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**Human rights situation in Palestine and other
occupied Arab territories**

Written statement* submitted by European Centre for Law and Justice, The / Centre Européen pour le droit, les Justice et les droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[04 August 2025]

* Issued as received, in the language of submission only.

Requesting That The U.N. Investigate COI's False Accusations Against Israeli Security Forces

1. INTRODUCTION

During the HRC's 59th session, we submitted a report informing this Council of the numerous false accusations made by the Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel (COI or Commission) including false accusations of sexual and reproductive violence "committed by" Israeli security forces.

We come back to this Council because the Commission's absurd accusations against Israel continue. On May 6, 2025, the Commission released another false report accusing Israel of intentionally targeting educational, religious, and cultural facilities in Gaza without any military purpose. Like its previous reports, the Commission provided no evidence, legal analysis, or any criteria for its methodology to support its erroneous accusations and conclusions.⁽¹⁾

Such reports, coupled with some UN officials' anti-Israel rhetoric,⁽²⁾ are contributing to fueling the growing antisemitism around the world. Such false UN reports and statements implicitly encourage people around the world to violently attack Jews. Moreover, political leaders have taken anti-Israel actions, people have boycotted Israeli businesses and products, and a culture of antisemitic hate has been spreading globally.

2. BACKGROUND

As the Council knows, during an armed conflict, "attacks shall be limited strictly to military objectives."⁽³⁾ "The civilian population as such, as well as individual civilians, shall not be the object of attack."⁽⁴⁾ Accordingly, parties to a conflict have an obligation to "take all feasible precautions [to spare the civilian population],"⁽⁵⁾ and to "remove [civilian persons and objects] from the vicinity of military objectives."⁽⁶⁾ "[U]tilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations" constitutes a war crime.⁽⁷⁾ At the same time, the presence of civilians or civilian objects in the proximity of military objectives does not immunize those objectives from attack.⁽⁸⁾

These laws of war make it clear that hospitals, schools, places of worship, other civilian areas, humanitarian corridors, etc. are normally protected objects, unless such objects are being used for military purposes when they are attacked. Of course, this does not permit the deliberate targeting of civilians or civilian objects. It does, however, permit attacks on lawful military objectives with the knowledge that the attacks may cause incidental harm to civilians and/or civilian property, as long as such incidental harm is not excessive in relation to the anticipated military advantage.⁽⁹⁾

Instead of applying these rules to the facts on the ground in Gaza, the Commission simply disregards both facts and law and makes outlandish assumptions and conclusions against Israel.

3. VIOLATIONS

The Commission makes numerous accusations against Israeli security forces of intentionally targeting protected facilities.⁽¹⁰⁾ Yet, in each instance, instead of providing any actual evidence to support its accusations, it either relies on Israeli security forces' presence in the vicinity, the soldiers' rude behavior to suggest bad intent,⁽¹²⁾ its own lack of being able to verify information provided by Israeli security forces of Hamas' use of the civilian facilities for military purposes,⁽¹³⁾ or Hamas' denial of such use as evidence of unlawful targeting by Israel. Rather than present contrary evidence provided by Israel, how

and where it looked for evidence, or reasons for its refusal to accept Israel's documented information, the Commission simply denies any official statement from the Israeli military.

The Commission simply rejects official Israeli statements, such as Israel Defense Forces (IDF) information of Hamas military activity at targeted sites, without providing any evidence or reasons for its rejection. It questions and rejects all Israeli evidence while simply taking Hamas at its word when, for example, Hamas denies using a facility for military purposes. This is shameful and dishonest.

The Commission sometimes bases its conclusions on "available information,"⁽¹⁴⁾ but never provides that "information" or its source. At other times, the Commission uses ambiguous language, stating that "parties to the conflict had interfered with UNRWA schools in Gaza,"⁽¹⁵⁾ without identifying the party unlawfully acting, but including language that indirectly points to Israeli security forces acting unlawfully. This disregards the fact that Hamas has a clear and proven history of unlawfully using protected civilian sites for military purposes.

It is also worth noting the double-standard applied to the statements of the Israeli government versus those of a terrorist group. Even when Israel provides information about Hamas's use of a civilian facility, the Commission simply states that it was "unable to independently verify Israeli security forces' claims" while simultaneously always taking Hamas at its word.⁽¹⁶⁾ This is disgraceful, yet not surprising.

The Commission's one-sided conclusions disregarding a plethora of evidence related to a long history of Hamas' systematic and systemic unlawful use of civilian facilities for military purposes is stunning.⁽¹⁷⁾ To seemingly appear balanced and impartial, the Commission admitted to finding only "one instance" where Hamas had used a school for military purposes.⁽¹⁸⁾ Reasonably minded international leaders must understand how biased and irresponsible the Commission is.

