

SOC 486 – Human Rights Theory & Practice

Course Project (Dec.'08 – Apr.'09)

Israel-Palestine Conflict

Humanitarian Crisis

By

Piyush Keshri
Y5303,
4th Year, B.Tech (EE),
IIT Kanpur

The report is based on the objective of describing History and origin of Israel – Palestine Conflict and Humanitarian rights issues & humanitarian crisis associated with the conflict in Gaza.

Introduction

The land variously called Israel and Palestine is a small, (10,000 square miles at present) land at the eastern end of the Mediterranean Sea. During its long history, its area, population and ownership varied greatly. The present state of Israel occupies all the land from the Jordan River to the Mediterranean ocean, bounded by Egypt in the south, Lebanon in the north, and Jordan in the East. The recognized borders of Israel constitute about 78% of the land. The remainder is divided between land occupied by Israel since the 1967 6-day war and the autonomous regions under the control of the Palestinian authority. The Gaza strip occupies an additional 141 square miles south of Israel, and is under the control of the Palestinian authority. The **Israeli-Palestinian conflict** is an ongoing dispute between Israelis and the Palestinians.

History of Israel and Palestine

Palestine has been settled continuously for tens of thousands of years. Amorites, Canaanites and other Semitic peoples entered the area about 2000 B.C. The area became known as the Land of Canaan. The archaeological record indicates that the Jewish people evolved out of native Canaanite peoples and invading tribes. Around 1800-1500 B.C. Canaan was settled by different tribes including Semitic peoples, Hittites, and later Philistines. The Judea (Israel), home of the Jews was ruled by Assyrians (722 - 586 BC), Babylonians (586 BC - 530 BC), Persians (530 - 320 BC) and later by Romans (61 BC - 300's AD).

In A.D. 135, the Romans drove the Jews out of Jerusalem. The Romans named the area *Palestine*, at about this time. Most of the Jews who continued to practice their religion fled or were forcibly exiled from Palestine. Palestine was governed by the Roman Empire until the fourth century A.D. (300's) and then by the Byzantine Empire. Palestine was later conquered during the seventh century (A.D. 600's) and inhabited by Arabs for over a thousand years until the early 1900's. By 1880, about 24,000 Jews were living in Palestine, out of a population of about 400,000.

The Rise of Zionism (19th -20th Century)

Jews had never stopped coming to "the Holy land" or Palestine in small numbers throughout the exile. Palestine also remained the centre of Jewish worship and a part of Jewish culture. In the nineteenth century, emancipation of European Jews, signalled by the French revolution, brought Jews out of the Ghetto and into the modern world, exposing them to modern ideas. The liberal concepts introduced by emancipation and modern nationalist ideas were blended with traditional Jewish ideas about Israel and Zion. There, the tradition of living in the land of the Jews and return to Zion had remained practical goals. Emancipation of Jews triggered a anti-Jewish political and



social movement in Europe, particularly in Germany and Eastern Europe. Beginning in the late 1800's, oppression of Jews in Eastern Europe stimulated emigration of Jews to Palestine. The Zionists wished to establish a "Jewish Homeland" in Palestine under Turkish or German rule. The Zionist movement arose to restore the Jews to Israel, largely ignoring the existing Arab population. At the same time, Palestine's Arab population grew rapidly. By 1914, the total population of Palestine stood at about 700,000. About 615,000 were Arabs, and 85,000 to 100,000 were Jews.

World War I (1914 – 1918)

The Israel (or Palestine) at that time was ruled by Ottoman Empire which dragged it into war. The war was hard on both Jewish and Arab populations, owing to outbreaks of cholera and typhus; however, it was more difficult for the Jews. A large number of Jews were forced to flee Palestine during the war.

The Balfour Declaration (1917)

In November 1917, before Britain had conquered Palestine, Britain issued the Balfour Declaration. The declaration stated Britain's support for the creation of a Jewish national home in Palestine, without violating the civil and religious rights of the existing non-Jewish communities. The declaration was the result of lobbying by the small British Zionist movement.

The British Mandate for Palestine (1917-1948)

Britain and France planned to divide the Ottoman holdings in the Middle East among themselves after the war. Palestine was granted to Britain as a League of Nations mandate to build a national home for the Jewish people. The Arabs resented the Jews coming in to take their land. The Arabs felt they were in danger of dispossession by the Zionists, and did not relish living under Jewish rule.

