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## Recent developments in the Middle East: Hamas' terrorist attack on Israel and Israel's response

### Report<sup>1</sup>

Committee on Political Affairs and Democracy

Rapporteur: Mr Piero FASSINO, Italy, Socialists, Democrats and Greens Group

### Summary

The Parliamentary Assembly should firmly condemn the terrorist attack conducted by Hamas and other militia groups against Israel on 7 October 2023, expressing its support for Israel and affirming its right to self-defence.

The Assembly should also express grave concern at the staggering number of civilian casualties and the dire humanitarian situation in the Gaza Strip. Moreover, Israeli authorities should engage urgently and resolutely to address and prevent settler violence in the West Bank and East Jerusalem.

It is imperative to secure the immediate and unconditional release of all the hostages, as well as an immediate and extended ceasefire to allow full, rapid, safe and unhindered access to humanitarian assistance for the population in Gaza.

It is also crucial to resume peace negotiations based on a two-State solution with the involvement of relevant stakeholders and the support of the international community to achieve a just and lasting peace in the region.

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1. Reference to committee: Bureau Decision, Reference 4494 of 31 January 2020.



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## A. Draft resolution<sup>2</sup>

1. The Parliamentary Assembly unequivocally, and in the strongest possible terms, condemns the barbaric attack conducted by Hamas and other militia groups against Israel on 7 October 2023. The actions of the attackers – who slaughtered and maimed hundreds of people, raped women and took 239 hostages, including children, persons with disabilities and the elderly – leave no doubt about the terrorist nature of Hamas and the other affiliated groups who took part in this carnage, and cannot be justified on any grounds whatsoever. The Assembly expresses its support for Israel in the face of the most brutal terrorist attack of its history, affirms its right to self-defence, and conveys its deepest sympathy to all those who have been affected. The Assembly stands firm in condemning terrorism and violent extremism in all their forms and manifestations, wherever they occur.

2. In response to this attack, the Israeli Government launched a war against Hamas, with the declared dual objective of annihilating Hamas and liberating the hostages. Israel's military response has resulted in the loss of thousands of lives, massive displacement and widespread destruction of civilian objects and infrastructure in Gaza. The high human toll is not only due to military operations being conducted in densely populated areas but also to the use of the Palestinian population as human shields by Hamas, having built a maze of underground tunnels and placed offensive weapons in close proximity of civilian buildings, including schools and hospitals.

3. The Assembly voices its sorrow and dismay at the staggering number of innocent casualties in the Gaza Strip. The Assembly also realises that, to many, the displacement of half of Gaza's population, caused by the present war, has revived memories of the Nakba.

4. The already dire humanitarian situation in Gaza has been exacerbated by the insufficient number of convoys transporting humanitarian aid, food, medicines, and fuel reaching those in need for several weeks, due to the closure of border points. An exception has been the evacuation through the Rafah border crossing with Egypt of an estimated 7 000 dual nationals and people in need of urgent medical care, including newborn babies.

5. The Assembly underlines that, beyond Gaza, the security situation is tense and volatile in the rest of Israel, the West Bank and East Jerusalem. Violent demonstrations have erupted and episodes of settler violence against Palestinians have turned into a worrying pattern, leading to many deaths. In addition, since 7 October, hundreds of Palestinians have been arrested on security grounds. In the north, exchanges of fire with Hezbollah across the border with Lebanon have caused victims and displacement on both sides. The risk of an expansion of the conflict cannot be excluded, given the support that Hamas and Hezbollah enjoy by some regional actors.

6. On 22 November 2023, with the mediation of Egypt, Qatar and the United States, an agreement was concluded between Israel and Hamas which allowed for a 4-day pause in the hostilities, during which Hamas were to free 50 Israeli hostages in exchange for the liberation of 150 Palestinian detainees, in both cases mainly women and children. The agreement was extended a number of times; with a total of 110 hostages released in exchange for 240 detainees. A number of humanitarian convoys were allowed to enter Gaza. While welcoming the agreement, the Assembly calls for similar initiatives to be launched, as greater humanitarian support is necessary to address the basic needs of the civilian population.

7. The Assembly is afraid that this war – like many other flare-ups of violence before it – will not succeed in breaking the spiral of hatred and will not suffice to achieve durable and sustainable peace and security in the Middle East. For this result to be attained, it is necessary for Israelis and Palestinians to commit to a two-State solution, which will enable both peoples to exercise their right to self-determination and live in dignity. The international community must be unanimous, resolute and consistent in supporting this course of action. It is also necessary for political leaders on both sides to refrain from using inflammatory rhetoric which dehumanises the other people, denies their rights, and impedes any prospect of future reconciliation.

8. In the light of these considerations, the Assembly:

8.1. calls for the immediate and unconditional release of all the hostages taken during the terrorist attack of 7 October 2023;

8.2. calls for an immediate and extended ceasefire to allow full, rapid, safe and unhindered access to humanitarian assistance for the population in Gaza;

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2. Draft resolution adopted unanimously by the committee on 13 December 2023.

