



General Assembly

Distr.
GENERAL

A/HRC/9/NGO/34
29 August 2008

ENGLISH ONLY

HUMAN RIGHTS COUNCIL
Ninth session
Agenda item 7

HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER OCCUPIED ARAB TERRITORIES

**Written statement* submitted by the Cairo Institute for Human Rights Studies
(CIHRS), 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 2008]

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

Human Rights in Palestine:

Between the Hammer of Israeli Occupation and the Sickle of Internal Conflict

1. This year, while the United Nations is celebrating the sixtieth anniversary of the Universal Declaration of Human Rights, and the International Day of the World's Indigenous People, the Palestinians commemorated the sixtieth anniversary of the 1948 displacement of more than 750,000 indigenous Palestinians from Palestine, including the destruction of hundreds of Palestinian villages.

2. The last six decades have witnessed the continuous and ongoing denial of the Palestinian right to self determination within the Occupied Palestinian Territories (OPTs). Throughout this time period, Israeli occupation forces have increasingly carried out extrajudicial killings of Palestinians, have employed excessive force against civilians without distinguishing between civilian and military objectives, and have pursued a policy of collective punishment against all Palestinian civilians in the occupied territories. Over the last sixty years the international community, in particular the United States and Europe, have failed to hold Israel accountable for its complete disrespect for fundamental international legal standards within the OPTs, including grave and widespread war crimes and human rights violations carried out by Israeli forces against Palestinian civilians. Moreover, the human rights situation in the OPTs has further deteriorated over the last several years due to the escalation of violent conflict between the main Palestinian political factions of Fatah and Hamas, and the almost complete closure and isolation of the Gaza strip by the Israeli military.

Blockade of Gaza Strip

3. A blockade imposed on the Gaza strip by the Israeli government, including restricting humanitarian supplies and other basic necessities from entering Gaza, constitutes a policy of collective punishment against the 1.5 million Palestinians living there. Israel has also denied Palestinian civilians in Gaza the ability to travel outside of Gaza, including Palestinians seeking urgent medical treatment and students attempting to exit for educational purposes. This almost complete isolation and blockade constitutes a serious humanitarian catastrophe for civilians living in Gaza.

4. While some Palestinian armed groups carry out indiscriminant rocket attacks against Israel in breach of the 4th Geneva Conventions, none-the-less, the blockade imposed on Gaza and the many indiscriminate attacks carried out by Israel in Gaza and the OPTs, both of which subject millions of innocent Palestinians to disproportionate levels of violence and collective punishment, can not be justified as a legitimate deterrent to such rocket attacks.

5. The blockade imposed on the Gaza strip has resulted in the death of more than fifty persons who were in need of medical treatment, but were prevented by the Israeli authorities from leaving for treatment. At the same time, due to the blockade¹, medical facilities in Gaza often lack the supplies and equipment necessary for treating serious medical problems, such as heart attacks and cancer. Last April, only 790 cases out of 1077

¹Amnesty International Organization report on Gaza blockade and collective punishment (4 July 2008)
<http://www.amnesty.org/en/library/asset/MDE15/021/2008/en/6300b18f-49de-11dd-9394-c975c4bd488d/mde150212008eng.pdf>

sick persons were granted a permit to leave Gaza for treatment abroad. Fifty-four persons were prohibited from leaving and 314 did not get any reply during that month.²

6. As a result of the blockade, hundreds of Palestinian students in the Gaza strip have been denied the ability to travel outside of Gaza to begin or continue their studies. Often educational facilities in Gaza³, due in part to the blockade, lack the necessary specializations and resources for these students to receive an adequate higher education. In addition, these students face the threat of losing scholarships granted to them in several European, American and Arab universities, and without which they would not be able to pay for their studies. These policies constitute violations of Article 13 of the International Covenant on Economic, Social and Cultural Rights, which stipulates that state parties have the duty to ensure that individuals have the opportunity to receive an adequate education.

Violence Inflicted on Civilians by Occupation Forces

7. During 2008, Israeli occupation forces increasingly targeted civilians resulting in an increase in the amount of civilians killed by Israeli forces. During the first five months of 2008, 380 Palestinians, mostly civilians, were killed by Israeli forces, including more than 60 children, constituting a sharp increase in the number of killings by Israel in the OPTs in comparison to 2007.⁴

8. Also, in contradiction with international humanitarian law, Israeli occupation forces continue to employ a policy of using Palestinian civilians as human shields during military operations. In some cases, particularly in the Gaza Strip, children are used as human shields.⁵

9. Extrajudicial assassinations and/or targeted killings continue to be used as military policy by Israeli occupation forces in violation of international humanitarian law, as well as Article 3 of the Universal Declaration of Human Rights and Article 6 of the International Covenant on Civil and Political Rights, both of which protect the right to life and forbid arbitrary killings. Between August 2006 and June 2008, approximately 170 Palestinians were extrajudicially assassinated by Israeli forces in the OPTs. In total, 658 Palestinians,

² Ibid. see also, SR report on the situation of human rights in the Palestinian territorial occupied since 1967, seventh session HRC. January 21, 2008 P.P 12-27.

