



# General Assembly

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## Human Rights Council

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

**Written statement\* submitted by International-Lawyers.Org, the Arab Organization for Human Rights, the General Arab Women Federation, the Indian Movement "Tupaj Amaru", the International Organization for the Elimination of All Forms of Racial Discrimination, the Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, Inc., the World Peace Council, non-governmental organizations on the roster, 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.

[17 February 2016]

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



## The third Intifada: A civilian response to Israel's unjust policies

### INTRODUCTION

Palestinians have been living under an occupation for decades now. As the Occupying Power, Israel should provide civilians with protection.<sup>1</sup> Israel violates numerous international laws via continued discriminatory policies, violent attacks, displacement and depopulation. Contrary to general norms of customary international law, the occupying power practices a systematic policy of apartheid, characterized by dispossession, settler violence, heavy movement restrictions and deprivation of socio-economic rights. Escalated international action is required. Recent activity on occupied Palestinian territories is seen as a 'third intifada.'<sup>2</sup> Palestinian citizens are frustrated and decided to take acts of resistance while Palestinian leadership remains unsupportive.<sup>3</sup> With the daily violations the rights of the Palestinians are being forgotten. Hence, the international community, specifically the United Nations, with resilience, should take all necessary action to enable the indigenous Palestinians to realise their inalienable rights (right of self-determination without external interference, the right to sovereignty and the right to return.) The President of the UN General Assembly highlighted this during the special meeting of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.<sup>4</sup>

### BLOCKADE

The blockade on Gaza is halting the chance for any form of reconstruction of vital civilian infrastructure.<sup>5</sup> The blockade encircles 2 million Palestinians and proves our thesis that the third intifada is a consequence of depression and collective punishment.<sup>6</sup> Israel in its defence claims that the Geneva Convention does not apply to occupied territories from the end of the Six-Day war.<sup>7</sup> Since the beginning of the blockade in 2006 only two access points allow entrance to Gaza. These are strictly pedestrian crossings, which prohibit the transportation of much needed goods. The Gaza strip is suffering from a lack of essential supplies. The recent discovery of offshore natural gas fields within Gaza's Strait waters shows that Israel's intentions might also have a strong economic interest.<sup>8</sup> Maintaining the blockade, as a security precaution should be very carefully analysed.

### WHITE PHOSPHORUS

Recently, the usage of White phosphorus ammunition has increased.<sup>9</sup> As a result high levels of congenital heart disease among children and especially infants was recorded. Further complicating the issue is the fact that due to the blockade, the hospitals in Gaza lack basic medicine and equipment to even attempt a treatment of such a conditions. The usage of such weapon has injured and killed scores of Palestinian civilians and the continued use of white phosphorus munitions within populated areas constitutes a war crime.<sup>10</sup> The most deplorable usage of white phosphorus within the occupied territories was during an Israeli attack on a UN sponsored school on January 17<sup>th</sup> 2009. This occurred in the town of Beit Lahiya and the school was at the time of the attack sheltering some 1600 IDP's.<sup>11</sup>

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<sup>1</sup> The Geneva Convention outlines the responsibility of the Israeli authorities.

<sup>2</sup> The word "intifada" is Arabic for an uprising.

<sup>3</sup> Both Hamas and the Palestinian Liberation authority are distancing themselves from the uprisings.

<sup>4</sup> Statement by the President of the General Assembly, Mr. Mogens Lykketoft, at Special Meeting of the Committee on the Exercise of the Inalienable Rights of the Palestinian People

<http://www.un.org/pga/70/2015/11/23/committee-on-exercise-of-inalienable-rights-of-palestinian-people/>

<sup>5</sup> The blockade hinders any form of building materials from being allowed into Gaza for the use in the re-construction of hospitals, schools and housing.

<sup>6</sup> Collective punishment is a clear violation of Article 33 of the Fourth Geneva Convention

<sup>7</sup> Security Council, the General Assembly, ICRC, and International Court of Justice, that indeed it does apply.

<sup>8</sup> Israel has already started to erect gas platforms in the sea, to which Palestinian fishing boats are not allowed to come within 7 miles.

<sup>9</sup> The nature of white phosphorus munitions is such that it can be used either as a smoke screen that masks an attack or give a strategic advantage, or in other uses it is also deployed as an incendiary weapon that burns very slowly, whilst producing a toxic smoke.

<sup>10</sup> The use of white phosphorus in heavily populated civilian areas is banned according to Protocol III of the 1980 Convention on Conventional Weapons.

<sup>11</sup> This attack alone injured 14 people and killed two children who were sleeping at the time when one of the discharged shells landed inside the classroom they were in.

Two days earlier at least three white phosphorus shells landed in a United Nations Relief and Works Agency compound in Gaza City, destroying 3.7 million dollars worth of medical supplies.

