. Statements and actions by Israeli leaders reflect a genocidal intent and conduct; they have often used the Biblical story of Amalek to justify the extermination of "the Gazans", erasing Gaza and violently displacing Palestinians, thereby casting Palestinians as a whole as legitimate targets.

71. Prosecute individual perpetrators, but recognize that the entire State apparatus orchestrated and executed genocidal violence against Palestinians. This must end immediately with full application of the Genocide Convention and protection for Palestinians.

72. The ongoing genocide is a result of Israel's exceptional status and long-standing impunity, leading to systematic violations of international law and defiance of Security Council resolutions and ICJ orders. The ICC Prosecutor warns that the selective application of international law risks its complete collapse.

73. The ongoing settler-colonial genocide, live streamed globally, demands justice as the only remedy for wounds deepened by political expediency. The immense loss of life is a grave violation of humanity and international law.

## **7. Recommendations**

74. The Special Rapporteur urges all States to fulfill their legal duty to prevent the ongoing serious risk of breaches of the Genocide Convention and Geneva Conventions. States should urgently determine and publicly disclose what actions they are taking, individually or collectively (including at the UN), to mitigate this risk, and explain their rationale to the public and international community.

75. Whether in compliance with the above due diligence duties or otherwise, the Special Rapporteur urges Member States to:

(a) Use all their political leverage – commencing with a full arms embargo and sanctions – so that Israel stops the assault against the Palestinians, accepts a ceasefire and fully withdraws from the occupied Palestinian territory in line with the ICJ Advisory Opinion of 19 July 2024;

(b) Formally recognize Israel as an apartheid State and persistent violator of international law, reactivating the Special Committee Against Apartheid to comprehensively address the situation in Palestine, and warn Israel of possible suspension of its membership under Article 6 of the Charter of the United Nations;

(c) Support the deployment of an international protective presence throughout the occupied Palestinian territory;

(d) Develop a protective framework for Palestinians displaced outside Gaza, in line with international human rights and refugee law, while fully preserving their right to return;

(e) Support independent and thorough investigation(s) of criminal conduct, including genocide and apartheid, including through the application in national courts of universal jurisdiction over those suspected of such criminal conduct, including all relevant ancillary offences;

(f) Investigate and prosecute corporate entities and dual citizens involved in crimes in the occupied Palestinian territory, including soldiers, mercenaries and settlers;

(g) Ensure unhindered humanitarian assistance to Gaza and full financing and protection of UNRWA, including from attacks on its premises and personnel and from libellous smear campaigns, and ensure the continuity of its mandate in all fields.

76. The Special Rapporteur urges the ICC Prosecutor to investigate the commission of the crimes of genocide and apartheid by Israel, and investigate other prominent individuals mentioned in the present report.

77. The Special Rapporteur urges the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel to investigate the broader context of eliminatory intent and practices of Israel against all Palestinians (triple lens test), including those with Israeli citizenship and the refugees, and recent acts of genocide.

**B. Report of the UN High Commissioner for Human Rights on the Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice submitted to the Human Rights Council Assembly at its fifty-eighth session (2025)**

**1. The Summary of the Report**

78. The present report<sup>6</sup> (or “the Report”) is submitted pursuant to Human Rights Council resolution 55/28 and covers the period from 1 November 2023 to 31 October 2024. It draws on human rights monitoring conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory and information from governmental sources, other United Nations entities and non-governmental organizations. The report states at the outset that despite having requested full access to Israel and the Occupied

---

<sup>6</sup> UN Human Rights Council, ‘Report of the United Nations High Commissioner for Human Rights on Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice’ UN Doc. A/HRC/58/28 (13 February 2025) accessed 20 May 2025.

Palestinian Territory to investigate violations by all duty bearers, the OHCHR had not received a response from Israel and Israel continues to deny visas for OHCHR international staff.

79. The report explains that post the events of 8 October 2023, the human rights situation in the Occupied Palestinian Territory worsened to an unprecedented extent, raising concerns of patterns of systematic violations of principles of international humanitarian law on the conduct of hostilities, many amounting to war crimes. The report states Israel's warfare methods show unprecedented disregard for international humanitarian law and international human rights law, raising concerns of war crimes and other atrocities, which intensified during operations in North Gaza from October 2024.

80. The first part of the report deals with the escalation of hostilities in Gaza. The report asserts that in the West Bank, Israel's intensified use of excessive force against Palestinians, including deployment of warfare methods, coupled with increased attacks by Israeli forces-backed armed settlers, contributed to a discriminatory system of segregation and oppression, violating article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination. This State and settler violence and *de facto* colonization further entrenched this system.

81. The report notes that the escalation included intense bombardments and ground operations across Gaza, repeated displacement orders leading to mass forced displacements and a severe humanitarian crisis. Military operations in Rafah in May 2024 and a large-scale operation in North Gaza in October 2024 involved orders to move southward, attacks on fleeing civilians, and the bombardment of residential areas, hospitals, and shelters. Hospitals were systematically besieged, and humanitarian access was almost entirely blocked, trapping tens of thousands without essential supplies.

82. It is further reported that tens of thousands of Palestinians, mostly women and children, have been killed in Gaza since October 7, 2023, with many more injured and unaccounted for. Israel continued to launch strikes with wide-area effects in densely populated areas, attacking civilian objects with little explanation of military necessity. These actions indicate a lack of

compliance with international humanitarian law principles, and many attacks may constitute war crimes.

83. The report also notes that the High civilian casualties were accompanied by widespread destruction of civilian objects. Repeated displacement orders and ongoing military operations displaced approximately 90% of Gaza's population by October 31, 2024, many displaced multiple times to the overcrowded *Al Mawasi* "humanitarian zone." The report explains that the forcible transfer of civilians is prohibited under international law, with the situation in northern Gaza raising concerns about the permanency of the displacement.

84. The report further asserts that the destruction of law enforcement and judicial structures led to rising insecurity, hindering aid access. Despite an ICJ order in January 2024<sup>7</sup> for Israel to ensure humanitarian assistance, restrictions on aid and imports, destruction of cropland and infrastructure, and attacks on humanitarian workers caused unprecedented food insecurity. As the occupying power, Israel is obligated to provide essential items and facilitate humanitarian relief but has seemingly failed to do so, with starvation as a method of warfare being a potential war crime and crime against humanity.

85. In the second part of the report, unlawful killings and injuries in the context of law enforcement in the West Bank, including East Jerusalem have been discussed.

86. The report states that in the West Bank, including East Jerusalem, the killing of Palestinians by Israeli security forces surged after October 2023, resulting in 601 deaths, including many children and women, by October 2024. Most fatalities occurred during Israeli military operations in Palestinian cities and refugee camps.

87. The report further states that Israeli forces extensively used unlawful lethal force and frequently denied or delayed medical assistance. The intensified use of air strikes and shelling resulted in numerous Palestinian deaths and the destruction of homes and infrastructure, causing

---

<sup>7</sup> Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (*South Africa v. Israel*), Order, 26 January 2024, I.C.J. Reports 2024, paras. 72 and 86 (4).

forcible transfer. Heavy weapons were used in densely populated areas, leading to civilian casualties and psychological trauma. The report also raises concerns regarding the use of force by Palestinian security forces, resulting in the deaths of several Palestinians.

88. The third part of the report sheds light on the issue of collective punishment in the West Bank, including East Jerusalem. The report states that Israel has intensified movement restrictions on Palestinians through checkpoint closures, barriers, and increased checkpoints, leading to curtailed access to services and economic disruption. These restrictions, coupled with abuse at checkpoints, are discriminatory, as Israeli settlers face no similar limitations. The ICJ has deemed these measures a breach of the International Convention on the Elimination of All Forms of Racial Discrimination.<sup>8</sup>

89. The report further notes that Israel has also expanded punitive home demolitions of families accused of attacks, displacing 158 Palestinians, including many children and women, during the reporting period. These demolitions violate international law and are discriminatory as they are not applied to non-Palestinians accused of similar acts.

90. Other potential acts of collective punishment by Israeli authorities include arbitrary mass detentions of Palestinians, administrative measures against families of alleged attackers, and the withholding of 173 Palestinian bodies.

91. The fourth part of the report deals with gender-related violations.

92. The report states that there are evidences which indicate gender-based violence, including sexual violence, by Israeli security forces against Palestinians in detention. In July 2024, Israeli authorities arrested reservists accused of sexually abusing and torturing a Palestinian detainee. OHCHR also documented such violence by Israeli forces at checkpoints and during refugee camp operations.

---

<sup>8</sup> Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, 19 July 2024, I.C.J. Reports 2024, paras. 205 and 229 (ICJ Advisory Opinion)

93. The report also notes that the humanitarian crisis in Gaza, mass displacement, and weakened social support systems have heightened the risk of gender-based violence, including sexual violence, for Palestinians, especially women and girls. The capacity of support services and victims' access to them has significantly decreased. The destruction of Gaza's administrative and law enforcement structures has also limited safe reporting and access to justice for survivors.

94. The report further explains that the damaged health system and Israeli blockade in Gaza severely impede Palestinian women and girls' access to healthcare. Pregnant and breastfeeding women face critical challenges in obtaining antenatal and postnatal care, with reports of increased pre-term and low-birth weight births.

95. In the next sections, the report describes about the arbitrary detention, torture and ill-treatment of Palestinians. The report states that since November 2023, Israel has conducted mass detentions of thousands of Palestinians in Gaza for screening and intelligence without clear legal grounds, raising concerns of arbitrary detention and enforced disappearance. Mass arrests, often arbitrary with due process violations, have also escalated in the West Bank, including East Jerusalem. By October 2024, administrative detention in Israeli prisons nearly doubled since September 2023, exceeding 10,000 security detainees, including Gazans. Conditions in Israeli detention facilities have severely worsened with overcrowding and restricted access to basic necessities. Released detainees report routine torture and ill-treatment, including sexual and gender-based violence, especially in military-run facilities.

