

Final Draft 20 May 2025

HRDD Phase 1 Country Assessment Report: Israel/Palestine

Submitted to the Executive Board by the Human Rights Advisory Committee (HRAC)

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Introduction

This report presents the findings of the Human Rights Advisory Committee (HRAC) under Phase 1 of the HRDD assessment for Israel/Palestine, the first country reviewed under the Committee's mandate. In line with Principle 6.4.1(b) of the Working Principles, the Committee has decided to issue a standalone Phase 1 report for this pilot assessment, reflecting its commitment to transparency and thorough documentation. This decision does not set a precedent for all future cases, which may be addressed through a single, consolidated report covering both phases.

In line with the principles outlined in Section 6 of the Working Principles, and in particular Principles 6.1 and 6.2.1, this report follows the structure set out in the HRDD Country Assessment Tool – Part 1.

Pursuant to its mandate to support Maastricht University in its commitment to contribute positively to the human rights situation in the world—especially where international crimes and serious human rights violations are concerned—this report aims to provide a clear and evidence-based foundation for the Executive Board’s next steps under the HRDD Framework.

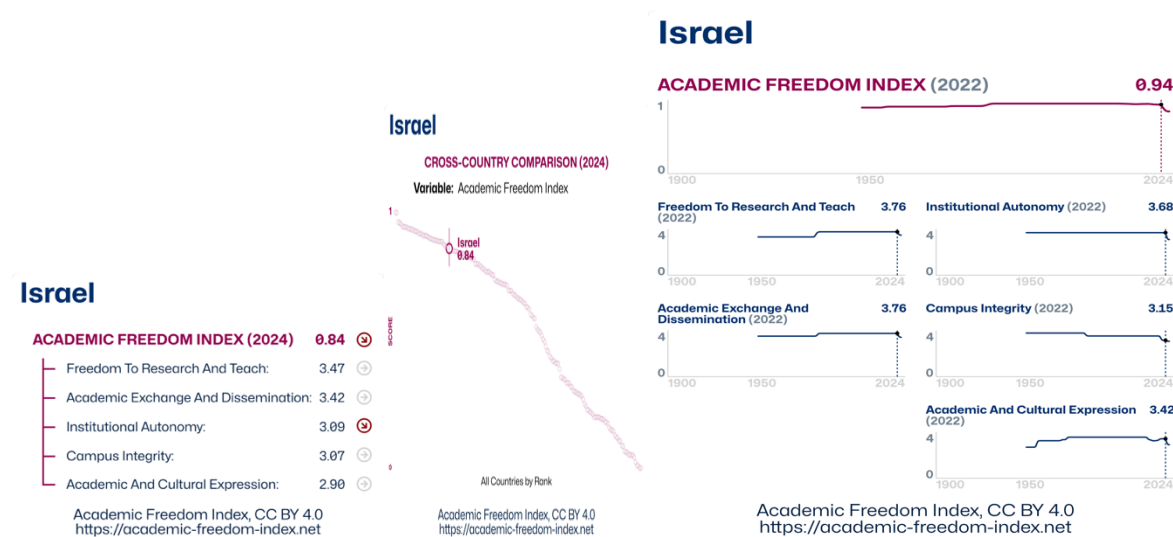
1. What is the country’s score on the Human Rights Index?

The UN Universal Human Rights Index does not provide a single quantitative score. Instead, it compiles the number and nature of recommendations and observations issued by various UN human rights mechanisms. A search for Israel in the database returns 1,845 recommendations and observations, spanning 33 documents issued by 16 different mechanisms. While this does not constitute a score, it provides a contextual indication of the extent of international scrutiny and documentation regarding Israel’s human rights record.

2. What is the country’s score on the Academic Freedom Index?

In 2024, Israel scored 0.84 on the Academic Freedom Index (AFi), where the highest possible score is 1. This score is considered relatively high in global comparison. However, after decades of stability at 0.94 (from 1980 to 2022), the AFi score dropped by 0.103 between 2022 and 2024—a sudden shift that diverges from Israel’s previously consistent trend and warrants attention.

Regarding Institutional Autonomy, a subcomponent of the AFi measured on a 0–4 scale, Israel scored 3.09 in 2024. This sub-score has declined since 2022, falling by 0.596 and interrupting a long-standing pattern of stability. These recent developments reflect a sharp and sudden weakening of academic freedom, albeit from a relatively strong baseline.



Screenshots taken on 20-21 May 2025.

3. Is the country involved in an armed conflict?

According to the [Global Conflict Tracker](#) maintained by the Center for Preventive Action at the Council on Foreign Relations, Israel is involved in two major armed conflicts:

- The Israeli-Palestinian conflict, categorized as a worsening territorial dispute;

- An escalating interstate conflict with Hezbollah, a non-state armed group operating from Lebanon.

Additionally, as documented by the [Rule of Law in Armed Conflicts \(RULAC\) project](#) of the Geneva Academy, Israel is the occupying power in three internationally recognized occupations:

1. The Golan Heights, which are part of Syria;
2. The Shebaa Farms, which are part of Lebanon;
3. The West Bank, East Jerusalem, and the Gaza Strip, which are part of Palestine.

While Israel withdrew its ground forces from Gaza in 2005, it continues to exercise significant control over the territory and is thus recognized as the occupying power under international law.

As of the current period, Israel is a party to multiple international armed conflicts—against Palestine, Lebanon, and Syria—and a non-international armed conflict with Hezbollah.

