UN Commission finds war crimes and crimes against humanity in Israeli attacks on Gaza health facilities and treatment of detainees, hostages

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Israel has perpetrated a concerted policy to destroy Gaza’s healthcare system as part of a broader assault on Gaza, committing war crimes and the crime against humanity of extermination with relentless and deliberate attacks on medical personnel and facilities, the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel said in a new [**report**](https://documents.un.org/api/symbol/access?j=N2426279&t=pdf) today.

The Commission also investigated the treatment of Palestinian detainees in Israel and of Israeli and foreign hostages in Gaza since 7 October 2023, and concluded that Israel and Palestinian armed groups are responsible for torture and sexual and gender-based violence.

“Israel must immediately stop its unprecedented wanton destruction of healthcare facilities in Gaza,” said Navi Pillay, Chair of the Commission. “By targeting healthcare facilities, Israel is targeting the right to health itself with significant long-term detrimental effects on the civilian population. Children in particular have borne the brunt of these attacks, suffering both directly and indirectly from the collapse of the health system.”

The report found that Israeli security forces have deliberately killed, detained and tortured medical personnel and targeted medical vehicles while tightening their siege on Gaza and restricting permits to leave the territory for medical treatment. These actions constitute the war crimes of wilful killing and mistreatment and of the destruction of protected civilian property and the crime against humanity of extermination.

Attacks on medical facilities in Gaza, particularly those devoted to paediatric and neonatal care, have led to incalculable suffering of child patients, including newborns, the report said. In continuing these attacks, Israel has violated children’s right to life, denied children access to basic healthcare, and deliberately inflicted conditions of life resulting in the destruction of generations of Palestinian children and, potentially, the Palestinian people as a group.

In one of the most egregious cases, the Commission investigated the killing of five-year-old Hind Rajab, along with her extended family, and the shelling of a Palestinian Red Crescent Society ambulance and killing of two paramedics sent to rescue her. The Commission determined on reasonable grounds that the Israeli Army’s 162nd Division operated in the area and is responsible for killing the family of seven, shelling the ambulance and killing the two paramedics inside. This constitutes the war crimes of wilful killing and an attack against civilian objects.

The deliberate destruction of health infrastructure providing sexual and reproductive healthcare, combined with the lack of access and availability to healthcare, is also a violation of women’s and girls’ reproductive rights and their right to life, health, human dignity and non-discrimination, as well as the crime against humanity of other inhumane acts.

Regarding the detention of Palestinians in Israeli military camps and detention facilities, the report found that thousands of child and adult detainees, many of whom were arbitrarily detained, have been subjected to widespread and systematic abuse, physical and psychological violence, and sexual and gender-based violence amounting to the war crime and crime against humanity of torture and the war crime of rape and other forms of sexual violence. Male detainees were subjected to rape, as well as attacks on their sexual and reproductive organs and forced to perform humiliating and strenuous acts while naked or stripped as a form of punishment or intimidation to extract information. 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.

Child detainees released by Israeli authorities have returned to Gaza severely traumatized, unaccompanied, with limited ability to locate or communicate with their families.

The report found that the institutionalized mistreatment of Palestinian detainees, a longstanding characteristic of the occupation, took place under direct orders from the Israeli Minister in charge of the prison system, Itamar Ben-Gvir, and was fuelled by Israeli government statements inciting violence and retribution.

“The appalling acts of abuse committed against Palestinian detainees require accountability and reparations for the victims,” said Pillay. “The lack of accountability for actions ordered by senior Israeli authorities and carried out by individual members of Israeli security forces and the increasing acceptance of violence against Palestinians have allowed such conduct to continue uninterrupted, becoming systematic and institutionalized.”

Regarding the Israeli and foreign hostages held in Gaza by Palestinian armed groups, the report found that many were mistreated to inflict physical pain and severe mental suffering, including 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, to achieve political aims. Several hostages were killed in captivity. Hamas and other Palestinian armed groups committed the war crimes of torture, inhuman or cruel treatment, and the crimes against humanity of enforced disappearance and other inhumane acts causing great suffering or serious injury.

“Palestinian armed groups must release immediately and unconditionally all Israeli and foreign hostages held in Gaza. Hostages must be treated in accordance with the requirements of international humanitarian law and international human rights law until they are released,” said Pillay.

The Commission urges Israel’s Government to immediately cease targeting medical facilities, staff and vehicles, halt the arbitrary and unlawful detention of Palestinians, including children, and end torture and other ill-treatment of all those who have been arrested or detained.

The Commission calls on the Government of the State of Palestine and the de-facto authorities in Gaza to ensure the protection and safe release of all hostages immediately and unconditionally, and thoroughly and impartially investigate and prosecute violations of international law, including the targeting of medical facilities in Israel.

Addressing the conflict’s root causes, the Commission urges the Government of Israel to comply with the directions of the July 2024 Advisory Opinion of the International Court of Justice to end the unlawful occupation of Palestinian territory, cease new settlement plans and activities, evacuate all settlers and make reparations to victims. It also calls on Israel to comply with provisional measures ordered by the International Court of Justice to prevent the commission of all acts within the scope of Article II(a)-(d) of the Genocide Convention.

The Commission’s [**report**](https://documents.un.org/api/symbol/access?j=N2426279&t=pdf) will be presented to the General Assembly’s 79th session on 30 October 2024 in New York.