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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by Human Rights Now, 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.

[25 August 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

All the violations of human rights in the Occupied Palestinian Territories must be stopped now

1. Human Rights Now (HRN), a Tokyo-based international human rights NGO, expresses utmost concern over the grave violations of international human rights and humanitarian law in the recent Gaza conflict. In particular, HRN strongly condemns the Israeli Military's indiscriminate attacks against innocent civilians in the Gaza Strip. It has been reported that a significant number of civilians, including women and children, have been killed since Operation Protective Edge began on the 8th of July 2014. Since the beginning of the operation, deadly attacks against civilians had reached even the UN compounds and UN-designated shelters where thousands of Palestinian civilians have sought refuge. The victims of such attacks were unarmed, innocent civilians who were just standing, queuing, or playing outside when sudden explosions hit and killed them at random. As both the High Commissioner for Human Rights Navi Pillay¹ and UN Secretary General Ban Ki-moon condemned, such acts by Israeli militants cannot be justifiable. As Ban Ki-moon articulated in his speech on the 6th of August 2014², "International humanitarian law clearly requires protection by all parties of civilians and civilian facilities, including UN staff and UN premises."

Civilians and civilian objects, as well as humanitarian relief personnel and objects must be distinguished, protected, and must not be targeted in any possible circumstances. HRN warns that failure to comply by this norm constitutes a war crime as well as crimes under international law. As of 24 August³, the death toll has reached over 2000 casualties, with a majority (at least 75%) of these being civilian deaths, and 30% of these civilian victims being children⁴. HRN urges all parties to immediately cease further military operation and urges the Israeli government to cease immediately all violations of international human rights and humanitarian law, in particular its attacks against civilians and civilian objectives.

2. Although Israel's attacks against civilians cannot be overemphasized, HRN reiterates that it is also the time to end the Gaza blockade, which itself constitutes a violation of international law. The blockade of the Palestinian-controlled Gaza Strip has intensified since mid-2007 and the blockade remains, despite a current ceasefire agreement and some lifting of restrictions. The blockade denies Palestinian people's freedom of movement and has resulted in injury and deaths due to the firing of live ammunition. The closing of borders and crossings that were used to transport essential items such as food and basic supplies has subsequently led to their shortages, with adverse effects upon health, education, sanitation, and other economic activities. The blockade infringes upon the economic and social rights of the whole population of Gaza.

This blockade amounts to a collective punishment, in violation of Israel's obligations as an occupying power under the 4th Geneva Convention. HRN calls on the Israel authority to end the blockade immediately. This time, as the spokesman for the UN agency for Palestinian refugees (UNRWA) said⁵, "The blockade must end. We are beyond the realm of humanitarian action alone." Considering the gravity of human rights violations and destruction that have affected every single aspect of the lives of Palestinians, Israel's land and sea blockage must be lifted for reconstruction efforts and political solutions to be taken.

¹ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14916&LangID=E>

² http://www.un.org/apps/news/infocus/speeches/statments_full.asp?statID=2317#.U_GhvPlu7iw

³ http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=10491:statistics-victims-of-the-israeli-offensive-on-gaza-since-08-july-2014&catid=145:in-focus

⁴ UNICEF field officer in Gaza reported on 21st August that the number of children killed reached 469
http://www.un.org/apps/news/story.asp?NewsID=48532#.U_a8wcV_v6o

⁵ <http://www.timesofisrael.com/unrwa-calls-for-end-to-gaza-blockade/>

3. Global efforts toward this issue should be radically encouraged as well. The international community must act now to end impunity and ensure justice and accountability for the serious violations of international law during the recent Gaza conflict. All of the alleged crimes must be properly investigated and brought to justice not only for the thousands of those who lost lives in the recent shelling, but also to prevent the recurrence of such human rights violations. In July 2014, a special session of the Human Rights Council was held on an emergent request. A resolution⁶ was then adopted on the 23rd of July. It condemns “in the strongest term” the gross violations of international human rights with particular concern towards the “deliberate targeting of civilians” and emphasizes the failure of Israel “to protect the Palestinian civilian population under its occupation as demanded by international law”. HRN welcomes the resolution, especially the establishment of an independent, impartial commission of inquiry. However, it is regrettable that many member states including the United States, most of the EU nations and Japan either opposed or abstained to the resolution. The international community as a whole must support efforts for justice and accountability concerning the grave breaches of international law.

