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**Human rights situation in Palestine and other
occupied Arab territories**

**Joint written statement* submitted by International
Organization for the Elimination of All Forms of Racial
Discrimination, Arab Organization for Human Rights,
Association Ma'onah for Human Rights and Immigration,
Forum for Development and Human Rights Dialogue,
Human Rights Information and Training Center, Human
Rights Solidarity Organization, International-Lawyers.Org,
Union of Arab Jurists, non-governmental organizations 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.

[11 February 2024]

* Issued as received, in the language of submission only.



In Search of Justice for the Palestinian People

Introduction

The human rights in the Occupied Palestinian Territory (OPT) is alarming. The ongoing humanitarian catastrophe in Gaza is among the most devastating in recent history. Following the events of 7 October 2023, Israel has waged a brutal military campaign in the region, showing no indication of relenting. As of 8 February 2024, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimates that over 27,708 Palestinians have been killed, with a further 67,147 injured, and over 1.7 million displaced from their homes. Over 70% of these fatalities have been of women and children. Conditions are so dire that representatives of international humanitarian organizations have claimed to “have seen nothing like what they have seen today in Gaza”, according to the UN Secretary-General. The Executive Director of the United Nations International Children’s Emergency Fund (UNICEF) has further stated that the region is “the most dangerous place in the world to be a child”.

Israel’s military campaign is nothing short of an attempt to bring about the destruction of the Palestinian people. Despite repeated earlier warning by the UN human rights experts, no concrete actions were taken to stop the massacres in Gaza. South Africa claimed as much in its lawsuit at the International Court of Justice (ICJ), which recently found there to be a real and tangible possibility that a genocide is underway. With overwhelming support among the judges on its bench, the Court determined that Israel’s military assault poses a significant threat not only to the lives of millions of civilians in Gaza, but to their very way of life. It is therefore fitting that the Court has ordered Israel to cease all military operations that may contribute to genocide. In light of this, and the humanitarian catastrophe that is unfolding, we urge the Human Rights Council to hold Israel accountable for its violations of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. and to prevent any further eradication of innocent life in Gaza.

Scrutinizing Israel’s Justifications

Israel defends its actions by claiming that it is acting purely in self-defense. Any harm done to civilians, as on 7 October 2023, is unacceptable and should be condemned. However, it appears that this principle, to which all UN members ought to aspire, has not been extended to the Palestinian people. This is evident in the total destruction of civilian infrastructure in Gaza. Reports from locals and international onlookers show that thousands of neighborhood homes with no apparent Hamas presence have been destroyed since October. In fact, OCHA estimates that as of 8 February 2024, more than 360,000 of the strip’s housing units have been damaged or destroyed. That represents over 60% of the total prior to the assault. This is in addition to the hundreds of schools, sites of worship, and cultural centres turned to rubble – places that make up the heart of Palestinian life. Over 90% of school buildings in the region have sustained significant damage, leaving all 625,000 of its students with no access to education. Only 13 of Gaza’s 36 hospitals are even partially functional. The Israeli Defense Forces claim to precisely target sites of Hamas activity. Why, then, have they conducted such a widespread attack akin to an indiscriminate and full-scale carpet bombing of the region? The claim of self-defense can only go so far, and Israel has long passed that breaking point.

The matter of disproportionality is far from the only issue with Israel’s supposed claim of self-defense. From its beginning, this campaign has been waged with an apparent genocidal intent toward the Palestinians, as shown repeatedly through hateful statements from top government officials and military leaders. Take, for instance, the following statement by Israeli President Isaac Herzog in relation to Palestinians in Gaza, over one million of whom are children:

“It’s an entire nation out there that is responsible. It’s not true this rhetoric about civilians not aware [and] not involved. It’s absolutely not true. ... and we will fight until we break their backbone.”

In another alarming statement, Israeli Defense Minister Yoav Gallant announced that Israel would be “imposing a complete siege on Gaza. No electricity, no food, no water, no fuel. Everything is closed. We are fighting human animals, and we are acting accordingly.” He followed this by claiming that Israel had “removed every restriction” on its forces, and that “Gaza won’t return to what it was before. We will eliminate everything. If it doesn’t take one day, it will take a week. It will take weeks or even months, we will reach all places”. Given the scale of the carnage, any attempt to rebuild the fabric of civilian life in the region will take generations – a task that will unfortunately be left to the Palestinian children, who are now scarred, mentally and physically, by this conflict.

From these statements it should come as little surprise that Israeli forces have shown little regard for the devastation they have wrecked upon the Palestinian people. They claim to make concerted efforts to allow the passage of humanitarian resources, yet conditions have only grown worse in recent weeks. As reported by OCHA, the situation in Gaza is so dire that over 2.2 million people are at imminent risk of famine, with 378,000 at catastrophic levels (Phase 5) and another 939,000 at emergency levels (Phase 4). The UN agency also reports critical shortages of drugs, blood products and other medical supplies. Some doctors have even stated to have performed amputations and other severe procedures without anesthetics, because they could not obtain them from outside sources ready to deliver if not for Israeli restrictions on aid imports. Such restrictions have been the norm since Israel’s campaign in Gaza.