- 8.3. calls on all parties to the hostilities to strictly abide by international law and international humanitarian law, in line with the principles of distinction, necessity, proportionality, and precaution, and recalls their obligation to respect and protect humanitarian relief personnel.
9. The Assembly calls for the resumption of peace negotiations based on a two-State solution, with the involvement of relevant stakeholders and the support of the international community to achieve a just and lasting peace in the region. In this context, the Assembly:
  - 9.1. recalls the relevant United Nations Security Council resolutions and the necessity for all parties to abide by their legal obligations and responsibilities under international law;
  - 9.2. renews with urgency its call on all parties to refrain from any unilateral measures that undermine the prospects of the peace process;
  - 9.3. calls for the urgent and resolute engagement of the Israeli authorities in preventing settler violence and refraining from the building of new settlements and the extension of old ones, home demolitions, forced evictions, and confiscation of land in the occupied territories;
  - 9.4. underlines that the Palestinian Authority is an essential interlocutor in peace negotiations;
  - 9.5. calls on the Palestinian Authority to commit to preventing all forms of violence in the territories under its responsibility.
10. Supporting the International Criminal Court as an integral part of the international rules-based order and a central institution in the fight against impunity and in the pursuit of justice, which are essential components of sustainable peace, security and reconciliation, the Assembly calls on all those concerned to co-operate with investigations into the terrorist attack of 7 October 2023 and on alleged crimes committed in Gaza, East Jerusalem and the West Bank.
11. As regards the role of Council of Europe member States, the Assembly calls on them to:
  - 11.1. support Israel in providing specialised assistance to the families of those who are still held captive, and to the hostages who have been liberated, taking into account the special needs of some groups, including children;
  - 11.2. step up humanitarian assistance to the civilian population in Gaza and support relevant initiatives by the United Nations, its specialised agencies, the International Committee of the Red Cross and other humanitarian actors;
  - 11.3. designate Hamas as a terrorist organisation and take appropriate measures to thwart its operational capacity;
  - 11.4. lend their full diplomatic support for a two-State solution and for creating the preconditions for durable and sustainable peace in the Middle East.
12. Deeply concerned about the alarming upsurge in antisemitic incidents across Europe since the beginning of the ongoing war, the Assembly stresses its rejection of all forms of incitement to violence and deplores hatred and intolerance in all their forms, including religious intolerance, racism, xenophobia, antisemitism and Islamophobia, in Europe and globally. The Assembly refers to its Resolution 2447 (2022) "Preventing and combating antisemitism in Europe" and reiterates all its recommendations, including its call to member States to adopt national strategies and measures to combat antisemitism. The Assembly affirms its support for the work of the Office of the Special Representative of the Secretary General of the Council of Europe on antisemitic, anti-Muslim and other forms of religious intolerance and hate crimes, as well as that of the European Commission against Racism and Intolerance (ECRI) on this matter, including the revised General Policy Recommendation No. 9 on preventing and combating antisemitism from 2021.
13. Having taken note that some Council of Europe member States have forbidden demonstrations organised by pro-Palestinian groups in order to avert public disorders, the Assembly calls for the scrupulous implementation of the European Convention on Human Rights (ETS No. 5) and the case law of the European Court of Human Rights in relation to freedom of expression and freedom of assembly. It also calls for care and diligence in dealing with unauthorised demonstrations, with a view to avoid excesses which would risk fuelling tensions.

14. As regards its own activities, the Assembly:

14.1. encourages the members of the Knesset and the Palestinian National Council to continue to engage in the work of the Assembly, in particular in the framework of the Sub-Committee on the Middle East and the Arab World, using the Assembly's unique position of having both an Israeli observer delegation and a Palestinian partner for democracy delegation;

14.2. will step up its efforts to promote dialogue between the Knesset, the Palestinian National Council and parliaments of Council of Europe member States;

14.3. will seek to intensify its relations with parliaments and institutions in the region;

14.4. should continue to follow the situation in the Middle East and, in particular, the progress of the Israeli-Palestinian peace process and the situation of human rights, democracy and the rule of law in the region.

## B. Explanatory memorandum by Mr Piero Fassino, rapporteur

### 1. Introduction

1. The attack of Hamas on Israel launched on 7 October 2023 was a multi-front assault against Israeli towns and cities, resulting in horrific scenes of violence. The brutality and unsparing nature of the actions of Hamas terrorists provoked the highest number of fatalities in a single day in Israel's history. This attack was motivated by the unjustifiable aim of destroying the State of Israel.
2. The whole world was shaken by these chilling images. Children killed in their sleep, hundreds of young people slaughtered while attending a concert, families murdered in their homes, homes razed, women violently raped, and hundreds of citizens kidnapped – taken as hostages.
3. Nothing can justify the brutal and indiscriminate violence of Hamas which confirmed, through its deeds, to be a terrorist organisation. On this, there can be no ambiguity.
4. In the current affairs debate of the Parliamentary Assembly entitled “Escalation of violence in the Middle East following the recent Hamas attack on Israel”, held on 11 October 2023, I was clear on this point: everything must be done to stop Hamas' aggression and to obtain the release of the hostages. At the same time, recognising Israel's right to defend itself, I appealed to the Israeli authorities not to make the Palestinian people pay for the acts of these terrorists, and to ensure that humanitarian aid and essential goods reach those in need.
5. The military campaign launched by Israel in response to the attacks of 7 October has the explicit objective to annihilate Hamas and secure the release of hostages. The scale of this operation has rendered much of the north of Gaza inhabitable, displaced the large majority of the population, and led both directly and indirectly to a loss of life among the Palestinian people. The blockade of essential resources such as food, water, fuel, electricity and medicine has created an unprecedented humanitarian catastrophe, as stated by the United Nations.
6. Aware that the immense tragedy of 7 October and the consequences of the war that has ensued make the hollow of incommunicability, resentment, and hatred ever deeper, one should also keep in mind the long-term perspective. Even despite and during a war, it is necessary to knit the threads for a solution which will allow for Israelis and Palestinians to live at peace with each other. Overcoming distrust and hatred requires extraordinary determination, and efforts should begin now.

