



Political Affairs Digest

A daily summary of political events affecting the Jewish Community

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Israel

UN Office of the High Commissioner for Human Rights

UN report: Israeli use of heavy bombs in Gaza raises serious concerns under the laws of war

The UN Human Rights Office published an assessment today on six emblematic attacks by the Israeli Defense Forces (IDF) in Gaza last year that led to high numbers of civilian fatalities and widespread destruction of civilian objects, raising serious concerns under the laws of war with respect to the principles of distinction, proportionality and precautions in attack.

The report details six emblematic attacks involving the suspected use of GBU-31 (2,000 lbs), GBU-32 (1,000 lbs) and GBU-39 (250 lbs) bombs from 9 October to 2 December 2023 on residential buildings, a school, refugee camps and a market. The UN Human Rights Office verified 218 deaths from these six attacks, and said information received indicated the number of fatalities could be much higher.

"The requirement to select means and methods of warfare that avoid or at the very least minimise to every extent civilian harm appears to have been consistently violated in Israel's bombing campaign," said High Commissioner for Human Rights Volker Türk.

The report concludes that the series of Israeli strikes, exemplified by the six incidents, indicates that the IDF may have repeatedly violated fundamental principles of the laws of war. In this connection, it notes that unlawful targeting when committed as part of a widespread or systematic attack against a civilian population, in line with a State or organisational policy, may also implicate the commission of crimes against humanity.

"Israel's choices of methods and means of conducting hostilities in Gaza since 7 October, including through the extensive use of explosive weapons with wide area effects in densely

populated areas, have failed to ensure that they effectively distinguish between civilians and fighters.

“Civilian lives and infrastructure are protected under IHL. This law lays out the very clear obligations of parties to armed conflicts that make protection of civilians a priority.”

On 11 November 2023, the IDF stated that since the start of their operation into Gaza, the Air Force had “struck over 5,000 targets to eliminate threats in real time”. By that time the Ministry of Health in Gaza had documented the killing of 11,078 Palestinians, with another 2,700 missing and about 27,490 reportedly injured.

At around the time of these attacks an IDF spokesperson was reported to have said that “while balancing accuracy with the scope of damage, right now we’re focused on what causes maximum damage.” Another IDF official was quoted as saying “ Hamas and the residents of Gaza” are “human beasts” and “are dealt with accordingly. Israel has imposed a total blockade on Gaza. No electricity and no water, just damage. You wanted hell, you will get hell.”

While the focus of the report is on Israel, it also highlights that Palestinian armed groups have continued to fire indiscriminate projectiles toward Israel, inconsistent with their obligations under international humanitarian law. The report also stresses the obligation to protect civilians and civilian objects by avoiding locating military objectives in or near densely populated areas.

In one of the six emblematic Israeli attacks on Gaza, the report states that strikes on Ash Shujaiyeh neighbourhood, Gaza City, on 2 December 2023 caused destruction across an approximate diagonal span of 130 metres, destroying 15 buildings and damaging at least 14 others. The extent of the damage and the craters visible through verified visual evidence and satellite imagery indicates that approximately nine GBU-31s were used, it added. The UN Human Rights Office received information that at least 60 people were killed.

GBU-31, 32 and 39s are mostly used to penetrate through several floors of concrete and can completely collapse tall structures. Given how densely populated the areas targeted were, the use of an explosive weapon with such wide area effects is highly likely to amount to a prohibited indiscriminate attack, the report finds. The effects of such weapons in these areas cannot be limited as required by international law, resulting in military objects, civilians and civilian objects being struck without distinction, it adds.

The report also states that in five of the attacks, no warning was issued, raising concerns with respect to violations of the principle of precaution in attack to protect civilians.

In three of the strikes, the IDF asserted it had targeted individuals connected to the attacks on Israel on 7 and 8 October 2023. As the report sets out, however, the mere presence of one commander, or even several fighters, or of several distinct military objectives in one area, does not turn an entire neighbourhood into a military objective, as this would violate the principle of proportionality and the prohibition of indiscriminate attacks.

“While the IDF asserts it has initiated factual assessments of most of the incidents examined in the report, it is now eight months since the first of these extremely serious incidents occurred. Yet still there is no clarity as to what happened or steps toward accountability,” said the High Commissioner.

“I call on Israel to make public detailed findings on these incidents. It should also ensure thorough and independent investigations into these and all other similar incidents with a view to identifying those responsible for violations, holding them to account and to ensuring all victims’ rights to truth, justice and reparations.”

<https://www.ohchr.org/en/press-releases/2024/06/un-report-israeli-use-heavy-bombs-gaza-raises-serious-concerns-under-laws>

Thematic report: Indiscriminate and disproportionate attacks during the conflict in Gaza (October – December 2023)

<https://www.ohchr.org/sites/default/files/documents/countries/opt/20240619-ohchr-thematic-report-indiscrim-disprop-attacks-gaza-oct-dec2023.pdf>

Comments by Israel on the draft shared on 31 May 2024

<https://www.ohchr.org/sites/default/files/documents/countries/opt/israel-initial-response-ohchr-background-note-june2024.pdf>

Comments by the State of Palestine on the draft shared on 31 May 2024

<https://www.ohchr.org/sites/default/files/documents/countries/opt/state-of-palestine-comments-ohchr-background-note-june2024.pdf>

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Relevant Legislation ** new or updated today

UK Parliament

Holocaust Memorial Bill

<https://bills.parliament.uk/bills/3421>

Scottish Parliament

Assisted Dying for Terminally Ill Adults (Scotland) Bill

<https://www.parliament.scot/bills-and-laws/bills/assisted-dying-for-terminally-ill-adults-scotland-bill>

Gender Recognition Reform (Scotland) Bill

<https://www.parliament.scot/bills-and-laws/bills/gender-recognition-reform-scotland-bill>

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Consultations ** new or updated today

**** closes tomorrow**

Faith school designation reforms (closing date 20 June 2024)

<https://consult.education.gov.uk/faith-schools-policy-team/faith-school-designation-reforms/>

Review of the RSHE statutory guidance (closing date 11 July 2024)

<https://consult.education.gov.uk/rshe-team/review-of-the-rshe-statutory-guidance/>

Petitioning against the Holocaust Memorial Bill (closing date 17 July 2024)

<https://committees.parliament.uk/work/8481/petitioning-against-the-holocaust-memorial-bill/>

House of Lords: Guidance on the right to be heard

<https://bills.parliament.uk/publications/55634/documents/4871>

House of Lords: Guidance on submitting your petition

<https://bills.parliament.uk/publications/55632/documents/4869>

£20k registration threshold for charities in Northern Ireland (closing date 11 August 2024)
<https://www.communities-ni.gov.uk/consultations/consultation-ps20k-registration-threshold-charities-northern-ireland>

Assisted Dying for Terminally Ill Adults (Scotland) Bill (closing date 16 August 2024)
https://yourviews.parliament.scot/health/assisted-dying-for-terminally-ill-adults-bill/consult_view/

Assisted Dying for Terminally Ill Adults (Scotland) Bill: Financial Memorandum (closing date 16 August 2024)
https://yourviews.parliament.scot/finance/assisted-dying-for-terminally-ill-adults-scotland/consult_view/

Gaps in Equality Legislation [Northern Ireland] (closing date 6 September 2024)
<https://consult.nia-yourassembly.org.uk/committee-for-the-executive-office/gaps-in-equality-legislation-inquiry>

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