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### Promotion and protection of human rights

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

### **Note by the Secretary-General\*\***

The Secretary General has the honour to transmit to the General Assembly the report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, submitted in accordance with Human Rights Council resolution [S-30/1](#).

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\* [A/79/150](#).

\*\* The present report was submitted after the deadline in order to reflect the most recent information.



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

### *Summary*

The Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel hereby submits its third report to the General Assembly. The report examines treatment of detainees and hostages and attacks on medical facilities and personnel from 7 October 2023 to August 2024.

## I. Introduction and methodology

1. In the present report, the Commission summarizes its factual and legal findings regarding attacks carried out since 7 October 2023 on medical facilities and personnel, as well as the treatment of detainees in the custody of Israel and the treatment of hostages held by Palestinian armed groups. This is the second report by the Commission regarding attacks that occurred on 7 October 2023 and thereafter.<sup>1</sup>

2. The Commission sent nine requests for information and access to the Government of Israel, two requests for information to the State of Palestine and one request for information to the Ministry of Health in Gaza. The State of Palestine and the Ministry of Health in Gaza provided information. No response was received from Israel.

3. The Commission applied the same methodology and standard of proof previously adopted for its investigations.<sup>2</sup> The Commission consulted multiple sources of information, collected thousands of open-source items and conducted remote and in-person interviews with victims and witnesses. The open-source material was forensically collected in accordance with international standards on the preservation of web-based content and rules of admissibility of digital evidence. Where needed, the open-source material was verified through comprehensive cross-referencing with a broad, varied collection of reputable sources and complemented by advanced forensic examination, including visual media authentication, geolocation and chronolocation analysis, metadata extraction and face recognition.

## II. Applicable legal framework

4. The Commission reiterates that the Occupied Palestinian Territory, including East Jerusalem and Gaza, and the occupied Syrian Golan are currently under belligerent occupation by Israel, to which international humanitarian law applies concurrently with international human rights law.<sup>3</sup> The Commission finds that Israel continues to occupy Gaza, as affirmed by the International Court of Justice in July 2024,<sup>4</sup> and has re-established its military presence in the Gaza Strip as of October 2023.<sup>5</sup> Israel is bound by the obligations of an occupying Power under the Fourth Geneva Convention and customary international law, including the Regulations respecting the Laws and Customs of War on Land of 1907.

5. In conducting its legal analysis, the Commission took into account the advisory opinion of the International Court of Justice in the case *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, in which the Court found that the continued presence of

<sup>1</sup> The first report was issued under the symbol [A/HRC/56/26](#).

<sup>2</sup> The methodology and standard of proof are set out in the Commission's terms of reference, available at [www.ohchr.org/sites/default/files/2022-01/TORs-UN-Independent\\_ICI\\_Occupied\\_Palestinian\\_Territories.pdf](http://www.ohchr.org/sites/default/files/2022-01/TORs-UN-Independent_ICI_Occupied_Palestinian_Territories.pdf).

<sup>3</sup> See [A/77/328](#), para. 7; [A/HRC/50/21](#), paras. 16 and 20; and *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136, at p. 178, para. 106.

<sup>4</sup> *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, advisory opinion, *I.C.J. Reports 2024*. The International Court of Justice, in para. 92 of its advisory opinion, stated that, "for the purpose of determining whether a territory is occupied under international law, the decisive criterion is not whether the occupying Power retains its physical military presence in the territory at all times but rather whether its authority 'has been established and can be exercised'", citing article 42 of the Regulations respecting the Laws and Customs of War on Land of 1907.

<sup>5</sup> *Ibid.*, paras. 93 and 94.

Israel in the Occupied Palestinian Territory is unlawful owing to its sustained abuse of its position as the occupying Power, the annexation and assertion of permanent control over the Occupied Palestinian Territory and the continued denial of the Palestinian people's right to self-determination.<sup>6</sup> The Commission will set forth its recommendations on the modalities of implementing the International Court of Justice advisory opinion in a legal position paper. The investigative findings contained in the present report will be used in cases that are before the Court, including the case *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*.

### III. Factual findings<sup>7</sup>

#### A. Attacks on medical facilities and personnel

6. According to the World Health Organization (WHO), between 7 October 2023 and 30 July 2024, Israel carried out 498 attacks on health-care facilities in the Gaza Strip. A total of 747 persons were killed directly in those attacks and 969 others were injured, and 110 facilities were affected.<sup>8</sup> WHO reported that 78 per cent of the attacks between 7 October 2023 and 12 February 2024 were carried out through military force, while 35 per cent involved obstruction of access and 9 per cent involved militarized search and detention operations. Attacks were widespread and systematic, starting in the north of the Gaza Strip (October to December 2023) and then later occurring in the centre (December 2023 to January 2024), the south (January to March 2024) and other areas (April to June 2024). The stated justification of the Israeli security forces for the attacks was that Hamas was using hospitals for military purposes, including as command-and-control centres.

7. Israeli security forces carried out air strikes against hospitals, causing considerable damage to buildings and surroundings, as well as multiple casualties; surrounded and besieged hospital premises; prevented the entry of goods and medical equipment and exit/entry of civilians; issued evacuation orders but prevented safe evacuations; and raided hospitals, arresting hospital staff and patients. Israeli security forces also obstructed access by humanitarian agencies.

8. According to the Ministry of Health in Gaza, 500 medical staff were killed between 7 October and 23 June.<sup>9</sup> The Palestine Red Crescent Society reported that 19 of its staff or volunteers had been killed since 7 October, and that many others had been detained and attacked. Medical personnel stated that they believed they had been intentionally targeted.

9. Hundreds of medical personnel, including three hospital directors and the head of an orthopaedic department, as well as patients and journalists were arrested by Israeli security forces in Shifa', Nasr and Awdah hospitals during offensives. In at least two cases, senior medical personnel died in Israeli detention (see paras. 70–72). Reportedly, 128 health workers remain detained by Israeli authorities as at 15 July, including four Palestine Red Crescent Society staff members.

<sup>6</sup> Ibid., para. 261.

<sup>7</sup> All information contained in the factual findings is based on confidential information on file and documented by the Commission from victims, witnesses and other reliable sources, unless specifically indicated.

<sup>8</sup> WHO, "oPt Emergency Situation Update, Issue 38, 7 Oct 2023–29 July 2024 at 16:00", 29 July 2024.

<sup>9</sup> See [www.facebook.com/MOHGaza1994/posts/pfbid0reBJ7NVLrWBWN7TPkWGskTYGSEy42EiWzuo5C7UEEq6aVUJgM2r6zLLD1P63xmYBI](https://www.facebook.com/MOHGaza1994/posts/pfbid0reBJ7NVLrWBWN7TPkWGskTYGSEy42EiWzuo5C7UEEq6aVUJgM2r6zLLD1P63xmYBI) (in Arabic).

10. As at 15 July, 113 ambulances had been attacked and at least 61 had been damaged.<sup>10</sup> The Commission documented direct attacks on medical convoys operated by the International Committee of the Red Cross (ICRC), the United Nations, the Palestine Red Crescent Society and non-governmental organizations. Access was also reduced owing to closure of areas by Israeli security forces, delays in coordination of safe routes, checkpoints, searches or destruction of roads.

11. The Commission investigated the 29 January attack in Tall al-Hawa on a Palestinian family and a Palestine Red Crescent Society ambulance that had been called to their aid. The family consisted of two adults and five children, including 15-year-old Leyan Hamada and 5-year-old Hind Rajab. They were attacked while trying to evacuate in their car. The ambulance, carrying two paramedics, Yousef Zeino and Ahmed al-Madhoun, was dispatched after its route had been coordinated with Israeli security forces. It was hit by a tank shell at a distance of some 50 m from the family's car. Hind was still alive at the time that the ambulance was dispatched. The presence of Israeli security forces in the area prevented access. As a result, the family members' bodies could not be retrieved from their bullet-ridden car until 12 days after the incident. The ambulance was found destroyed nearby, with human remains inside.

12. As at 15 July, of the 36 hospitals in Gaza, 20 were completely non-functional and only 16 were still partially operating,<sup>11</sup> with severe overcrowding and a bed capacity of only 1,490.<sup>12</sup>

13. The attacks on and destruction of hospitals and the scale of traumatic injuries across the Gaza Strip have overwhelmed the remaining medical facilities, leading to a collapse of the health-care system. The siege of Gaza, which has caused, inter alia, a lack of fuel and electricity, has severely affected the functioning of medical facilities and reduced the availability of life-saving equipment, medical supplies and medications. This has resulted in deprioritizing patients with chronic illnesses, leading to avoidable complications and death. Facilities have suffered from insufficient potable water and sanitation, damaged or limited communications systems, understaffing and lack of public health services.