### 2. Background and scope

7. One cannot fail to note with alarm that the entire area of the enlarged Mediterranean – from the Strait of Hormuz to the Strait of Gibraltar – is beset by a sequence of crises: the criticality of Iran, the fragility of Iraq, the civil wars in Syria and Yemen, the economic collapse in Lebanon, the unresolved Cyprus issue, the instability of the Horn of Africa, and the Libyan crisis. Without forgetting the critical situation in the Sahel, a region traversed by coups and jihadist presence.
8. Since the Assembly held a current affairs debate on 30 January 2020 on “Recent developments in Libya and in the Middle East: what consequences for Europe?” the peace process between Israel and Palestine has remained stalled, with a considerable increase in violence and negative rhetoric over the last two years. The attacks launched by Hamas on 7 October 2023 represented an unprecedented escalation of this dynamic, bringing a scale of death, destruction and instability that represents a paradigm change in the region.
9. The Assembly has consistently reiterated its support for a two-State solution based on the 1967 borders and for the legitimate aspirations of the two sides: Israel's right to be recognised and live in safety, and the Palestinians' right to have an independent, viable and contiguous State.<sup>3</sup> In its latest resolution on the issue, passed in 2018, the Assembly stressed the need for all parties involved to abide by their legal obligations and responsibilities under international law and to refrain from any unilateral measures that undermine the prospects of peace. It resolved to continue to promote dialogue and confidence-building between representatives of the Knesset and the Palestinian National Council.<sup>4</sup>

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3. [Resolution 1940 \(2013\)](#) “The situation in the Middle East”.

4. [Resolution 2202 \(2018\)](#) “The Israeli-Palestinian peace process: the role of the Council of Europe”.

10. These efforts have been held, in particular, in the framework of its Sub-Committee on the Middle East and the Arab World. The Assembly has also established relations with other parliaments in the region in light of prospects for co-operation offered by the partner for democracy status.

11. In June 2023, the Sub-Committee on the Middle East and the Arab World resumed its exchanges with the Israeli observer delegation to the Assembly, and the Palestinian partner for democracy delegation following a pause of four years. On 11 October 2023, the respective delegations addressed the Assembly during the current affairs debate entitled “Escalation of violence in the Middle East following the recent Hamas attack on Israel”.

### 3. Hamas’ terrorist attack of 7 October 2023

12. On the morning of 7 October 2023, Hamas launched an attack from Gaza against Israel. The multi-pronged infiltration from Gaza saw attacks on soldiers at 22 sites outside of Gaza, as well as indiscriminate attacks on civilians.

13. The devastation and violence were astonishing in cruelty and magnitude. Israeli officials estimated that 1 200 Israelis and foreign citizens had been killed. Individuals from 36 countries from all continents were killed or missing in the aftermath. The Health Ministry of Israel indicated that the number of wounded in hospital reached over 5 500 people. Widespread acts of torture and maiming, burning alive, beheading, rape, sexual violence and mutilation of corpses were carried out, and in some cases recorded by the perpetrators.

14. In the course of the attack, over 200 people were taken hostage, including elderly people and children.

15. The attacks decimated communities, such as in Kibbutz Be’eri, where 10% of the town, or 108 people were murdered by Hamas.

16. Indiscriminate rocket fire from Gaza on 7 October saw more than 5 000 missiles launched, and continued into the morning of 8 October, with a hospital sustaining damage in the Israeli town of Ashkelon. Also on 8 October, Hezbollah forces announced that they had launched rockets and artillery from the south of Lebanon at three Israeli positions in the Shebaa Farms “in solidarity” with the Palestinian people.<sup>5</sup>

17. The continued barrage of rockets towards Israel had seen, by 14 November 2023, 250 000 Israelis evacuated from communities near Gaza and along the northern border.<sup>6</sup>

18. In response to the attack by Hamas, Israeli authorities declared a state of war and called up military reservists. On the afternoon of 7 October, the Israel Defense Forces (IDF) launched operation ‘Iron Swords’ with strikes on the Gaza strip by air, land and sea.

#### 3.1. Reactions to the Hamas attack

19. The Prime Minister of Israel, Benjamin Netanyahu, said that Hamas had started a “brutal and evil war”; that the IDF would use all its strength to destroy Hamas’ capabilities, and that the war ahead would take time.<sup>7</sup>

20. The Palestinian President Mahmoud Abbas said that the Palestinian people had the right to defend themselves against the “terrors of settlers and occupation troops”.<sup>8</sup> The Palestinian authorities released a statement on 7 October recalling that they had warned of “the consequences of blocking the political horizon and failing to enable the Palestinian people to exercise their legitimate right to self-determination”, adding that the “continuation of the injustice and oppression to which the Palestinian people are exposed to is the reason behind this explosive situation.”<sup>9</sup> President Abbas, speaking in Jordan on 12 October 2023, regretted the loss of civilian lives on both sides, without however explicitly condemning the Hamas attack.<sup>10</sup>

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5. “Israel, Hezbollah exchange artillery, rocket fire”, *Reuters*, 8 October 2023.

6. “Palestinians call for evacuation of hundreds of patients and newborns from Gaza’s largest hospital”, *AP News*, 14 November 2023.

7. *Statement by PM Netanyahu*, 7 October 2023.

8. “Abbas: Palestinian people have the right to defend themselves”, *Reuters*, 7 October 2023.

9. *Statement*, State of Palestine Ministry of Foreign Affairs, 7 October 2023.

10. “Palestinian President Abbas condemns violence against civilians”, *Reuters*, 12 October 2023.

### 3.2. International community

21. The European Union statement of 7 October condemned in the strongest possible terms the multiple and indiscriminate attacks across Israel by Hamas. The EU called for an immediate cessation of the attacks and violence, which it said would only increase tensions on the ground and seriously undermine Palestinian aspirations for peace. It recalled the importance of working towards a lasting and sustainable peace through reinvigorated efforts in the Middle East Process.<sup>11</sup>

22. The United Nations Secretary-General condemned in the strongest terms the attack. Appalled by reports that civilians had been attacked and abducted from their own homes, he noted his deep concern for the civilian population and urged maximum restraint, calling for the respect and protection of civilians in accordance with international humanitarian law at all times. He urged all diplomatic efforts to avoid a wider conflagration.