"But not everybody sees that there is no solution to this question...We as a nation, want this country to be ours, the Arabs as a nation, want this country to be theirs." , David Ben Gurion, 1st Prime Minister of Israel.

The British hoped to establish self-governing institutions in Palestine, as required by the mandate. The Jews were alarmed by the prospect of such institutions, which would have an Arab majority. However, the Arabs did not accept proposals for such institutions and so no institutions were created.

Arab Riots (1920-1930)

In the spring of 1920, 1921 and summer of 1929, Arab nationalists opposed to the Balfour declaration, the mandate and the Jewish National Home, instigated riots and pogroms against Jews in Jerusalem & other regions of Palestine. The riots of 1920 and 1921 reflected opposition to the Balfour declaration and fears that the Arabs of Palestine would be dispossessed. The riots of 1929 occurred against the background of Jewish-Arab nationalist antagonism.

Jewish immigration (1930's)

Jewish immigration swelled in the 1930s, driven by persecution in Eastern Europe. The rise of Hitler in Germany added to this tide of immigration. Following the Holocaust (During World War II (1939-1945), extermination of European Jews by Nazis), in which 6 million Jews were killed by the Nazis, pressure on Britain increased to allow Jewish immigration to Palestine.

Arab Revolt (1936)

In 1936 widespread rioting, the Arab Revolt or Great Uprising broke out. Thousands of Arabs and hundreds of Jews were killed in the revolt. In response to the riots, the British began limiting immigration of Jews to enter Palestine.

Illegal Immigration (1939-1945)

The Jews of Palestine responded to the Holocaust by organizing illegal immigration to Palestine from occupied Europe. Many of the ships carrying Jews either sank or were caught by the British or the Nazis and turned back, or shipped to Mauritius or other destinations for internment. Despite the many setbacks, tens of thousands of Jews were saved by the illegal immigration.

The Zionists felt that British restriction of immigration to Palestine had cost hundreds of thousands of lives. In retaliation Zionists formed terrorist groups to carry out bombing attacks and drive British out of Palestine. The British found Palestine to be ungovernable and returned the mandate to the United Nations in 1947.

UN Partition (1947-1949)

The United Nations Special Commission on Palestine (UNSCOP) recommended that Palestine be divided into an Arab state and a Jewish state. In 1947, the UN partitioned the land into Arab and Jewish states. At the time of partition, slightly less than half the land in all of Palestine was owned by Arabs, slightly less than half was "crown lands" belonging to the state, and about 8% was owned by Jews or the Jewish Agency. There were about 600,000 Jews in Palestine, almost all living in the areas allotted to the Jewish state or in the internationalized zone of Jerusalem, and about 1.2 million Arabs. Jerusalem and environs were to be internationalized. The Arabs did not accept the partition and the war broke out. The UN was unwilling and unable to force implementation of the internationalization of Jerusalem.

Modern History of Israel Palestinian Conflict

The War of Independence - 1948 War

Clashes between Israeli underground groups and Arab irregulars began almost as soon as the UN passed the partition resolution. In Jerusalem, Arab riots broke out on November 30 and December 1 1947. Fighting and violence broke out immediately throughout the country, including ambushes of transportation, the Jerusalem blockade, riots. Arab Palestinians began leaving their towns and villages to escape the fighting.

Other Arab states Syria, Jordan and Egypt joined the war but lacked coordination. Better organization and intelligent successes enabled Jews to gain a decisive victory in 1949 and Israel held territories beyond the boundaries set by the UN plan - a total of 78% of the area west of the Jordan River. Egypt held the Gaza Strip and Jordan held the West Bank.

The Birth of the Palestinian Refugee Problem

During the war, between 700,000 and 750,000 Palestinian Arabs fled or were expelled from the territories that became Israel in 1949. They were not allowed to go back to their home after the war and became refugees. By 1951, the United Nations (UN) estimated 711,000 Palestinian refugees existed outside Israel, with about one-quarter of the estimated 160,000 Arab Palestinians remaining in Israel as "internal refugees." The conflict created about as many Jewish refugees from Arab countries, many of whom were stripped of their property, rights and nationality, but Israel has

not pursued claims on behalf of these refugees. The Arab countries refused to sign a permanent peace treaty with Israel. Consequently, the borders of Israel established by the capture of states after the war never received international recognition.