14. Hospitals were also used as shelters from the hostilities, leading to even greater overcrowding and a greater risk to sheltering civilians during attacks. Overcrowding was observed, in particular, at Shifa' and Quds hospitals, which housed 50,000 and 12,000 internally displaced persons, respectively.

15. Medical facilities in the West Bank were also attacked. WHO documented 520 attacks on health-care facilities between 7 October 2023 and 30 July 2024, resulting in 23 people killed and 100 people injured.<sup>13</sup> The Palestine Red Crescent Society reported an increase in the use of excessive force, threats and harassment against its ambulance teams. On 30 January, Israeli security forces undercover forces, disguised as medical staff and civilian Palestinian women, raided Ibn Sina Hospital in Jenin, intentionally killing three Palestinian men.

16. Several medical facilities and personnel in Israel were attacked from 7 to 11 October by Palestinian armed groups. On 7 October, a paramedic was killed by members of Palestinian armed groups while treating wounded persons in a dental clinic in the kibbutz of Be'eri.<sup>14</sup> In addition, Barzilai Hospital in Ashkelon was struck

<sup>10</sup> WHO, "oPt Emergency Situation Update, Issue 36, 7 Oct 2023–15 July 2024 at 16:00", 15 July 2024.

<sup>11</sup> Ibid.

<sup>12</sup> WHO, "oPt Emergency Situation Update, Issue 32, 7 Oct 2023–30 May 2024 at 16:00", 30 May 2024, and WHO, "oPt Emergency Situation Update, Issue 39, 7 Oct 2023–5 August 2024", 5 August 2024.

<sup>13</sup> WHO, "oPt Emergency Situation Update, Issue 38, 7 Oct 2023–29 July 2024 at 16:00", 29 July 2024.

<sup>14</sup> See A/HRC/56/CRP.3, para. 212.

in two rocket attacks, one that occurred on 8 October and the other on 11 October. According to Israeli sources, 17 ambulances were damaged in various locations.<sup>15</sup> According to several sources, one ambulance based at the Nova festival on 7 October was targeted by Palestinian armed groups, resulting in the killing of the 18 people who had been hiding inside it.<sup>16</sup> In at least one case documented by the Commission, on 7 October, an Israeli ambulance transported Israeli security forces personnel.

17. Israel has also drastically decreased approval of permits to leave Gaza for medical treatment, primarily preventing patients from receiving treatment in hospitals in the West Bank, including East Jerusalem. Between October 2023 and 20 June 2024, only 5,857 of 13,872 patients who had applied for medical evacuation out of Gaza through the Rafah crossing were given approval. Only 54 per cent of evacuation requests made by cancer patients in that period were approved.<sup>17</sup> In July, Israel delayed the evacuation of 150 children from the Gaza Strip in need of specialized medical treatment.

### **Findings on Israeli security forces attacks against specific hospitals**

18. The Commission investigated attacks on four hospitals in different areas of the Gaza Strip: the Nasr Medical Complex (Nasr Hospital hereafter) and Shifa', Awdah and Turkish-Palestinian Friendship (the Turkish Hospital hereafter) hospitals. Those include two major medical facilities and also hospitals that offer such specialized medical care as obstetrics, paediatrics and oncology. The Commission found that Israeli security forces attacked these facilities in a similar manner, suggesting the existence of operational plans and procedures for attacking health-care facilities.

19. While Israeli security forces issued evacuation orders to those hospitals, the Commission found that the orders were not feasible, not issued in a coordinated fashion and could not be implemented in a safe manner. They gave hospital administrations little time – just a few hours, in some cases – to evacuate hundreds of patients. Israeli security forces did not assist in the safe evacuation of patients. According to several sources, full evacuations were not possible without endangering patients' lives. At Awdah Hospital and Nasr Paediatric Hospital, Israeli security forces denied requests by medical staff to facilitate the movement of ambulances in order to make the evacuation process smoother, resulting in unsafe conditions for evacuation. Patients at those hospitals, in particular those who were in intensive care units and those who were critically injured, required special care while being moved.

20. The Commission received reports about the deliberate, direct targeting of hospitals, including Awdah, Shifa' and Nasr hospitals, with sniper fire. In one example, on 13 February, Israeli security forces issued an evacuation order to Nasr Hospital. Shortly after the order was issued, a handcuffed Palestinian detainee dressed in a white protective suit was observed in the hospital, allegedly ordered by Israeli security forces to notify the people to evacuate. Upon leaving the hospital, he was allegedly shot and killed by Israeli security forces.

21. From 6 November 2023, repeated attacks on Shifa' and Nasr hospitals, including attacks specifically directed against the maternity ward and intensive care unit of Shifa' Hospital, resulted in complete or near-complete closure of these facilities. The closures had serious ramifications for the rest of the already overwhelmed hospitals of Gaza, owing to the central role of those two hospitals in the overall health system. Satellite imagery of Shifa' and Nasr hospitals captured on

<sup>15</sup> Government of Israel, Ministry of Foreign Affairs, "Swords of Iron: War in the South – Hamas' Attack on Israel", press release, 27 May 2024.

<sup>16</sup> For additional information on the attack on the Nova festival, see [A/HRC/56/26](#), para. 16.

<sup>17</sup> WHO, "Medical evacuation of Gaza patients through Rafah Crossing, Oct 2023–20 June 2024".

4 April and 12 March, respectively, shows that the sites of those hospitals and surrounding roads were severely damaged.

22. According to the Media Office of the de facto authorities in Gaza, more than 500 bodies were found in mass graves located on hospital grounds, including at Shifa' and Nasr hospitals. Satellite images from 23 April show at least two possible mass graves at Nasr Hospital. The de facto authorities in Gaza have said that several bodies were found undressed and handcuffed, indicating that the victims might have been executed. One witness involved in the exhumation of bodies near Nasr Hospital told the Commission that he had seen bodies with gunshot wounds in the head or neck. Israeli security forces have denied burying bodies in mass graves, although they acknowledged that soldiers searching for the bodies of hostages had exhumed some mass graves.

23. On 1 November, the Turkish Hospital ceased operating because of damage caused by air strikes on 30 and 31 October, as well as a lack of fuel and electricity, resulting in the death of several patients, including owing to lack of oxygen. The Turkish Government, which funds the hospital, condemned the attacks, stating that the coordinates of the hospital had been shared in advance with Israeli security forces. From November, Israeli security forces occupied the hospital, which is located in the Israeli-controlled Netzarim corridor, and used it as a base from which to conduct operations. Satellite imagery from that period shows the construction of protective soil embankments and incremental damage to parts of the hospital caused by bulldozers. Videos posted on the social media platform X (formerly Twitter) show several Israeli security forces military vehicles in the hospital and Israeli security forces celebrating a religious festival within the premises.

24. The Turkish Hospital was the only dedicated oncology hospital in Gaza. Since its closure, about 10,000 cancer patients have been left without access to treatment. Consequently, patients have died owing to lack of adequate cancer treatment.

25. Awdah Hospital, the main reproductive health-care provider in northern Gaza, was targeted repeatedly by Israeli security forces from November 2023 to January 2024, and again in May. It was targeted despite the fact that the Israeli authorities had been given the hospital's geographical coordinates by Médecins sans frontières, which had informed all parties that it was a functioning hospital. Three doctors, including two from Médecins sans frontières, were killed in a strike on 21 November. The hospital was under siege in December, with some 250 people trapped inside facing severe shortages of food, water and medicine. During the siege, all males over 15 were ordered to exit the hospital in their underwear, and several medical staff, including the hospital director, were arrested. Several persons, including medical staff and a pregnant woman, were reportedly killed by snipers.

26. Until late February, Awdah Hospital, which had one of the only functioning maternity wards in North Gaza Governorate, was partially operational, receiving maternity patients well beyond its capacity. The hospital reportedly provided care to 15,577 maternity patients in the period from 7 October to 23 December with just 75 beds. On 27 February, the hospital administration announced that it was partially ceasing operations, owing to lack of fuel, electricity and medical supplies. The partial closure of the hospital had dire consequences for health-care services in North Gaza Governorate, in particular for maternity patients.