4. Are there (one or more) indications of serious violations taking place in the country?

The HRAC has concluded that there are serious indications that Israel has committed and continues to commit multiple international crimes and serious human rights violations, including:

- War crimes
- Crimes against humanity
- Potential acts of genocide

This conclusion is grounded in findings from institutions widely regarded as authoritative and independent in the field of international human rights and international criminal law, including:

- The International Court of Justice (ICJ) – *Advisory Opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (19 July 2024); *Order on Provisional Measures in South Africa v. Israel* (26 January 2024)
- The International Criminal Court (ICC) – *Arrest Warrants issued by Pre-Trial Chamber I* (21 November 2024); *Appeals Chamber Decision on Jurisdiction Challenge* (24 April 2025)
- The UN Commission of Inquiry (COI) – *Reports on the Occupied Palestinian Territory, including East Jerusalem, and Israel* (14 June and 14 September 2024)
- The Office of the High Commissioner for Human Rights (OHCHR) – *Report on the Human Rights Situation in the Occupied Palestinian Territory* (A/HRC/58/28, February 2025); *Report on Israeli Settlements* (A/HRC/58/73, March 2025)

- The Hague Court of Appeal – *Judgment in Oxfam Novib et al. v. The Netherlands* (12 February 2024); Advice of Advocate General to Supreme Court (2 December 2024)

These findings are further corroborated by credible investigations and reports published by leading human rights NGOs, including:

- Human Rights Watch – *Extermination and Acts of Genocide: Israel Deliberately Depriving Palestinians in Gaza of Water* (December 2024); *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution* (January 2021)
- Amnesty International – *The State of the World's Human Rights 2024* (April 2024)

In addition, the HRAC notes that there are also serious indications that war crimes and crimes against humanity have been committed in the State of Israel by Hamas - *Arrest Warrants issued by Pre-Trial Chamber I* (21 November 2024).

Taken together, these sources constitute a robust and deeply corroborated body of evidence that not only meets but exceeds the evidentiary threshold set by the HRDD Framework for establishing serious indications of international crimes and serious human rights violations committed in and by Israel.

A summary and analysis of the main sources of evidence relied upon for this conclusion is provided in Annex I, while Annex II presents relevant excerpts from the decisions, reports, and findings of the institutions and bodies cited above.

Conclusion

Based on its mandate under the HRDD Framework and Working Principles, and drawing on a wide range of impartial, independent, authoritative, as well as corroborated sources (see annexes), the HRAC concludes that there are serious indications that Israel has committed and continues to commit international crimes and serious human rights violations, including war crimes, crimes against humanity, and potential acts of genocide.

These findings meet and exceed the evidentiary threshold set out in the HRDD Framework for advancing from Phase 1 (country-level assessment) to Phase 2 (partner-level assessment). In line with this conclusion, the HRAC will now proceed to assess whether there are serious indications that partner institutions located in Israel are contributing to these violations.

The HRAC having reached the conclusion that the threshold for Phase 1 has been met, the HRDD Framework foresees that the Executive Board enter into contact with relevant institutions in Israel to inform them that the University is proceeding to Phase 2 of the assessment. The HRAC would appreciate being kept informed about any responses received and other relevant information arising from this engagement with partner institutions.

This report is intended to inform the Executive Board's decision-making. The HRAC has/will also share a summary of the findings of Phase 1 for communication to the broader University community.

Annex I Summary and Analysis of Evidence

There are serious indications that Israel has committed, and continues to commit, multiple international crimes and serious human rights violations. These include war crimes, crimes against humanity, and potentially acts of genocide.

The International Court of Justice (ICJ), in its Advisory Opinion of 19 July 2024, found that Israel's policies in the Occupied Palestinian Territory—such as settlement expansion, forcible transfer, discriminatory laws, and prolonged occupation—violate international law and amount to annexation, racial segregation, and breaches of the right to self-determination. In its Provisional Measures Order of 26 January 2024, the Court concluded that it is plausible that the rights of Palestinians in Gaza to be protected from genocide are at risk.

The International Criminal Court (ICC) issued arrest warrants on 21 November 2024 for Prime Minister Netanyahu and Defense Minister Gallant, finding reasonable grounds to believe they bear responsibility for starvation as a method of warfare (a war crime), murder and inhumane acts (crimes against humanity), and persecution and attacks against civilians. These findings concern acts allegedly committed in Gaza between October 2023 and May 2024. In April 2025, the Appeals Chamber confirmed that while jurisdictional issues are pending, the warrants remain valid.

The ICC Pre-Trial Chamber also issued an arrest warrant for Mohammed Diab Ibrahim Al-Masri (known as “Deif”), the highest commander of Hamas’s al-Qassam Brigades, for alleged war crimes and crimes against humanity committed in Israel and Palestine from at least 7 October 2023. On 26 February 2025, ICC Pre-trial Chamber I terminated proceedings against Mohammed Diab Ibrahim Al-Masri (Deif) following the Prosecution’s notification of his death.

The UN Independent International Commission of Inquiry, in its June and September 2024 reports, found war crimes including wilful killing, attacks on protected objects, and destruction of healthcare infrastructure, as well as crimes against humanity such as extermination, torture, and gender persecution—applying a “reasonable grounds to believe” standard.

Reports by the Office of the High Commissioner for Human Rights (OHCHR) in February and March 2025 confirm widespread and systematic violations of international humanitarian and human rights law, including policies of apartheid, forcible transfer, and collective punishment—notably of children.

The Hague Court of Appeal, in a February 2024 judgment, held that there is a “clear risk” that F-35 components exported from the Netherlands to Israel would be used to commit serious violations of international humanitarian law, based on Israeli conduct in recent operations. This ruling, now under appeal, was based on a precautionary standard, not conclusive proof. On 29 November 2024, the Advocate General has recommended to the Supreme Court that the Court of Appeal’s decision—requiring the Dutch State to cease exports of F-35 parts to Israel—be upheld.