96. The report mentions the undue restrictions on freedoms of expression and association. The report explains that since 7 October 2023, a record number of Palestinian journalists in Gaza have been killed in Israeli strikes, raising concerns of deliberate targeting to prevent monitoring and reporting on international law violations. Palestinian journalists have also been arrested in the West Bank and Gaza on charges of incitement, while foreign journalists have largely been denied access to Gaza. Similarly, human rights defenders and activists advocating for Palestinian rights have been targeted with arrests and obstruction of their work. Despite widespread arrests of Palestinians for alleged incitement, Israel has largely failed to hold its own officials accountable for dangerous and dehumanizing rhetoric.



97. The report mentions that the Israeli justice system faces serious concerns regarding its capacity and willingness to ensure accountability and adhere to international standards. The Military Advocate General and the Attorney General have frequently failed to initiate investigations into prima facie evidence of unlawful conduct by Israeli security forces. The military justice system tends to focus on lower-ranking personnel and procedural breaches rather than the legality of military policy and the responsibility of leaders. The Military Advocate General's dual role further compromises the system's impartiality.

98. The report further notes that in Gaza, a limited number of criminal investigations were launched, and most incidents were referred to the Fact-Finding Mechanism. Only one indictment was announced for abuse of detainees, and OHCHR is unaware of investigations into potential international humanitarian law violations or reports of mass graves. Impunity remains pervasive for unlawful use of force in the West Bank, with few investigations, closed cases, and even fewer convictions for the numerous Palestinian deaths at the hands of Israeli security forces.

99. The report shows concerns about the lack of effective investigations into torture and ill-treatment of Palestinians in detention, including sexual violence, despite numerous testimonies. These structural obstacles raise doubts about the Israeli authorities' willingness and ability to conduct genuine investigations.

100. International courts have provided forums for accountability, with the International Criminal Court (ICC) Prosecutor seeking arrest warrants for Israeli and Palestinian leaders. The ICJ has issued rulings emphasizing States' responsibilities regarding accountability and the illegality of Israel's continued presence in the Occupied Palestinian Territory.<sup>9</sup>

101. Before concluding, the report offers the following concluding observations and recommendations:

---

<sup>9</sup> Ibid., para. 285 (3) and (7).

## **2. Conclusions and Recommendations**

102. Since 7 October 2023, the situation in the Occupied Palestinian Territory has alarmingly worsened, marked by unprecedented violations of international law. Israeli military operations in Gaza have killed over 43,000 Palestinians and injured over 101,000, causing mass displacement and a humanitarian crisis. In October 2024, Israel subjected North Gaza to siege and bombardment, demanding the evacuation of the entire population, raising concerns about the risk to Palestinian civilians in the area through death or displacement.

103. In Gaza, Israeli forces have committed violations of international humanitarian law, many amounting to war crimes and other severe violations of international human rights law. These acts could also constitute crimes against humanity or genocide if part of a widespread or systematic attack against civilians or committed with intent to destroy a specific group. In the West Bank, including East Jerusalem, increased Israeli measures and State support for settler violence intensified the occupation's negative impact on Palestinian lives and denied their self-determination.

104. Impunity for frequent violations has normalized egregious conduct by duty bearers. In Israel, a long-standing lack of accountability fuelled escalating international law violations with an unprecedented impact on Palestinians. All duty bearers must ensure timely, effective, and impartial investigations of alleged violations and appropriate sanctions for all perpetrators.

105. The High Commissioner calls upon all parties to the conflict in Gaza to implement an immediate ceasefire and to ensure full respect for international law and accountability for violations and abuses.

106. The High Commissioner in particular calls upon Israel:

(a) To immediately and effectively ensure the unhindered provision of basic services and humanitarian assistance to the population of Gaza, including through the removal of all practical barriers;

- (b) To immediately take steps to ensure full compliance with international humanitarian law in the conduct of hostilities, including in relation to the targeting of civilians, including journalists, medical workers, emergency responders, government workers and police officers, and the protection of civilian objects;
- (c) To ensure that all Palestinians displaced from and within Gaza are allowed to return to their homes as rapidly as possible by creating safe conditions and providing adequate alternatives to those whose homes have been rendered uninhabitable, to ensure adequate standards of living, including the provision of adequate accommodation as long as people remain displaced, and to refrain from any further unlawful displacement of Palestinians;
- (d) To ensure and maintain hospital and other medical services and public health in Gaza, in line with its obligations as an occupying Power, with special regard for the health requirements of women and girls, who have been disproportionately affected by the near-total destruction of the health system in Gaza;
- (e) To urgently ensure compliance with and implement fully the provisional measures indicated by the International Court of Justice in its orders of 26 January, 28 March and 24 May 2024 relating to the contentious proceedings brought under the Genocide Convention;
- (f) To ensure that the rules of engagement of its forces and their application in the West Bank, including East Jerusalem, are fully consistent with international human rights law, including by refraining from the use of tactics and weaponry developed for warfare;
- (g) To immediately end administrative detention and other forms of detention that amount to arbitrary detention and ensure that all detainees are released unless promptly charged and fairly tried, applying non-discriminatory laws;
- (h) To bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible and in a manner consistent with the advisory opinion of the International Court of Justice of 19 July 2024 and General Assembly resolution ES-10/24 of 18 September 2024.

107. The High Commissioner calls upon all duty bearers:

- (a) To prevent, repress and punish all violations of international humanitarian law and violations and abuses of international human rights law, to conduct prompt, thorough, independent, impartial and effective investigations into all possible serious violations and abuses by duty bearers and private actors, and to ensure that perpetrators are held accountable and victims provided with redress;
- (b) To immediately end all practices that may amount to torture or other ill-treatment, including sexual violence;
- (c) To take immediate steps to prevent, repress and punish hate speech and all incitement to hatred and violence, including atrocity crimes;
- (d) To ensure cooperation with the International Criminal Court and other international accountability mechanisms;
- (e) To take measures to prevent and redress all forms of gender-based violence, including in the domestic sphere, and ensure that survivors have access to appropriate victim-centred support in accordance with international standards and that perpetrators are prosecuted and appropriately sentenced;
- (f) To ensure that the rights to freedom of expression and association are respected and protected and that civil society actors can conduct their legitimate activities safely and freely.

108. The High Commissioner calls upon all States and international organizations:

- (a) To exert their influence to prevent international law violations by all parties to the conflict in Gaza, not to enable such violations, and to fulfill their obligations under international law to take steps to prevent and punish violations;

- (b) To cooperate with the International Criminal Court and exercise universal jurisdiction to try crimes under international law in national courts, consistent with international standards;
- (c) To comply with obligations under international law to neither recognize as legal nor aid or assist the maintenance of the situation arising from the unlawful presence of Israel in the Occupied Palestinian Territory;
- (d) To encourage Israel to cooperate with OHCHR and to issue visas to its full international staff, ensuring that OHCHR has access throughout the Occupied Palestinian Territory, as well as in Israel, to monitor and document violations and abuses of international human rights law and violations of international humanitarian law.

**C. “‘More than a human can bear’: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023”- A conference room paper released by the Independent International Commission of Inquiry (IICI) on the Occupied Palestinian Territory, including East Jerusalem, and Israel on 13 March 2025**

**1. The Summary of the Report**

109. On 27 May 2021, the Human Rights Council held a special session on “the Grave Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem” and adopted the resolution “Ensuring respect for international human rights law and international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, and in Israel”<sup>10</sup> In the resolution the Human Rights Council decided to “urgently establish an ongoing, independent, international commission of inquiry to investigate, in the Occupied Palestinian Territory, including East Jerusalem, and in Israel, all alleged violations of international humanitarian law and abuses of international human rights law leading up and since 13 April 2021”. The resolution further requested the commission of inquiry to “investigate all underlying

---

<sup>10</sup> UNHRC, ‘Ensuring respect for international human rights law and international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, and in Israel’ UN Doc. A/HRC/RES/S-30/1 (13 March 2025)

root causes of recurrent tensions, instability and protraction of conflict, including systematic discrimination and repression based on national, ethnic, racial or religious identity”. The commission of inquiry is mandated to report to the Human Rights Council and to the General Assembly on an annual basis.

110. In March 2024, the Human Rights Council passed two further resolutions, in which it requested the Commission of Inquiry to present reports to the Human Rights Council on (i) settlers and settler groups involved in acts of terror, violence or intimidation against Palestinian civilians and the actions taken by Israel and third States to ensure accountability for violations of international law;<sup>11</sup> and (ii) the transfer or sale of arms, munitions, parts, components and dual use items to Israel (including those used during the Israeli military operation in Gaza since 7 October 2023) and analyse legal consequences of these transfers, including those related to State responsibility<sup>12</sup>

111. This conference room paper titled “‘More than a Human Can Bear’: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence” (or “the Report”) released in March 2025 by the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel (or “the Commission”)” delivers a comprehensive and deeply troubling account of sexual, reproductive, and gender-based violence (SRGBV) in the context of the Israeli-Palestinian conflict.<sup>13</sup>

112. The findings in the Report are based on a methodology that centres on verified digital evidence, testimonies from victims and witnesses, interviews with civil society organizations, and medical and forensic reports. The Commission applies a “reasonable grounds to conclude” standard, corroborating cases through multiple independent sources and taking special measures

---

<sup>11</sup> UNHRC, ‘Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan’ UN Doc. A/HRC/RES/55/32 (15 April 2024)

<sup>12</sup> UNHRC, ‘Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice’ UN Doc. A/HRC/RES/55/28 (15 April 2024);

<sup>13</sup> Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, ‘Conference Paper: “More than a human can bear”: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023’ UN Doc. A/HRC/58/CRP.6 (13 March 2025)

to protect the identities and dignity of survivors, given the stigma and trauma associated with SRGBV.<sup>14</sup>

113. The backdrop to the report is the armed conflict and serious escalation of violence since 7 October 2023 which has led to unprecedented levels of military operations, mass displacement, and a severe humanitarian crisis of extraordinary severity in Gaza, the West Bank, and East Jerusalem. At the outset the Report sets out the applicable legal standards to the situation as confirmed by the International Court of Justice in its Advisory Opinion and Orders in the South v. Israel Case. The Report notes that international humanitarian law is applicable concurrently with international human rights law and emphasizes on the applicability of the law of occupation which has been in place since October 2023, the Geneva Conventions of 1949, the Hague Regulations of 1907, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as well as the UN Standard Minimum Rules for the Treatment of Prisoners (“Nelson Mandela Rules”). In this regard it is pertinent to note that the Commission reminds us that all crimes under the Rome Statute may potentially involve gendered elements in their intent, commission or execution.