23. UN Security Council chair, Brazil, announced it would call an emergency meeting of the Security Council on 8 October to address the escalating violence, and urged parties to avoid escalating the situation.

24. The Arab League chief Ahmed Aboul Gheit urged an immediate halt to military operations in Gaza and the cycle of armed confrontations between the two sides, saying the actions of Israel had deprived the region of any serious opportunity for stability. King Mohammed VI of Morocco, the country currently holding the presidency of the Arab League Council, called an urgent meeting of the body on 8 October to co-ordinate and to find ways to curb the serious escalation.

25. Globally, representatives of approximately a hundred countries reacted. The tracking of international responses by the Washington Institute for Near East Policy suggested that by 11 October 2023, some 44 nations had unequivocally condemned Hamas and explicitly noted that its deeds amounted to terrorism. Explicit statements on Israel's right to defend itself were made by some 20 countries. Other countries, including Qatar, Saudi Arabia, Kuwait, Syria and Iraq referred to the responsibility of Israel for the attacks without condemning the Hamas attack.<sup>12</sup> The Ministry of Foreign Affairs of Iran said that the attack was a spontaneous move by resistance groups and the Palestinian people in defence of their inalienable rights, and reaffirmed the right of Palestinians to defend themselves.<sup>13</sup>

### 4. Israel's military response

26. The declaration of Prime Minister Netanyahu on the evening of 7 October that the country was at war was followed by the approval of the war situation by the Security Cabinet of Israel, including the approval of taking "significant military steps".<sup>14</sup>

27. The objectives of the military action, as stated by Prime Minister Netanyahu, are the elimination of Hamas by destroying its military and governing abilities, and to do everything possible to bring captives home.<sup>15</sup>

28. Israel initiated efforts to recover hostages, began hundreds of airstrikes against Hamas sites in Gaza and what the IDF describe as its "operational infrastructure", mobilised around 360 000 reservists, which is between 3% and 4% of Israel's total population, and repositioned ground forces close to Gaza. Israel's government almost completely halted the supply of electricity, food, water, and fuel to Gaza, which before the conflict had already faced crisis-level economic and humanitarian conditions.<sup>16</sup>

29. On 13 October 2023, the IDF announced that it "calls for" for the evacuation of all civilians in Gaza City in northern Gaza "from their homes southwards for their own safety and protection".

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11. [Statement by the High Representative on behalf of the European Union on the attacks against Israel](#), 7 October 2023.

12. The Washington Institute for Near East Policy, [Policy analysis](#), "International Reactions to the Hamas Attack on Israel", 11 October 2023

13. Iran, Ministry of Foreign Affairs, [Press Release](#), 8 October 2023.

14. Prime Minister's Office, [Press Release](#), "Security Cabinet Approves War Situation", 8 October 2023.

15. Prime Minister's Office, [Press Release](#), "Statement by PM Netanyahu", 25 October 2023.

16. See, for example, [Resolution 2142 \(2017\)](#) "The humanitarian crisis in Gaza".



30. Israel agreed to the reopening of the Rafah crossing between Egypt and Gaza for limited humanitarian aid only following negotiations between Egypt, Israel and the United States, on 18 October 2023. This did not allow for the movement of people across the border. Some 1 096 trucks entered Gaza between 21 October and 13 November 2023. On 1 November 2023, the crossing also opened “for time limited periods” to allow up to 500 foreign nationals and injured Palestinians to cross into Egypt daily.<sup>17</sup>

31. Israel started the ground operation on 28 October 2023.

32. Following mediation efforts undertaken by Egypt, the United States, and Qatar, the agreement of a humanitarian pause was announced on 22 November 2023 which foresaw the release of 50 civilian women and children hostages held in the Gaza Strip in exchange for the release of a number of Palestinian women and children detained in Israeli prisons.<sup>18</sup> It was to last for four days, and the Office of the Prime Minister of Israel noted that the release of every additional ten hostages would result in one additional day in the pause. It was also foreseen to allow a larger number of humanitarian convoys and relief aid to enter into Gaza.

#### **4.1. Humanitarian situation**

33. By 10 November 2023, 11 078 fatalities were reported in Gaza. The data available suggested nearly half of these deaths (4 506) were children who had been killed following the military action of Israel.<sup>19</sup><sup>20</sup>

34. The United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) has noted that the UN had so far not been able to produce independent, comprehensive, and verified casualty figures; the current numbers have been provided by the Palestinian Ministry of Health in Gaza and the Israeli authorities and await further verification. The cumulative casualty figures being provided by the Palestinian Ministry of Health in Gaza were suspended from 11 November 2023 after the collapse of services and communications at hospitals in the north.

35. An estimated 1.7 million people in Gaza (some 75% of the territory’s approximately 2.3 million people) were estimated to be internally displaced by 20 November 2023, with an estimated 900 000 staying in some 154 shelters of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Acute issues of overcrowding are said to exist at the shelters, including access to sanitation and the spread of diseases.<sup>21</sup> Lack of capacity in shelters has also forced thousands of internally displaced persons to sleep in the open, with the situation aggravated due to exposure to heavy rains.

36. Attacks on residential buildings and infrastructure have been frequent. As of 13 November 2023, UNOCHA reported that 45% of Gaza’s housing units had been destroyed or damaged, 22 hospitals were out of service, the existence of a catastrophic food, water and sanitation situation, and the lack of fuel further exacerbating the provision of health and basic services.<sup>22</sup> At the same time, the Gaza Strip has been under an electricity blackout since 11 October 2023 after Israeli authorities cut off the electricity supply, and the fuel reserves for the sole power plant in Gaza depleted.