#### **Allegations of use of hospitals for military purposes**

27. Israeli security forces asserted that over 85 per cent of major medical facilities in Gaza were used by Hamas for terror operations, but did not provide evidence to

substantiate that claim.<sup>18</sup> Israeli security forces alleged that there were tunnels underneath or connected to hospitals, and that Hamas stored weapons, hid personnel and operated headquarters from within and underneath hospitals. Israeli security forces stated that Hamas and Palestinian Islamic Jihad had fired weapons from within hospital premises and that hostages were held either in hospitals or in tunnels underneath hospitals. Hamas has repeatedly denied such allegations. Several released hostages stated publicly that they had been held in a hospital (see para. 77). The Commission interviewed senior medical personnel at hospitals and they denied that there was any military activity, emphasizing that the hospitals' only role was to treat patients.

28. Israeli security forces stated in October that the Shifa' Hospital compound and the infrastructure beneath it were being used by Hamas as military headquarters. They released footage showing a tunnel network, allegedly beneath Shifa' Hospital and used by Hamas for military purposes, and footage of a tunnel shaft located close to a fence approximately 100 m from the hospital's main building. Israeli security forces stated that they had found large quantities of weapons inside the hospital during their attack in March, including in the maternity ward, and published photos of weapon caches allegedly found within the hospital. In February, Israeli security forces made similar statements and released footage of weapon caches allegedly found in Nasr Hospital.

29. The Commission documented an exchange of fire in and around the Shifa' Hospital premises that started on 18 March 2024, the first day of the Israeli security forces' raid of the hospital, and lasted until the end of March. Footage released by Hamas showed Israeli security forces personnel on the roof of the hospital releasing a surveillance drone. Israeli security forces drone footage of the operation shows an exchange of fire within the hospital premises and at the main gate. There was a significant number of patients, medical staff and internally displaced persons reportedly present at the hospital at the time.

### **Reproductive health care**

30. Direct attacks on health-care facilities, including those offering sexual and reproductive health care and services, have affected about 540,000 women and girls who are of reproductive age in Gaza. In April, it was reported that only two of the 12 partially functioning hospitals offering sexual and reproductive health care were actually able to provide such services. Direct attacks against the main maternity wards in Shifa' and Nasr hospitals rendered them inoperative. Facilities specifically designated as sexual and reproductive health-care centres were directly targeted or forced to cease operations. Those facilities include Emirati Maternity Hospital, Awdah Hospital and Sahabah Hospital, which are the primary maternal health-care facilities in the south and north of Gaza. In parallel, several maternity wards in other hospitals were forced to close, including the maternity ward of Aqsa Hospital in January. The Basmah in vitro fertilization centre, the largest fertility clinic in Gaza, was the direct target of air strikes in December 2023 that reportedly resulted in the destruction of approximately 3,000 embryos.

31. The Commission documented unsafe conditions for women giving birth in hospitals, including lack of specialized personnel, medication and equipment. Medical professionals noted that it was extremely challenging to manage patients' pain and prevent infections, as hospitals were often lacking adequate supplies, including epidurals, anaesthesia and antibiotics. An emergency specialist who worked in Nasr Hospital in January described significant challenges in diagnosing and treating pregnant women because of the lack of reliable lab testing or equipment,

<sup>18</sup> See [x.com/IDF/status/1758071158946038180](https://x.com/IDF/status/1758071158946038180).



leading to avoidable complications. Obstetricians stated that women had received very little obstetric care and that a number of them were suffering from vaginal infections that, if untreated, could lead to premature births, miscarriages or infertility. Medical personnel described receiving maternity patients suffering from malnutrition and dehydration, as well as various infections and anaemia.

32. Women have increasingly been forced to give birth in unsafe conditions at home or in shelters or camps, with little or no medical support, increasing the risk of complications resulting in life-long injuries and death. Disruptions to electricity and telecommunication services made hotlines for home deliveries unreachable, compounding the risks for women. The continuing siege and hostilities posed barriers for the distribution of safe home delivery kits to pregnant women.

33. A sharp increase in emergency admissions has resulted in the deprioritization of reproductive health care at the few remaining functional medical facilities. Post-partum patients and their newborns were not given time for recovery after delivery. Instead, they were discharged within a few hours of delivery, mentally and physically fragile, in order to make space for new admissions. In addition, about 60,000 maternity patients were not adequately monitored owing to the unavailability of prenatal and postnatal care.

34. The hostilities have had a detrimental psychological impact on pregnant, post-partum and lactating women because of direct exposure to armed conflict and owing to displacement, famine and substandard health care. Obstetric emergencies and premature births have reportedly surged because of stress and trauma. An increase in miscarriages of up to 300 per cent has been reported since 7 October. Experts told the Commission that the long-term psychological and physical effects of such precarious conditions for women, newborns and the family remain unknown.

#### **Paediatric care**

35. Medical experts told the Commission that the destruction of medical infrastructure, lack of supplies and the targeting of health-care workers have compromised children's access to basic health care and treatment and, as a result, have had direct and indirect effects on children's health in Gaza. Children have been killed as a result of direct attacks on hospitals, with medical teams noting that the high number of child deaths is likely attributable to the fact that children represent a majority of the patients treated in hospitals for blunt and penetrating trauma.

36. Medical professionals told the Commission that they have treated children with direct gunshot wounds, indicating direct targeting of children. They also noted that child injuries were difficult to treat owing to lack of basic medical supplies and poor sanitation. The Commission had previously noted that children were particularly vulnerable to death and injury because of their age, stage of development and size.<sup>19</sup> Children were operated on without preoperative and post-operative care, increasing the risk of wounds becoming infected, including by insects and parasites, resulting in complications and, in some cases, death.

37. Attacks on health-care facilities have also indirectly affected children's health and significantly increased childhood mortality and morbidity. Attacks on the paediatric hospitals of Gaza, including Rantisi and Nasr hospitals, as well as attacks on larger hospitals, have forced children with pre-existing conditions to seek care at smaller facilities that lacking specialized paediatric staff and equipment. A doctor in Ahli Hospital stated that the hospital lacked the necessary medications and expertise for treating children with complex medical problems, such as severe asthma or epilepsy.

<sup>19</sup> A/HRC/56/CRP.4, para. 51.

38. In June, the United Nations Children's Fund estimated that almost 3,000 malnourished children were at risk of dying owing to the lack of food in southern Gaza. The situation was exacerbated by the continued attacks on the health-care facilities. Only two of the three stabilization centres for treating malnourished children in the Gaza Strip, one in North Gaza Governorate and one in Deir al-Balah Governorate, were functioning. The prolonged hospitalization of children without adequate nutrition and in an unhealthy environment was also found to be linked to malnutrition. A paediatric doctor projected that children living in hospitals for long periods with no access to proper nutrition would suffer from nutritional deficiencies resulting in long-term health consequences. The collapse of the health-care system has also affected the ability to provide vaccinations. Children under five are at risk of contracting polio because they are unvaccinated. The first case of polio in 25 years was reported by the Ministry of Health in Gaza on 16 August. In September 2024, both parties agreed to a brief humanitarian pause to facilitate a polio vaccination campaign in the Gaza Strip.<sup>20</sup>

39. Hospitals in Gaza can no longer offer mental health treatment and have few specialized staff to treat children suffering psychological conditions, including those exhibiting suicidal and self-harming thoughts.

40. Doctors told the Commission that, as a result of attacks on medical facilities and the limited treatment options available, infants and children in Gaza would likely suffer well into their adulthood. Short-term complications could include infants not meeting motor developmental milestones within the first year of life. In the medium-term, children would be unable to develop speech and meet language milestones, and their cognitive abilities could potentially be impaired in the long-term. A doctor summarized the situation by saying that the essence of childhood has been destroyed in Gaza.

## B. Treatment of detainees by Israeli authorities

41. Between 7 October 2023 and July 2024, Israel arrested more than 14,000 Palestinians in Gaza and the West Bank, including East Jerusalem.<sup>21</sup> Among that number were some 4,000 Palestinians arrested in Gaza, many of whom were transferred to facilities in Israel for interrogation. In addition, hundreds of members of Palestinian armed groups were arrested on 7 and 8 October inside Israel. Those arrested in Gaza and transferred to Israel were apprehended primarily under the Incarceration of Unlawful Combatants Act. They are being held in military-run facilities, primarily Sde Teiman camp in southern Israel, but some have been transferred to facilities administered by the Israel Prison Service. Thousands from the West Bank were arrested under military orders. In addition, thousands of Palestinian workers from Gaza who were in Israel legally on 7 October were detained in the Anatot facility in the West Bank, which is operated by the military. Some 3,000 of the detained workers were reportedly released and sent to Gaza in November in response to a petition filed with the High Court of Justice of Israel.

