



State of Palestine

7 June 2024

“Background Note on Indiscriminate and disproportionate attacks during the conflict in Gaza (October – December 2023)”

The State of Palestine welcomes the draft “Background Note on Indiscriminate and disproportionate attacks during the conflict in Gaza (October – December 2023)”, prepared by the office of the High Commissioner for Human Rights. The State of Palestine proposes the following comments to be taken for considerations:

1. The State of Palestine requests that the OHCHR emphasize that this list of incidents is non-exhaustive. There are many other emblematic incidents not mentioned in the report that reflect the seriousness of the crimes committed, and took place during the period it covers, such as: bombing *Al Ahli Hospital*, the killing of many UN staff , bombing the convoys of refugees waiting in line for hours at a bakery for a loaf of bread; bombing Solar panels used to run bakeries and hospitals have been targeted; water tanks, water wells, hitting directly water pipelines; bombing universities; and we could go on, and on, and on.
2. The State of Palestine highlights the importance of monitoring Israeli attacks on UN Facilities and places of worship in the draft, to comprehensively document and address Israeli genocidal acts , war crimes and crimes against humanity ,we recommend that the following emblematic incidents be added to the list of emblematic attacks monitored by your esteemed office (OHCHR). These incidents are crucial due to their nature and impact on protected entities and the civilian population, including but not limited to :
 - A. The attack on Al Fakhoura school on 18 November 2023 as a United Nations Relief and Works Agency (UNRWA) school, which was sheltering civilians, including women and children, was subjected to an attack. The attack resulted in significant casualties and damage to the facility. UNRWA schools are established as safe havens during conflicts, and attacks on these institutions represent a severe breach of international humanitarian law and the protection of

civilians. It's a significant and emblematic incident as it highlights the targeting of UN facilities designated as safe zones for civilians during armed conflicts. Such attacks undermine the protection of civilians and the humanitarian mission of the UN. It is critical for the OHCHR to monitor and report on these attacks to ensure accountability and reinforce the inviolability of UN premises.

- B. The Israeli attack on Al Omari Mosque on 8 December 2023 and the Greek Orthodox Saint Porphyrius Church on 19 October 2023, serving as places of worship and refuge for civilians. Those assaults caused numerous fatalities and injuries among the congregation and significant structural damage to the building. Places of worship are protected under international law, and attacks on them not only constitute violations of these laws but also deeply affect the social and cultural fabric of the community. Those incidents are significant as they exemplify the targeting of places of worship, which are universally recognized as sanctuaries during conflicts. The deliberate attack on a church violates the right to freedom of religion and belief, and the protection afforded to cultural and religious sites.

Including these incidents in the OHCHR's list of emblematic attacks will underscore the seriousness of these violations and the need for stringent measures to protect civilians and maintain the sanctity of international humanitarian norms. Documentation and monitoring by OHCHR will contribute to greater awareness, accountability, and efforts to prevent future occurrences.

3. The draft refers to Israeli occupation forces as "Israeli defense forces." Such iniquitous reference is legally wrong and politically misleading. Israel's presence in the occupied Palestine, including Jerusalem, is that of an illegal occupier, therefore, their forces are occupation forces not "defense or security forces" and must be identified properly;
4. The draft refers to Israeli's repeated aggressions against the Palestinian people in the occupied Palestine including Gaza Strip as mere "hostilities". The State of Palestine notes that such terms are legally and politically imprecise and undermines the scale of Israel's onslaught genocidal acts against the Palestinian people. Israel's aggressions were deliberately and methodically planned to make the occupied Gaza Strip unlivable.

The State of Palestine remains grateful for your cooperation.