Hence, HRN calls for all member states to support a newly-established commission of inquiry and ensure that an independent and impartial investigation be carried out with full cooperation from both sides of the conflict. Furthermore, HRN urges both parties of conflict to cooperate fully with the established commission and cease any attempt to undermine or harass the credibility of the commission.

4. In fact, Israel’s violation of international human rights and humanitarian law is not limited to the recent Gaza conflict, but has continued for decades. During the past Gaza conflict from December 27th 2008 to January 18th 2009, it is estimated that more than 1400 Palestinians and 13 Israelis were killed. Most of the victims were civilians. The UNHRC subsequently commissioned a fact-finding mission to investigate all violations of international human rights law and international humanitarian law during the conflict. The mission produced the Goldstone Report, which was submitted to the UNHRC on September 15th 2009.

The report concluded there was evidence indicating that Israel had committed serious violations of international human rights and humanitarian law during the Gaza conflict that amounted to war crimes, and possibly crimes against humanity. In the Report, the Mission recommended that the UN Security Council should refer the situation in Gaza to the Prosecutor of the International Criminal Court. However, violations of international law identified within the report have yet to be satisfactorily investigated by domestic authorities or international bodies. HRN would like to stress that the lack of political will to ensure justice and accountability concerning past violations contributed to the recurrence of the violations. The prevailing impunity over the Gaza conflict has caused the people of Gaza to live in increasingly vulnerable circumstances. The international community must not repeat this same failure of justice and accountability.

5. Additionally, it is not only the Gaza Strip, but also the rest of the occupied territories which are concerned. Despite several UN resolutions declaring settlements in the Occupied Palestinian Territories (OPT), including the West Bank, East Jerusalem, and areas known as the Golan Heights illegal, Israel has continued its expansion of settlements, development planning, and the sustainment of existing settlements., Settlements impede Palestinians’ right to self-determination in occupied territories by significantly altering the demographic composition of the local population. It is an accepted fact that civilian settlements in occupied territories are considered illegal under international law, in violation of the Geneva Conventions.

The 2004 advisory opinion of the International Court of Justice⁷ concluded that the construction of the wall and its associated régime, by contributing to the demographic changes previously argued, contravene Article 49, paragraph 6, of the Fourth Geneva Convention as well as violate both the international covenant on civil and

⁶ A/HRC/RES/S-21/1

⁷ 9 July 2004, ICJ Advisory Opinion “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, para 120

political rights and the international covenant on economic, social and cultural rights. Ten years have passed since this opinion was delivered. Nonetheless, the wall and its associated régime remain.

In March 2012, Human Rights Council resolution 19/17⁸ established an independent international fact-finding mission to investigate the effects of the Israeli settlements on the human rights of the Palestinian people throughout the OPT. In March 2013, the fact-finding mission submitted its first report⁹ concerning the OPT to the 22nd session of the Human Rights Council, concluding that the resettlements violate international human rights law and international humanitarian law, and recommending that “Israel must cease all settlement activities without preconditions. . . . In addition it must immediately initiate a process of withdrawal of all settlers from the OPT.” Human Rights Council Resolution 22/29 endorsed this conclusion. However, the resettlement policy remains. HRN recognizes that the root causes of the Israel-Palestine conflict are the continuous human rights violations and prevailing impunity of these violations. Resolving all violations of international law - such as impunity of war crimes, the blockade in Gaza, and the resettlement and wall issues in West Bank - in conformity with international law is essential to solve the conflict as a whole.

6. States have an obligation to respect and ensure respect for international law. All parties involved in the conflict should take all necessary steps to protect civilians from harm. Failure to investigate and seek justice for victims of these serious violations of international law need to be addressed, such as the breach of the 4th Geneva Convention, war crimes, and crimes against humanity. HRN urges that immediate steps be taken by the international community to ensure justice and accountability of those violations.

⁸ A/HRC/RES/19/17

⁹<http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/FFM/FFMSettlements.pdf#search='Israel+must+cease+all+settlement+activities+without+preconditions%E2%80%A6%E2%80%9D%E2%80%9CIn+addition+it+must+immediately+initiate+a+process+of+withdrawal+of+all+settlers+from+the+OPT'>