



UN Human Rights in Occupied Palestinian Territory Ramallah 28 May 2025

Unlawful killings in Gaza and the imperative for accountability

The apparent summary execution of an UNRWA staff member in Rafah on 23 March this year is truly shocking and must be promptly investigated, and those responsible brought to justice. It reflects a chilling pattern of violations of the basic principles of International Humanitarian Law. Related to the same incident, the Israeli military appears to have shot at clearly marked ambulances and rescue vehicles, killing eight Palestinian Red Crescent Society and seven Gaza Civil Defense staff. This appears to be an incident of deliberate targeting and killing of medical and humanitarian personnel in violation of international law. These killings reflect the Israeli military's pattern of unlawful killings since the escalation of hostilities in Gaza began in October 2023.

UN Human Rights Office has documented numerous reports of possible extrajudicial executions and other unlawful killings, including the reported summary execution of members of the Anan family on 19 December 2023, the deliberate and systematic lethal targeting of members of the civilian police and the civil defence, the killing of journalists, and a pattern of attacks on fishers clearly neither participating in hostilities nor posing any threat to life or limb.

Palestinians have died in Israeli custody in situations that raise grave concerns that they were tortured and/or otherwise killed. In one example, the Israeli military arrested Dr. Adnan Ahmad Ateya Al Bursh, a senior orthopedic doctor on 17 December 2023 at Al Awda Hospital, North Gaza. He reportedly died on 19 April 2024 in Ofer Prison, an Israeli detention facility. According to witnesses he showed signs of torture and other ill-treatment, and his body is still being withheld by the Israeli authorities.

All of those reportedly killed are presumed to have been civilians and if they were targeted as such this would constitute a serious violation of IHL, as would the deliberate killing of any person within the power of a party. Under IHL, the parties to a conflict must at all times distinguish between civilians and combatants, and attacks may only be directed against combatants and other military objectives and never against civilians. Deliberately targeting or killing a civilian is a war crime.

Following the killings on 23 March, the Israeli Defense Forces dismissed the Deputy Commander of the Golani Battalion and issued a reprimand to the Commander of the 14th Brigade. Although the case was reportedly submitted to the Military Advocate General, no further accountability measures have been reported as of now. In addition, monitoring by the UN Human Rights Office confirms that such investigations in this context do not lead to effective accountability. UN Human Rights Office is gravely concerned that the prevalence of unlawful killings, including extrajudicial executions, and the repeated nature of these violations, as well as the apparent absence of effective steps from the Israeli military to repress and punish most of these cases, imply that these killings are not isolated events and indicate that they are condoned by the military and civilian hierarchy. In the absence of effective accountability within

the Israeli military and judicial system, the international community must take steps to ensure effective investigations into all allegations of unlawful killings in the context of the escalation of hostilities in Gaza.

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