The UN arranged a series of cease-fires between the Arabs and the Jews in 1948 and 1949. The borders of Israel were established along the "green line" of the armistice agreements of 1949. These borders were not recognized by Arab states, which continued to refuse to recognize Israel. Though hostilities ceased, the refugee problem was not solved.

The 1967 (6-Day) War

Tension began developing between Israel and Arab countries in the 1960s. On May 23, Egypt closed the straits of Tiran to Israeli shipping. The United States failed to live up to its guarantees of freedom of the waterways to Israel. Arab countries Egypt, Syria, Jordan, and Iraq got united to fight against Israel. Israel attacked the Egyptians beginning on June 5, 1967. Israeli troops quickly conquered the Sinai Peninsula and Gaza. They also conquered Golan Heights, from Syria before agreeing to a cease fire on June 10, 1967.

Israel had acquired extensive territories - the Sinai desert, the Golan Heights and the West Bank, that were several times larger than the 1948 borders. Several attempts were made for negotiations between Arab (Egypt, Jordan, and Syria) nations and Israel and for the withdrawal of Israel from the West Bank & Golan Heights; however, they were turned down.

The Fatah organization (The Movement for Liberation of Palestine) was founded about 1957, and the PLO (Palestine Liberation Organization) was founded in 1964. Both had the declared aim of destroying Israel. Israel strongly opposed the PLO because of its terrorist acts against Jews and because of its charter aims of destroying the state of Israel and expelling Jews who had arrived after 1917.

The October War (1973)

Egyptians crossed the Suez Canal and retook a strip of the Sinai Peninsula. After suffering heavily losses, Israel reconquered the Golan. Cease-fires ended most of the fighting within a month. About 2,700 Israeli soldiers and 8,500 Arab soldiers died in the war.

Oslo Peace Process (1994-1996)

In 1993 and 1995, Israel and PLO signed the Oslo Declaration of Principles and The Oslo Interim Agreement which created the Palestinian National Authority (PNA), a supposedly temporary entity that would have the power to negotiate with Israel and to govern areas of the West Bank and Gaza evacuated by Israel. Both sides recognized the rights of the other to exist as a people within the borders of Palestine/Israel, and committed themselves to negotiating a permanent settlement and to improving relations between the two peoples. The agreement provides a framework for a solution. This first agreement also provided that Israeli forces would withdraw from unspecified areas in the Gaza Strip, in preparation for elections to be held for a Palestinian government.

Though the PLO had agreed to forego violence in the Oslo declaration of principles, attacks on settlers continued. Since, 1994 there has been many cases of suicide attacks in Israel committed by Hamas, extremist group of Palestine. Palestinians insisted that refugees should have the right to return to Israel, which would produce an Arab majority in Israel. Israel insisted on annexing key portions of the Palestinian areas and on leaving most settlements intact, and offered only a limited form of Palestinian statehood. However, after years of Israel continuing to confiscate land and conditions steadily worsening, the Palestinian population rebelled.

Meanwhile however, terror and suicide attacks and Israeli reprisals continued. The Israelis, for their part, continued with their policy of assassinating wanted men in the Palestinian areas. Israel launched a massive raid, operation Defence Shield, intended to root out terror infrastructure. Human rights groups who entered the refugee camp after the Israeli invasion reported that there was a great deal of damage and that the IDF had probably committed war crimes by preventing medical aid.

Geneva Accord

Israeli opposition political leaders and Palestinian leaders announced an agreement, Geneva Accord in principle on conditions for a final settlement which proposed historic concessions by both sides. Israel would give up sovereignty in Arab portions of Jerusalem, while the Palestinians would explicitly renounce the right of Palestinian refugees to return to Israel. Though it has no formal standing at present, the agreement has gotten widespread publicity. However, the Israeli government has denounced the agreement and the people involved in it. Likewise, Palestinian extremists and their allies have denounced the agreement.