These findings are corroborated by reputable human rights organizations. Human Rights Watch (Dec. 2024) concluded that Israel committed the crime against humanity of extermination and possibly acts of genocide. Amnesty International (Apr. 2024) documented deepened apartheid, mass displacement in Gaza, and systemic abuses in both the Occupied Palestinian Territory and within Israel. Human Rights Watch (2021) previously found that Israel's repression of Palestinians amounts to crimes against humanity of apartheid and persecution.

Annex II - Excerpts

International Court of Justice (ICJ)

Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem

International Court of Justice, Advisory Opinion of 19 July 2024

Paragraph 119:

“the Court considers that the transfer by Israel of settlers to the West Bank and East Jerusalem, as well as Israel's maintenance of their presence, is contrary to the sixth paragraph of Article 49 of the Fourth Geneva Convention.”

Paragraph 133:

“the Court also concludes that Israel's policy of exploitation of natural resources in the Occupied Palestinian Territory is inconsistent with its obligation to respect the Palestinian people's right to permanent sovereignty over natural resources.”

Paragraph 147:

“The Court considers that Israel's policies and practices, which it discusses in greater detail below (see paragraphs 180-229), including its forcible evictions, extensive house demolitions and restrictions on residence and movement, often leave little choice to members of the Palestinian population living in Area C but to leave their area of residence. The nature of Israel's acts, including the fact that Israel frequently confiscates land following the demolition of Palestinian property for reallocation to Israeli settlements, indicates that its measures are not temporary in character and therefore cannot be considered as permissible evacuations. In the Court's view, Israel's policies and practices are contrary to the prohibition of forcible transfer of the protected population under the first paragraph of Article 49 of the Fourth Geneva Convention.”

Paragraph 154:

“The Court considers that the violence by settlers against Palestinians, Israel's failure to prevent or to punish it effectively and its excessive use of force against Palestinians contribute to the creation and maintenance of a coercive environment against Palestinians. In the present case, on the basis of the evidence before it, the Court is of the view that Israel's systematic failure to prevent or to punish attacks by settlers

against the life or bodily integrity of Palestinians, as well as Israel's excessive use of force against Palestinians, is inconsistent with the obligations identified in paragraph 149 above."

Paragraph 173:

"In light of the above, the Court is of the view that Israel's policies and practices, including the maintenance and expansion of settlements, the construction of associated infrastructure, including the wall, the exploitation of natural resources, the proclamation of Jerusalem as Israel's capital, the comprehensive application of Israeli domestic law in East Jerusalem and its extensive application in the West Bank, entrench Israel's control of the Occupied Palestinian Territory, notably of East Jerusalem and of Area C of the West Bank. These policies and practices are designed to remain in place indefinitely and to create irreversible effects on the ground. Consequently, the Court considers that these policies and practices amount to annexation of large parts of the Occupied Palestinian Territory."

Paragraph 179:

"The Court has found that Israel's policies and practices amount to annexation of large parts of the Occupied Palestinian Territory. It is the view of the Court that to seek to acquire sovereignty over an occupied territory, as shown by the policies and practices adopted by Israel in East Jerusalem and the West Bank, is contrary to the prohibition of the use of force in international relations and its corollary principle of the non-acquisition of territory by force."

Paragraph 197:

"the Court is of the view that Israel's residence permit policy amounts to prohibited discrimination under Articles 2, paragraph 2, 23 and 26 of the ICCPR, and Articles 2, paragraph 2, and 10, paragraph 1, of the ICESCR."

Paragraph 206:

"the Court is of the view that Israel's policies restricting freedom of movement amount to prohibited discrimination under Articles 2, paragraph 1, and 26 of the ICCPR, Article 2, paragraph 2, of the ICESCR, and Article 2 of CERD."

Paragraph 213:

"Israel's practice of punitive demolitions of Palestinian property, being contrary to its obligations under international humanitarian law, does not serve a legitimate public aim. The Court considers that, because this practice treats Palestinians differently without justification, it amounts to prohibited discrimination under Articles 2, paragraph 1, and 26 of the ICCPR, Article 2, paragraph 2, of the ICESCR, and Article 2 of CERD."

Paragraph 222:

"the Court considers that Israel's planning policy in relation to the issuance of building permits, and in particular its practice of property demolition for lack of a

building permit, which treats Palestinians differently from settlers without justification, amounts to prohibited discrimination, in violation of Articles 2, paragraph 1, and 26 of the ICCPR, Article 2, paragraph 2, of the ICESCR, and Article 2 of CERD.”

Paragraph 229:

“229. The Court observes that Israel’s legislation and measures impose and serve to maintain a near-complete separation in the West Bank and East Jerusalem between the settler and Palestinian communities. For this reason, the Court considers that Israel’s legislation and measures constitute a breach of Article 3 of CERD.”

Article 3 of CERD provides as follows:

“States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.”

This provision refers to two particularly severe forms of racial discrimination: racial segregation and apartheid.

Paragraph 243:

“The prolonged character of Israel’s unlawful policies and practices aggravates their violation of the right of the Palestinian people to self-determination. As a consequence of Israel’s policies and practices, which span decades, the Palestinian people has been deprived of its right to self-determination over a long period, and further prolongation of these policies and practices undermines the exercise of this right in the future. For these reasons, the Court is of the view that Israel’s unlawful policies and practices are in breach of Israel’s obligation to respect the right of the Palestinian people to self-determination.”

Paragraph 261:

“The Court considers that the violations by Israel of the prohibition of the acquisition of territory by force and of the Palestinian people’s right to self-determination have a direct impact on the legality of the continued presence of Israel, as an occupying Power, in the Occupied Palestinian Territory. The sustained abuse by Israel of its position as an occupying Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel’s presence in the Occupied Palestinian Territory unlawful.”