### Arbitrary arrest and detention<sup>22</sup>

42. Thousands of Palestinians, mostly men, were arrested in Israeli military operations and attacks in Gaza and the West Bank, including journalists, human rights

<sup>20</sup> See [x.com/DrTedros/status/1830156377202827297](https://x.com/DrTedros/status/1830156377202827297).

<sup>21</sup> See [https://01368b10-57e4-4138-acc3-01373134d221.usrfiles.com/ugd/01368b\\_f32f5ef6555f45d8b5a9659cc44383fc.pdf](https://01368b10-57e4-4138-acc3-01373134d221.usrfiles.com/ugd/01368b_f32f5ef6555f45d8b5a9659cc44383fc.pdf) (in Hebrew).

<sup>22</sup> In addition to interviews and submissions, the Commission also consulted reports by the United Nations and human rights organizations, data from Israel Prison Service official sources, credible media, including *The New York Times*, Cable News Network and *Haaretz*, and investigative reports.

defenders, medical staff, patients, United Nations staff and relatives of suspects. Boys were also arrested. Many were not informed of the reasons for their arrest. Released detainees reported being interrogated about their potential involvement in the hostilities, including affiliation with Hamas, and the whereabouts of Israeli hostages. Several female human rights defenders, journalists and politicians from the West Bank were also arrested and detained under charges of “incitement to terrorism”.

43. Israeli officials maintained that, following security screening and interrogation, “individuals found not to be involved in terrorist activities are released and returned to the Gaza Strip [...] as quickly as possible”.<sup>23</sup> However, the Commission found that detainees continued to be held by Israel, even after they had undergone security screenings and been found not to pose a real threat. These detainees included older persons, persons suffering from serious chronic diseases, pregnant women, children and medical personnel, as well as detainees known as “shawish” who were kept in custody to serve as intermediaries between or translators for the guards and other detainees and workers from Gaza.

44. According to official Israeli sources, detainees from Gaza undergo a hearing, interrogation or screening by a senior Israeli security forces officer “within 7 to 10 days”, while the detention of Palestinians from the West Bank is reviewed by a military judge. The Commission notes that many released detainees report that they still do not know the reason for their arrest, suggesting that they had not been given a hearing, or, if such a process had occurred, that they had not understood the proceedings.

#### **Enforced disappearances**

45. The Israeli authorities have not disclosed the names and whereabouts of the thousands of Palestinians from Gaza arrested since 7 October, including in response to several habeas corpus petitions to the High Court of Justice. Minimum safeguards against enforced disappearances have been removed as a result of a recently introduced ban on visits by ICRC and new amendments to the Incarceration of Unlawful Combatants Acts that prevent judicial review of detention for up to 75 days and lawyer visits for up to 90 days pending court approval. That situation has persisted, despite the Israeli authorities providing an email address that can allegedly be used to facilitate lawyer visits for Gaza detainees. As at 15 July, the Commission was aware of only one instance in which a lawyer had been permitted to visit a detainee from Gaza in Sde Teiman camp.

#### **Release of detainees**

46. Detainees from Gaza are being released by Israeli security forces at the Kerem Shalom crossing point with no procedures in place to ensure medical attention or support. This practice has had a particularly detrimental effect on children. The Commission notes that the procedure followed by the Israeli authorities for the release of child detainees has contributed to children from the Gaza Strip being separated from family, because they return unaccompanied, with limited ability to locate or communicate with their families. Released child detainees have shown signs of extreme psychological distress and trauma.

47. Palestinian detainees who were initially detained in the northern regions of Gaza were later released in the southern regions, far from their homes and families. The prohibition imposed by the Israeli security forces on returning to the north of the Gaza

<sup>23</sup> See [www.idf.il/%d7%90%d7%aa%d7%a8%d7%99-%d7%99%d7%97%d7%99%d7%93%d7%95%d7%aa/%d7%99%d7%95%d7%9e%d7%9f-%d7%94%d7%9e%d7%9c%d7%97%d7%9e%d7%94/%d7%93%d7%95%d7%97-%d7%94%d7%a9%d7%a7%d7%99%d7%a4%d7%95%d7%aa/%d7%97%d7%a7%d7%99%d7%a8%d7%95%d7%aa/](http://www.idf.il/%d7%90%d7%aa%d7%a8%d7%99-%d7%99%d7%97%d7%99%d7%93%d7%95%d7%aa/%d7%99%d7%95%d7%9e%d7%9f-%d7%94%d7%9e%d7%9c%d7%97%d7%9e%d7%94/%d7%93%d7%95%d7%97-%d7%94%d7%a9%d7%a7%d7%99%d7%a4%d7%95%d7%aa/%d7%97%d7%a7%d7%99%d7%a8%d7%95%d7%aa/) (in Hebrew).

Strip and attacks against civilians attempting to return to the north have hindered the return of detainees to their places of origin and family unification.

#### **Mistreatment during arrests and transfer**

48. The Commission received numerous reports of detainees being stripped, transported naked, blindfolded, handcuffed tightly enough to cause injury and swelling, kicked, beaten, sexually assaulted and subjected to religious slurs and death threats, as well as having their property damaged during arrest and transfer to detention facilities in Israel and the West Bank.<sup>24</sup>

49. The Commission documented mistreatment during transfer of detainees from the Gaza Strip to detention facilities in Israel and the West Bank and during transfer between facilities. One released detainee told the Commission that he had been slapped on his face and threatened by an Israeli security forces interrogator at a “staging area” set up outside Zikim military base. The interrogator told him: “I will kill you and can make you disappear. You will not see the sun, and nobody will know where you are.” Another released detainee told the Commission that detainees were badly beaten during the journey between military and Israel Prison Service facilities. He noted that one detainee was punched in the jaw so hard that several of his teeth were broken.

50. On 22 June 2024, in the Jabariyat neighbourhood of Jenin, in the West Bank, Israeli security forces shot and injured two Palestinian men. The injured men were then detained and transported on the bonnets of military armoured vehicles, despite continuing gunfire in the area. One detainee was driven past at least three ambulances without being transferred for medical treatment. The Commission also documented information indicating that Israeli security forces had forced detainees to go inside tunnels and buildings in Gaza ahead of soldiers assigned to clear the locations. The Commission observed a pattern of members of the Israeli security forces using Palestinian detainees to shield themselves from attacks.

#### **Mistreatment in military-run detention facilities**

51. The Commission verified information of widespread and institutionalized mistreatment of detainees from Gaza, including boys, in the Sde Teiman military detention camp, where all detainees from Gaza have initially been held since 8 October. Detainees were blindfolded and handcuffed by Israeli security forces personnel at all times, confined to large and overcrowded makeshift cells and forced to kneel in stress positions for hours, while also being prohibited from speaking. They were denied adequate access to toilets and showers, and many were forced to wear diapers. They were subjected to beatings, including with batons and wooden sticks, even while immobilized, and intimidation and attacks by dogs. Detainees reported sleeping on thin mattresses on the floor, with only light blankets for cover, even in winter months, and being deprived of sleep. They were allowed to sleep only four to five hours each night, with the lights kept on continuously. No sleep was allowed during daytime. Detainees reported limited access to toilet facilities, sometimes only once a day, and no access to showers for weeks at a time. The food provided was insufficient and lacking variety, leading to significant weight loss and other medical complications.

52. Detainees, including older individuals, taken to Sde Teiman for interrogation were tied in painful positions or bound to a screw placed high on a wall for hours, while blindfolded and suspended with their feet touching or barely touching the ground (“shabah”). In one case, a detainee was left in that position for five to six hours as interrogators repeatedly subjected him to extreme changes in temperatures,

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<sup>24</sup> See A/HRC/56/CRP.4, pp. 15–19.

using a strong fan and a heated lamp in alternation. The Commission also received reports of electric shock devices being used against detainees.