37. On 20 November 2023, the World Health Organization (WHO) reacted to the Indonesian Hospital in Beit Lahiya (North Gaza) coming under attack for the fifth time since the start of hostilities. It said that multiple attacks on health facilities had resulted in forced mass evacuations from hospitals, and multiple fatalities and casualties among patients and those seeking refuge in hospitals. WHO noted 335 attacks on health care facilities in the Gaza Strip and in the West Bank since 7 October. These attacks combined with shortages of fuel, medicine, water, and other essential resources were said to have reduced hospital bed capacity in Gaza from 3 500 to 1 400 beds. WHO reminded the parties to the conflict of the obligation under international humanitarian law to respect the sanctity of, and actively protect, health facilities.<sup>23</sup> With hospitals such as Al-Shifa no longer able to function due to the lack of essential items and fuel, an evacuation of some 30 premature infants to Egypt was arranged and carried out on 20 November 2023.

38. UN offices globally lowered flags to half-mast on 13 November 2023, mourning the loss of 101 UNRWA staff killed since the start of the escalation of hostilities in Gaza. The UN Secretary-General stated that more United Nations aid workers have been killed than in any comparable period in the history of the Organisation.

17. “Rafah crossing: First Britons leave Gaza but others face nervous wait”, BBC, 1 November 2023.

18. Ministry of Foreign Affairs of Qatar, [Statement](#), 22 November 2023.

19. OCHA, “[Hostilities in the Gaza Strip and Israel – reported impact – Day 38](#)”, 13 November, 2023.

20. Since the adoption of this report, the number of reported fatalities in Gaza has reached 22 185 by 2 January 2024. There are not yet independent, comprehensive and verified casualty figures.

21. OCHA, “[Hostilities in the Gaza Strip and Israel – Flash Update #45](#)”, 20 November 2023.

22. OCHA, “[Hostilities in the Gaza Strip and Israel – reported impact – Day 38](#)”, 13 November, 2023.

23. World Health Organization, [Press Release](#), 20 November 2023.

39. On 21 November 2023, the Committee to Protect Journalists preliminarily documented that since the 7 October, 53 journalists and media workers had been killed during the conflict, including 46 Palestinians, 4 Israelis and 3 Lebanese, making it the deadliest period for journalists since the Committee to Protect Journalists began gathering data in 1992.<sup>24,25</sup>

40. Hamas and Israel have blamed each other for the dire human cost and atrocious humanitarian conditions in Gaza. The actions of Israel have inflicted casualties and limited life-sustaining supplies, while Hamas and other militia groups are contributing to making civilian areas and facilities, notably hospitals, unsafe by operating in or near them, using them as shields, in complete disregard for international law as well as for the safety of Palestinian civilians.<sup>26</sup>

#### 4.2. Reactions

41. Radically different perceptions of the conflict, its causes and implications have characterised international reactions.

42. The UN Secretary-General, addressing the UN Security Council, called for an immediate humanitarian ceasefire on 24 October 2023 to “ease epic suffering, make the delivery of aid easier and safer, and facilitate the release of hostages.”<sup>27</sup> Efforts to adopt a resolution in the United Nations Security Council in October failed to find common positions on addressing the crisis. Disagreement centred on calling for an unconditional humanitarian ceasefire, humanitarian pauses, or for language related to the right to self-defence.<sup>28</sup>

43. The first formal response of the United Nations to the escalation of violence in Israel and Palestine since the Hamas terror attacks was the adoption by the UN General Assembly of a resolution on 26 October 2023 by a large majority. The resolution called for an “immediate, durable and sustained humanitarian truce leading to a cessation of hostilities”.<sup>29</sup>

44. In light of the spiralling numbers of lives lost since 7 October, the Principals of the Inter-Agency Standing Committee released a statement on 5 November 2023 calling for the need for an immediate humanitarian ceasefire.<sup>30</sup>

45. The UN Security Council was able to adopt a resolution on 15 November 2023 by which it called for urgent and extended humanitarian pauses and corridors through the Gaza Strip to facilitate the provision of essential goods and services. The Security Council also called for the immediate and unconditional release of all hostages held by Hamas and other groups, and urged the parties to refrain from depriving civilians in Gaza of life-saving services and humanitarian assistance. The United States and the United Kingdom abstained on the vote, saying they were unable to vote yes on a text that did not condemn Hamas, and the United States further regretted that the text did not reaffirm the rights of all member States to protect their citizens from terrorist attacks. The Russian Federation also abstained, citing the lack of a call for an immediate ceasefire.<sup>31</sup>

46. The International Criminal Court (ICC) Prosecutor spoke from the Rafah crossing in Egypt on 30 October 2023 to call upon State parties to the ICC and non-State parties “to help collectively vindicate the Geneva Conventions, to help collectively vindicate principles of customary international law and also principles of the Rome Statute, to share evidence regarding any allegations or any crimes so that [the ICC] can properly investigate them and prosecute them as appropriate”. He added that any attack that impacts innocent civilians or protected objects must be conducted in accordance with the laws and customs of war.<sup>32</sup>

47. The ICC Prosecutor confirmed on 17 November 2023 the receipt of a referral of the Situation in the State of Palestine from Bangladesh, Bolivia, Comoros, Djibouti and South Africa. In response, the Office of the Prosecutor confirmed that it had been investigating, as from 3 March 2021, conduct that may amount to

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24. Committee to Protect Journalists, “[Journalist casualties in the Israel-Gaza war](#)”, 21 November 2023.

25. Since the adoption of this report, the Committee to Protect Journalists has updated preliminary figures on 3 January 2024 that record 77 journalist and media worker deaths since the start of the conflict.

26. Congressional Research Service, “[Israel and Hamas 2023 Conflict in brief: Overview, US Policy, and Options for Congress](#)”, 1 November 2023.

27. UN Secretary-General, [Remarks](#), 24 October 2023.

28. Security Council Report, “[The Middle East, including the Palestinian Question: Vote on Competing Draft Resolutions](#)”, 25 October 2023.