Provisional Order of 26 January 2024, South Africa v. Israel
International Court of Justice

Paragraph 54:

“the facts and circumstances mentioned above are sufficient to conclude that at least some of the rights claimed by South Africa and for which it is seeking protection are

plausible. This is the case with respect to the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts identified in Article III, and the right of South Africa to seek Israel's compliance with the latter's obligations under the Convention."

International Criminal Court – Situation in the State of Palestine

Press Release – 21 November 2024

Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel's challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant

"[O]n 21 November 2024, Pre-Trial Chamber I of the International Criminal Court ('Court'), in its composition for the Situation in the State of Palestine, unanimously issued two decisions rejecting challenges by the State of Israel ('Israel') brought under articles 18 and 19 of the Rome Statute (the 'Statute'). It also issued warrants of arrest for Mr Benjamin Netanyahu and Mr Yoav Gallant."

"The Chamber issued warrants of arrest for two individuals, Mr Benjamin Netanyahu and Mr Yoav Gallant, for crimes against humanity and war crimes committed from at least 8 October 2023 until at least 20 May 2024, the day the Prosecution filed the applications for warrants of arrest. The arrest warrants are classified as 'secret', in order to protect witnesses and to safeguard the conduct of the investigations."

"The Chamber considered that there are reasonable grounds to believe that both individuals intentionally and knowingly deprived the civilian population in Gaza of objects indispensable to their survival, including food, water, and medicine and medical supplies, as well as fuel and electricity, from at least 8 October 2023 to 20 May 2024. This finding is based on the role of Mr Netanyahu and Mr Gallant in impeding humanitarian aid in violation of international humanitarian law and their failure to facilitate relief by all means at its disposal. The Chamber found that their conduct led to the disruption of the ability of humanitarian organisations to provide food and other essential goods to the population in need in Gaza."

"The aforementioned restrictions together with cutting off electricity and reducing fuel supply also had a severe impact on the availability of water in Gaza and the ability of hospitals to provide medical care. The Chamber therefore found reasonable grounds to believe that Mr Netanyahu and Mr Gallant bear criminal responsibility for the war crime of starvation as a method of warfare."

"The Chamber found that there are reasonable grounds to believe that the lack of food, water, electricity and fuel, and specific medical supplies, created conditions of life calculated to bring about the destruction of part of the civilian population in Gaza, which resulted in the death of civilians, including children due to malnutrition and dehydration."

"On the basis of material presented by the Prosecution covering the period until 20 May 2024, [...] the Chamber found that there are reasonable grounds to believe that the crime against humanity of murder was committed in relation to these victims."

"In addition, by intentionally limiting or preventing medical supplies and medicine from getting into Gaza, in particular anaesthetics and anaesthesia machines, the two individuals are also responsible for inflicting great suffering by means of inhumane acts on persons in need of treatment. Doctors were forced to operate on wounded persons and carry out amputations, including on children, without anaesthetics, and/or were forced to use inadequate and unsafe means to sedate patients, causing these persons extreme pain and suffering. This amounts to the crime against humanity of other inhumane acts."

"The Chamber also found reasonable grounds to believe that the abovementioned conduct deprived a significant portion of the civilian population in Gaza of their fundamental rights, including the rights to life and health, and that the population was targeted based on political and/or national grounds. It therefore found that the crime against humanity of persecution was committed."

"Finally, the Chamber assessed that there are reasonable grounds to believe that Mr Netanyahu and Mr Gallant bear criminal responsibility as civilian superiors for the war crime of intentionally directing attacks against the civilian population of Gaza."

Press Release - 21 November 2024

Situation in the State of Palestine: Warrant of Arrest for Mohammed Diab Ibrahim Al-Masri ('Deif')

"On 21 November 2024, Pre-Trial Chamber I of the International Criminal Court ('Court'), in its composition for the Situation in the State of Palestine, unanimously issued a warrant of arrest for Mr Mohammed Diab Ibrahim Al-Masri, commonly known as 'Deif', for alleged crimes against humanity and war crimes committed on the territory of the State of Israel and the State of Palestine from at least 7 October 2023."

ICC Appeals Chamber Decision – 24 April 2025

Appeals Chamber remands jurisdiction challenge back to Pre-Trial Chamber

On 24 April 2025, the ICC Appeals Chamber reversed the earlier Pre-Trial Chamber decision on Israel's jurisdictional challenge and remanded the matter for reconsideration.

- The decision does not contest the substance of the arrest warrants or the finding of reasonable grounds to believe the crimes were committed.
- It specifically concerns whether the ICC has jurisdiction over Israeli nationals.
- The arrest warrants remain valid and are not suspended, as they are based on a distinct decision.
- However, if the Pre-Trial Chamber ultimately finds that the Court lacks jurisdiction over Israeli nationals, the warrants could be rendered ultra vires (beyond the Court's legal authority).

Despite this jurisdictional uncertainty, the Pre-Trial Chamber's finding remains: there are reasonable grounds to believe that Netanyahu and Gallant are responsible for war crimes and crimes against humanity committed in Gaza.

Reports of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel
Established by Human Rights Council Resolution S-30/1 (28 May 2021)

The methodology and standard of proof applied by the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel are detailed in its terms of reference. The Commission explains:

“In the course of its work, the Commission has decided to adopt the same standard of proof as the majority of international commissions of inquiry on human rights, that is one of ‘reasonable grounds’. This means that findings will be included in the reports where the ‘reasonable grounds’ standard of proof has been met, namely where, based on a body of verified information, an objective and ordinarily prudent observer would have reasonable grounds to conclude that the facts took place as described and, where legal conclusions are drawn, that these facts meet all the elements of a violation or abuse, and any individual identified is responsible for the violation or abuse. In applying the standard of proof adopted, the Commission will pay particular attention to corroborating relevant information it receives or has collected. It will do so by verifying every piece of information by obtaining consistent information from at least two other independent and reliable sources. In some cases, information provided by a reliable primary source may need to be corroborated by only one additional independent and reliable source, which may include the investigator’s own findings.”

Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel
Established by Human Rights Council Resolution S-30/1 (28 May 2021)
Report submitted to the Human Rights Council – 14 June 2024
UN Doc. A/HRC/56/26

This report examines violations of international human rights law, international humanitarian law, and possible international crimes committed by all parties between 7 October and 31 December 2023.

Paragraph 80:

“In relation to the Commission’s investigation into Israeli attacks and operations in Gaza and the Occupied Palestinian Territory, the Commission found that Israeli authorities and members of the Israeli security forces had committed war crimes, crimes against humanity and violations of international humanitarian law and international human rights law.”

Paragraph 81:

“The Commission found that the war crimes of starvation as a method of warfare; murder or wilful killing; intentionally directing attacks against civilians and civilian objects; forcible transfer; sexual violence; outrages upon personal dignity; and sexual and gender-based violence amounting to torture or inhuman and cruel treatment had been committed.”

Paragraph 82:

“The Commission found that through several actions, including siege, Israel had inflicted collective punishment on the Palestinian population in Gaza, in direct violation of international humanitarian law.”

Paragraph 83:

“The Commission found it foreseeable that civilians would be present in the areas targeted by the Israeli security forces; nonetheless, the Israeli security forces intentionally proceeded to direct its attacks against the civilian population and civilian objects, including places of worship, with such knowledge, in direct violation of the principles of distinction, proportionality and precaution and special protections for women and children under international humanitarian law.”

Paragraph 84:

“The Commission found that the chapeau elements of crimes against humanity had been fulfilled, namely widespread or systematic attacks directed against the civilian population in Gaza. The Commission found that the crimes against humanity of extermination; murder; gender persecution targeting Palestinian men and boys; forcible transfer; and torture and cruel, inhuman or degrading treatment had been committed.”

Paragraph 85:

“The Commission found that the siege and forcible transfer of the population, compounded by widespread destruction caused by attacks and military operations, had resulted in violations of international human rights law, including the rights to family life, adequate food, housing, education, health, social security and water and sanitation, affecting children and persons in vulnerable situations in particular. The age- and gender-specific harms had resulted in violations of the Convention on the Rights of the Child and rights to non-discrimination under the Convention on the Elimination of All Forms of Discrimination against Women.”

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

Established by Resolution A/HRC/RES/S-30/1 of the Human Rights Council on 28 May 2021

Report submitted to the General Assembly – 11 September 2024

UN Doc. A/79/232

This report examines the treatment of detainees and hostages, and attacks on medical facilities and personnel between 7 October 2023 and August 2024.

Paragraph 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 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.”

Paragraph 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.”

Paragraph 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.”

Paragraph 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.”

Paragraph 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.”

Paragraph 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.”

Paragraph 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.”

Paragraph 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.”

Paragraph 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.”

United Nations High Commissioner for Human Rights

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, UN Doc. A/HRC/58/73 – Submitted pursuant to Human Rights Council resolution 55/32 (covering 1 November 2023 to 31 October 2024)

Paragraph 13:

“During the reporting period, there was significant consolidation and expansion of Israeli settlements in the occupied West Bank, including East Jerusalem. All Israeli settlements are illegal under international law because they amount to the transfer by Israel of its population into an occupied territory. The maintenance and expansion of Israeli settlements also advances the integration of Palestinian territory into Israel, forming part of the policies and practices that amount to annexation of large parts of the Occupied Palestinian Territory, in violation of the prohibition on the acquisition of territory by force. Israeli settlements also fragment the remaining areas of the West Bank and disconnect the West Bank from Jerusalem, further inhibiting the fulfilment of Palestinians’ right to self-determination within a contiguous State.”

Pursuant to article 8 (2)(b)(viii) of the Rome Statute of the International Criminal Court, the transfer by the occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, amounts to a war crime.

Paragraph 20:

“Israel continued the illegal appropriation of land for Israeli settlements in the occupied territory through declarations of ‘State land’, as well as the establishment of military zones, nature reserves and cultural and archaeological sites. This illegal appropriation remained one of the key tools for dispossession and the forcible transfer of Palestinians from their land, while enabling the transfer of the Israeli civilian population to those lands.”

Paragraph 23:

“In East Jerusalem, Israel continues to take measures to transfer its civilian population to this occupied territory and to forcibly transfer Palestinians within and from the occupied territory. These measures also isolate East Jerusalem from the rest of the West Bank and further undermine the drawing of a border for a Palestinian capital in

East Jerusalem, as part of the denial by Israel of Palestinians' right to self-determination."

Paragraph 25:

"The Israeli authorities have also started including the settlement of land title as an additional requirement for obtaining building permits in East Jerusalem, which are already almost impossible for Palestinians to obtain due to a discriminatory building permit scheme. The settlement of land title supplements other discriminatory laws, including the 1950 Absentee Property Law and the 1970 Legal and Administrative Matters Law, which enables the confiscation of Palestinian property and the advancement of Israeli settlement and forms part of the broader discriminatory legislation and measures implemented by Israel that constitute a breach of article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination."

Paragraph 33:

"The denial by Israel of access by Palestinians to their agricultural lands for the harvest forms part of the coercive environment that induces their departure, and which may amount to forcible transfer. The unlawful expropriation and exploitation by Israel of these lands and their natural resources and the displacement of the Palestinian population also form part of Israeli policies and practices that amount to annexation of large parts of the Occupied Palestinian Territory and the violation of the right of the Palestinian people to self-determination."

