



# General Assembly

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## Human Rights Council

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Agenda item 7

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

### **Written statement\* submitted by the Cairo Institute for Human Rights Studies, 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 May 2010]

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

## **Repression of basic civil and political rights by the Israeli government in response to the United Nations fact finding report on the Gaza strip offensive (Goldstone report)**

The Cairo Institute for Human Rights Studies (CIHRS) would like to draw attention to the increasingly repressive measures that have been adopted by the Israeli government in order to ensure impunity for the war crimes documented by the Goldstone report.

1. Israel's stance towards the Goldstone report has been one of hostility and rejection even before its finalization and subsequent publication. This hostility was evident in Israel's refusal to allow Richard Goldstone and his staff members entrance into Gaza via Israel – a refusal which forced the team of researchers to enter through the Rafah border crossing.<sup>1</sup> Subsequently, Israel has alleged that the report is biased and focuses too much on the actions of Israel rather than on the actions of Hamas.

2. Israel has repeatedly refused to hold accountable those responsible for violations during Operation Cast Lead. After the end of the Gaza offensive, Israel immediately rejected all allegations of war crimes committed by its troops. In response to the Goldstone Report, the UN General Assembly instructed both Israel and Hamas to conduct credible investigations into the crimes committed during the Gaza War.<sup>2</sup> Despite this direct instruction, Human Rights Watch recently found that both parties have failed to prove that they are carrying out such investigation.<sup>3</sup>

In a report entitled "Gaza Operation Investigation: An Update" published in January 2010, the Israeli government states: "the IDF has launched investigations into 150 separate incidents arising from the Gaza Operation."<sup>4</sup> Of the 150 incidents, so far 36 have been referred for criminal investigation. Criminal investigators have taken statements from almost 100 Palestinian complainants and witnesses, along with approximately 500 IDF soldiers and commanders." Yet, of the 150 incidents that the IDF has investigated, 130 have in actuality been operation debriefings, where the IDF exclusively take the accounts of their own soldiers, and not from Palestinian or other civilian witnesses. Moreover, the 36 that have been referred for criminal investigation are not over matters relating to the serious war crimes that Israel is accused of in the Goldstone Report, such as the use of white phosphorus, the disproportionate use of force in heavily populated civilian areas, or the use of human shields. Of all these investigations that are conducted by the military only one Israeli soldier was convicted in April 2010 on charges of theft.<sup>5</sup> This demonstrates Israel's lack of commitment to trying members of its military for war crimes.

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<sup>1</sup> "United Nations Fact Finding Mission on the Gaza Conflict." OHCHR Homepage. Web. 12 May 2010. <<http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/FactFindingMission.htm>>.

<sup>2</sup> For more information regarding the Goldstone report; "Human Rights Situation in Palestine and Other Occupied Arab Territories: Report of the United Nations Fact Finding Mission on the Gaza Conflict", Human Rights Council, 12<sup>th</sup> session, Richard Goldstone, September 2009

<sup>3</sup> United Nations Human Rights. Office of the High Commissioner for Human Rights. Human Rights Council Discusses Follow-up to Its Ninth and Twelfth Special Sessions on the Occupied Palestinian Territory. Human Rights Council Discusses Follow-up to Its Ninth and Twelfth Special Sessions on the Occupied Palestinian Territory. Office of the High Commissioner for Human Rights, 22 Mar. 2010. Web. 1 May 2010. <<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9931&LangID=E>>.

<sup>4</sup> For more information; "Gaza Operation Investigation: An Update" The State of Israel, January 2010

<sup>5</sup> Turning a Blind Eye: Impunity for Laws-of-War Violations During the Gaza War. New York: Human Rights Watch, 2010. Print. Israel/Occupied Palestinian Territories.

3. Attempts by the Israeli government to deter and repress journalists and NGOs from investigating or reporting on war crimes committed by the Israeli military during Operation Cast Lead have been persistent:

A. Successfully monitoring or reporting on Israel's violations has proven to be a very difficult task. According to the Israeli newspaper Haaretz, Israel ranked number 93 out of 175 nations indexed in terms of freedom of press in 2009.<sup>6</sup> In 2010, the Palestinian Center for Development and Media Freedoms stated that Israel has so far committed 57 violations against journalists in the Occupied Palestinian Territories.<sup>7</sup> Moreover, Israel banned all journalists from entering Gaza not only during Operation Cast Lead, but also in the months leading up to the offensive. This severely undermined both freedom of the press and freedom of movement in Israel.