53. Inadequate sanitary conditions restricted detainees' ability to perform religious practices, such as prayer and ablutions, increased health risks and served to further humiliate and dehumanize detainees. One detainee told the Commission that, owing to infrequent access to toilets, detainees were forced to urinate or defecate in their clothes. One detainee said that they "had been stripped of their humanity and treated no better than animals". He added that "all detainees were unwashed and smelled, leaving their trousers yellowed, while soldiers handling them wore gloves that they would throw at the detainees when done."

54. Medical conditions linked to poor hygiene, including skin rashes, boils and abscesses, became worse. Medical attention was in short supply, of low quality and provided in a separate building, while detainees were handcuffed and blindfolded. In some cases, in both military and Israel Prison Service facilities, beatings sustained during interrogations resulted in fractures, yet appropriate medical attention was not provided. Constant handcuffing and inadequate medical care reportedly caused some detainees to have limbs amputated. Statements made by some medical personnel suggest that they were complicit in unlawful practices.

55. On 3 July, the Attorney General of Israel stated in a letter that the Minister of National Security, Itamar Ben-Gvir, was obstructing prisoner transfers to Israel Prison Service facilities. As at August, 28 detainees (all men) remain detained at Sde Teiman.<sup>25</sup>

#### **Mistreatment in Israel Prison Service facilities**

56. On 16 October, the Minister of National Security ordered significant additional restrictions in Israel Prison Service facilities. Those restrictions included the imposition of a complete ban on family and ICRC visits, cancelling or restricting lawyer visits and phone calls, and cancelling non-urgent medical appointments. Electricity was cut off in prison cells, detainees' personal property was confiscated and access to showers and toilets was severely restricted. Access to fresh air in the prison yard was restricted or prohibited. Restrictions were imposed on food allowances and applied to thousands of detainees and prisoners, including women and children, who had been detained before 7 October. On several occasions, the Minister of National Security indicated that revenge was the motivation for these policies.

57. The Commission documented multiple instances of physical and verbal abuse, including death threats, in Israel Prison Service facilities. Detainees in Negev, Megiddo, Ofer and Ramon prisons described being beaten by guards using batons and wooden sticks while handcuffed, including upon arrival at those prisons and during cell searches conducted by special Israel Prison Service units using dogs to intimidate and attack prisoners.

58. Female detainees from the West Bank were subjected to the same restrictions as men in Israel Prison Service facilities and were affected in particular ways by insufficient and inadequate food and water and unhygienic conditions. The Commission learned that pregnant women held in an Israel Prison Service facility did not receive either sufficient or adequate food and were denied medical care. Several women reported that they had not been allowed to use toilets despite having requested access, or that they had been handcuffed for prolonged periods of time and therefore

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<sup>25</sup> See [https://01368b10-57e4-4138-acc3-01373134d221.usrfiles.com/ugd/01368b\\_f32f5ef6555f45d8b5a9659cc44383fc.pdf](https://01368b10-57e4-4138-acc3-01373134d221.usrfiles.com/ugd/01368b_f32f5ef6555f45d8b5a9659cc44383fc.pdf) (in Hebrew), paras. 4, 15 and 27.

required help from other detainees to use the toilets. Female detainees had limited access to or were denied sanitary pads.

### **Treatment of children**

59. The Commission has determined that hundreds of children from Gaza and the West Bank were arrested and then transferred and detained in Israel and the West Bank. Detained children were subjected to extreme violence during arrest, detention, interrogation and release.

60. Children from Gaza were held in both military and Israel Prison Service facilities. In Sde Teiman, children were held with adults and were subjected to similar mistreatment. A 15-year-old boy detained at Sde Teiman facility told the Commission that he had been the only child among 70 adults in a cell. His legs had been shackled with metal chains and his hands cuffed so tightly that they had bled, yet he had not received any medical attention. He had been repeatedly punished by being forced to stand with his hands raised for hours. He described his 23 days of detention as “the worst days of my life”. A 13-year-old boy told the Commission that dogs had been used against him during interrogations and that he had been placed in solitary confinement.

61. Children were imprisoned in overcrowded juvenile sections in Israel Prison Service facilities, primarily Megiddo and Ofer. Although children were separated from adults, the Israeli authorities subjected them all to the same restrictions that they applied to adults.

### **Rape and other forms of sexual and gender-based violence**

62. The Commission documented more than 20 cases of sexual and gender-based violence against male and female detainees in more than 10 military and Israel Prison Service facilities, in particular in Negev prison and Sde Teiman camp for male detainees and in Damon and Hasharon prisons for female detainees. Sexual violence was used as a means of punishment and intimidation from the moment of arrest and throughout detention, including during interrogations and searches. Acts of sexual violence documented by the Commission were motivated by extreme hatred towards and a desire to dehumanize the Palestinian people.

63. The Commission found that forced nudity, with the aim of degrading and humiliating victims in front of both soldiers and other detainees, was frequently used against male victims, including repeated strip searches; interrogation of detainees while they were naked; forcing detainees to perform certain movements while naked or stripped and, in some cases, also filmed; subjecting detainees to sexual slurs as they were transported naked; forcing naked detainees into a crowded cell together; and forcing stripped and blindfolded detainees to crouch on the ground with their hands tied behind their back.

64. Several male detainees reported that Israeli security forces personnel had beaten, kicked, pulled or squeezed their genitals, often while the detainees were naked. In some cases, Israeli security forces personnel used such objects as metal detectors and batons. One detainee who had been held in the Israeli security forces personnel Negev prison stated that, in November 2023, members of the Keter unit of the Israel Prison Service had forced him to strip and then ordered him to kiss the Israeli flag. When he refused, he was beaten and his genitals were kicked so severely that he vomited and lost consciousness.

65. The Commission also received credible information concerning rape and sexual assault, including the use of an electrical probe to cause burns to the anus and the insertion of objects, such as sticks, broomsticks and vegetables, into the anus. Some of those acts were reportedly filmed by soldiers. In July, nine soldiers were questioned

and several arrested for allegedly raping a detainee and causing life-threatening injury at Sde Teiman.

66. The Commission has determined that detainees were routinely subjected to sexual abuse and harassment, and that threats of sexual assault and rape were directed at detainees or their female family members. One detainee held in Sde Teiman reported that female soldiers had forced him and others to make sounds like a sheep, curse the Hamas leadership and the prophet Muhammad, and say, “I am a whore”. Detainees were beaten if they did not comply. In another case, a soldier took off his trousers and pressed his crotch to a detainee’s face, saying: “You are my bitch. Suck my dick.”

67. Female detainees were also subjected to sexual assault and harassment in military and Israel Prison Service facilities, as well as threats to their lives and threats of rape. The sexual harassment included attempts to kiss and touch their breasts. They reported repeated, prolonged and invasive strip-searches, both before and after interrogations. Women were forced to remove all clothes, including the veil, in front of male and female soldiers. They were beaten and harassed while being called “ugly” and had sexual insults, such as “bitch” and “whore”, directed at them. In one case, a female detainee in an Israel Prison Service prison was denied access to her lawyer after she had informed him of rape threats.

68. The Commission received reports from the Palestinian Authority about the rape of two female detainees. It is attempting to verify the information.

69. Female detainees were photographed without their consent and in degrading circumstances, including in their underwear in front of male soldiers.<sup>26</sup> In one case, a detainee was subjected to repeated and invasive strip-searches following her arrest at a police station in northern Israel. She was beaten, verbally abused, dragged by her hair and photographed in front of an Israeli flag. The photos were posted online.

### **Deaths in custody**

70. As at 15 July, at least 53 Palestinian detainees had died in Israeli detention facilities since 7 October 2023. Of that number, 44 persons were from Gaza, including 36 who died in Sde Teiman, and 9 were from the West Bank. Deceased detainees’ bodies have largely not been returned to their families for burial.

71. Thaer Abu Assab, from Qalqilya in the West Bank, who had been imprisoned since 2005, died in Negev Prison on 18 November 2023 after he was reportedly subjected to severe beatings by guards from the Keter Unit of the Israel Prison Service and his medical evacuation was delayed. Israeli authorities opened a criminal investigation, but only limited disciplinary action was reportedly taken against the guards involved. Two senior Palestinian doctors from Gaza died in Israeli detention. Dr. Iyad Rantisi, the director of a women’s hospital in Bayt Lahya, was arrested on 11 November at an Israeli security forces checkpoint and died six days later in the Israel Prison Service-operated Shikma Prison, where he was reportedly interrogated by the Israel Security Agency (also known as Shin Bet). Dr. Adnan al-Bursh, the head of the orthopaedic department at Shifa’ Hospital in Gaza City, was arrested in December and died at Ofer Prison in April. A released detainee told the Commission that he had seen Dr. Al-Bursh in Sde Teiman in December 2023 with bruises on his body and complaining of chest pain.