Paragraph 40:

"The systematic failure of Israel to prevent or punish attacks by settlers against the life or bodily integrity of Palestinians, as well as its excessive use of force against Palestinians, not only violates their rights to life and to be protected against all threats or acts of violence but also continues to be fundamental to the creation and maintenance by Israel of a coercive environment of violence, discrimination and oppression that induces forcible transfer, enabling annexation and the denial of Palestinians' right to self-determination."

Paragraph 51:

"The increasingly blurred line between State and settler violence is leaving Palestinians bereft of any legal recourse and of any hope of obtaining justice and accountability. Exacerbating the already prevalent impunity documented by OHCHR, the Minister of National Security reportedly instituted a policy of police non-enforcement of the law in relation to violent settlers."

Paragraph 54:

"The forcible transfer of the Palestinian population in occupied territory continued not only through physical force, including settler violence, but also through an overarching institutional and legal regime of discrimination and oppression that leaves Palestinians no choice but to leave. This includes a regime of forced evictions and

house demolitions that, under the Settlement Administration, was enforced with increased vigour against Palestinian construction during the reporting period. A policy of non-enforcement was reportedly put in place vis-à-vis illegal Israeli construction.”

Paragraph 60:

“The establishment and continuing expansion of settlements in the Occupied Palestinian Territory and the occupied Syrian Golan amount to the transfer by Israel of its own civilian population into the territories that it occupies, which is strictly prohibited under international law.”

Paragraph 61:

“The ongoing transfer of power over the Occupied Palestinian Territory to the civilian Government of Israel is facilitating the further consolidation and expansion of Israeli settlements and the forcible transfer of the Palestinian population. Increasingly indistinguishable State-settler violence and wide-ranging and discriminatory movement restrictions, which devastated Palestinian livelihoods during the reporting period, are both causes and manifestations of the Israeli settlement advancement that continued to change the demographic composition of the occupied territory and to annex territory. This has had dire consequences for the human rights of the Palestinian people, including the denial of their right to self-determination, through an institutionalized regime of systematic discrimination, violence and oppression by Israel. This regime violates a wide range of other human rights, including those set out in article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination.”

Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem, and the Obligation to Ensure Accountability and Justice - Report of the United Nations High Commissioner for Human Rights, 13 February 2025

UN Doc. A/HRC/58/28 – Submitted pursuant to Human Rights Council resolution 55/28

“Unless otherwise stated, the information in the present report is drawn from OHCHR monitoring conducted in line with OHCHR methodological standards.”

Paragraph 4:

“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 manner in which parties to the conflict in Gaza have conducted hostilities during the reporting period, especially the choices by Israel of methods and means of warfare, have involved an unprecedented disregard for international humanitarian law and international human rights law and, as the United Nations High Commissioner for Human Rights has repeatedly warned, raised concerns over the commission of war crimes and other possible atrocity crimes. Concerns over the commission of further atrocity crimes intensified during the Israeli military’s operations in North Gaza from October 2024.”

Paragraph 5:

“In the West Bank, the use of unnecessary and disproportionate force by Israel against Palestinians, including the unlawful use of methods and means developed for warfare, escalated dramatically in both intensity and frequency, while attacks by armed settlers, supported by Israeli forces, intensified. State and settler violence and a de facto policy of colonization contributed to further entrenchment of a discriminatory system amounting to segregation and oppression of Palestinians in the West Bank, including East Jerusalem, in violation of article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, which obliges States parties to prevent, prohibit and eradicate all practices of segregation and apartheid.”

Paragraph 12:

“Most civilian deaths appear to have resulted from the parties’ choices of methods and means of warfare. Israel continued to launch strikes using weapons with wide-area effects in densely populated areas and attacked prima facie civilian objects, including residential buildings, schools and hospitals, in many cases providing little or no information as to how they could be considered lawful military objectives. Individual strikes and the broader targeting practices of Israel evinced a lack of compliance with fundamental principles of international humanitarian law, including distinction, encompassing the prohibition of indiscriminate attacks, such as area bombardment, proportionality and precautions in attack. Multiple specific Israeli attacks may amount to war crimes for failure to comply with these principles.”

Paragraph 15:

“While Israel frequently stated that it had targeted military objectives in its attacks, its conduct nonetheless often appeared inconsistent with the principles of proportionality and/or precautions in attack. On 27 July 2024, the Israeli Air Force struck Khadija School in the west of the city of Deir al Balah, which was sheltering hundreds of displaced persons and was serving as a field hospital. A rapid series of strikes killed at least 30 Palestinians, according to the Ministry of Health of the State of Palestine, with multiple air-dropped munitions destroying or damaging several buildings. The Israeli military issued a warning to those present ahead of the second and third air strikes, but not the first, in which most of the casualties had reportedly occurred. The majority of those killed appeared to have been women and children. Fatalities included a child in an adjacent house, eight individuals in a vendors’ area by the school walls, and, reportedly, four individuals driving a cart nearby. The Israeli military stated that it had targeted Hamas “terrorists” and weapons storage and development facilities inside the school. However, the large number of civilians expected to be present in a school used as shelter raises serious doubts as to whether the expected casualties of such a strike were proportionate to the anticipated military advantage gained from the objective stated by the Israeli military.”

Paragraph 16:

“An Israeli air strike on 10 September 2024 in Al Mawasi, Khan Younis, which Israel had unilaterally designated as a humanitarian zone, killed nine people, many of them sleeping in tents, including two women and five children. Israel subsequently stated that the attack had targeted “senior Hamas members”. One young girl was decapitated by the force of the strike, which, analysis indicates, may have included at least one

Mark 84 bomb, an air-dropped munition designed to penetrate through several floors of concrete. The use of such heavy weapons in a tent encampment appears to be a breach of the obligation of Israel to take all feasible precautions in attack and raises serious concerns about compliance with the principle of proportionality.”

