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Written statement* submitted by the International Association of Democratic Lawyers, 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.

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

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War crimes in the Gaza Strip

The International Association of Democratic Lawyers (IADL) strongly condemns the ongoing brutal military offensive carry out by Israel in the Gaza Strip, the so called “Operation Protective Edge”.

Under the declared pretext of annihilating Hamas' resistance, on June 8th the Israeli forces launched a new large-scale offensive against the Gaza Strip and its 1.8 million inhabitants (the third in the last six years) inflicting heavy civilian casualties and further devastation on a long besieged and impoverished territory.

After fourteen consecutive days of intensive aerial, ground and sea shelling, the scale of human loss and destruction inflicted by Israel to Palestinians living in Gaza is immense. At the time of writing, since the beginning of the offensive:

- 492 Palestinians have been killed, of whom 406 were civilians, including 129 children and 69 women;
- 2,803 others have been wounded, mostly civilians, including 679 children and 478 women;
- 425 houses have been targeted and destroyed and hundreds of others extensively damaged.
- at least 170,000 Palestinian civilians have been forcibly displaced. UNRWA reported that 100.000 people were taking refuge in its facilities.

By indiscriminate attacking highly populated areas, inviting civilians to evacuate even though they don't have any place to go, the Israeli forces engaged in a massive campaign of collective punishment in disregard for international humanitarian law, which ensure protection for civilians in times of war, and in violation of the principles of necessity, proportionality and distinction.

The Israeli forces engaged in punitive destruction of houses in the Gaza Strip, causing a huge number of civilian deaths. The Gaza Strip is one of the most densely populated areas in the world, and that the targeting of homes inevitably results in significant collateral damage to individuals and property nearby. Many of the civilian victims were killed in their houses, or while evacuating. Entire families have been exterminated.

The military offensive included attacks on hospitals, ambulances, disabled' center, media workers, radio stations, mosques and other protected infrastructures protected under international humanitarian law. On July 14th, UNRWA denounced that 47 of its facilities including schools, clinics and warehouses have been damaged by Israel air raids and other fire in violation of international law. The public health sector is nearly collapsed.

According to the ICRC drinking water, sanitation, and sewage infrastructures have been seriously damaged and are in need of extensive repairs. Following the deaths of several municipal water technicians over the past few days, Gaza's water service provider has suspended all field operations until the safety of its staff can be guaranteed. Hundreds of thousands of people in Gaza are now without water; sewage is overflowing, bringing a serious risk of disease. Additionally, more than one third of the Gaza Strip's population lack electricity supplies as Israeli forces damaged major electricity lines and obstructed their repair.

The humanitarian situation in the Gaza Strip is quickly deteriorating due to the continuous indiscriminate Israeli shelling of populated areas, the threats to expand military operations and the continued tightened closure of the Gaza Strip.

Such a brutality doesn't have any justification. Israel cannot claim to act in “self-defense” because, as also recognized ten years ago by the International Court of Justice in its “Advisory Opinion on the “Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territories”, the Palestinians constitute a people under Israeli occupation and are therefore not a “foreign” threat for the purposes of Article 51 of the UN Charter.

IADL expresses deep concern for the impunity still granted to Israel by the international community. During its 47-years occupation, Israel has consistently and systematically violated international human rights law and humanitarian law but until now has not been held accountable for its crimes. This impunity has resulted in Israel continuing – and escalating- its violation of international law.

The international community must take serious steps in order to protect and promote the human rights of the Palestinian people and to safeguard fundamental principles of international law. Grave breaches of international humanitarian law are war crimes and must be investigated and those responsible must be held accountable.

In order to put an end to all violence in the Occupied Palestinian Territories, and in particular in the Gaza Strip, and to restore the rule of law:

We call upon the State of Palestine to immediately sign and ratify the Rome Statute of the International Criminal Court, and to lodge a declaration with the Court's Registrar under Article 11 (2) and 12 (3) of the Statute, accepting the exercise of jurisdiction by the Court from the date of entry into force of the Statute, 1st July 2002.

We urge the government of Israel:

- to stop immediately all military operations in the Gaza Strip and to allow the free movement of people and goods at all the border crossing;
- to put an end to all violation of human rights in the Occupied Palestinian Territories;
- to end the occupation of Palestine;
- to lift immediately the illegal blockade of the Gaza Strip in place since mid-2007, which constitutes a form of collective punishment prohibited under international humanitarian law;
- to dismantle buffer zones and allow Palestinian farmer to take full advantage of their agricultural land;
- to allow Palestinian people to make use of their maritime area up to 20 miles and to stop all acts of aggression against fishermen and farmers.

We urge the Human Rights Council:

- to strongly condemn the ongoing Israeli military offensive on the Gaza Strip as a gross violation of international humanitarian law.
- to call upon the Israeli government to immediately put an end to all acts of violence against the Palestinian people and to fully comply with its obligations under international human rights law.
- to call for a cease fire, which must be inclusive, acceptable and effectively addressing the fundamental rights of the Palestinians people.
- to encourages all relevant special procedures mandate holders, within their respective mandates, to pay particular attention to the situation of human rights in the OPT and to urge Israeli authorities to cooperate with those mandate holders, including by allowing country visits;
- to dispatch urgently an independent international commission of inquiry to investigate into all alleged violations of international humanitarian law in the Occupied Palestinian Territories and in particularly in the Gaza Strip, to establish the facts and circumstances that may amount to such violations and to identify those responsible in order to ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable.
- to remain seize of the matter.

We urge all Member States to comply with their obligations and assume their responsibility under international law and therefore:

- to adopt without delay national criminal legislation to enable them to prosecute persons committing or ordering to be committed any grave breach of international humanitarian law according to art. 146 of the Fourth Geneva Convention.
- to establish arms embargoes on Israel, suspending all supplies of weapons and military aid as a means of preventing further escalation of violence and bearing in mind that Israel could use such aid to commit war crimes.

Finally, we reiterate our call to the Government of Switzerland, in its capacity as depositary of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, to reconvene, as soon as possible, a conference of High-Contracting Parties on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its compliance by Israel in accordance with common article 1.