### **SETTLERS AND ILLEGAL SETTLEMENTS**

Jewish settlers resort to vigilante violence, and communal militancy that often passes unhindered by the state.<sup>12</sup> Palestinians are assaulted on a daily basis. Jewish Settlers often verbally and physically abuse them.<sup>13</sup>

July 2015 engulfed the tragedy of the Dawabsheh family, who lost its 18-month-old son after Jewish settlers set the family house on fire. Such attacks are not uncommon. This one only made the news due to its extremely tragic outcome, resulting in international condemnation. Following this tragic event, the Israeli authorities launched an investigation into the perpetrators and their motives for this attack.<sup>14</sup> The UN has criticized the Israeli authorities for working very slowly and ineffectively in carrying out the task of investigating this attack. January 3<sup>rd</sup> 2016, two suspects were at last indicted. The aftermath of the trial revealed the bias of the Israeli judicial system such that the time taken to process the case was significantly slower than it would be if the victim was Israeli and that no compensation was ruled for the family in questions.

The rights group Ahrar, has alone documented over 126 attacks and acts of vandalism targeting Palestinians in the first week of October 2015.<sup>15</sup> 12<sup>th</sup> of November 2014 another act of arson was reported on a mosque in the al-Mughayyir town near Ramallah.<sup>16</sup> One reason as to why the settlers act with such impunity is the fact that the Israeli judicial system goes very softly on them should they be convicted or caught. The reason for this is because most of the settlers are subject to the jurisdiction of Israeli civilian law although the Occupied Palestinian territories fall under Israeli military law. Thus creating a dual system of law within the same territory, one that is applied to the Palestinians and the other that is applied to the Jewish settlers. This is violating the Fourth Geneva Convention article 49.

### **DESTRUCTION OF CULTURAL HERITAGE**

Recently Israel excavated a Muslim graveyard in West Jerusalem, in what it deemed an archaeological project for the 'Museum of Tolerance' project. Many Palestinians see the destruction of their heritage and historical sites as an Israel attempt to erase the history of the Palestinians. During the Israeli offensive in the summer of 2014, many of the Gaza strip's historic sites were badly damaged by the air strikes. These included tombs, cemeteries and mosques.<sup>17</sup> Today many of the intact ancient sights, sacred to the Palestinian people are off limits. The destruction of cultural heritage leaves nothing for future generations to remember the deeds and achievements of their ancestors, their people as such become forgotten. Once they are forgotten it is easy for them to disappear.

### **THE RESIGNATION OF THE UN SR**

Mr. Makarim Wibisono UN Special Rapporteur on the Situation of human rights in Palestine resigned from his post after being denied access to any of the areas he was tasked with monitoring. Whilst the Palestinian authorities were compliant with his requests as an impartial observer, Israel never responded to oral and written requests. This highlights the lack of Israeli concern about Palestinian Human rights but also its obstruction of UN work.

### **CONCLUSION**

Israel continuously violates the Geneva Convention. The disregard for international law has resulted in the suffering of millions. The blockade must be lifted and illegal settlements shall not further expand.

<sup>12</sup> Israeli politicians even support violence and recently Deputy Defence Minister urged citizens to carry arms.

<sup>13</sup> Abuse often targets the whole Palestinian population regardless of gender or age. Settlers are known to attack Palestinians and vandalize their homes and businesses. Common cries of "death to Arabs" can be often heard.

<sup>14</sup> It had been clear that this was the action of Jewish extremists, since the nature of the attack and the methods employed in carrying were published in a book titled "Kingdom of Evil" by Moshe Orbach. This is a manuscript or manual that gives clear instructions as to how one should set fire to either a mosque or a Palestinian home.

<sup>15</sup> <http://www.aljazeera.com/indepth/features/2015/10/palestinians-targeted-surge-settler-violence-151005094440784.html>

<sup>16</sup> <http://english.al-akhbar.com/node/23933>

<sup>17</sup> Some of the artefacts date back to the time of the first caliphs and the Ottoman Empire.

**Recommendations:**

- The international community should collectively demand blockade lift and the provision of humanitarian assistance Gaza should urgently be acquired.
- Accountability shall be allocated to Israel in the case of hindering UN activity.
- The UN and its organs shall, take all the actions and measures within their charter to enable the Palestinian people to exercise their rights of self-determination, sovereignty and the right to return.
- The Human Rights Council should exert all efforts to enable the Special rapporteur on Palestine to visit the Occupied Territories freely and without any restriction.

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The BRussells Tribunal, Arab Lawyers Association- UK, Geneva International Centre for Justice (GICJ), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), General Federation of Iraqi Women (GFIW), Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Human Rights Defenders in Iraq (AHRDI), Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association, Organisation for Justice & Democracy in Iraq (OJDI), NGOs without consultative status, also share the views expressed in this statement.