29. United Nations General Assembly, [Resolution ES-10/21](#), 26 October 2023.

30. IASC, [Statement](#), 5 November 2023.

31. United Nations, [Press Release](#), 9479th meeting, 15 November 2023.

32. ICC Prosecutor, [Statement on the situation in the State of Palestine and Israel](#), 30 October 2023.

Rome Statute crimes committed since 13 June 2014 in Gaza and the West Bank, including East Jerusalem, and that this investigation was ongoing and extended to the escalation of hostilities and violence since 7 October.<sup>33</sup>

48. On the initiative of President Macron, France organised on 9 November 2023 an international conference on humanitarian aid for Gaza's civilians. This sought to promote compliance with international law and the strengthening of humanitarian access, with calls for work on protecting civilians made.

49. The Joint Arab Islamic Extraordinary Summit, hosted in Saudi Arabia on 12 November 2023, demanded the end to the "aggression" immediately, rejecting that the military action of Israel was justified under the principle of self-defence, without however condemning the Hamas attack. It condemned double standards in applying international law, and said that it undermined the credibility of multilateral action, and showed selectivity in applying the system of humanitarian values.<sup>34</sup>

50. The EU adopted a statement on 12 November 2023 expressing its grave concern about the deepening humanitarian crisis in Gaza. Re-emphasising the right of Israel to defend itself in line with international law and international humanitarian law, the EU called for an immediate pause in hostilities and the establishment of humanitarian corridors so that humanitarian aid could reach the population of Gaza. It further condemned the use of hospitals, and the use of civilians as human shields by Hamas, and recalled the principles that hospitals must be protected.

## 5. Repercussions

### 5.1. Middle East Peace Process

51. The Assembly has consistently stated its support for two equally legitimate aspirations – Israel's right to be recognised and live in security, and the Palestinians' right to have an independent and viable State.<sup>35</sup> The escalation in violence following the horrors of 7 October 2023 marks a new low point for the efforts to bring resolution to a history of conflict between Israel and Palestine.

52. It was September 1993 when Yitzhak Rabin and Yasser Arafat signed an agreement in Washington which in five years should have led to a peace solution based on the principle of Israel and a viable Palestinian State living side by side in peace, security, and mutual recognition. 30 years have passed and the hopes raised by that agreement have gradually given way to disappointment, disenchantment, frustration and anger, opening up space for those – Hamas and Islamic Jihad – who never accepted that agreement, who contest the very idea of co-existence between two States, and did not hesitate to unleash atrocious aggression against Israel in an attempt to prevent any form of coexistence between Israelis and Palestinians, which today appears even further away. Hamas' continued commitment to the use of force against Israel, non-recognition of Israel, and the creation of an Islamic Palestinian State in Israel's place has seen Hamas long designated as a terrorist organisation by the United States, the EU, the United Kingdom and numerous others.

53. A number of factors have greatly hampered efforts to resolve the Israeli-Palestinian conflict. First, Israel's continued policy of building and expanding settlements in the West Bank runs counter to the two-State solution based on the 1967 borders and is illegal under international law. Second, the deep political schisms within Palestinian leadership have weakened aspirations for statehood, and have impeded any presidential and parliamentary elections from taking place since 2006. Efforts of Fatah and Hamas to come to terms for future elections and reconciliation have been intermittent over the last decade, with agreement in Algeria in October 2022 suggesting that legislative elections would be arranged within a year, and that the Palestine Liberation Organisation would be the sole legitimate representative of the Palestinian people.

54. The current conflict has exacerbated all of the tensions, all of the fault lines running through the peace process. In the last reporting period of the United Nations Secretary-General on the implementation of UN Security Council Resolution 2334, Special Co-ordinator for the Middle East Peace Process, Tor Wennesland, regretted daily violence in the region. Fatal incidents in the period between June and September 2023 continued a trend of increased tension, violence and fatalities that had been witnessed in the preceding years.

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33. ICC Prosecutor: [Statement](#), 17 November 2023.

34. Joint Arab Islamic Extraordinary Summit, "[Resolution on Israeli Aggression against the Palestinian People](#)", 12 November 2023.

35. See, for example, [Resolution 2202](#) (2018) "The Israeli-Palestinian peace process: the role of the Council of Europe".

55. The report of 15 March 2023 of the United Nations High Commissioner for Human Rights on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, noted that settler violence was at the highest levels recorded by the United Nations, and said that repeated failures to protect Palestinians and their property had contributed to worsening the coercive environment and discrimination against Palestinians. The Hamas terror attacks of 7 October were followed by the exacerbation of settler violence in the West Bank, with incidents which, in the six weeks after the attacks, surpassed the levels of violence seen for the entire year. This rise in settler violence and access restrictions (including permit requirements and the designation of areas as restricted or closed) has forced the displacement of at least 1 014 Palestinians in the occupied West Bank in the six weeks leading to 20 November 2023.<sup>36</sup> This took settler violence from an already elevated rate of three incidents per day this year, to seven a day.<sup>37</sup> The US Secretary of State called on Israeli authorities on 16 November 2023 to urgently take steps to de-escalate tensions in the West Bank and the rising levels of “settler extremist violence”.<sup>38</sup> Following a visit to the Middle East, the UN High Commissioner for Human Rights noted his deep concern about the intensification of violence, and said that he was “ringing the loudest possible alarm bell about the occupied West Bank”.<sup>39</sup>

56. The Palestinian leadership, by gradually rejecting the proposals put forward by the Israeli side over numerous years, has undermined the credibility of the Palestinian National Authority to the advantage of Hamas. Responsibility is also shared by the Israeli authorities’ approach in accelerating the expansion of settlements in the West Bank, the refusal to start negotiations, and the rise in inflammatory rhetoric by government representatives.<sup>40</sup>

57. The international community and its main protagonists have no less responsibility. The Middle East Quartet, consisting of the United Nations, the European Union, the United States and the Russian Federation, has never managed to give real impetus to peace solutions, and has not met since November 2021.<sup>41</sup> Iran’s strong influence on Hamas has further reduced the space for mediation initiatives.