72. Israel provided no evidence that investigations into deaths in custody were being conducted, with a view to ensuring accountability.

<sup>26</sup> See A/HRC/56/CRP.4, para. 381.

### C. Treatment of hostages by Palestinian armed groups<sup>27</sup>

73. On 7 October 2023, a total of 251 people (226 civilians and 25 members of the Israeli security forces) were abducted in Israel and taken to Gaza as hostages.<sup>28</sup> That number included 90 women and 36 children, as well as older persons and non-Israeli nationals. The bodies of people killed in the attacks in southern Israel were also taken into Gaza. During a week-long ceasefire in November 2023, 80 Israeli children and women and 24 foreign nationals were released. As at 3 September, 154 living or dead hostages had been released or freed through military operations, while 101 remained in captivity.<sup>29</sup> Eight Israeli hostages were freed alive through four Israeli security forces military operations, some of which also resulted in hundreds of Palestinian casualties.

#### Enforced disappearances

74. All hostages have been held incommunicado without contact with the outside world, including ICRC. Hamas and other Palestinian armed groups have not provided a list of hostages, living or dead, that they hold, nor have they shared details and updates on their whereabouts or condition. As at the end of August, the fate of the majority of the hostages still held in captivity was unknown.

75. Palestinian armed groups have filmed and released at least 18 videos of 32 Israeli hostages, including three children. While these videos provided “proof of life”, the Commission notes that they were used primarily to exert pressure on Israel, with the hostages forced to urge the Israeli Government to halt its military operations in Gaza and negotiate an exchange deal. Hamas and Palestinian Islamic Jihad published videos that were designed to heighten uncertainty about the fate of the hostages. In later videos, it was confirmed that some of those hostages were dead. A senior Hamas official stated that families of hostages were being pressured through the psychological warfare practised on them by the Qassam Brigades and Quds Brigades, in order to pressure Netanyahu.

#### Conditions of captivity and treatment of hostages

76. Hostages stated that they were kept in tunnels, apartments or residential buildings, and hospitals.

77. With regard to the presence of hostages in hospitals, the Commission analysed footage released by Israeli security forces showing that two hostages, one with visible injuries, had been brought to Shifa’ Hospital on 7 October. This was later confirmed by the Political Bureau of Hamas, which stated that the hostages had been transported there for medical treatment. Several released hostages said they had been held in hospitals during their captivity, particularly prior to their release, but did not state that they had been suffering from any specific medical condition at the time. The Commission confirmed that two hostages had been held in hospitals and received medical treatment for their wounds. Two photographs show the body of a deceased Israeli man who was killed in a kibbutz on 7 October being brought to Shifa’ Hospital. The Commission also confirmed that Israeli security forces vehicles stolen from

<sup>27</sup> The Commission relied on video and audio testimonies of released hostages accessible through open sources, statements by medical professionals who treated released hostages, medical reports, available digital forensic evidence that was verified and analysed by the Commission and assessments made by a United Nations forensic pathologist.

<sup>28</sup> Government of Israel, Ministry of Foreign Affairs, “Swords of Iron: War in the South – Hamas’ Attack on Israel”, press release, 27 May 2024, and “Swords of Iron: Hostages and Missing Persons Report”, press release, 1 September 2024.

<sup>29</sup> This number includes Israeli hostages held captive by Hamas since 2014.



Nahal Oz military base, including vehicles identified as having been used to transport hostages from Israel, were brought to the premises of Shifa' Hospital.

78. Of the 36 children abducted and taken to Gaza, 9 were less than 5 years old and 10 had been alone, without other family members, when they were abducted.<sup>30</sup> In some cases, hostages belonging to the same family, including children as young as 3 years old, were separated, either during the abduction process or while in captivity. A total of 34 children were released in November 2023.

79. Some hostages, including two children, were kept in full isolation. At least three older women reported being held in isolation, with one 84-year-old woman stating that she had been held alone for 51 days until her release.

80. Hostages kept in tunnels reported being confined in overcrowded dark spaces with limited access to air. The majority of released hostages reported having had limited access to drinking water and hygiene facilities, including toilets, and limited food, leading to weight loss and deterioration of physical health. An 84-year-old female hostage reported being given only six dates a day and of going through periods of several days without any food at all. A medical study of 7 released women and 19 released children found uniformly poor nutritional status, in particular for children aged 8 to 18 and those who had been held alone without family members.<sup>31</sup> Some released hostages reported being deprived of medication for chronic illnesses, with such deprivation having particularly detrimental effects on older persons.

81. The siege imposed by Israel on the Gaza Strip has reduced the availability of food, water and medicine to the population at large, including the hostages. However, the Commission reiterates that the responsibility of Palestinian armed groups is to ensure adequate access to food, water and medicine for the hostages they hold, in particular vulnerable hostages.

82. The Commission received credible information about some hostages being subjected to sexual and gender-based violence while in captivity, including sexualized torture and abuse against men and women when they were held in tunnels. One released female hostage reported that she had been raped in an apartment.

83. While some released hostages stated they had not been mistreated, the Commission finds that the majority of hostages were subjected to mistreatment, and that some were subjected to physical violence. At least six hostages appear in videos and images taken in captivity displaying bruises and other injuries that they sustained either during their capture and transfer into Gaza or while in captivity. Two released male hostages reported that their hands and feet had been cuffed for the first two months of captivity, including while eating. Three hostages, including a child, reported having been subjected to explicit death threats. Five hostages reported that they had endured verbal abuse and humiliation.

84. The Commission identified, in video footage released by Hamas, signs of physical abuse on the bodies of three male hostages, including 25-year-old Sahar Baruch and 38-year-old Itay Svirsky, who had died in captivity. These included signs of possible strangulation and laceration marks on the face and arms that were corroborated by an independent forensic pathologist. Hamas claimed the three had been killed in an Israeli security forces bombardment.

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<sup>30</sup> See A/HRC/56/CRP.3, para. 168.

<sup>31</sup> Noa Ziv and others, "Medical perspectives on Israeli children after their release from captivity – A retrospective study", *Acta Paediatrica*, vol. 113, issue 10 (October 2024).

### Deaths in captivity

85. As at early September 2024, at least 70 hostages were no longer alive.<sup>32</sup> Hamas claimed that the majority had been killed by Israeli security forces during military operations.

86. The Commission has confirmed that three hostages were shot and killed by Israeli security forces while attempting to hand themselves over to the security forces.<sup>33</sup> At least five other hostages died in the course of Israeli security forces operations, but the security forces have stated that the exact cause of death is unclear. In August, the bodies of six hostages were recovered from a tunnel in Khan Younis, in an area where Israeli security forces had previously conducted air strikes.<sup>34</sup> Israeli security forces are investigating the circumstances of their deaths amid reports that the initial autopsies indicate a finding of gunshot wounds in the bodies. On 1 September, Israeli sources announced that six bodies had been discovered in a tunnel in Rafah. According to an initial forensic assessment, they had been shot 48 to 72 hours before Israeli security forces arrived at the location.<sup>35</sup> On 2 September, Hamas stated that new instructions had been issued regarding dealing with hostages if Israeli security forces approached their place of detention.

87. The Commission investigated three cases in which the bodies of dead hostages exhibited signs of mistreatment (see para. 84). In a fourth case, Israel acknowledged that a female soldier held by Hamas had been injured during an Israeli security forces air strike. However, the security forces argued that she had not sustained life-threatening injuries, but had instead been killed by Hamas. The Commission could not independently determine the cause of death.

## IV. Conclusions

### Health care

88. The offensive on Gaza since 7 October has resulted in the destruction of the already weak health-care system in the Gaza Strip, with detrimental long-term effects on the civilian population's rights to health and life. Attacks on health-care facilities are an intrinsic element of the Israeli security forces' broader assault on Palestinians in Gaza and the physical and demographic infrastructure of Gaza, as well as of efforts to expand the occupation. The actions of Israel violate international humanitarian law and the Palestinian people's right to self-determination, and they are in stark contravention of the International Court of Justice advisory opinion of July 2024.

