

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

ADVANCE UNEDITED VERSION

**PREVENTION OF RACIAL DISCRIMINATION, INCLUDING
EARLY WARNING AND URGENT ACTION PROCEDURE**

Decision 2 (2023)

The Committee on the Elimination of Racial Discrimination,

Acting under its Early Warning and Urgent Action Procedure;

Recalling its Statement 5 (2023) of 27 October 2023 on the ongoing armed conflict in Israel and the State of Palestine, the scale of violence and the humanitarian catastrophe in the occupied Gaza Strip;¹

Gravely concerned about the resumption of the brutal hostilities in the occupied Gaza Strip on 1 December 2023 after a seven-day “pause”;

Deeply concerned about the launching of rockets towards Israel, taking of hostages, and the brutal attacks carried out by Hamas and other armed groups on 7 October 2023, resulting in the death of at least 1,200 Israelis and foreign nationals, including at least 33 children, and the injuries of more than 5,400;²

Deeply shocked about the intensified, brutal and indiscriminate Israeli bombardments from the air, land and sea all across the occupied Gaza Strip and the expansion of the Israeli military ground operation to the south of the occupied Gaza Strip, resulting in the killing of more than 19,600 Palestinians, including at least 7,700 children and 5,100 women, and the injuries of more than 52,500 since 7 October 2023, as well as that several thousand reportedly being trapped under rubble;³

Highly concerned that 1.9 out of 2.2 million Palestinians in the occupied Gaza Strip, which amounts to nearly 85 per cent of the population, are reportedly forced to flee their homes, as well as concerned about the destruction or damage of 60 per cent of housing units in the occupied Gaza Strip;⁴

¹ [Statement on Israel and the State of Palestine](#), 27 October 2023.

² [Hostilities in the Gaza Strip and Israel - reported impact, Day 73](#), 19 December 2023.

³ Ibid.

⁴ Ibid.

Deeply concerned about reports on the damage of hundreds of education facilities, mostly operated by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and that most hospitals and healthcare centres in the occupied Gaza Strip have gone out of service, with only 8 out of 36 hospitals still functioning;⁵

Highly concerned about reports that half of the population in occupied Gaza Strip is starving in a situation of extreme or severe hunger, and that 90 per cent of the population regularly go without food for a whole day;⁶

Highly concerned about reports that displaced Palestinian children are accessing only 1.5 to 2 litres of water each day, while for survival alone, the estimated minimum is 3 litres per day, and that waterborne diseases such as cholera and chronic diarrhoea are particularly heightened given the lack of safe water;⁷

Highly alarmed about the reported killing of at least 136 staff of the United Nations as a result of the ongoing Israeli military operation in the occupied Gaza Strip since October 2023;⁸

Gravely concerned about the racist hate speech, incitement to violence and genocidal actions, as well as dehumanizing rhetoric targeted at Palestinians since 7 October 2023 by Israeli senior government officials, members of the Parliament, politicians and public figures;

Deeply concerned about the impact of the ongoing Israeli military operation throughout the occupied Gaza Strip on the Palestinian population in terms of high number of civilian casualties and injuries due to the Israeli military heavy bombardments, indiscriminate attacks using explosive weapons with wide-area effects in populated areas, collective punishment and obstruction of humanitarian aid, as well as about the pattern of Israeli attacks that target or impact civilian infrastructure leading to a catastrophic humanitarian crisis in the occupied Gaza Strip and raise serious concerns regarding the obligation of Israel and other State parties to prevent crimes against humanity and genocide;

Highly alarmed about the deteriorating human rights situation in the occupied West Bank and East Jerusalem since October 7, including the restrictions on freedom of movement, the increase in unlawful use of lethal force by the Israeli forces and increase in settler violence, leading to killings and injuries of Palestinians, including children,⁹ as well as the significant increase in arbitrary arrests and detention of Palestinian citizens of Israel and Palestinians in the occupied West Bank and East Jerusalem, in which more than 3,000 Palestinian have been arrested and six Palestinians have died in Israeli custody since 7 October 2023;¹⁰

⁵ Ibid. and [Hostilities in the Gaza Strip and Israel | Flash Update #73](#), 19 December 2023.

⁶ [Hostilities in the Gaza Strip and Israel | Flash Update #73](#), 19 December 2023.

⁷ [‘Barely a drop to drink’: children in the Gaza Strip do not access 90 per cent of their normal water use](#), Press release by UNICEF, 20 December 2023.

⁸ [Hostilities in the Gaza Strip and Israel - reported impact, Day 73](#), 19 December 2023.