B. Israel's lack of respect for freedom of expression is evident in a recent incident during which Uri Blau, an investigative reporter working for the Haaretz, was forced to go into hiding in London in order to escape arrest.<sup>8</sup> Blau had published a variety of reports before and after Operation Cast Lead in which he outlined evidence that Israeli military commanders on the ground had issued orders in violation of the laws of war. In response, the Israeli government ordered Haaretz to destroy the article. At the same time, the Shin Bet demanded that Blau return the hundreds of classified documents in his possession and reveal his sources. While the state of Israel may attempt to conceal its violation by stating that Blau is wanted for espionage, this disingenuous argument is part of an attempt to cover up war crimes committed by Israeli field commanders. Haneen Zoubi, a member of the Israeli Knesset, stated that the publication of Blau's reports is crucial because they are said to reveal that Israeli commanders sought legal advice before the start of the operation in order to work around international laws.

According to Amal Jamal, a media professor at the Tel Aviv University, the Shin Bet only began to investigate Blau in the summer of 2009, when the publication of the Goldstone Report was imminent. It is likely that the goal was to demoralize journalists from conducting any type of investigation into the Israeli Defence Forces and their actions during Operation Cast Lead due to the Israeli government's sensitivity towards the Goldstone Report.

C. In another attempt to undermine freedom of the expression and association, the Israeli government proposed a new bill that would effectively shut down numerous, domestic non-governmental organizations, if they attempted to assist the ICC or any other international investigation into war crimes by Israeli forces, thus, deterring civil society organizations from dealing with any war crime investigations.<sup>9</sup> The bill states

<sup>6</sup> "Israel Ranks Low for Freedom of Press, after Gaza War Media Ban - Haaretz Daily Newspaper | Israel News." Israel News - Haaretz Israeli News Source. Haaretz Service, 20 Oct. 2009. Web. 1 May 2010. <<http://www.haaretz.com/news/israel-ranks-low-for-freedom-of-press-after-gaza-war-media-ban-1.5765>>

<sup>7</sup> "Journalists Pay a High Price for Freedom of Expression, Says MADA." Journalists Pay a High Price for Freedom of Expression, Says MADA. International Freedom of Expression Exchange, 3 May 2010. Web. 10 May 2010. <[http://www.ifex.org/palestine/2010/05/03/mada\\_wpfd/](http://www.ifex.org/palestine/2010/05/03/mada_wpfd/)>.

<sup>8</sup> For more information regarding Uri Blau visit; Pfeffer, Anshel By, and Ofra Edelman. "IDF: Uri Blau's Allegations of Army Misconduct 'outrageous' - Haaretz Daily Newspaper | Israel News." Israel News - Haaretz Israeli News Source. Haaretz, 11 Apr. 2010. Web. 1 May 2010. <<http://www.haaretz.com/news/idf-uri-blau-s-allegations-of-army-misconduct-outrageous-1.284055>>.

<sup>9</sup> "Proposed Bill Seeks to Outlaw Human Rights NGOs Based in Israel Working on Accountability Issues in the Occupied Palestinian Territory." Israel and Occupied Palestinian Territories.

that if "there are reasonable grounds to conclude that [an] association is providing information to foreign entities or is involved in legal proceedings abroad against senior Israeli government officials or IDF officers, for war crimes" it will be shut down.<sup>10</sup>

4. CIHRS calls on the Israeli government to:

- Allow truly impartial and independent investigations to be conducted in order to play a more constructive role in repairing what the Gaza offensive demolished.
- Investigate any war crime accusations brought upon it whether internally or by international organizations throughout the world. It must take responsibility and adequate measures for the actions that its military commanders committed during the Gaza offensive.<sup>11</sup>
- Respect the freedom of expression and press throughout the Occupied Palestinian Territories.
- Allow journalists to report incidents as they arise without any type of harassment.
- Enable Uri Blau to return to his home country without fear of being imprisoned.
- Respect the right of Haaretz and other media organizations to publish their articles without fear of repercussions from the government.
- Encourage members of the Knesset to end any attempt to implement the anti-NGO bill that would greatly undermine freedom of association in Israel.

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International Federation for Human Rights, 4 May 2010. Web. 10 May 2010.  
<http://www.fidh.org/Proposed-bill-seeks-to-outlaw-human-rights-NGOs,7909>.

<sup>10</sup> "Human Rights Groups in Israel Respond to Proposed Bill to Suppress Information about Serious Breaches of International Law: A Danger to Democracy." Human Rights Groups in Israel Respond to Proposed Bill to Suppress Information about Serious Breaches of International Law: A Danger to Democracy. Gisha Legal Center for Freedom of Movement, 29 Apr. 2010. Web. 6 May 2010.  
<http://www.gisha.org/index.php?intLanguage=2&intItemId=1756&intSiteSN=113>.

<sup>11</sup> "Human Rights Situation in Palestine and Other Occupied Arab Territories: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967," Human Rights Council, 13<sup>th</sup> session, Richard Falk, January 2010