114. The report details how women and girls have been both directly and indirectly targeted. Attacks on homes, often carried out at night, have resulted in deaths and injuries, while bombardments of schools, hospitals, and shelters-places where women and children sought refuge-have heightened their risk. The collapse of social and family networks due to displacement has further increased the vulnerability of women and girls to sexual exploitation and abuse. In the Report the Commission emphasizes that these patterns are not incidental but rather part of a deliberate strategy to inflict collective punishment and long-term harm on the Palestinian population, with women and girls most acutely affected.<sup>15</sup>

115. A significant portion of the report addresses reproductive violence, which includes deliberate attacks on hospitals and clinics providing sexual and reproductive healthcare, as well as the systematic denial of access to such services due to checkpoints, sieges, and movement

---

<sup>14</sup> UNHRC, ‘Ensuring respect for international human rights law and international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, and in Israel’ 3 UN Doc. A/HRC/RES/S-30/1 (13 March 2025)

<sup>15</sup> Ibid 9

restrictions. The use of starvation and deprivation as methods of warfare has led to increased rates of miscarriage, premature birth, and maternal mortality, and there is a widespread lack of access to menstrual hygiene products and basic reproductive healthcare. The Commission concludes that these actions are not isolated incidents but part of a broader pattern of conduct aimed at inflicting collective punishment and long-term harm, particularly on women and girls. The evidence suggests that these measures are intended to undermine the reproductive capacity of the Palestinian population, which the Commission notes may amount to genocidal acts as defined by international law.<sup>16</sup>

116. The report also documents a marked increase in sexual and gender-based violence by the Israeli Security Force (ISF) and Jewish settlers. This includes rape and attempted rape during ground operations and arrests, sexual harassment, public shaming, and forced nudity, such as the removal of the hijab or other religious garments. The Commission notes that such acts are often accompanied by racist and misogynistic language, further compounding the trauma experienced by victims. Sexual violence against men and boys is also reported, including forced stripping, photographing, and filming during detention or at checkpoints, as well as threats of sexual violence used as tools of intimidation and control. These acts are not only violations of the victims' bodily integrity but also serve as instruments of terror and humiliation, intended to break the spirit of individuals and communities.

117. In Israeli custody, detainees-including women, men, and children-have reported widespread SRGBV. The report highlights sexual assault and harassment during arrest, interrogation, and detention, the denial of menstrual hygiene products and reproductive healthcare for female detainees, and the use of sexual violence as a means of extracting confessions or punishing perceived resistance. Displacement has also exposed women and girls to increased risks of trafficking, exploitation, and abuse, particularly in overcrowded shelters and camps. The breakdown of traditional social protections due to displacement has left many women and girls without support, making them more vulnerable to exploitation and abuse by both state and non-state actors.

---

<sup>16</sup> Ibid 39



118. The report describes numerous cases of sexual and gender-based violence perpetrated by Israeli settlers and civilians, particularly in the West Bank. These acts include physical assaults, sexual harassment, and threats against Palestinian women and girls, as well as attacks on homes and communities with the explicit aim of driving Palestinians from their land. Such acts are frequently carried out with impunity and, in some cases, with the tacit or active support of ISF personnel. The Commission finds that the lack of accountability for these acts has contributed to a culture of impunity, which enables ongoing violations and further traumatizes victims and their communities.

119. A recurring theme in the report is the lack of accountability for perpetrators of SRGBV. The Commission notes a systematic failure of Israeli authorities to investigate or prosecute cases of sexual and gender-based violence, a lack of cooperation with international investigators and human rights bodies, and a culture of impunity that enables ongoing violations. The report calls for the integration of SRGBV into all future accountability and transitional justice processes, emphasizing that justice for victims must be a central component of any lasting resolution to the conflict.

120. The report situates its findings within the framework of international humanitarian law, particularly the Fourth Geneva Convention, which prohibits attacks on civilians and civilian infrastructure, collective punishment, acts or threats of violence to spread terror among the civilian population, rape, sexual violence, and outrages upon personal dignity. The Commission affirms that Israel, as the occupying power, bears primary responsibility for the protection of the Palestinian population. The report also references multiple human rights instruments, including the CEDAW, the Convention on the Rights of the Child (CRC), and the International Covenant on Civil and Political Rights (ICCPR), which obligate states to prevent, investigate, and punish acts of sexual and gender-based violence and to ensure access to justice and reparations for victims. The Commission identifies patterns of conduct that may constitute crimes under the Rome Statute of the International Criminal Court (ICC), including war crimes such as willful killing, torture, outrages upon personal dignity, rape, and sexual violence, as well as crimes against humanity, including extermination, persecution, and other inhumane acts. The report

urges the ICC and other international mechanisms to prioritize investigation and prosecution of SRGBV in the context of the Israeli-Palestinian conflict.<sup>17</sup>

121. The documented acts of SRGBV have resulted in severe and lasting harm to victims, including physical injuries, disability, chronic health conditions, psychological trauma such as depression, anxiety, and post-traumatic stress disorder, and social stigma and isolation. The report emphasizes the long-term societal consequences of SRGBV, including the disruption of education, employment, and economic opportunities for women and girls, intergenerational trauma affecting children and future generations, and the erosion of social cohesion and trust within affected communities. Victims of SRGBV face significant barriers to justice, including fear of retaliation, stigma, social exclusion, lack of access to legal aid and support services, and inadequate or hostile responses from authorities. The Commission stresses the urgent need for survivor-centered approaches to justice and reparations, which must include medical, psychological, and legal assistance, as well as measures to address the root causes of SRGBV and prevent its recurrence.

## **2. Conclusions and Recommendations**

122. To conclude, the Report provides a detailed and harrowing account of the scale and severity of sexual, reproductive, and gender-based violence in the context of the on-going Conflict in Gaza and situation in the West Bank. The evidence demonstrates that SRGBV is systematic and widespread, with devastating consequences for individuals, families, and communities. The report calls for urgent action by all parties to end impunity, provide justice and reparations for survivors, and ensure the protection and dignity of all civilians, particularly women and girls. It underscores the necessity of integrating SRGBV into all efforts to achieve accountability, peace, and reconciliation in the region, and makes clear that without addressing these grave violations, there can be no sustainable resolution to the conflict or lasting justice for its victims.

---

<sup>17</sup> Ibid 36

123. The Commission provides the following recommendations to the State of Israel, the UN Member States, the UN Security Council, the Secretary-General of the UN and UN High Commissioner for Refugees

124. To the Government of the State of Israel:

(a) End the unlawful occupation in line with the International Court of Justice in its Advisory Opinion of July 2024:

(b) Immediately cease targeting civilians and civilian objects; revise the military protocols in relation to targeting criteria to ensure effective protection for women and children;

(c) Immediately cease the targeting of sexual and reproductive healthcare facilities and restore Gaza's health care system, including for pregnant women and girls, new mothers and their new-borns;

(d) Comply with obligations to ensure availability of and access to quality reproductive health services, goods and facilities, including for pregnant, birthing, post-partum and lactating women and girls,

(e) Ensure the necessary entry and distribution of humanitarian assistance and cease the restrictions on "dual-use" items that involve medical related supplies;

(f) Allow free and unhindered access to all humanitarian and relief actors across the Occupied Palestinian Territory, including UNRWA, and give special attention to those providing sexual and reproductive health services;

(g) Immediately cease the arbitrary arrest and detention of Palestinians as a collective punishment for the attack on 7 October 2023;

- (h) Cease the practice of exposing female and male detainees in vulnerable and degrading positions online, including while undressed;
- (i) Establish gender-specific protocols and conditions of detention, including in relation to searching prisoners; ensure that female detainees are supervised and attended to only by female staff and that transportation of female prisoners includes female staff;
- (j) Ensure that women's gender-specific health-care needs are met in detention, including access to reproductive health care, hygienic conditions and menstrual products;
- (k) Cease the practices of forced public stripping and nudity, repeated and intimate body searches and removing women's veils in public and in front of male soldiers or male prison staff;
- (l) Immediately cease the perpetration of rape and other forms of sexual and gender-based violence, including sexualised torture, sexual assault, prolonged nudity and other humiliating treatment such as sexual harassment, including in detention and during ground operations, involving victims of all ages and genders, online and in person;
- (m) Immediately and without delay return the body of Dr. Adnan al- Bursh to his family members, in addition to returning the bodies of all victims to their families;
- (n) Refrain from detaining pregnant women and young mothers except as a last resort and for the shortest possible period of time; where their detention is unavoidable, provide appropriate accommodation for them and ensure their access to sexual and reproductive health care, and implement effective safeguards, including regular monitoring and review of every person;
- (o) Set up operational protocols, codes of conduct, regulations and training modules to enable continuing monitoring and analysis of persecution or discrimination based on gender and nationality, sensitize law enforcement authorities and detention facility staff; address and actively combat the discriminatory structures and beliefs that enable these violations to prevent their recurrence;