58. Alternatives pursued towards peace in the region – such as through the Abraham Accords which established diplomatic relations and normalised relations on the basis of mutual recognition between Israel, United Arab Emirates, Bahrain, Morocco, and Sudan – now face huge hurdles, and the prospect of establishing further relations minimises.

## **5.2. International repercussions and concerns about regional enlargement of the conflict**

59. The failure to find consensus and a common position on the conflict in the UN Security Council until the adoption of the fifth proposed resolution of 15 November 2023 has further exposed the tensions that are blocking effective action for maintaining international peace and security, outlined also in the Assembly [Resolution 2515 \(2023\)](#) “The role of the Council of Europe in preventing conflicts, restoring credibility of international institutions and promoting global peace”.

60. Proposals voiced by Emmanuel Macron and Charles Michel to introduce mechanisms that suspend the right of veto in certain situations remain as relevant today as they were when they were made during the high-level debate in the UN General Assembly from 20-26 September 2022.

61. The calls of Israel’s Minister of Foreign Affairs for UN Secretary-General Guterres to resign after his comments made on 25 October 2023 which had noted that “the attacks by Hamas did not happen in a vacuum” showed the particular tensions that have existed at the international level in calling for a ceasefire amid the humanitarian crisis in Gaza. This same tension in calling for a ceasefire has been replicated at the EU-level, where calls to include wording to the effect of a “humanitarian ceasefire” was not possible to agree on at the meeting of the European Council on 26 October 2023.<sup>42</sup>

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36. OCHA, [Flash Update #46](#), 21 November 2023.

37. OCHA, “[The other mass displacements: settlers advance on West Bank herders](#)”, 1 November 2023.

38. US Department of State, [Readout](#), 16 November 2023.

39. Office of the High Commissioner for Human Rights, [Briefing](#), 16 November 2023.

40. See, UN Security Council, [Meetings Coverage](#), 9425th meeting, 27 September 2023.

41. UNSCO, [Statements](#), Middle East Quartet.

42. [European Council conclusions on Middle East](#), 26 October 2023.



62. Military, economic, and political ties between Hamas, Hezbollah and Iran have created fears the current conflict may widen. The UN Special Coordinator for the Middle East Peace Process, in his emergency briefing to the UN Security Council on 18 October 2023, outlined the fear that “we are at the brink of a deep and dangerous abyss that could change the trajectory of the Israeli-Palestinian conflict, if not of the Middle East as a whole”, calling the risk of an expansion of this conflict as “very real and extremely dangerous”.<sup>43</sup>

63. On 8 October 2023, Hezbollah in Lebanon launched missiles and conducted artillery attacks on some military sites in northern Israel “in solidarity” with Hamas. Israel retaliated with artillery fire. While there have been no large-scale movements, small clashes have been reported on the border, and Israel has ordered the evacuation of more than 40 communities in northern Israel.

64. Senior Iranian officials have voiced their support for the Hamas offensive. While US Secretary of State Antony Blinken, speaking in October 2023, said there was “nothing” to suggest Iran was “directly involved in this attack [by Hamas against Israel], in planning it or in carrying it out”,<sup>44</sup> long-standing financial support and training provided by Iran to Hamas has been widely documented.<sup>45</sup>

65. Since 7 October, attacks against US forces in the region have been reported from Iran-aligned groups in Iraq, Syria and Yemen. Israel has intercepted a number of ballistic missiles launched from Yemen by the Houthi movement, who also shot down a US drone on 8 November 2023, and hijacked a cargo ship in the Red Sea.<sup>46</sup>

66. In addition to the risk of regional escalation, the clear cleavage in the positions of regional and international actors in response to the conflict have potentially long-term ramifications for international co-operation and cohesion. The risks of global insecurity could be enhanced further by risks to energy markets and commodity price shocks should the conflict escalate, and would add to the disruptive effects on the global economy caused by the Russian Federation’s war of aggression against Ukraine.<sup>47</sup>

### **5.3. Racism, intolerance and hatred**

67. The global impact of the situation in the Middle East is undoubted. The fierce debate it engenders is a source of much sensitivity, and citizens across Europe have responded to the crisis in myriad ways, including public demonstrations of solidarity and protest. At the same time, these responses have posed a risk to the fabric of our communities, our cohesion, and to civil peace. The strain put on both Jewish and Muslim communities has been deeply concerning, and is all the more intolerable given that none of the members of these communities bear responsibility for events in the Middle East.

#### **5.3.1. Antisemitism**

68. The Assembly in 2022 noted how antisemitism is built on harmful stereotypes which makes the Jewish community a scapegoat for emerging crises.<sup>48</sup> This has been the case during the Covid-19 pandemic,<sup>49</sup> at the beginning of the Russian Federation’s war of aggression against Ukraine,<sup>50</sup> and is again the case here. It is to be reminded that Jewish people around the world should not be held responsible for the words and actions of the Israeli, or any other, Government.

69. Alarming repercussions to the Hamas terrorist attacks of 7 October and subsequent conflict have been traced across the streets of Europe with an extraordinary spike in antisemitic incidents recorded across the continent, against a background of repeated warnings of rising antisemitism for years.

70. The scope of these incidents has been wide-ranging: demonstrations have been held where the heinous actions of Hamas have been praised, synagogues and Jewish sites have been attacked, posters of the hostages taken by Hamas have been defaced or torn down, antisemitic content has proliferated online,

43. [Briefing](#), Tor Wennesland, UN Special Coordinator for the Middle East Peace Process, Emergency Briefing to the Security Council, 18 October 2023.