Israel also purports to minimize civilian casualties by issuing warnings for civilians to relocate to safe areas before it launches strikes. This claim fails to match the reality of the situation. On numerous occasions, thousands of Palestinians have been shuffled to designated safe zones, only for those to be attacked without warning. The spaces within which civilians are expected to find shelter have become increasingly narrow. With Gaza already being one of the most densely populated regions in the world, living conditions in these areas, assuming they are not also bombarded, are untenable. Thousands have understandably opted not to leave their homes. Many are incapable of doing so for health reasons, while others have chosen not to due to their awareness of the conditions that await them, and their human desire to stay in the places where they have built their lives. Some never even receive the warnings, as communications and electricity are often cut off.

The combination of these factors – Israel’s disproportionate and indiscriminate attacks, genocidal rhetoric, and seemingly deliberate failure to minimize civilian harm – can only be interpreted as an attempt to bring about the destruction of the Palestinian people. The international community must step in to avert further destruction. Neglecting to do so would go down in history as a grave failure to prevent genocide, and a tragic disregard for the principles of international law.

The Path Forward

The ICJ correctly determined that there is an urgent and tangible possibility of a genocide being underway in Gaza. Accordingly, it ordered several provisional measures demanding that Israel fulfill its obligations under the Convention to prevent genocide. Among these is the order not to kill the Palestinian people, cause serious bodily harm to them, or deliberately inflict conditions calculated to bring about their destruction. The international community must take immediate measures to ensure the Court’s orders are fulfilled, and to protect the basic rights of Palestinians. Some recommendations to this end include:

1. Security Council resolutions calling for the enforcement of the Court’s order, and the end to Israel’s occupation of the State of Palestine.
2. Significant increases in financial and logistical support for the United Nations Relief and Works Agency (UNRWA) to meet the humanitarian needs of the Palestinian people.
3. Sanctions and other diplomatic instruments to compel Israel to cease its violations of the rights of the Palestinian people.

The refusal to implement these measures would pose grave consequences. It would represent an unequivocal failure of international law, dealing a significant blow to the credibility of the ICJ, human rights mechanisms, and other concerned bodies. One of the chief aims of such institutions has been to protect human rights and to hold perpetrators of the violations accountable for their misdeeds. What purpose do such legal mechanisms, and perhaps international law more broadly, serve if they can be cast aside at the whims of powerful political interests? The case of the State of Palestine demands serious reconsideration of the international community's commitment to its most fundamental principles. At this critical juncture, it must act decisively to restore faith in the international legal order by imposing consequences on those who defy its rulings, ensuring that justice prevails over political expediency. Only then will the decades-long plight of the Palestinian people be truly recognized.

Euro-Med Human Rights Monitor, Association mondiale des blogueurs – Genève, Advocacy for Human Rights and Justice-Sierra Leone (ADHRJUST-SL), Alliance internationale pour les droits et le développement (IAHRD), Brussels Tribunal, Investigation Organization for Development and Human Rights– Yemen, Association of Victims of Torture – Geneva, The Yemeni Coalition to monitor Human Rights Violations- YCMHRV, Women Journalists Without Chains Organization, Geneva International Centre for Justice (GICJ), Missing Persons Families Group (MPFG), Worldwide Lawyer Association, AFDI International, Rights Radar for Human Rights, Association Pont- Genève, Tawasol Organization for Human Rights, Local Development Organization (LDO), SAM Organization for Rights and Liberties, Defense Foundation for Rights and Freedom, Abductees Mothers Association, Human Rights Solidarity, Free Voice Organisation for Human Rights, Egypt Organisation for Human Rights (EOHR), Justice For Human Rights Solidarité des Organisations d'Appui à la Paix (SOA-P), Ethiopian Lawyers with Disabilities Association, (ELDA), Association mondiale des blogueurs – Genève, Arab Council Foundation – Geneva, Advocacy for Human Rights and Justice-Sierra Leone (ADHRJUST-SL), Alliance internationale pour les droits et le développement (IAHRD), Advocacy for Human Rights and Justice-Sierra Leone (ADHRJUST-SL), The National Organization for Defending Rights and Freedoms (HOOD), Assoc of Detainees and the Missing in Southern Syria, The National Forum for Defending Freedoms Jordan, ALKARAMA_ Geneva, Al-Marsad Society for Human Rights, Salam for Democracy and Human Rights-London, Center for My Right for Support the Rights and Freedom, The Iraqi Centre for Human Rights, Principle Society for Human Rights, The Bahraini Society of Jurists, International Association of Syrian Jurists in Türkiye, American Center for Justice (ACJ), European Palestinian Council for Political Relations- Brussels, NGO(s) without consultative status, also share the views expressed in this statement.