89. The Commission finds that Israel has implemented a concerted policy to destroy the health-care system of Gaza. Israeli security forces have deliberately killed, wounded, arrested, detained, mistreated and tortured medical personnel and targeted medical vehicles, constituting the war crimes of wilful killing and mistreatment and the crime against humanity of extermination. Israeli authorities carried out such acts

<sup>32</sup> Government of Israel, Ministry of Foreign Affairs, "Swords of Iron: Civilian Casualties", press release, 1 September 2024, and "Swords of Iron: IDF Casualties", press release, 18 September 2024.

<sup>33</sup> See A/HRC/56/26, para. 46.

<sup>34</sup> See [www.idf.il/%D7%90%D7%AA%D7%A8%D7%99-%D7%99%D7%97%D7%99%D7%93%D7%95%D7%AA/%D7%99%D7%95%D7%9E%D7%9F-%D7%94%D7%9E%D7%9C%D7%97%D7%9E%D7%94/%D7%9B%D7%9C-%D7%94%D7%9B%D7%AA%D7%91%D7%95%D7%AA/%D7%A2%D7%93%D7%9B%D7%95%D7%A0%D7%99-%D7%93%D7%95%D7%91%D7%A8-%D7%A6%D7%94-%D7%9C/%D7%A2%D7%93%D7%9B%D7%95%D7%9F-%D7%93%D7%95%D7%91%D7%A8-%D7%A6%D7%94%D7%9C-20-08/](http://www.idf.il/%D7%90%D7%AA%D7%A8%D7%99-%D7%99%D7%97%D7%99%D7%93%D7%95%D7%AA/%D7%99%D7%95%D7%9E%D7%9F-%D7%94%D7%9E%D7%9C%D7%97%D7%9E%D7%94/%D7%9B%D7%9C-%D7%94%D7%9B%D7%AA%D7%91%D7%95%D7%AA/%D7%A2%D7%93%D7%9B%D7%95%D7%A0%D7%99-%D7%93%D7%95%D7%91%D7%A8-%D7%A6%D7%94-%D7%9C/%D7%A2%D7%93%D7%9B%D7%95%D7%9F-%D7%93%D7%95%D7%91%D7%A8-%D7%A6%D7%94%D7%9C-20-08/) (in Hebrew).

<sup>35</sup> See <https://www.gov.il/he/pages/01092024-02> (in Hebrew) and <https://www.idf.il/227210> (in Hebrew).

while tightening the siege of the Gaza Strip, resulting in fuel, food, water, medicines and medical supplies not reaching hospitals, while also drastically reducing permits for patients to leave the territory for medical treatment. The Commission finds that these actions were taken as collective punishment against the Palestinians in Gaza and are part of the ongoing Israeli attack against the Palestinian people that began on 7 October.

90. The destruction by Israeli security forces of the health-care infrastructure of Gaza has had a severely detrimental effect on the accessibility, quality and availability of health-care services, drastically increasing mortality and morbidity, in violation of the right to physical and mental health, which is intrinsically linked to the right to life. Attacks targeting health-care facilities have exacerbated an already catastrophic situation, with the rapid increase in the number of emergency patients with serious injuries adding to the caseload of untreated patients suffering from chronic diseases or those in need of specialist care.

91. In relation to the attacks on Nasr, Shifa', Awdah and Turkish hospitals, the Commission finds that, in view of the excessive number of civilian deaths and injuries, as well as the damage caused to and the destruction of the hospitals' facilities, Israeli security forces failed to adhere to the principles of precaution, distinction and proportionality, constituting the war crimes of wilful killing and attacks against protected objects. The Commission finds that, in the attacks on Shifa' and Nasr hospitals, Israeli security forces considered the hospitals' premises and all surrounding areas as targetable without distinction and thus violated the principle of distinction. With regard to Israeli security forces seizing the Turkish Hospital for military purposes and establishing a military post therein, the Commission finds that such actions were not required by the imperative of military necessity and thus amount to the war crime of seizing protected property.

92. The Commission did not find evidence of military activity by Palestinian armed groups at either Awdah or the Turkish Hospital at the time that they were attacked. The Commission documented Israeli security forces statements that Shifa' and Nasr hospitals were being used for military purposes, and the security forces' claims of finding weapon caches. However, it was unable to independently verify those claims. The Commission confirmed the presence of a tunnel and shaft on the grounds of Shifa' Hospital, but it could not verify that they were used for military purposes. The Commission verified information indicating that members of armed groups had entered Shifa' hospital with Israeli security forces vehicles that were stolen on 7 October. However, it did not find any evidence of a military presence in the specific hospital departments that Israeli security forces shelled in November, including the maternity ward and the intensive care unit. The Commission concludes that, at the time of Israeli security forces attacks, the hospitals and medical facilities enjoyed special protection under international humanitarian law and were immune from such attacks.

93. Israeli security forces and Palestinian armed groups engaged in intense exchanges of fire on the premises of Shifa' Hospital in March, despite the presence of thousands of civilians, including medical staff, patients and internally displaced persons. Both parties to the conflict violated international humanitarian law by disregarding the special protection offered to medical facilities and protected persons.

94. Attacks against health-care facilities directly resulted in the killing of civilians, including children and pregnant women, who were receiving treatment or seeking shelter and indirectly led to deaths of civilians owing to the resulting lack of medical care, supplies and equipment, which constitutes a violation of Palestinians' right to life. The Commission also concludes that such acts constitute the crime against humanity of extermination.

95. In relation to the 29 January attack on a family, including five children, that was in a vehicle and on a Palestine Red Crescent Society ambulance (see para. 11), the Commission, based on its investigation, concludes on reasonable grounds that the 162 Division of the Israeli security forces was operating in the area and is responsible for killing the family of seven, as well as for shelling the ambulance, killing the two paramedics who were inside. Those actions constitute the war crimes of wilful killing and an attack against civilian objects.

96. Israeli attacks on medical facilities have led to the injury and death of child patients and have had devastating consequences for paediatric and neonatal care in Gaza hospitals, creating a large, unmet need for complex surgical and medical care for children, including premature babies. Israel has failed to act in the best interests of children and ensure the protection of their rights to life and the highest attainable standard of health care, and it has deliberately created conditions of life that have resulted in the destruction of generations of Palestinian children and the Palestinian people as a group.

97. The Commission finds that the deliberate destruction of sexual and reproductive health-care facilities constitutes reproductive violence and has had a particularly harmful effect on pregnant, post-partum and lactating women, who remain at high risk of injury and death. Targeting such infrastructure is a violation of women and girls' reproductive rights and the rights to life, health, human dignity and non-discrimination. In addition, it has caused immediate physical and mental harm and suffering to women and girls and will have irreversible long-term effects on the mental health and the physical reproductive and fertility prospects of the Palestinian people as a group.

98. Intentionally targeting facilities that are crucial for the health and protection of women, newborns and children violated the norm of customary international humanitarian law that affords special protection to women and children in armed conflicts. Such harmful acts were both foreseeable and unremedied. The prolonged physical and mental suffering of injured children and the reproductive harm caused to pregnant, post-partum and lactating women amount to the crime against humanity of other inhumane acts.

99. The Commission finds that Israeli security forces resorted to perfidy when soldiers entered a hospital in Jenin dressed as medical staff and female civilians on 30 January. That action constitutes a violation of international humanitarian law.

100. Attacks by Palestinian armed groups on medical staff, medical facilities and ambulances in Israel on and after 7 October constitute a war crime.

### **Detention of Palestinians**

101. Mass arbitrary detention of Palestinians has been a long-standing practice over the course of the 75-year-long Israeli occupation of Gaza and the West Bank. Detention in Israel has been characterized by widespread and systematic abuse, physical and psychological violence, sexual and gender-based violence, and death in detention. The frequency and severity of those practices have increased since 7 October.

102. Mistreatment of Palestinian detainees by Israeli authorities is the result of an intentional policy. Acts of physical, psychological, sexual and reproductive violence were perpetrated to humiliate and degrade Palestinians. This was observed across several facilities and temporary holding locations, as well as during interrogation and while in transit to and from facilities. Detainees, including older persons and children, were subjected to consistent mistreatment, including lack of sufficient food and appropriate hygiene facilities, beatings, abusive language and being forced to perform humiliating acts. Israeli security forces committed those acts with the intent to inflict

pain and suffering, amounting to torture as a war crime and a crime against humanity and constituting a violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The deaths of detainees as a result of abuse or neglect amount to the war crimes of wilful killing or murder and violations of the right to life.