- (p) Immediately investigate and prosecute sexual and gender-based violence committed by settlers and other civilians;
- (q) Fully cooperate with the investigations by the Office of the Prosecutor of the International Criminal Court;
- (r) Allow the Commission access to Israel and the Occupied Palestinian Territory to conduct investigations;
- (s) Comply with all provisional measures ordered by the International Court of Justice in the South Africa v. Israel case under the Genocide Convention, and comply with the advisory opinion issued by the International Court of Justice;

125. To all UN Member States:

- (a) Comply with all international legal obligations, including, inter alia, under the Geneva Conventions, the Genocide Convention, the Convention against Torture and the Convention on the Elimination of All Forms of Discrimination against Women; and comply with the advisory opinion issued by the International Court of Justice and the obligation not to recognize the unlawful occupation and not to render aid or assistance in maintaining the occupation;
- (b) Apply a gender-conscious approach when reviewing the compliance with the advisory opinion, and ensure that gender dimensions are taken into account;
- (c) Pursue avenues of accountability under domestic law or universal jurisdiction and support international justice efforts; and, for States Parties to the International Criminal Court, ensure full compliance with the arrest warrants issued by the Court;

126. To the UN Security Council:

(a) Ensure the participation and leadership of women in any recovery or relief efforts in Gaza, and ensure that the women, peace and security agenda is mainstreamed in the process of ensuring compliance with the advisory opinion and ensuring gender expertise when identifying any further actions to bring an end to the unlawful presence of Israel in the Occupied Palestinian Territory and of Israeli settlers and settlements;

127. To the Secretary-General of the United Nations:

(a) Consider list Israel in the annexes of the next annual report on conflict related sexual violence, in accordance with Security Council resolution 1960 (2010) and subsequent resolutions, owing to the prevailing climate of impunity, the systematic and widespread nature of the sexual violence, and the pattern to use sexual violence as a weapon to uphold a system of oppression of Palestinians as a group.

128. To the United Nations High Commissioner for Human Rights:

(a) Recommend the deployment of dedicated conflict-related sexual violence experts to the Office of the United Nations High Commissioner for Human Rights in the State of Palestine and to the Commission in order to prevent, address and respond to conflict-related sexual violence by the ISF and Palestinian armed groups including reinforce monitoring and reporting of conflict-related sexual violence trends and patterns in line with survivor centred trauma informed approach, support survivor centred response including services and advance accountability.

**D. Report of the UN High Commissioner for Human Rights on the Israeli settlement in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan submitted to the Human Rights Council at its fifty-eighth session (2025)**

**1. The Summary of the Report**

129. The present report<sup>18</sup> (or “the Report”) is submitted pursuant to Human Rights Council resolution 55/32, provides an update on the implementation of the provisions of the resolution during the period from 1 November 2023 to 31 October 2024. It is based on direct monitoring and information-gathering conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory, and on information provided by government sources, United Nations entities and non-governmental organizations (NGOs).

130. The report, in relation to legal and policy initiatives of the Government of Israel, affirms that international human rights and humanitarian law are applicable to the Occupied Palestinian Territory and the occupied Syrian Golan, imposing binding obligations on Israel under treaties such as the Fourth Geneva Convention.<sup>19</sup> The report relies on the ICJ’s advisory opinion<sup>20</sup> that declares Israel’s presence unlawful, citing settlement expansion as a form of annexation and a violation of the Palestinian people’s right to self-determination.

131. The report recognizes the settlements in the occupied West Bank, including East Jerusalem, are unlawful are contrary to Article 49 of the Third Geneva Convention. Further it also cites Article 8 of the Rome Statute<sup>21</sup> which declares unlawful transfer of Israel’s population into occupied territory as well as deportation of the population of the occupied territories as a war crime. In this regard the Report notes that by the end of the reporting period, there were

---

<sup>18</sup> UN HRC, ‘Report of the UN High Commissioner for Human Rights on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan’ (24 February–4 April 2025) UN Doc A/HRC/58/73 (06 March 2025)

<sup>19</sup> Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (signed 12 August 1949, entered into force 21 October 1950) 75 UNTS 287 (‘GC IV’).

<sup>20</sup> ICJ Advisory Opinion para. 173.

<sup>21</sup> Rome Statute of the International Criminal Court, UN Doc. A/CONF.183/9 (adopted 17 July 1998, entered into force 1 July 2002)

737,332 settlers (503,732 in the West Bank and 233,600 in East Jerusalem), with 147 settlements and 224 outposts. Israel advanced 10,360 housing units in Area C<sup>22</sup> and 20,138 units in East Jerusalem, including new settlements like Nahal Heletz, Machane Gadi, Kedem Arava, and Givat Chanan.

132. Regarding settlement consolidation and expansion, the report asserts that settlement expansion reinforces Israel's *de facto* annexation of Palestinian land, violating the prohibition on territorial acquisition by force.<sup>23</sup> The report notes that the transfer of powers from military to civilian Israeli authorities, particularly through the Additional Minister in the Ministry of Defence, facilitated large-scale infrastructural development, outpost regularization, and discriminatory law enforcement reinforces the annexation. Budget allocations (over \$200 million in 2024)<sup>24</sup> for settlements, outposts, and related infrastructure further entrench Israel's unlawful control, and have been noted in the Report as necessitating urgent international accountability.

133. The Report also notes that Israel intensified settlement expansion in the occupied West Bank and East Jerusalem, including on protected heritage sites, such as the establishment of Nahal Heletz on UNESCO-listed land in Battir. In this regard the Report state that these actions, compounded by the fact that Israeli officials and Knesset members also advocated for resettlement in Gaza, with symbolic outposts constructed at the Erez Crossing, reflecting policy-level support for expansionist agendas<sup>25</sup> reinforce annexation, fragment Palestinian territory, and obstruct the right to self-determination.

134. One of the major factors contributing to *de facto* annexation is Israel's policy of retroactive "regularization," and failure to prevent or dismantle illegal outposts which facilitates the unlawful transfer of its population into the occupied West Bank. During the reporting period, 49 new outposts were established.<sup>26</sup> These outposts play a central role in displacing Palestinian

---

<sup>22</sup> The Report, para. 14

<sup>23</sup> ICJ Advisory Opinion paras. 173, 175 and 254.

<sup>24</sup> Settlement Watch, Peace Now, 'Billions for Settlements in the 2024 Budget' (22 February 2024) <<https://peacenow.org.il/en/billions-for-settlements-in-the-2024-budget>> accessed 22 May 2025

<sup>25</sup> Noa Shpigel, 'Netanyahu's Likud Party issues invitation to event titled 'Preparing to settle Gaza',' (2024) Haaretz

<sup>26</sup> Settlement Watch, Peace Now, 'Settlements Data: Population' (2024) <<https://peacenow.org.il/en/settlements-watch/settlements-data/population>> accessed 22 May 2025.



communities, seizing agricultural land, and confining Palestinians to shrinking enclaves.<sup>27</sup> Outposts received state-backed infrastructure services, and 68 illegal ones were designated as “sites undergoing regularization,” allowing state funding and immunity from demolition.<sup>28</sup>

135. The report documents Israel’s continued illegal appropriation of Palestinian land in the occupied West Bank through declarations of “State land,” military zones, and cultural sites. A record 24,193 dunams were declared “State land” during the reporting period,<sup>29</sup> with major seizures in the Jordan Valley and around settlement blocs like Ma’ale Adumim.<sup>30</sup> Of the 1.4 million dunams declared to date, 99.76% have been allocated to Israelis. Additionally, military orders citing security pretexts were used to seize Palestinian land, such as the July 2024 order in Yasuf village.<sup>31</sup>

136. In East Jerusalem, the Israeli government has intensified efforts to isolate the city from the West Bank. Since 1967, 57,000 housing units have been built for Israeli settlers, compared to just 600 for Palestinians.<sup>32</sup> The settlement of land title process has enabled extensive land appropriation, registering 7,500 dunams of land to Israeli interests, putting Palestinian communities at risk of eviction, particularly in areas like Silwan and Beit Hanina.<sup>33</sup>

137. During the reporting period, the Report states that 214 Palestinian structures were demolished, with 968 individuals, including 424 children, facing eviction. The transfer of the National Unit for Enforcing Planning and Construction Laws under the Ministry of National Security has intensified demolitions. Neighbourhoods like Batan al-Hawa and Al-Bustan are

---

<sup>27</sup> The Report, para. 28

<sup>28</sup> Bimkom – Planning and Human Rights, ‘Connection to Infrastructure and Establishment of Public Buildings in Outposts Included in Legalization Processes’ (2024) <<https://bimkom.org/eng/wp-content/uploads/Outpost-legalization-process-connection-to-infrastructure-public-buildings.pdf>> accessed 22 May 2025

<sup>29</sup> UN HRC ‘Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan: Report of the United Nations High Commissioner for Human Rights’ (2023) UN Doc A/HRC/52/76

<sup>30</sup> UNGA, ‘Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan: Report of the Secretary-General’ (2024) UN Doc A/79/347

<sup>31</sup> Peace Now, ‘170 Dunams Declared as State Land Around the Herodium Archaeological Site’ (2024) <<https://peacenow.org.il/en/170-dunams-declared-as-state-land-around-the-herodium-archaeological-site>> accessed 22 May 2025