Paragraph 17:

“Israel maintained a pattern of strikes on areas potentially containing military targets that destroyed or severely damaged wide swaths of surrounding urban terrain, raising concerns about indiscriminate attacks, including area bombardment, with the result and possible intention of rendering areas uninhabitable. The Israel Defense Forces conducted a major operation in Al Shifa medical complex in Gaza City between 18 March and 1 April 2024, including air strikes and shelling, completely destroying the hospital facilities and severely damaging the surrounding residential area. At least 175 buildings were destroyed and another 52 severely damaged within a 1-km radius of the medical complex between 1 and 31 March 2024, according to analysis by the United Nations Satellite Centre. According to additional analysis, another Israeli operation in Jabalya camp in North Gaza, a densely populated area of 1.4 km², between 11 and 31 May 2024, largely levelled parts of the camp and likely destroyed or damaged 460 buildings.”

Paragraph 19:

“The risk of forcible transfer was particularly acute in northern Gaza, which Israel has repeatedly ordered Palestinians to leave since 12 October 2023, while preventing the return of those displaced. In October 2024, Israel issued five orders for the population of North Gaza and parts of Gaza City to relocate southward, while besieging parts of these areas and preventing people from fleeing. The wide-ranging, frequently non-specific nature of Israeli displacement orders, alongside the lack of reported Palestinian armed group activity in some areas under displacement orders, indicate a likely absence of imperative military reasons for such displacement. Moreover, attacks by Israel on those trying to comply with these orders and continued attacks on the crowded “humanitarian zone” indicate that displacements have not been driven by concerns for their safety. Israel has also failed for over a year to provide those displaced with accommodation or to ensure their access to the necessities of life. The protracted nature of the displacement, the continued obstacles to returning home and the wide-scale destruction of housing, particularly in the north, call into question the temporariness of the displacement. Taken together, these elements appear to indicate that the Israeli military is conducting mass forcible transfer with the possible goal of permanently displacing Palestinians from, at least, northern Gaza.”

Paragraph 20:

“The Israel Defense Forces have targeted civilian officials and public buildings, dismantling governance, administrative and law enforcement structures in Gaza with devastating consequences for the population. Israel has asserted that all members of Hamas, including members of its civilian wing, are legitimate military targets. Under international humanitarian law, civilians are protected against attack, unless and for such time as they take a direct part in hostilities (ICRC, Customary International

Humanitarian Law Database, rule 6). Members of the Government of Israel have consistently stated their objective of destroying the governing capacity of Hamas.”

Paragraph 30:

“Israeli security forces resorted extensively to the use of lethal force that was unlawful because it was unnecessary or disproportionate. Many killings likely amounted to wilful killing, a war crime in the context of occupation. Israeli security forces frequently denied or delayed medical assistance for those shot. On 29 December 2023, a 15-year-old Palestinian boy who was throwing stones at soldiers inside a military watchtower in Al ‘Eizariya, east of Jerusalem, was shot twice from inside the watchtower by a soldier who, when the boy shouted for help, shot him twice more. The boy died shortly afterwards. The use of force in these circumstances appears unnecessary and, even if force were necessary, lethal force was disproportionate, rendering the killing unlawful. The shots fired at the boy after his initial injury raise serious concerns of extrajudicial execution.”

Paragraph 31:

“Israeli security forces intensified the use of air strikes, shoulder-fired missiles and shelling during a rising number of operations. OHCHR verified the killing of 172 Palestinians, including 27 children and 4 women, in 59 air strikes and of 25 others by shelling, with serious concerns of unlawful killings, including targeted killings and extrajudicial executions, alongside wanton destruction of Palestinian homes and infrastructure and resulting forcible transfer.”

Paragraph 33:

“On 27 August 2024, Israel launched simultaneous operations in the Jenin, Tulkarm and Tubas governorates, the largest in decades, with the stated intention of thwarting “terrorism”. Over 10 days, Israeli security forces killed 37 Palestinians, 8 of them children, in raids involving air strikes, ground-to-ground missiles and live ammunition. In Jenin camp and the city of Jenin alone, Israel damaged at least 1,900 housing units and bulldozed approximately 70 per cent of roads, as well as water and sewerage infrastructure. One Israeli soldier was killed by an improvised explosive device. The high Palestinian death toll and extensive material destruction appear incompatible with the human rights standards applicable to such operations.”

Paragraph 34:

“On the evening of 3 October 2024, in the absence of clashes or confrontations and without warning, an air strike penetrated a three-storey residential building in a densely populated neighbourhood in Tulkarm refugee camp, probably using at least one GBU-39 bomb, according to OHCHR analysis. The strike killed 18 Palestinians, including three children and one woman. At least 12 of those killed were unarmed. Israel stated that it had killed a “ Hamas leader” and other key “terrorists” planning imminent attacks against Israel, gathered in a cafe on the building’s ground floor. The use of heavy explosives in an air strike in such a context indicates the disregard of Israel for its obligations under international human rights law and the likely commission of unlawful killings.”

Paragraph 38:

“Israel expanded the practice of punitively demolishing the family homes of Palestinians accused of carrying out attacks against Israelis, often pending criminal proceedings. During the reporting period, the Israeli authorities punitively demolished 36 structures, forcibly displacing 158 Palestinians, including 55 children and 55 women. Such demolitions violate international law, including the prohibition of discrimination, as they are not implemented against non-Palestinians accused of similar crimes.”

Paragraph 39:

“Israeli authorities continued to undertake other practices potentially constituting collective punishment, including arbitrary mass detention of Palestinians, among them family members of “wanted” Palestinians; applying administrative measures to family members of alleged attackers; and withholding the bodies of 173 Palestinians.”

