

14 November 2023

Dear Members of Parliament,

We the undersigned – over 1,000 lawyers, including 61 KCs, 147 partners/directors, 44 law professors, and five former judges – write in advance of any vote to be held in Parliament relating to a ceasefire in Gaza, including any such vote this Wednesday, 15 November 2023.

### **Legal analysis**

We should be grateful if you would consider the attached legal analysis prior to casting your vote.

It was sent to the Prime Minister and the Secretaries of State for Foreign Affairs and for Defence on 26 October 2023. It has now been signed by over 1,000 lawyers. A full signature list is available online at: <https://lawyersletter.uk>.

Relatedly, we note the recent observation made by Defence Secretary, Grant Shapps, on the BBC's '[Sunday with Laura Kuennsberg](#)' on 12 November 2023 [16:30 onwards], in which he responded as follows to the question *“Does the UK believe that Israel is acting proportionately”*: *“The UK believes strongly that Israel must act within international humanitarian law... We have sort of forgotten that in war, very sadly, people lose their lives. When Britain bombed Dresden, 35,000 people have apparently lost their lives. People die in war”*.

We recall that area bombardment, such as occurred in Dresden, would violate the laws of war which prohibit indiscriminate attacks (per [customary rules 11, 12 and 13](#)), as well as the rule on proportionality ([rule 14](#)), as set out in our letter of 26 October 2023. It is important to underscore, in the wake of Remembrance Sunday, that the international rules-based system that emerged out of the horrors of World War II – as set out in the Four Geneva Conventions, their Additional Protocols, and the Rome Statute, the relevant parts of which now constitute customary international law – was devised specifically to prohibit such attacks, given their indiscriminate and disproportionate impact on civilian populations, as underscored in our letter of 26 October 2023. We also note that our letter refers in terms to the invocation by the Israeli Ambassador to the UK of the civilian death toll in Dresden to justify Israel's military objectives in Gaza as being capable of indicating – particularly in the context of similar statements on behalf of senior Israeli military and governmental officials – an intention not to be bound by the fundamental principles of post-World War II international humanitarian law.

### **Updated facts**

Since 26 October 2023, the impact of the conflict on the population of Gaza has grown even more severe. The facts and figures set out in our letter of 26 October 2023 are now significantly outdated.

While updated figures of the dead and wounded have not been made available for the last three days, following the collapse of services and communications at hospitals in the North of Gaza, as of 10 November 2023, 11,078 Palestinians had been killed, according to figures reported by the United Nations Office for Humanitarian Affairs (OCHA). A further 3,500 Palestinians are reported missing and may be trapped or dead under the rubble. Women, children and the elderly are said to constitute 68%

of those killed. Over 500 families have had more than six family members killed. In excess of 27,490 Palestinians had been injured.<sup>1</sup>

Children account for at least 4,506 of the identified Palestinian fatalities and at least 1,740 of the missing.<sup>2</sup> The high percentage of child casualties has led the United Nations (UN) Secretary General, António Guterres, to declare that *“Gaza is becoming a graveyard for children”*.<sup>3</sup> Over 51% of educational facilities in Gaza has been damaged or destroyed, as has over 45% of the housing stock. An estimated 1.6 million people (approximately 70% of the population of Gaza) are internally displaced. They are struggling to secure the minimum amounts of water and food to survive. On 13 November, the United Nations Relief and Works Agency (UNRWA) warned that its humanitarian operations were expected to halt within the next 48 hours, following the total depletion of its fuel reserves. The UN World Food Programme has raised concerns regarding malnutrition and starvation.<sup>4</sup>

The World Health Organisation (WHO) has warned that *“nowhere and no one is safe in Gaza”*.<sup>5</sup> At least 192 medical staff have been killed, as well as 101 staff members of the UN Relief and Works Agency (UNRWA) and over 44 journalists.<sup>6</sup> The WHO has recorded at least 137 attacks on health care in Gaza, resulting in 521 deaths and 686 injuries, including of medics on duty.<sup>7</sup> Shifa and Al Quds hospitals, in particular, have been subjected to ongoing heavy strikes, with the intensive care unit, maternity ward and surgery building of Shifa all being hit. People in and near Shifa have reportedly been shot by snipers. The Israeli military has repeatedly alleged that Palestinian armed groups operate a military compound within and underneath Shifa hospital. The hospital’s management has strongly denied these allegations; Palestinians have called for them to be independently investigated.<sup>8</sup> International agencies have warned that *“the world cannot stand silent while hospitals, which should be safe havens, are transformed into scenes of death, devastation, and despair”*; they have called for *“[d]ecisive international action... to secure an immediate humanitarian ceasefire and prevent further loss of life, and preserve what’s left of the health care system in Gaza”*.<sup>9</sup>

All hospitals in Northern Gaza are subject to Israeli Army evacuation notices, despite the WHO warning that evacuation would amount to a *“death sentence”* for patients, in the face of the collapse of the Gazan medical system, and the fact that hospitals in southern Gaza cannot admit more patients.<sup>10</sup> Prior to 13 November 2023, hospitals in the North of Gaza were conducting complex surgeries, including amputations and caesarean sections,<sup>11</sup> without anaesthesia, due to lack of medical supplies.<sup>12</sup> All but one of those hospitals are now out of service, including due to a lack of power. An estimated 1,000 kidney dialysis patients, 2,000 cancer patients and 130 premature babies are at heightened risk of death. Moreover, Israeli ground force operations in Gaza City and near hospitals in particular, together with the lack of fuel, have halted the movement of rescue teams and ambulances: appeals by those wounded and/or trapped underneath buildings and homes bombed by Israeli forces have gone unanswered.<sup>13</sup>

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<sup>1</sup> United Nations (UN) Office for the Coordination of Humanitarian Affairs (OCHA), [Hostilities in the Gaza Strip and Israel | Flash Update #38](#) (13 Nov 2023); and [Reported Impact – Day 38](#) (13 Nov 2023). Figures are those reported by OCHA on 13 November 2023. OCHA collates locally collected data.