<sup>32</sup> Peace Now, ‘Peace Now Settlements Map’ (2024) <<https://peacenow.org.il/wp-content/uploads/2024/08/Peace-Now-Settlements-Map-2024.pdf>> accessed 22 May 2025

<sup>33</sup> The Report, para. 26

under threat, with over 100 homes facing demolition. Plans to convert Al-Bustan into a park linked to Israeli settlements risk displacing around 1,550 Palestinians.<sup>34</sup>

138. The report further states that Israel’s denial access to agricultural lands during the olive harvest season severely undermines the economic, social, and cultural rights of the Palestinian people. In 2023, over 96,000 dunams of olive-cultivated land were left unharvested due to military closures, settler attacks, and denial of coordination.<sup>35</sup> This resulted in a significant loss of over 1,200 metric tons of olive oil, valued at \$10 million.<sup>36</sup>

139. The report also notes the disturbing trend of Settler violence, in coordination with Israeli security forces, which intensified during the olive harvest period, particularly in areas like Tulkarm, Nablus, and Qalqilyah. Due to which the 2023 harvest saw an estimated 50% of farmers unable to harvest their olives. The further add that in 2024, the situation worsened, with numerous attacks on harvesters, including the killing of a 59-year-old Palestinian woman in Faquq’a, Jenin, and the vandalization of over 1,100 olive saplings.<sup>37</sup>

140. The Report states that in recent years Israeli settlers have increased their violent attacks on Palestinians, with the State enabling these actions through policies like militarized “settlement defense squads” and enlisting settlers in Israeli security forces.<sup>38</sup> This has led to more than 1,400 incidents of settler violence, including deaths, injuries, and property damage<sup>39</sup>. In 2023 and 2024, thousands of Palestinians were displaced due to these attacks.

141. The Report laments the prevailing state of lack of accountability and states that the erosion of the distinction between State and settler violence has left Palestinians effectively without legal protection or avenues for justice. It cites reports of a policy of police non-

---

<sup>34</sup> The Report., paras. 29 - 32

<sup>35</sup> B’Tselem, ‘Israel Used the Gaza War to Impose Extreme Restrictions on the Annual West Bank Olive Harvest’ (2024) <[https://www.btselem.org/settler\\_violence/20240214\\_israel\\_used\\_gaza\\_war\\_to\\_impose\\_extreme\\_restriction\\_s\\_on\\_the\\_annual\\_west\\_bank\\_olive\\_harvest](https://www.btselem.org/settler_violence/20240214_israel_used_gaza_war_to_impose_extreme_restriction_s_on_the_annual_west_bank_olive_harvest)> accessed 22 May 2025

<sup>36</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), ‘Olive Harvest 2023: Hindered Access Afflicts Palestinian Farmers in the West Bank, (2024) <<https://www.ochaopt.org/content/olive-harvest-2023-hindered-access-afflicts-palestinian-farmers-west-bank>> accessed 22 May 2025

<sup>37</sup> The Report, para. 30

<sup>38</sup> Ibid., para. 42

<sup>39</sup> Ibid., para. 46

enforcement toward violent settlers and data from the NGO Yesh Din<sup>40</sup> showing that out of 174 incidents of settler violence, only one resulted in an indictment as many Palestinians refrained from filing complaints due to deep mistrust in Israeli authorities or fear of retaliation.<sup>41</sup>

142. The report also highlights that forcible transfer of Palestinians has continued through both physical violence, including settler attacks, and a discriminatory legal-administrative regime. During the reporting period, 1,779 Palestinian-owned structures were demolished in the West Bank, mostly for lacking permits that are nearly impossible to obtain. These demolitions displaced 4,527 Palestinians, marking a 194 per cent rise from the previous period. The destruction included homes, aid-funded shelters, sanitation facilities, and schools.<sup>42</sup>

143. In relation to the occupied Syrian Golan, the Report states that Israel continued expanding settlements building new settlements, increasing the settler population, and advancing projects like a wind farm on Syrian-owned agricultural land near Majdal Shams. These developments aim to double the settler population, and also restrict the Syrian community's access to land and resources, threatening their rights to livelihood, housing, and a sustainable environment, further contributing to the de facto annexation.<sup>43</sup> Additionally, the Report states that 13 Syrian civilians, including 12 children, were killed amid hostilities between Israel and Hezbollah during the reporting period.<sup>44</sup>

## **2. Conclusions**

144. The report concludes that Israel's continued establishment and expansion of settlements in the Occupied Palestinian Territory and the occupied Syrian Golan constitutes the unlawful transfer of its civilian population into occupied territory, prohibited under international law. This

---

<sup>40</sup> Yesh Din, 'The Silent Overhaul: Changing the Nature of Israeli Control in the West Bank, Analysis of Israel's 37th Government's Annexation Policy and Its Ramifications' (2024) <<https://www.yesh-din.org/en/the-quiet-overhaul-changing-the-nature-of-israeli-control-in-the-west-bank-analysis-of-israels-37th-governments-annexation-policy-and-its-ramifications/>> accessed 22 May 2025

<sup>41</sup> The Report., para. 53

<sup>42</sup> Ibid., para. 55

<sup>43</sup> Ibid., para. 58

<sup>44</sup> OHCHR, 'ASG Brands Kehris Urges Israel to End Unlawful Presence in Occupied Palestinian Territory and Occupation of Syrian Golan, in Reports to UN General Assembly' (18 November 2024)

is supported by findings of ongoing settlement consolidation, regularization of outposts, and administrative measures facilitating the transfer of Israeli civilians into occupied territory. The shift of authority from military to civilian control and state-backed infrastructural support further entrenches the settlement enterprise in violation of international humanitarian law.

145. The Report states based on the evidence available, transfer of authority over the West Bank to Israel's civilian government, along with escalating settler-State violence and discriminatory movement restrictions, has deepened the forcible transfer of Palestinians and furthered *de facto* annexation, undermining their right to self-determination. This process is reinforced by systemic discrimination in land use, planning, and access, coupled with movement restrictions and violence that create a coercive environment, leading to displacement and fragmentation of Palestinian communities.

146. Despite the recent Advisory Opinion of the ICJ and decades of international condemnation, the Report concludes that Israel's accelerating settlement expansion remains an ongoing violation of international law and reflects the failure of the international community to uphold the rules-based order, especially against annexation and racial discrimination.

### **3. Recommendations**

147. On the basis of findings presented in the present and previous reports, and in view of the advisory opinion rendered by the International Court of Justice on 19 July 2024 and General Assembly resolution ES-10/24, concerning the advisory opinion, the High Commissioner recommended that the Israeli authorities:

- (a) Immediately and completely cease and reverse the establishment and expansion of Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and all other related activity, in accordance with relevant United Nations resolutions, including Security Council resolutions 497 (1981) and 2334 (2016);
- (b) Evacuate all Israeli settlers from the Occupied Palestinian Territory;

- (c) Bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible, and in accordance with General Assembly resolution ES-10/24; and, in the meantime, uphold all obligations under international law, including the law of occupation and international human rights law;
- (d) Rescind all policies and practices that contribute to a coercive environment that induces the forcible transfer of Palestinians;
- (e) Cease the appropriation of land in the occupied West Bank, including East Jerusalem, and return it to its previous inhabitants;
- (f) Cease all forced evictions, house demolitions and the reallocation of land to Israeli settlements;
- (g) Cease and rescind the policy of exploiting the natural resources of the Occupied Palestinian Territory and diverting them to the population of Israel, including settlers;
- (h) Prevent and punish attacks by settlers against the life or bodily integrity of Palestinians and against their property;
- (i) Cease all discriminatory practices that violate international human rights law, including breaches of article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination;
- (j) Uphold the Palestinian people's right to self-determination, including by ceasing internationally wrongful acts and making reparations for such acts.

**E. Request for an advisory opinion on Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory**

**1. Introduction**

148. On 19 December 2024 at its 54th plenary meeting the UN General Assembly adopted resolution 79/232 on “Request for an advisory opinion of the International Court of Justice on the obligations of Israel in relation to the presence and activities of the United Nations, other international organizations and third States”<sup>45</sup>.

149. It decided in accordance with Article 96 of the Charter of the United Nations, to request the ICJ on “priority basis and with the utmost urgency, to render an advisory opinion on the following question, considering the rules and principles of international law, as regards in particular the Charter of the United Nations, international humanitarian law, international human rights law, privileges and immunities applicable under international law for international organizations and States, relevant resolutions of the Security Council, the General Assembly and the Human Rights Council, the advisory opinion of the Court of 9 July 2004, and the advisory opinion of the Court of 19 July 2024, in which the Court reaffirmed the duty of an occupying Power to administer occupied territory for the benefit of the local population and affirmed that Israel is not entitled to sovereignty over or to exercise sovereign powers in any part of the Occupied Palestinian Territory on account of its occupation.”<sup>46</sup>

150. The question before the Court was framed by the UNGA as follows:

151. “What are the obligations of Israel, as an occupying Power and as a member of the United Nations, in relation to the presence and activities of the United Nations, including its agencies and bodies, other international organizations and third States, in and in relation to the

---

<sup>45</sup> Request for an advisory opinion of the International Court of Justice on the obligations of Israel in relation to the presence and activities of the United Nations, other international organizations and third States, UNGA Res 79/232 (19 December 2024) (adopted by 137 votes to 12, with 22 abstentions)

<sup>46</sup> Ibid para. 10

Occupied Palestinian Territory, including to ensure and facilitate the unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian population as well as of basic services and humanitarian and development assistance, for the benefit of the Palestinian civilian population, and in support of the Palestinian people's right to self-determination?"<sup>47</sup>