Even when Israel provides photographs and videos of weapons found in civilian facilities, the Commission simply refutes their legitimacy without providing any reasons or contrary evidence. For example, the Commission doubts the legitimacy of an Israeli strike against the Al-Ansar Mosque in Jenin shown to be housing a "terror cell" with Israel presenting photographs and videos of weapons found on the site.⁽¹⁹⁾ Again, without providing any information about its methodology to refute information provided by Israel, the Commission simply states that it "could not independently verify those claims,"⁽²⁰⁾ and accuses Israel of committing war crimes.⁽²¹⁾ It is unquestionable that the Commission is abusing its authority and falsely accusing Israel of serious crimes while ignoring documented instances of unlawful Hamas actions. The Commission's ongoing dishonesty must finally be addressed by the international community.

4. REQUEST

Individuals, political leaders, and even courts around the world rely on UN officials and their reports. Such reliance creates a higher responsibility on UN officials to be honest and above reproach in their "legal" judgments. Primary among the UN's purposes are international peace and security and equality and protection of human rights of all. These purposes cannot be accomplished if UN officials are incapable of abiding by the law. The Commission's reports show that its members do not care about the law. They have one agenda: to demonize Israel—yet they continue to fail to provide an iota of evidence to support their absurd allegations. In light of the Commission's unethically biased and grossly faulty reports, its mandate should be terminated, and its members investigated and removed.

- (1) U.N. General Assembly, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, ¶¶ 20-21, U.N. Doc. A/HRC/59/26 (May 6, 2025) [hereinafter COI Report].
- (2) Tom Bateman, US Sanctions UN Expert Francesca Albanese, Critic of Israel’s Gaza Offensive, BBC (July 9, 2025).
- (3) Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Provision of Victims of International Armed Conflicts (Protocol I), June 8, 1977, art. 52(2) [hereinafter Protocol I].
- (4) Id. at art. 51(2).
- (5) Id. at art. 57(2)(a)(ii).
- (6) Id. at art. 58(a).
- (7) Rule 97. Human Shields, INT’L COMM. OF THE RED CROSS.
- (8) Protocol I, *supra* note 3, at art. 51(7).
- (9) See id. at arts. 51, 52, 57.
- (10) COI Report, *supra* note 1.
- (11) Id. ¶¶ 45, 47.
- (12) Id. ¶¶ 18-19.
- (13) Id. ¶¶ 14, 16, 22.
- (14) Id. ¶ 20.
- (15) Id. ¶ 21.
- (16) Id. ¶ 22.
- (17) The former official spokesman of the Palestinian Security Forces, Adnan Al-Damiri, supported Israel Defense Forces’ claims and criticized Hamas for using hospitals for “summonses, interrogations, and extortions.” Ephraim D. Tepler & Itamar Marcus, Palestinian Authority: Hamas is Using Hospitals for Military Purposes, PALESTINIAN MEDIA WATCH (Dec. 30, 2024). Ahmad Kahlot, the Kamal Adwan Hospital director, admitted that Hamas used his hospital as a military operations center. The European Union condemned Hamas’ use of hospitals and civilians as human shields. EU Condemns Hamas for Using ‘Hospitals as Human Shields’, Urges Israeli Restraint, REUTERS (Nov. 12, 2023). Security Council Debates Israeli Attacks on Hospitals Allegedly Misused by Hamas, as UN Rights Chief Urges Independent Probes, UNITED NATIONS (Jan. 3, 2025). Latvian Foreign Minister Krisjanis Karins said that “Hamas is unfortunately using civilian infrastructure and civilians as shields against the Israel Defense Forces.” Raf Casert, EU Nations Condemn Hamas for What They Describe as Use of Hospitals, Civilians as ‘Human Shields’, THE ASSOCIATED PRESS (Nov. 13, 2023). In October 2020, Dirar Belhoul Al-Falasi, a member of the United Arab Emirates’ Federal National Counsel, said that “People from the Red Crescent told [them] that they built a hospital [in Gaza] . . . for treating Palestinians. People from Hamas fired a rocket from the hospital’s roof, so that Israel would bomb this hospital.” Hamas Is Known to Use Hospitals, Ambulances, Mosques, Churches and Schools as Shields for Its Military Activity, MEMRI (Oct. 18, 2023).
- (18) COI Report, *supra* note 1, ¶¶ 23, 81 (emphasis added).
- (19) Id. ¶ 56
- (20) Id.
- (21) Id. ¶ 79.