<sup>2</sup> *Ibid.*

<sup>3</sup> UN Secretary General, *‘Gaza ‘Becoming a Graveyard for Children’, Warns UN Secretary-General, Calling for Humanitarian Ceasefire’*, *Press Release* (6 Nov 2023); see also: <https://www.unicef.org/press-releases/gaza-has-become-graveyard-thousands-children>.

<sup>4</sup> *Supra*, fn 1.

<sup>5</sup> UN, [Nowhere and No One Is Safe in Gaza, WHO Chief Tells Security Council](#), (10 Nov 2023).

<sup>6</sup> OCHA, [Hostilities in the Gaza Strip and Israel | Flash Update #36](#) (13 Nov 2023).and [Reported Impact – Day 35](#) (12 Nov 2023).

<sup>7</sup> UNICEF, [UNFPA, UNICEF and WHO Regional Directors call for immediate action to halt attacks on health care in Gaza](#) (12 November 2023).

<sup>8</sup> *Supra*, fn 1.

<sup>9</sup> *Supra*, fn 7.

<sup>10</sup> *Supra*, fn 1.

<sup>11</sup> UN, [‘5,500 women in Gaza set to give birth ‘in race against death’](#), UN News (6 Nov 2023).

<sup>12</sup> OCHA, [Hostilities in the Gaza Strip and Israel | Flash Update #32](#) (7 Nov 2023); and [Reported Impact – Day 32](#) (7 Nov 2023).

<sup>13</sup> *Supra*, fn 1.

The UN Secretary General has repeatedly called for a ceasefire, asserting that *“the nightmare in Gaza is more than a humanitarian crisis. It is a crisis of humanity”*.<sup>14</sup> Seven UN Special Rapporteurs have reiterated their warning that *“the Palestinian people are at grave risk of genocide”*.<sup>15</sup>

In the West Bank, 181 Palestinians, including 47 children, have been killed by Israeli forces or settlers since 7 October 2023. That accounts for 42% of all killings of Palestinians in the West Bank in 2023 (418). 2,699 Palestinians, including hundreds of children, have been injured, many with live bullets. Three Israelis have been killed by Palestinians. OCHA has documented 241 Israeli settler attacks against Palestinians (daily average of over six incidents, compared with three since the beginning of 2023)–resulting in Palestinian casualties and/or damage to property; in almost 50% of cases, Israeli soldiers either accompanied and/or actively supported the settlers.<sup>16</sup> 1,149 Palestinians, including 452 children, have been displaced from their homes due to such violence, access restrictions and/or house demolitions, including punitive house demolitions.

This round of Israeli military attacks on Gaza followed an unprecedented attack by Hamas in Israel on 7 October 2023. To date, approximately 1,200 Israelis and foreign nationals have been killed in Israel, according to figures reported by OCHA, the vast majority on 7 October 2023. Of those whose ages have been provided, 31 are children. Rockets continue to be fired from Gaza into Israel,<sup>17</sup> leading to the continuing displacement of thousands of Israelis.

239 Israeli and foreign nationals seized from Israel on 7 October 2023 are still held hostage in Gaza, including, a reported 30 children. To date, four civilian hostages have been released by Hamas, and one female Israeli soldier was rescued by Israeli forces. It is claimed that 57 of the hostages have been killed in Israeli airstrikes.<sup>18</sup>

The UN High Commissioner for Human Rights, Volker Türk, has stated:

*“The atrocities perpetrated by Palestinian armed groups on 7 October were heinous, brutal and shocking, they were war crimes – as is the continued holding of hostages. The collective punishment by Israel of Palestinian civilians amounts also to a war crime, as does the unlawful forcible evacuation of civilians. The massive bombardments by Israel have killed, maimed and injured in particular women and children... All of this has an unbearable toll on civilians... We have fallen off a precipice. This cannot continue... Let me be clear - the world cannot afford double standards. We must instead insist upon the universal standards against which we must assess this situation - international human rights laws and international humanitarian laws”*.<sup>19</sup>

We trust that you will give the above matters and those set out in our letter of 26 October 2023 your careful consideration ahead of any vote for an immediate ceasefire.

Yours sincerely,

The Signatories to the Lawyers’ Letter

<https://lawyersletter.uk>

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<sup>14</sup> *Ibid.*

<sup>15</sup> UN, ‘[Gaza is ‘running out of time’ UN experts warn, demanding a ceasefire to prevent genocide](#)’, UN News (2 Nov 2023).

<sup>16</sup> *Supra*, fn. 1.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> UN, ‘[UN Human Rights Chief visits Rafah border crossing with Gaza](#)’, Press Release (8 Nov 2023).