152. Accordingly, the resolution, was transmitted to the ICJ under cover of a letter dated 20 December 2024 from the Secretary-General of the United Nations to the President of the ICJ. In his letter, the Secretary-General informed the President of the Court that, pursuant to Article 65, paragraph 2, of the Statute of the Court, the United Nations Secretariat would prepare a dossier containing a collection of all relevant documents that are likely to throw light upon the question referred to above, to be transmitted to the Court in due course.<sup>48</sup>

153. While time limits for written observations were fixed for 28 February 2025, the ICJ invited all UN Member States and the Observer State of Palestine to furnish information on the question submitted to the Court for an advisory opinion. It was also noted by the ICJ that in view of the urgency and priority expressed by the UNGA, the Court would accelerate the procedures.<sup>49</sup>

154. Within the time-limit for the presentation of written statements, fixed by the Order of the President of the Court of 23 December 2024, statements were filed in the Registry by (in order of receipt): Chile, Malaysia, the Russian Federation, Türkiye, Pakistan, Qatar, Slovenia, Spain, the Philippines, Kuwait, Hungary, South Africa, Namibia, Ireland, the Maldives, Saudi Arabia, Jordan, Luxembourg, Iran, Indonesia, China, the Netherlands, Bolivia, Brazil, Algeria, Senegal, Bangladesh, the Comoros, the League of Arab States, Belgium, Vanuatu, Tunisia, Norway,

---

<sup>47</sup> Ibid

<sup>48</sup> Letter dated 20 December 2024 sent by the Secretary-General of the UN to the President of the International Court of Justice, in ICJ, 'Request For Advisory Opinion transmitted to the Court pursuant to General Assembly Resolution 79/232 Of 19 December 2024: "Obligations Of Israel In Relation To The Presence And Activities Of The United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory" <<https://www.icj-cij.org/sites/default/files/case-related/196/196-20241223-adv-01-00-en.pdf>> accessed 31 July 2025

<sup>49</sup> *Obligations Of Israel In Relation To The Presence And Activities Of The United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory*, Order dated 23 December 2024, ICJ <<https://www.icj-cij.org/sites/default/files/case-related/196/196-20241223-ord-01-00-en.pdf>> accessed 31 July 2025

Egypt, Iceland, Israel, France, Poland, Palestine, the United States of America, Mexico and Colombia. In addition, the Court decided, on an exceptional basis, to authorize the late filing of the written statement of the African Union.<sup>50</sup> The Secretary-General of the UN, the Organisation of Islamic Cooperation and the League of Arab States also filed written statements.

155. On 9 April 2025 the ICJ decided that it would hold public hearings on the request for an advisory opinion on from Monday 28 April to Friday 2 May 2025 at the Peace Palace in The Hague, the seat of the Court. It also noted that Forty States and four international organizations have expressed their intention to participate in the oral proceedings before the Court.<sup>51</sup>

156. At the end of the hearing on 2 May 2025, Judge Sebutinde, Vice-President of the ICJ posed the following question to all the participants: “Which third States and other international organizations operate to provide basic services and humanitarian and developmental assistance in the Occupied Palestinian Territory? To what extent have restrictions, if any, been placed upon their operations in the Occupied Palestinian Territory by Israel since 2 March 2025?” The following participants replied in writing to the question posed: Belgium, Brazil, Colombia, Egypt, France, Jordan, Norway, Palestine, Qatar, the Russian Federation, Saudi Arabia, South Africa, Türkiye and the Secretary-General of the United Nations.

157. Of the States that furnished information in the form of written statements 15 were AALCO Member States: Malaysia, the Republic of Türkiye, the Islamic Republic of Pakistan, the State of Qatar, the Republic of the Philippines, the State of Kuwait, the Republic of South Africa, the Kingdom of Saudi Arabia, the Hashemite Kingdom of Jordan, the Islamic Republic of Iran, the Republic of Indonesia, the People’s Republic of China, the Republic of Senegal, the People’s Republic of Bangladesh, the Arab Republic of Egypt

158. Further, the Arab Republic of Egypt, the Hashemite Kingdom of Jordan, the State of Palestine, the State of Qatar, the Kingdom of Saudi Arabia, the Republic of South Africa, the

---

<sup>50</sup> ICJ, ‘Press Release dated 12 March 2025’ <<https://www.icj-cij.org/sites/default/files/case-related/196/196-202503-12-pre-01-00-en.pdf>> accessed 31 July 2025

<sup>51</sup> ICJ, ‘Press Release dated 9 April 2025’ <<https://www.icj-cij.org/sites/default/files/case-related/196/196-0250409-pre-01-00-en.pdf>> accessed 31 July 2025



Republic of Türkiye also furnished information in response to the questions posed by the Vice-President of the ICJ.

## **2. Written Statements of the AALCO Member States: a brief overview**

159. The written statements submitted to the ICJ by 15 AALCO Member States share an overall consensus regarding Israel’s international legal obligations with respect to the presence and activities of the United Nations, its agencies (particularly UNRWA), other international organizations, and third States in, and in relation to, the Occupied Palestinian Territory (OPT). Across these statements, there is a clear consensus that Israel, as the Occupying Power, owes legally binding duties under international humanitarian law (IHL), international human rights law (IHRL), and the United Nations Charter—not only vis-à-vis the Palestinian population, but also in relation to the UN and all humanitarian and development actors serving the OPT. The submissions also emphasize the primacy of the Palestinian right to self-determination as a norm of *jus cogens* and frame the protection of United Nations operations, humanitarian access, and civilian services as legal corollaries to this right.

## **3. Some common elements in the submissions:**

### **160. Jurisdiction and Admissibility**

The AALCO Member States that furnished information in the form of a written statement submitted the ICJ has clear jurisdiction under Article 96 of the UN Charter and Article 65 of the Statute of the ICJ to respond to the General Assembly’s request for an advisory opinion. They reject the existence of any “compelling reason” for the Court to decline to render its opinion, citing both procedural legitimacy and the utmost urgency and legal gravity of the matter. The framing consistently emphasizes that this is not a bilateral dispute but touches upon the United Nations’ permanent responsibility toward Palestine a matter which has broad institutional and legal significance.

161. The Legal Status of the OPT

Relying on decades of UN practice, Security Council and General Assembly Resolutions, and prior ICJ advisory opinions AALCO Member States argued that the West Bank (including East Jerusalem) and Gaza remained territories occupied by Israel under international law. The mere physical withdrawal of certain military forces that happened in Gaza in 2005 did not alter the territory's occupied status because Israel continued to exercise effective control, particularly over borders and movement, reliance was placed on the ICJ's previous advisory opinions in 2004 and 2024.

162. Israel's Obligations under International Humanitarian Law (IHL)

AALCO Member States who submitted written statements asserted Israel's binding legal duties as occupying power particularly under the 1907 Hague Regulations and the Fourth Geneva Convention (1949), as well as customary international law to ensure and facilitate the unhindered provision of humanitarian supplies and services that are essential to the survival of the Palestinian civilian population. Among the key obligations that were argued as being binding upon Israel were preventing starvation, ensuring access to food, water, and medicine, protecting humanitarian and UN personnel, and refraining from collective punishment, forced displacement, and attacks on civilian infrastructure and aid workers *inter alia*.

163. These obligations, they argued, could not be overridden by claims of security, military necessity, or vague invocation of sovereignty nor could Israel legally withdraw from prior agreements entered into with the UN or humanitarian institutions. Repeated references were also made to Israel's legal obligation to accept and not hinder relief efforts by third parties such as the UN, international humanitarian organizations, and other States.

164. International Human Rights Law (IHRL)

The Written Submissions by and large, emphasized that human rights law continued to apply throughout the OPT along with humanitarian law entailing that Israel was under a binding obligation to respect and protect the most fundamental human rights even during armed conflict including the right to life, health, food, water, education, and non-discrimination. Deprivation of these most fundamental human rights whether through sieges, movement restrictions, blocking

aid, or administrative bans was by these States to constitute gross violations of international human rights constituted heinous crimes international law.

#### 165. Privileges and Immunities of the United Nations and UNRWA

There is universal agreement that Israel must respect the privileges and immunities of the UN and its agencies enshrined in Articles 104-105 of the UN Charter, the Convention on the Privileges and Immunities of the United Nations, 1946 as well as the specific Exchange of Letters in 1967 with UNRWA. These instruments, together with international customary law, require that UN facilities, property, personnel, and assets (including communications, convoys, and offices) are inviolable and must be protected. It was submitted that the recent Israeli legislative and military actions to expel UNRWA, close its offices, or restrict visas and movement were clear breaches of these obligations.

#### 166. The Centrality of UNRWA

A number of written statements single out the irreplaceable role of UNRWA as the backbone of humanitarian and development assistance for Palestinian refugees not only Gaza, but also across the OPT and neighbouring countries. It was argued that attacks, expulsions, funding cuts, and attempts to dismantle UNRWA was not only as an assault on humanitarian relief, but also as a direct threat to the viability of the international system's response to the Palestinian question, as well as to Palestinian self-determination itself.

#### 167. Obligations as a UN Member State

A number of written statements also referred to Israel's legal undertakings upon admission to the United Nations and its continuing Charter obligations requiring it to cooperate with the Organization, to act in good faith, to "give every assistance," and to respect the independence and neutrality of UN officials and agencies. These obligations as it was argued extended to refraining from any act of coercion, retaliation, or political interference against UN staff or operations.

#### 168. The Right to Self-Determination

A core theme in a number of written statements is the right of the Palestinian people to self-determination characterized by many as a peremptory norm of *jus cogens* and an *erga omnes* obligation. Any attempts by Israel that blocks, impedes, or dismantles the means by which this right could be realized (notably, access to humanitarian aid or the operation of agencies like UNRWA) is considered a grave violation, with universal legal implications not just for Israel, but for the international community as a whole.