44. US State Department, [Secretary Antony J Blinken with Kristen Welker](#), 8 October 2023.

45. See, for example, US Department of State, “Country Reports on Terrorism 2021”, and Fondation Méditerranéenne d’Études Stratégiques, “Atlas Stratégique”, Édition 2022.

46. “[US drone shot down near Yemen](#)”, *Reuters*, 8 November 2023.

47. World Bank, [Press release](#), “Conflict in Middle East could bring ‘dual shock’ to global commodity markets”, 30 October 2023.

48. [Resolution 2447 \(2022\)](#) “Preventing and combating antisemitism in Europe”.

49. UN Secretary-General, “[Rise in antisemitism during pandemic shows we can never let down our guard](#)”, 25 January 2021.

50. Council of Europe, CDADI, “[Study on preventing and combating hate speech in times of crisis](#)”, November 2023.

and threats have been made to the physical integrity of Jewish citizens. Shabbat gatherings have been accompanied by the presence of armed guards for protection, and the protection of Jewish schools, community centres, and synagogues is no longer a precautionary step, but a response to this soaring surge in antisemitic incidents.

71. Figures for antisemitic acts and comments in France reached 1 518 incidents following 7 October, reported the Minister of the Interior on 14 November 2023. This represented a three-fold increase compared to the whole of 2022, and led to 571 arrests. In the United Kingdom, the Community Service Trust, an organisation recording antisemitic incidents since 1984, saw a 40-day total of 1 324 incidents across the United Kingdom, representing the highest across a forty-day period in the organisation's history. Monitoring bodies have seen this trend across Europe and North America,<sup>51</sup> but the effect has been global, with incidents including the chasing of passengers arriving on a flight from Israel into Dagestan, Russia, and the massive proliferation of antisemitic content on Chinese online platforms.<sup>52</sup>

### 5.3.2. Islamophobia

72. The Assembly has been deeply concerned by the constant increase in signs of Islamophobia in Europe, with a dramatic spike in recent years, as denounced by numerous human rights and equality bodies at European and global levels.<sup>53</sup>

73. The aftermath of the deadly terrorist attacks has created a deeply hostile environment online and offline for Muslim communities in numerous European countries. Many countries have seen reports of growing racist incidents, verbal attacks, attacks on mosques, and a huge volume of dehumanising, radicalised, and violent language about Muslims.

### 5.4. Freedom of expression and assembly

74. The conflict has had serious impacts on the safety of journalists in the region. The Committee to Protect Journalists has reported that at least 53 journalists and media workers have been killed, 8 injured, and 3 missing as of 21 November 2023 in covering the conflict.<sup>54</sup> Journalists that operate in conflict zones carry out vital work and are protected under international humanitarian law.

75. The Geneva Conventions of 1949 and their Additional Protocols set out rules to protect people who are not taking part in the fighting and those who can no longer fight. Additional Protocol I specifies that journalists who are engaged in professional missions in areas of armed conflict must be considered as civilians and must be protected as such as long as they take no action adversely affecting their status as civilians. This means that all parties to a conflict must protect journalists, avoid deliberate attacks against them and uphold their rights in case they are captured.

76. In Europe, since 7 October, hundreds of thousands of people have exercised their rights in protests related to the conflict. A number of incidents related to the freedom of assembly in October 2023 have highlighted the need for proportionality and careful assessment to guide responses to demonstrations, reporting, and public statements. States must continue to carefully balance the imperative to public security concerns and countering antisemitic and anti-Muslim hate speech, with protecting the freedom of expression and assembly.

77. Bans on protests for fears of the risk of disturbances to public order, have to be carefully balanced to comply with standards on freedom of assembly. The decision of the French Conseil d'État, the country's highest administrative court, on 18 October 2023 reaffirmed that prohibitions on demonstrations must be taken on a case-by-case basis, and local authorities should continue to provide detailed justifications for any decision to ban protests on their territory.<sup>55</sup>

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51. UNESCO, "Surge in antisemitic hate speech", 21 November 2023.

52. "China: Online antisemitism spikes amid Israel-Hamas war", *DW*, 13 November 2023.

53. [Resolution 2457](#) (2022) "Raising awareness of and countering Islamophobia, or anti-Muslim racism, in Europe".

54. Since the adoption of this report, the Committee to Protect Journalists has updated preliminary figures on 3 January 2024 that record 77 journalist and media worker deaths since the start of the conflict.

55. [Press release](#), Conseil d'État, Justice Decision, 18 October 2023.

## 6. Conclusions

78. We are facing one of the most challenging moments in Israeli and Palestinian history. It is a challenge for the region, it is a challenge for the international community, and it is a challenge for Europe and our societies.

79. The horror of the inhuman and brutal violence of the Hamas terrorist attacks on 7 October 2023 were inexcusable, unjustifiable, and shocked the world. Council of Europe member States and the Assembly must be clear in their condemnation of these despicable acts of terror and in demanding the liberation of all the hostages as soon as possible.

80. Israel, in waging a war in response to these attacks must act within the bounds of international humanitarian law. The lives of Palestinians who had nothing to do with the terrorist actions of Hamas should not be collateral damage in this conflict.

81. The risks of regional conflagration remain high. There is a continued need for engagement with regional and international partners for preventing further escalation.

82. The dramatic crisis that the Middle East is experiencing is a confirmation that the pursuit of peace needs timely initiatives, courageous mediations, and a tireless search for solutions. Ultimately, the only way to ensure that this crisis never happens again is to begin setting the conditions for durable peace and security. Parliamentary diplomacy for the region should work to that end. In Europe, and in the Assembly, we must also continue to promote this dialogue, guided by support for the equally legitimate aspirations of Israel to be recognised and to live in security, and of Palestinians to have an independent and viable State.