103. This systematic abuse is directly and causally linked to statements made by Israeli officials, including the Minister of National Security, who is responsible for the Israel Prison Service, and other members of the Israeli coalition Government legitimizing revenge and violence against Palestinians. The lack of accountability for actions of individual members of the Israeli security forces and the increasing acceptance of violence against Palestinians have allowed such conduct to continue uninterrupted and become systematic and institutionalized.

104. Large-scale arrests of Palestinian men and boys have been carried out with little or no justifiable cause, in many cases apparently simply because they were considered to be of “fighting age” or they did not follow evacuation orders. The detention of thousands of Palestinians for prolonged periods, even when they clearly posed no security risk, was arbitrary, unlawful and constitutes collective punishment and gender persecution.

105. The Israeli policy of deliberately withholding information regarding the names, whereabouts and status of detainees amounts to the crime against humanity of enforced disappearance. The mental suffering of the families of detainees amounts to torture.

106. Israeli security forces intentionally, unlawfully and arbitrarily deprived Palestinian children of their liberty and fundamental rights and caused serious physical and mental suffering. Israeli security forces transferred child detainees from Gaza and the West Bank to Israeli military detention centres, where they were detained for prolonged periods in the same quarters as adults and subjected to severe mistreatment, humiliation and torture. Ill-treatment of children was also observed in Israel Prison Service facilities. Released children have shown signs of serious physical injury, extreme psychological distress and trauma.

107. Israeli security forces used detainees as human shields in several instances in the West Bank and Gaza, which constitutes a war crime. Israeli security forces transported detainees from the West Bank on the bonnets of Israeli security forces vehicles in the middle of an exchange of fire. They forced detainees into tunnels and buildings ahead of military personnel in the Gaza Strip.

108. As the intensity of the hostilities increased, so did the prevalence and types of sexual and gender-based violence committed. In its previous report to the Human Rights Council ([A/HRC/56/26](#)), the Commission identified persecutory acts committed against Palestinian men and boys, including the filming of forced public stripping and nudity. The Commission finds that such persecutory acts continued in detention in the form of sexualized torture. Male detainees were subjected to attacks on their sexuality and reproductive organs, including violence to their genitals and anus, and were forced to perform humiliating and strenuous acts naked or stripped as a form of punishment or intimidation, with a view to extract information from them. Male detainees were subjected to rape, which is a war crime and a crime against humanity. Such acts of sexual violence, causing severe physical and mental suffering, also amount to torture.

109. Israeli security forces subjected male and female detainees to forced nudity and stripping during transfer, in detention facilities and during interrogations or body searches, in a widespread and systematic manner. Taken together with other acts of sexual violence committed for the purpose of humiliation or degradation, such as being photographed fully or partially naked and subjected to verbal and physical

sexual abuse and threats of rape, the aforementioned acts constitute the war crimes of inhuman treatment and outrages upon personal dignity and the crime against humanity of other inhumane acts. In some cases, such acts amount to the war crime and crime against humanity of torture.

110. Israeli security forces have prohibited released detainees from returning to their places of residence in the north of Gaza. That prohibition constitutes forced displacement. Attacks against civilians attempting to return to their families amount to forcible transfer. These are war crimes and crimes against humanity.

#### **Israeli and foreign hostages**

111. In its previous report to the Human Rights Council, the Commission found that the taking of hostages, both civilians and soldiers, by Palestinian armed groups constituted a war crime. The Commission finds that hostages were intentionally mistreated in order to inflict physical pain and severe mental suffering. Such mistreatment includes physical violence, abuse, sexual violence, forced isolation, limited access to hygiene facilities, water and food, threats and humiliation. Hamas and other Palestinian armed groups forced hostages to participate in videos, with the intent of inflicting psychological torture on the families of hostages in order to achieve political aims.

112. Hamas and other Palestinian armed groups committed the war crimes of torture, inhuman or cruel treatment, rape and sexual violence and have violated the customary international humanitarian law prohibition on enforced disappearance. Inflicting mental suffering on the families of victims constitutes torture. The Commission emphasizes that Hamas and other Palestinian armed groups, as the detaining parties, are responsible for the safety and well-being of the hostages. Crimes against humanity, including torture, enforced disappearance and other inhumane acts, were committed against hostages by Hamas and other Palestinian armed groups. The de facto authority in Gaza has the responsibility of investigating possible violations of international law and holding the perpetrators accountable.

## **V. Recommendations**

113. **The Commission recommends that the Government of Israel:**

(a) **Immediately end the unlawful occupation of Palestinian territory, cease all new settlement plans and activities, including in relation to the Gaza Strip, and remove all settlements as rapidly as possible, in compliance with the International Court of Justice advisory opinion of July 2024;**

(b) **Ensure, as the occupying Power, that the rights of the population under its effective control are safeguarded and that medical services are available to all;**

(c) **Comply with all provisional measures ordered by the International Court of Justice, taking all measures within its power to prevent the commission of all acts within the scope of article II, subparagraphs (a)–(d), of the Convention on the Prevention and Punishment of the Crime of Genocide;**

(d) **Immediately cease targeting of medical facilities, staff and vehicles and cease the military use of medical facilities, in compliance with international humanitarian law; and ensure rapid, safe and unhindered access for medical staff and ambulances to wounded persons;**

(e) **Ensure the reconstruction of the health-care system of Gaza and immediately provide medical treatment to the highest attainable standard;**

(f) End the siege of Gaza and ensure the provision of all goods necessary to maintain the health of the population and of patients in need of medical care;

(g) Immediately facilitate the medical evacuation of Palestinians from Gaza, in particular cancer patients and children, along with their guardians;

(h) Immediately cease the targeting of sexual and reproductive health-care facilities; comply with obligations to ensure access and availability of quality reproductive health-care services, goods and facilities;

(i) Commit to a time-bound action plan to stop grave child rights violations, including accountability measures for attacks on medical facilities, in view of the fact that Israeli armed and security forces are listed in the annexes to the report of the Secretary General on children and armed conflict ([A/78/842-S/2024/384](#));

(j) Immediately cease the arbitrary and unlawful detention of Palestinians, including children, and ensure due process and fair trials, in accordance with international standards of justice;

(k) Ensure that all Palestinians who have been arrested or detained are treated humanely; immediately cease torture and other ill-treatment; take all measures to prevent and investigate violations and ensure that perpetrators are held accountable; ensure that detention conditions strictly conform with international standards;

(l) Immediately cease the perpetration of rape and other forms of sexual and gender-based violence in detention; establish appropriate gender-specific protocols and conditions of detention, including in relation to searching prisoners; provide gender-specific health care for women and meet women's hygiene needs;

(m) Provide information on the names, whereabouts and condition of all detainees and withheld bodies; allow ICRC access to detainees and to provide legal assistance and representation;

(n) Grant access to the Commission and allow it to enter Israel and the Occupied Palestinian Territory to investigate all violations of international law, as ordered by the International Court of Justice;

114. The Commission recommends that the Government of the State of Palestine and the de facto authorities in Gaza:

(a) Immediately and unconditionally ensure the release of all hostages; publish a list of all hostages and of withheld bodies, detailing names, whereabouts, condition; allow ICRC access to hostages;

(b) Ensure the protection, well-being and proper treatment of all remaining hostages, in particular children and older persons, including protection from sexual and gender-based violence, until their release in compliance with international humanitarian law and international human rights law;

(c) Ensure that civilians are not used as human shields, in strict compliance with international humanitarian law;

(d) Thoroughly and impartially investigate and prosecute violations of international law, including the targeting of medical facilities in Israel on or after 7 October 2023; fully cooperate with the investigations of the International Criminal Court;

115. **The Commission recommends that all Member States:**

(a) **Comply with the International Court of Justice advisory opinion and international legal obligations not to recognize the unlawful occupation of Israel; render no aid or assistance in maintaining the occupation; distinguish in their dealings between Israel and the Occupied Palestinian Territory;**

(b) **Comply with all international law obligations, including the obligation under common article 1 of the Geneva Conventions to ensure respect for international humanitarian law by all State parties, including Israel and the State of Palestine, as well as obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Genocide Convention;**

(c) **Cease aiding or assisting in the commission of violations; explore accountability measures against alleged perpetrators of international crimes, grave human rights violations and abuses in Israel and the Occupied Palestinian Territory;**

(d) **Cooperate with the investigation of the Office of the Prosecutor of the International Criminal Court.**

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