Paragraph 57:

“The ongoing lack of accountability measures for serious allegations of international law violations resulting from these structural obstacles has raised serious doubts about Israeli authorities’ willingness and ability to conduct genuine investigations, as required by international law.”

Paragraph 62:

“Israeli forces and Hamas and other Palestinian armed groups have committed violations of international humanitarian law in Gaza, in many cases amounting to war crimes and other gross violations and abuses of international human rights law. If committed as part of a widespread or systematic attack directed against a civilian population, further to a State or organizational policy, such acts may constitute crimes against humanity. If committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such, they may also constitute genocide.”

Paragraph 63:

“In the West Bank, including East Jerusalem, there was an intensification of Israeli measures against Palestinians, which, coupled with pervasive State support for or collaboration with settler violence, exacerbated the occupation’s stifling impact on Palestinians’ lives and livelihoods, while deepening the denial of their right to self-determination.”

Paragraph 64:

“The frequency with which violations have gone unpunished has normalized duty bearers’ egregious conduct. In Israel, the pervasive and long-standing lack of accountability and prevailing environment of impunity continued to enable international law violations, which escalated in the reporting period, with an unprecedented impact on the lives and rights of Palestinians.”

National Court - Netherlands

Oxfam Novib et al v The Netherlands

Court of Appeal of The Hague – February 2024

Export of F-35 components to Israel – Legal finding of “clear risk” of serious violations of IHL

In February 2024, the Court of Appeal in The Hague found that the export of F-35 fighter jet components, hosted in the Netherlands and destined for Israel, posed a “clear risk” that they would be used to commit serious violations of international humanitarian law (IHL)—that is, war crimes. The court ordered the Dutch State to halt the export of these parts. The decision is currently under appeal before the Supreme Court.

Key excerpts from the decision include:

Paragraph 5.13:

“It is correct in itself that a definitive legal judgment cannot be derived from these sources on the question of whether Israel has violated international humanitarian law, but that is not necessary either. After all, the issue in these summary proceedings is whether there is a 'clear risk' of such violations.”

Paragraph 5.16:

“The court concludes that there are many indications that Israel has violated the humanitarian law of war in a considerable number of cases. It is correct in itself that a definitive judicial decision on the question of whether the humanitarian law of war has indeed been violated in all these cases can only be made if a careful investigation of the facts has taken place, in which it has also been examined what information the commander who ordered the attack in question had and could have had. However, such a definitive decision is not necessary for a judgment on the 'clear risk'. The assessment of whether a clear risk exists relates to possible future use of the military goods to be delivered and this involves a certain degree of uncertainty. In estimating the likelihood of such future use, the conduct of the country of destination in the recent past will be significant, among other things. It cannot be required that conduct in the recent past could only play a role in estimating the clear risk if it has been definitively established that this conduct violated the humanitarian law of war. That would render the condition that it must be a 'clear risk' largely meaningless.”

Paragraph 5.17:

“The facts show that large numbers of civilian casualties have been caused, including thousands of children, that thousands of homes have been destroyed, that 'dumb bombs' are being used, that any residential area is attacked if there is the slightest indication that terrorist activity is taking place, that previously applied limits with regard to 'collateral damage' have been extended in the current conflict, that the policy of warning civilians before an attack has been abandoned, that drinking water supplies, bakeries and a grain mill have been destroyed, that a hospital (the Al-Indonesi Hospital) has been bombed and that many of the hospitals in Gaza are no longer functioning. That this destruction has been inflicted exclusively on military targets or concerns legitimate 'collateral damage' is not plausible, not only in view of

its unprecedented scale but also in view of the statements of Israeli soldiers themselves. On the basis of the foregoing, the court also concludes that the violations of international humanitarian law for which there is a clear risk are 'serious'."

NGOs Reports

Human Rights Watch

Extermination and Acts of Genocide: Israel Deliberately Depriving Palestinians in Gaza *December 2024, pp. 28–29*

"Human Rights Watch concludes that Israeli authorities have over the past year intentionally inflicted on the Palestinian population in Gaza 'conditions of life calculated to bring about its physical destruction in whole or in part.' This policy, inflicted as part of a mass killing of Palestinian civilians in Gaza means Israeli authorities have committed the crime against humanity of extermination, which is ongoing. This policy also amounts to an 'act of genocide' under the Genocide Convention of 1948.

The crime of genocide requires acts of genocide to be committed with genocidal intent. The ICJ has said that to infer such intent from a pattern of conduct by the state, it needs to be 'the only reasonable inference to be drawn' from the acts in question. The pattern of conduct set out in this report together with statements suggesting some Israeli officials wished to destroy the Palestinians in Gaza may indicate such intent."

Human Rights Watch

Report on Israel and Palestine – January 2024

"Israeli authorities' repression of Palestinians, undertaken as part of a policy to maintain the domination of Jewish Israelis over Palestinians, amount to the crimes against humanity of apartheid and persecution."

Amnesty International

The State of the World's Human Rights – April 2024

"Following 7 October, Israeli authorities increased restrictions on freedom of movement across the occupied West Bank. Israeli authorities deepened the apartheid system oppressing Palestinians in Israel and the Occupied Palestinian Territories, by implementing laws and policies of segregation, deprivation and forced displacement. In Gaza alone, 1.9 million Palestinians were forcibly displaced due to Israeli offensives, out of a population of 2.2 million. State-backed settler violence increased. In the Negev/Naqab in southern Israel, Israeli forces continued to demolish Bedouin homes and whole villages, including one village for the 222nd time. In the West Bank, Israeli policing operations were the most lethal since 2005, with 110 Palestinian children among those killed. Detentions of Palestinians without charge or trial reached record levels. Inside Israel, police sometimes used excessive force and arbitrary arrests at anti-government demonstrations, and imposed bans on anti-war protests in Palestinian communities."