#### 169. Consequences and Third-State Obligations

Regarding consequences and obligations of Third States many statements delivered by the AALCO Member States affirmed that Israel's breaches of its obligations did not create bilateral consequences but also entailed duties for Third States and the UN itself: i.e. the negative duty of non-recognition of unlawful acts, non-assistance in maintaining the illegal situation, and the positive duty to cooperate to bring the violations to an end.

#### 170. Genocide and Prolonged Occupation

Some States (notably South Africa, Iran, Bangladesh, Senegal, and Palestine) warn that the systematic deprivation, collective punishment, and acts such as aid obstruction or attacks on civilians risk amounting not only to grave breaches but, in light of recent ICJ and ICC findings, to genocide.

### **F. Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel**

#### **1. Introduction**

171. The present report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel (“the report”)<sup>52</sup> summarizes its factual and legal findings on attacks on educational facilities and religious and cultural sites in

---

<sup>52</sup> UNHRC, ‘Report for the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel’ UN Doc. A/HRC/59/26 (6 May 2025) <<https://docs.un.org/en/A/HRC/59/26>> accessed 31 July 2025

the Occupied Palestinian Territory and Israel and highlights the link between such attacks and the right to self-determination. While the report is focused on attacks and developments that took place on or after 7 October 2023, it also includes incidents and developments that took place before that date, where they were assessed as relevant in demonstrating patterns of violations over time.

172. Of the Commission’s mandated reports, this is the third in which the Commission has focused on acts committed in the Occupied Palestinian Territory and in Israel on and since 7 October 2023 and the report states that it should be read in conjunction with the previous related mandated reports and conference room papers.<sup>53</sup>

173. At the outset the report records that in its work, the Commission applied the same methodology and standard of proof previously adopted for its investigations, including the “reasonable grounds” standard in making factual determinations and reaching its legal findings and conclusions.

174. Further the report also states that in addition to the framework adopted in its previous and its terms of reference, the Commission noted that the principle of self-determination enshrined in various documents, including the Charter of the United Nations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In this regard it further stated that its 2004 advisory opinion on the Wall, the ICJ affirmed the Palestinian people’s right to self-determination. The Commission is recalled that it was also guided by the advisory opinion rendered by the ICJ in July 2024 on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, in particular with regard to the effects on the exercise of the Palestinian people’s right to self-determination.

---

<sup>53</sup> “Detailed findings on attacks carried out on and after 7 October 2023 in Israel”, “Detailed findings on the military operations and attacks carried out in the Occupied Palestinian Territory from 7 October to 31 December 2023” and ““More than a human can bear”: Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023”, all available at <<https://www.ohchr.org/en/hr-bodies/hrc/co-israel/index>> accessed 31 July 2025

## **2. Findings**

175. The report states that Between 7 October 2023 and 25 February 2025 in Gaza, 403 of a total of 564 school buildings were directly hit and sustained damage. Of those hit, 85 schools were fully destroyed and 73 schools lost at least half of their structures. The report notes that 61 per cent of schools in Gaza had been operating on double or triple shifts, each school building destroyed has affected hundreds and sometimes thousands of students. The report puts the figures of the 403 school buildings that were directly hit at approximately 435,290 students and 16,275 teachers. In this regard the report recounts that between 7 October 2023 and 25 February 2025, 62 per cent of school buildings used as shelters were directly hit, 8 resulting in significant numbers of casualties.

176. Of the total number of attacks on educational facilities in Gaza recorded by the UN in 2024, the reports that the highest number i.e. 78 incidents occurred in the month of October 2024. Further it states that the North Gaza Governorate had been the most affected, with all of the school buildings classified by the education cluster as either directly hit or damaged, followed by Gaza Governorate, with 92.8 per cent of its total school buildings classified as such as of March 2025.

177. The report states that approximately 1 million displaced persons had sheltered in United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) installations in Gaza since 7 October 2023. According to UNRWA as on 25 March 2025, at least 742 persons sheltering in its facilities had been killed and at least 2,406 injured.

178. The report further states that Higher education facilities were also targeted and destroyed or damaged, affecting about 87,000 university students. These included a campus of Al-Azhar University, demolished in December 2023, and a campus of Israa University, demolished in January 2024 and more than 57 university buildings had been completely destroyed as at 25 March 2025. The report further notes that at least 612 school staff were reported killed and 2,769 injured, as at 25 March 2025. In the same period, over 190 university academic staff were reported killed. The Commission also noted that the coordinates of UNRWA educational

facilities had been communicated to parties to the conflict on a regular basis and were clearly marked as United Nations premises with United Nations insignia visible from the air and the street.<sup>54</sup>

179. Among the most disturbing revelations in the report are the extent and the deliberate intentionality with which educational infrastructure in Gaza has been destroyed. The report notes that the period after October 2023 witnessed a systematic targeting of schools and universities by Israeli forces; by late February 2025, over 400 of Gaza's 564 schools had been hit, 85 completely obliterated, and many more rendered shells of learning. The destruction was not abstract: each building erased meant thousands more children robbed of stability and hope, with ripple effects across generations. Education, always foundational to collective resilience and identity, became a direct casualty of war.<sup>55</sup>

180. Equally devastating was the human toll: the report notes over 15,600 confirmed child deaths in Gaza within this period, a staggering loss by any metric. Over 658,000 school-aged children—almost the entire generation—have lost access to any formal education. The death and injury of hundreds of teachers and university staff compounded the crisis, and with educational administration itself targeted, even efforts to revive learning through digital means were thwarted by lack of electricity, trauma, and dislocation.<sup>56</sup>

181. The report states that Israeli authorities often justified these strikes by claiming that the facilities were being used for military purposes i.e. for sheltering combatants, storing weapons, or hiding command posts. However, the Commission was able to independently verify only a singular, isolated incident (the Anas Bin-Malik boy's school) where a Palestinian armed group had used a school for military activity; the balance of cases overwhelmingly involved no credible evidence of such use at the time of attack or destruction<sup>57</sup>

---

<sup>54</sup> <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-25-march-2025>; and <https://www.facebook.com/Palestinian.MOE/posts/-summary-of-the-israelioccupation-violationsagainst-education-in-palestine-octo/952469597058013/>.

<sup>55</sup> The report 4

<sup>56</sup> Ibid 6

<sup>57</sup> Ibid 5

182. In contrast, the report asserts that on several occasions, Israeli forces themselves seized schools and universities for their own use as military bases, storage depots, and even places of worship, as with the conversion of part of Al-Azhar University's campus into a synagogue, complete with religious inscriptions. This reversal of narrative of the occupier re-purposing the educational infrastructure of the occupied was extensively documented, and is noted by the Commission to constitute its own violation of the customary international humanitarian law obligation of distinction.

183. Satellite imagery, eyewitness accounts, and even celebratory videos taken by soldiers during and after controlled demolitions added to the body of evidence demonstrating that these were not accidental by products of urban battle, but operations sometimes carried out in the absence of immediate battle conditions and, in stark instances, accompanied by mocking and derisive rhetoric directed at the very idea of Palestinian education. The cumulative effect is the strategic erasure of a people's capacity to renew itself through learning.

184. The report notes that violence inflicted upon Palestinian education was not confined to Gaza. Across the West Bank and East Jerusalem, educational life was battered by checkpoint closures, harassment, and the growing impunity of settler violence. It is reported that over 800,000 primary and secondary students faced disrupted school years, with dozens of schools attacked, vandalized, or closed under military orders. In many communities, especially those adjacent to settlements or under direct occupation documented evidence has revealed that girls faced compounded dangers including sexual harassment at military checkpoints.

185. In numerous cases, settler attacks were perpetrated with impunity. In the village of Khirbet Zanuta, for example, repeated attacks by settlers were unpunished and sometimes abetted by the authorities leading to the complete displacement of the community and the destruction of its educational institutions. Footage filmed by an Israeli human rights organization in November 2023 shows the village school as largely demolished, burned and vandalized with graffiti. The settlers involved faced no legal repercussions for their actions.<sup>58</sup>

---

<sup>58</sup> Ibid 7



186. Within Israel, a different but deeply injurious pattern emerged. The Ministry of Education instructed schools to suspend, dismiss, or discipline any teachers or students who expressed public sympathy with the suffering in Gaza, sparking purges and chilling free expression. These crackdowns, affecting mostly women, descended into humiliations and public vilification, with individuals denounced as terrorists based on social media posts or the most tenuously “suspect” acts. The report notes that this disproportionately targeted female educators and students, and constitutes gender-based discrimination in addition to violating rights to free expression and academic freedom.

187. Erasure and Appropriation: Religious and Cultural Heritage under Assault

188. Parallel to the devastation of learning was a campaign, methodical in many respects, targeting the very fabric of religious and cultural memory. In Gaza, dozens of mosques, churches, archaeological sites, libraries, and museums were bombed, bulldozed, or looted. The monetary value of such destruction was estimate at \$120 million, a one-hundredfold increase over previous wars, as per the World Bank, which is only indicative of extent of actual damage to religious and cultural property.