<http://daccessdds.un.org/doc/UNDOC/GEN/G08/402/29/PDF/G0840229.pdf?OpenElement>

³ A Joint statement made by Cairo institute for human rights studies (CIHRs) with 23 other human rights Egyptian organizations on demanded the Egyptian government to access permit Palestinian students who trapped in Gaza 2008. See also, (HRW) statement, on a message to U.S government entitled: " challenge Israel's restrictions on Gaza student" June 3, 2008. <http://hrw.org/english/docs/2008/06/03/isrlpa19009.htm>.

⁴ According to Palestinian center for human rights (pchgaza), 253 civilian have been killed in - circumstances were not constitute a threat to the life of occupation soldiers - was concluded, 51 children and 4 women. For more details, the Annual report 2007.

<http://www.pchgaza.org/files/annual/arabic/annual2007.htm>

<http://www.btselem.org/english/statistics/casualties.asp> .

⁵ Al-Mezan Center for Human Rights, has published report entitled " the occupation troops using Palestinian civilians as human shields" including many documentation cases, concluding using Palestinian children as human shield particularly in Gaza strip 17/ 6/ 2008. See the report http://www.mezan.org/document/Human_shields_ar.pdf . Also.

http://www.mezan.org/site_en/press_room/press_detail.php?id=854

189 in the West Bank and 429 in Gaza strip, have been victims of extrajudicial assassinations by Israeli forces since the year 2000.⁽⁶⁾

Internal Conflict between Fatah and Hamas

10. The armed conflict between security bodies of the Palestinian Authority under the control of Fatah, and the armed militias of Hamas, has resulted in an exacerbation of human rights violations against Palestinian civilians and an increased absence of the rule of law within the OPTs. Both sides of the conflict have been guilty of committing torture and other human rights violations. The escalation of sectarian violence has continued throughout 2008, as has human rights violations committed by each side of the conflict, including censorship and repression of civil society organizations and the media.⁽⁷⁾

Recommendations

Israeli Government

- In accordance with international law, allow all medical supplies to enter the Gaza Strip and all Palestinians seeking medical care outside of Gaza to exit for this purpose.
- Immediately cease the collective punishment of Palestinians in the Gaza Strip by ending the blockade imposed on Gaza, including allowing all humanitarian and medical aid to enter, and immediately allow the free movement of students and medical patients across border check points.
- Cease unlawful civilian killings and extrajudicial assassinations, and take all necessary steps to ensure this practice is no longer used as a military policy.
- Immediately halt the policy of using civilians as human shields.

Palestinian Authority and Hamas Movement

- Protect and uphold the freedom of expression, association and other basic freedoms for civil society organizations and the media with the OPTs.
- Enforce the rule of law, including the carrying out of full and balanced investigations into any violent conflicts or attacks that may occur, and ensure that any Palestinians investigated or accused of wrong doing receive all guarantees of fairness and due process in a court of law.
- Begin reconciliation efforts, including a national dialogue on the increasing conflict within Palestinian factions, and on the rapidly deteriorating economic and social situation in the Gaza Strip and other Palestinian areas.

Egyptian Government

⁶ Israeli Information Center for Human Rights (Btselem). See website. www.btselem.org/english/statistics/casualties.asp.

⁷ Joint press release by al- mezan center for human rights with 4 other Palestinian organizations on calling to respect of the law and claim in investigate violations, with return to the dialog between Fatah and Hamas. 3/08/2008. http://www.mezan.org/site_ar/press_room/press_detail.php?id=1136.

- Ensure that students and people in need of medical treatment are allowed free movement through the Rafah crossing point of the Gaza Strip, and that all humanitarian supplies and basic necessities are allowed to cross into Gaza, and make all efforts to ease the collective suffering of the Palestinians caused by the blockade.

United Nations Human Rights Council and international community

- Ensure the promotion and protection of human rights in the OPTs by taking measures to compel Israel, as well as Fatah and Hamas, to abide by the international human rights and international humanitarian legal standards for the protection of civilians.
- Take steps to correct the double standards and unbalanced approach that several regional groups have applied to the occupation and violent conflict within the OPTs.

- - - - -