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

Joint written statement* submitted by the Organization for Defending Victims of Violence, 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.

[24 August 2014]

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

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Contradiction of unilateral and multilateral sanctions with Right to Development principles Recognizing Gaza Strip as a Federal Part of Palestine to Pursue Israel Genocides*

The concepts of war crimes, genocide and collective punishment are famous concepts which are regularly used in the past decade for Israeli actions against Gaza strip. There are lots of documents and resolutions drafted by various international organizations and Individuals which proved all kinds of violations of international laws in the "Solitary confinement of Gaza" during past years by Israel. Israel unilaterally disengaged from Gaza in September 2005, and declared itself no longer to be in occupation of the Strip. However, as it retains control of Gaza's airspace and coastline, it continues to be designated as an occupying power in the Gaza Strip by the United Nations General Assembly and some countries and various human rights organizations.

Now there are some key missing links between all documentation in the dramatic scenario of Gaza. It is not clear, in which international laws, the relationship between Israel and Gaza strip is defined. How are the rights of people in Gaza strip recognized and considered in international laws? Who is the consistent and authoritative reference for the deadly events imposed by Israel on Gaza strip?

There are 2 main approaches to the relation of Israel to Gaza strip:

Approach A) Supporters of this approach claim that Gaza strip is the part of Israel authority from international viewpoints or at least this region has no owner. Then the events in this region should be defined in the circle of civil and internal issues. The Israeli position is that Gaza is no longer occupied, in as much as Israel does not exercise effective control or authority over any land or institutions in the Gaza Strip. The ex-Israeli Minister of Foreign Affairs Tzipi Livni stated in January, 2008: "Israel got out of Gaza. It dismantled its settlements there. No Israeli soldiers were left there after the disengagement. Israel also notes that Gaza does not belong to any sovereign state.

Approach B) This approach is held by International organizations such as the U.N, the majority of human rights lawyers and practitioners of international laws claims that Gaza strip is a part of Palestine territory and should not be assumed as a divided part. Since the Israel – Palestine Liberation Organization letters of recognition of 1993, the Gaza Strip came under the jurisdiction of the Palestinian Authority. Also a July 2004 opinion of the "International Court of Justice" treated Gaza as part of the occupied territories. In February 2005, the Israeli government voted to implement a unilateral disengagement plan from the Gaza Strip and at least on 12 September 2005 the Israeli cabinet formally declared an end to Israeli military occupation of the Gaza Strip. But in his statement on the 2008–2009 Israel–Gaza conflict, Richard Falk, United Nations Special Rapporteur on the situation of human rights in the Palestinian territories, wrote that international humanitarian law is applied to Israel "with regard to the obligations of an Occupying Power and in the requirements of the laws of war." In a 2009 interview on Democracy Now, Christopher Gunness, spokesperson for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) contends that Israel is an occupying power on Gaza. Finally The United Nations, Human Rights Watch and many other international bodies and NGOs continue to consider Israel to be the occupying power of the Gaza Strip as Israel controls Gaza Strip's airspace, territorial waters and controls the movements of people or goods in or out of Gaza by air or sea after 2010 (siege of Gaza), 2012 (Gaza-Israel 8 day war) and current 2014 imposed war to Gaza strip.

In response to the claim of "Israel right to self-defense" we should say that the Collective punishment is a violation of the laws of war and the Geneva Conventions, even with accepting such misleading and wrong claim. Near 2000 people are killed and almost 10000 others wounded during 38 days imposed war on Gaza and still the main ambiguity is that how the rights of these people will be exercised in international legal institutions. On August 2014 President Mahmoud Abbas argued that the complaint against war crimes on Gaza is likely to backfire against the Palestinian resistance and that the Palestinian Authority favored a different strategy. Although this news is rejected by some Palestinian *authorities* during the next days but did not decrease the concerns and ambiguity of the future of this issue.

Recommendations:

- 1- Creating a legal entity by the Gaza strip authority to pursue Gaza crimes directly through international legal mechanisms.

- 2- Recognizing the Gaza strip as a federal part of Palestine which has the jurisdiction over international legal institutions by PA as an independent body for following war crimes and sieges against Gaza like the position granted to Ukraine and Belarus in 1944 by the Soviets Union .
- 3- Recognizing the rights of self-defence for Gaza authority as an independent political-military system until the creation of final independent Palestine state.
- 4- Settlement of U.N Peacekeeping forces right outside Gaza borders to avoid IDF invasions.
- 5- Opening a new certain way and road to transfer basic supplies under the supervision of a U.N authority through the Mediterranean Sea and Sinai desert out of Egypt and Israel camera monitoring.

* Neda Institute for Scientific & Political Research NGO(s) without consultative status, also share the views expressed in this statement.