189. Particularly emblematic of the method of violence was the strike on Gaza’s ancient Greek Orthodox Church of Saint Porphyrius, where hundreds of Christians had taken shelter delivering a shock to a tiny, embattled minority. The report goes on to state that Mosques were targeted during prayer times leading to mass casualty events, such as the attacks on *Saad al-Ghafari* and i Mosques, with scores killed in an instant, including many women and children. The systematic nature of these attacks at times justified by vague or unsubstantiated claims of a military target, often carried out after evacuation orders but in the knowledge that civilians remained leads the report to conclude many of them as war crimes and, in some instances, crimes against humanity.<sup>59</sup>

190. Beyond the physical destruction was the appropriation of and destruction of historic cultural property. Across the West Bank and East Jerusalem, Israeli authorities and affiliated

---

<sup>59</sup> Ibid 16

settler organizations seized, “developed,” and repurposed archaeological and religious sites, especially those with multi-layered histories to advance an exclusively Jewish narrative, marginalizing, if not outright erasing, centuries of Palestinian and other non-Jewish presence. The transformation of sites like *Silwan’s* “City of David” which was built after Palestinian homes and community spaces were bulldozed to expand a tourist-friendly Jewish heritage park was noted in the report and serves as illustrative of this policy. Such acts, including the use of so-called “rescue excavations” to justify land seizures and settlement expansion, were found to be both unlawful under conventions on cultural property and a tool of annexation, disguised as preservation.<sup>60</sup>

191. The report notes that settlers themselves have played a direct role in this campaign of appropriation, often with the backing or at least the acquiescence of state institutions. The further states in this regard that development of settlements on and around heritage sites like the terraces of *Battir*, the *Nabi-Aner* springs combined with the removal of artefacts (sometimes under the pretense of protecting heritage), has served to both displace Palestinian communities and fracture their ties to land and culture.<sup>61</sup>

192. Within East Jerusalem, the status quo regarding holy sites such as *Haram al-Sharif* has been progressively eroded by repeated Israeli incursions, the scaling up of security deployments, and provocations from extremist groups and politicians. Palestinian access to holy sites is now deeply securitized, subject to capricious closures, arbitrary bans, and humiliating searches. Christian institutions and leaders, too, report an increase in attacks, vandalism, and a lack of serious protection or redress from the authorities—further marginalizing the non-Jewish cultural and religious life of the city.

### **Legal analysis and key conclusions**

193. The breadth and rigor of the Commission’s legal analysis are evident throughout the report. In respect of attacks on educational infrastructure, the Commission finds violations of the

---

<sup>60</sup> Ibid 11-12

<sup>61</sup> Ibid 11

grave provisions of: the deliberate targeting of civilian objects, the commission of wilful killings even in the presence of potential civilian populations, and the disproportionate use of force in the presence of ambiguous or unsubstantiated military objectives. The report finds that “the Israeli Security forces committed war crimes including (a) directing attacks against civilians; (b) wilful killing (where civilians were killed due to the attacks); and (c) intentionally launching an attack in the knowledge that such attack would cause incidental loss of life or injury to civilians which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated..”<sup>62</sup>

194. In the destruction or degradation of religious and cultural sites, the Commission identifies additional war crimes: the intentional targeting and disproportionate destruction of holy sites, historical monuments, and civilian property, as well as acts and policies amounting to misappropriation and annexation. Particularly notable is the Commission’s explicit linkage between these acts and a broader project of eroding Palestinian identity—a process that not only violates the right to culture and free religious practice but, taken as a whole, undermines the law of self-determination at its root.

195. Most grave is the finding that, in multiple cases, these patterns may signal an intent to extinguish Palestinian presence as such—moving from the domain of war crimes into the terrain of crimes against humanity, namely extermination in relation to mass civilian casualties resulting from attacks on protected sites. In this regard the report noted that “the Commission finds that, in killing civilians sheltering in schools, Israeli security forces committed the crime against humanity of extermination.”<sup>63</sup>

## **Recommendations**

196. The report has unhesitating put forward detailed recommendations. The report calls upon Israel to immediately end all attacks on educational, cultural, and religious sites, to cease settlement expansion and occupation, and to undertake time-bound plans to implement court-

---

<sup>62</sup> Ibid 14

<sup>63</sup> Ibid 14

mandated measures up to and including the removal of settlements and restoration of access and rights. The report calls for independent investigations, restoration and inclusion of all heritages in development plans, the return of seized artefacts, and the cessation of all forms of state and para-state harassment.

197. The State of Palestine is encouraged to undertake parallel measures to safeguard heritage, protect all sites (including those not exclusively Palestinian), and to work with UNESCO to inventory, protect, and develop cultural property. The *de facto* Israeli authorities in Gaza are specifically called upon to end all indiscriminate attacks and to keep military assets out of civilian sites reinforcing the principle that civilian infrastructure must not become a battlefield.

198. The report more broadly urges States to comply with their existing international law obligations under treaty and customary law, to cease all forms of material or diplomatic complicity in violations and to commit resources to accountability and restorative mechanisms.

## **V. COMMENTS AND OBSERVATIONS OF THE AALCO SECRETARIAT**

199. As the occupation of Palestinian territories prolongs for over a period of six decades, the conflict in Gaza has taken an alarming turn towards a human catastrophe. Israeli security forces have disregarded almost every rule of International Humanitarian Law and applicable human rights law, which have been clearly documented by various UN bodies, Non-governmental Organizations as well as other international organizations. In total disregard of the advisory opinion and provisional measures ordered by the ICJ, the devastating military campaign by Israel does not seem to abate in spite of repeated attempts at a ceasefire by the UNSC and the international community.

200. A matter for utmost concern for the Asian-African States and the international community as a whole is the assertion of the Special Rapporteur on the situation of Human Rights in the Palestinian territories occupied since 1967 that the Israeli Security Forces are committing acts that are genocidal in nature. The reports details how the military operations and measures that are conducted reveal a pattern of crimes committed systematically and with genocidal intent, as is evident in statements of various government and political functionaries of Israel. In the similar vein is the Report of the UN High Commissioner for Human Rights that details the disastrous effects of the conflict on the human rights of the population of Palestine, which includes the disregard of the right to life and wanton destruction of civilian infrastructure such as residential buildings, hospitals and medical facilities, and widespread of use of torture, arbitrary detention and starvation. Further, the report also details how the Israeli security forces do not comply with any of the fundamental rules of international humanitarian law, and international human rights law, with absolute impunity and lack of accountability.

201. The Report of the International Independent Commission of Inquiry (IICI) provides comprehensive and deeply troubling account of sexual, reproductive, and gender-based violence (SRGBV) in the context of the Israeli-Palestinian conflict. The Report details how sexual violence is committed against Palestinian men and women during ground operations, evacuations, searches by Israeli soldiers and settlers. The report also sheds light on the targeted attacks on reproductive facilities providing numerous examples of deliberate attacks on sexual

and reproductive health care facilities and the health care infrastructure in Gaza as well as the deeply concerning effects on health caused starvation, malnutrition and lack of medical care and sanitation. The Report concludes by asserting that the measures of the Israeli security forces clearly constitute Crimes against Humanity and calls upon Israel and various stakeholders to take immediate actions to put an end to the crimes. Further, the report also finds that the Israeli Authorities have destroyed in part, the reproductive capacity of the Palestinians in Gaza as a group, including by imposing measures intended to prevent births, one of the categories of genocidal acts in the Rome Statute and Genocide Convention.

202. Further the Report of the UN High Commissioner for Human Rights on the Israeli settlement in the OPT, including East Jerusalem, and in the occupied Syrian Golan reports on the continuing annexation of the Palestinian Territories by settler expansion by usurping land, engaging organized violence and building of outposts. As provided for in the report, the settler expansion is not only restricted to house demolitions but also encompasses annexation of cultural property and agricultural properties causing wide scale forcible transfer of population. The report also details illegal diversion of natural resources of Palestine to Israel in violation of right to self-determination of the Palestinian people.

203. In addition the most recent report of the Independent International Commission of Inquiry not only underlines the physical and legal facts of destruction but provides a view that behind the statistics each body, each school destroyed there echoes the larger community loss: a society's ability to reproduce itself, the dreams of children, the memory of communities, and the continuity of a plural and complex human story. The attacks on education, faith, and cultural heritage are, collectively, as the report rightly notes, a systematic assault on their right to self-determination as a people.

204. Further the written submission submitted by 15 AALCO Member States in the advisory proceedings before the ICJ concerning Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory also shed light on the situation in Gaza. The overwhelming consensus in the written statements is that Israel, as occupying power and as a

member of the United Nations, is under a binding international obligations to ensure and facilitate and not to block or restrict humanitarian access and the operations of the United Nations, its agencies, other organizations, and third States providing aid in the OPT. The States have argued that these obligations arise under international humanitarian and human rights law, the UN Charter, and principles of self-determination, and are supported by a web of treaties, General Assembly and Security Council resolutions, and ICJ jurisprudence.

205. Further a number of written statements submit that these grave breaches entail consequences not only for Israel but for the entire international community, due to the *erga omnes* character of the rights at stake and the collective responsibility entrenched in the UN Charter. The States call for the ICJ to robustly affirm these obligations, for the immediate reversal of any restrictive measures, and for the protection of the right to self-determination and uphold the international legal order.

206. The totality of the actions of the Israeli security forces presents a grim picture of the situation in the OPT particularly that at present does appear as an annexation of territory by armed conflict causing death and destruction. These actions undoubtedly raise extreme concern due to the alarming details that show pattern of the commission of international crimes of Genocide and Crimes against Humanity. While the decision of the ICJ is awaited in the case brought by South Africa against Israel on the violation of the Genocide Convention, a number of experts and bodies have concluded that a Genocide is unfolding in Gaza. Asian-African States must fulfill their *erga omnes* obligations under the Genocide Convention to do everything in their power to prevent the commission of Genocide in Gaza, including actively cooperating with each other to implement their obligations under the Genocide Convention and general international law. Member States are requested to utilize their influence to prevent violations of international law in the Gaza conflict, to refrain from facilitating such violations, and to discharge their obligations under international law by undertaking measures to prevent and prosecute violations of international law. To effectively address the situation, the international community should undertake multilateral cooperation to implement measures aimed at ending the armed conflict and the prolonged occupation.