⁹ [Hostilities in the Gaza Strip and Israel | Flash Update #73](#), 19 December 2023.

¹⁰ [UN Human Rights Office - OPT: Dramatic rise in detention of Palestinians across occupied West Bank](#), 1 December 2023.

Takes note of the letter by the UN Secretary-General to the Security Council, on 6 December 2023, invoking Article 99 of the UN Charter, in which he reiterated his call for a humanitarian ceasefire and highlighting the “fast deteriorating into a catastrophe” of the situation and “potentially irreversible implications for Palestinians as a whole and for peace and security in the region”;¹¹

Notes that the Office of the Prosecutor of the International Criminal Court received a referral concerning the situation in the State of Palestine on 17 November 2023 and that the investigation into the situation in the State of Palestine, which was initiated on 3 March 2021, would extend to the escalation of hostilities and violence since 7 October 2023;¹²

Also notes that the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, established by the United Nations Human Rights Council in March 2021, is investigating violations of international law in light of the violence erupted on 7 October 2023 and to identify those responsible for violations and abuses of international law on all sides, both those directly committing international crimes and those in positions of command responsibility;¹³

Takes note of the call of the Human Rights Council's Special Procedures mandate holders on the international community to prevent genocide against the Palestinian people;¹⁴

Notes the call of the United Nations High Commissioner for Human Rights to “all parties to heed calls by the international community for a sustainable ceasefire” and to immediately and fully investigate all allegations of breaches of international law;¹⁵

Urges Israel, the State of Palestine and other State parties to institute an immediate and sustained ceasefire in the occupied Gaza Strip;

Reiterates its Statement 5 (2023) of 27 October 2023, particularly:

- (a) Calling upon Israel to fully respect its international obligations, in particular those arising from the International Convention on the Elimination of All Forms of Racial Discrimination;
- (b) Urging the release of hostages taken by Hamas and other armed groups as well as the release of Palestinians from the occupied West Bank and East Jerusalem and Palestinian citizens of Israel who are arbitrarily detained by Israel;
- (c) Calling upon Israel and other State parties to provide all necessary financial and humanitarian aid to Palestinians in the occupied Gaza Strip and the creation of humanitarian corridors that allow people to leave Gaza and return;

¹¹ [The Secretary-General letter to the President of Security Council invoking Article 99 of the United Nations Charter](#), 6 December 2023.

¹² [Statement of the Prosecutor of the International Criminal Court, Karim A.A. Khan KC, on the Situation in the State of Palestine: receipt of a referral from five States Parties](#), 17 November 2023.

¹³ [Commission of Inquiry collecting evidence of war crimes committed by all sides in Israel and Occupied Palestinian Territories since 7 October 2023](#), 10 October 2023.

¹⁴ [UN experts call on international community to prevent genocide against the Palestinian people](#), 16 November 2023.

¹⁵ [Türk urges ceasefire as civilians pushed to frontier amid escalation](#), 19 December 2023.

- (d) Urging Israel to ensure that all Palestinians under its effective control, particularly those in Gaza Strip, enjoy full rights under the Convention without discrimination especially, their right to life and security of person, as well as their right to medical care and right to freedom of movement;
- (e) Calling upon Israel to firmly condemn any form of hate speech and distance itself from racist hate speech expressed by politicians and public figures, including members of the government and parliament, and ensure that such acts are investigated and adequately and robustly punished.

Urges Israel and State of Palestine to conduct effective, thorough and impartial investigations into allegations of violations and abuses of human rights committed during the ongoing armed conflict since 7 October 2023, and prosecute and punish perpetrators of violations with penalties commensurate to the offences;

Calls upon Israel and the State of Palestine to fully cooperate with the Prosecutor of the International Criminal Court and the Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, in their investigations into allegations of human rights violations and abuses committed since 7 October 2023;

Calls upon Israel to grant access to the UN Office of the High Commissioner for Human Rights in order to engage with relevant stakeholders, as well as to look into and document significant violations of international humanitarian law and international human rights law that are alleged to have taken place in the context of the current conflict in the occupied Palestinian territories, including as committed by Hamas and other Palestinian armed groups on and since 7 October 2023;

Calls upon all State parties to fully respect their international obligations, in particular those arising from the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide and to cooperate to bring an end the violations that are taking place and to prevent atrocity crimes, particularly genocide;

Calls upon all State parties to ensure that all those responsible for war crimes and crimes against humanity, as well as any other international crimes committed in the ongoing armed conflict, especially persons with command responsibility, are promptly brought to justice.

21 December 2023