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Human Rights Situations that require the Council's attention

Written statement* submitted by the Child Foundation, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[8 September 2014]

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

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Situation of Children and other Civilians in the Occupied Palestinian Territories

The first month of the ongoing war on Gaza has been recorded as a dark and catastrophic chapter in contemporary human history, which has tarnished the image of humanity and left the entire humanity with a guilty conscience.

During this period of time and as a result of aerial and land attacks by Israel, a total of 2,100 Palestinians have been killed and more than 10,000 wounded. According to final figures, civilians account for about 84 percent of the victims of the Israeli war on the Gaza Strip, including more than 447 children. A total of about 475,000 Palestinians have also become homeless. In addition, the extent of destruction and irreparable damage done to Gaza's infrastructures and people's houses has been enormous as a result of which 10,604 houses, 132 mosques, one church, and 11 cemeteries belonging to Muslims and Christians have been totally or partially destroyed. Moreover, 17 hospitals and other treatment facilities have been targeted of which 10 facilities have been totally razed and shut down. A total of 102 medical staff have been targeted in Israel's onslaught on Gaza, leaving 19 dead. A great number of relief vehicles and ambulances have been hit and a many mosques and schools, including schools run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), where children and women had taken refuge, have been targeted and destroyed. The war on Gaza has also claimed the lives of 11 reporters so far. According to UNRWA, various centers run by the UN in the Gaza Strip have been directly targeted in eight military strikes by Israel. Those centers were the only places where Gazan women and children thought they would be immune to blind attacks of the Israeli army.

Observing the principles of the Four Geneva Conventions by both sides to a military conflict is one of the globally recognized principles of international humanitarian law. Most of the international community has so far acceded to these conventions and almost all states (including Israel, which signed them in 1951) have so far become members of these conventions. Most states have also accepted the additional protocols to these conventions. Therefore, the content of these conventions are now considered as customary and binding rules of international law for all governments, organizations and people across the world, and their violation will amount to international liability. Cases in point were observed during international tribunals already held for the trial of war criminals, including the Nuremberg Tribunal, and other tribunals held for war crimes in the former Yugoslavia, Rwanda and other places in which it did not matter whether the states in question had acceded to the Geneva Conventions or not, because the rules of international humanitarian law are automatically considered to be legally binding for all the states.

On the other hand, there are two basic principles with regard to international humanitarian law. The first principle is the need to make a distinction between civilian and non-civilian persons and properties throughout armed conflicts. The second principle is "proportionality," which means that the reaction shown in self-defense or otherwise to an attack should be proportionate in force to the attack that has incited it. There is no doubt that during the war on Gaza neither the principle of distinction, nor proportion have been observed by Israel. As admitted by Israel, a total of 67 Israeli citizens have been so far killed of whom 3 persons were civilians and the rest were military personnel who died in direct combat. On the other hand, Israel has responded with extreme violence and huge firepower, including by dropping thousands of tons of various types of bombs and rockets, which have targeted the defenseless people of Gaza from land, air and sea. Therefore, the Israeli war on Gaza is a blatant example of disproportionate and criminal use of force in which none of the principles of distinction and proportionality have been observed.

The situation becomes more painful when one remembers the dire conditions of defenseless children during this war. Let's not forget that during the early days of the Gaza war, four Palestinian children who were

playing on the Gazan coast and could pose no military threat to Israel were directly targeted and killed by the Israeli navy.

Like all conscientious nongovernmental organizations across the world, the Child Foundation, as a nongovernmental organization whose main goal and responsibility is to provide poor children with suitable facilities to study, cannot accept the behavior of Israeli officials who have so far shown no sign of remorse and still insist on the continuation of this conflict. The UN Human Rights Council has so far adopted most resolutions and held most extraordinary sessions on various cases of human rights violations by Israel. However, such measures have failed to bring about any change in Israel's behavior. We urge the Human Rights Council, especially the fact-finding commission that has been set up following its latest extraordinary session, to investigate especially the deaths of about 500 Palestinian children through disproportionate and intentional targeting of civilian areas by Israel, and pave the way for judicial prosecution of those who have perpetrated these crimes.