Israel Strike in Gaza Strip (22 Day War, 27th Dec.'08 -18th Jan.'09)

Hamas and affiliated organizations continued to launch rockets into Israel. Israel appealed to the Egyptians and to the UN asking for an end to the rocket fire. On December 27, Israel began Operation Cast Lead in a bid, it said, to force Hamas and other militant Islamist groups to stop firing rockets and mortars at southern Israeli towns across their border. Hamas responded to continuing air attacks with Grad rocket attacks. The major fighting ended on January 18, when Israel declared a unilateral cease fire. Hamas likewise declared a cease fire. About 1,300 Palestinians were killed and 13 Israeli citizens. Israel claimed most of the Palestinian casualties were combatants, while the Palestinians claimed they were mostly civilians. Human rights groups cited a large number of fatalities among children. The results of the operation were not decisive.

Humanitarian Crisis

Israel's recent assault on Gaza by land, sea and air against the backdrop of its total control over the region since 1967 was a disturbing violation of Palestinians' human rights. The situation for 1.5 million Palestinians in the Gaza Strip is worse now than it has ever been since the start of the Israeli military occupation in 1967. Gaza has suffered from a long-term pattern of economic stagnation and plummeting development indicators. The severity of the situation has increased exponentially since Israel imposed extreme restrictions on the movement of goods and people in response to the Hamas takeover of Gaza and to indiscriminate rocket attacks against Israel.

Before Israel launched its offensive on Dec. 27, Gaza was subjected to an 18-month blockade that denied Palestinians fuel, food and medicine and brought them to a point of near-collapse. It follows what the UN had described as an 18 month long "human dignity crisis" in the Gaza Strip, entailing a massive destruction of livelihoods and a significant deterioration of infrastructure and basic services.

The severity of the situation in Gaza strip can be acknowledged by some of the facts such as:

- 80% of the population cannot support themselves and are dependent on humanitarian assistance compared to 63% in 2006. This decline exposes unprecedented levels of poverty.
- According to WFP, the population is facing a food crisis. There are food shortages of flour, rice, sugar, dairy products, milk, canned foods and fresh meats.
- According to the UN, 80% of Gazans live under the poverty line, and 40% are unemployed.

Also, the 43% of the population who rely on PA salaries have not been paid for four months.

- Unemployment in Gaza is close to 40% and is set to rise to 50%. The private sector – that generates 53% of all jobs in Gaza – has been devastated, businesses have been bankrupted and 75,000 out of 110,000 workers are now without a job. At present, 95% of Gaza's industrial operations are suspended because they cannot access inputs for production nor can they export what they produce.
- The imports entering are insufficient to support the population or to service infrastructure maintenance and repair needs.
- The water and sewage systems are close to collapse, with 50-60 million litres of sewage pouring into the sea every day.
- As a result of fuel and electricity restrictions, hospitals are currently experiencing power cuts lasting for 8-12 hours a day. There is currently a 60-70 percent shortage reported in the diesel required for hospital power generators. According to WHO, there are at least 1,000 medical machines out of order. Hospitals suffer also a severe shortage of cooking gas in hospital. Hospitals cannot generate electricity to keep life saving equipment working or to generate oxygen.
- In September 2007, an UNRWA survey in the Gaza Strip revealed that there was a nearly 80% failure rate in schools grades four to nine, with up to 90% failure rates in Mathematics. In January 2008, UNICEF reported that schools in Gaza had been cancelling classes that were high on energy consumption, such as IT, science labs and extracurricular activities.

Collective Punishment (border closures and military operations)

During the recent strike of Israel over Gaza, the Israel government seized Gaza Strip. This amounted to a form of collective punishment prohibited by the Geneva Conventions and a grave breach of international humanitarian law that is itself a war crime. The civilian population has been locked into a war zone and denied the option of becoming refugees.

Humanitarian Crisis deteriorating further:

- Difficult for humanitarian relief personnel to reach, evacuate casualties and distribute aid.
- Widespread destruction of civilian infrastructure including electricity, water, communication services and roads, hospitals on an unprecedented scale.
- Unable to provide adequate care to the high number of casualties.
- Almost 1.5 million Gazans, most of whom have been refugees since 1948, continue to remain without food, water or electricity, as they have since Israel imposed its current siege, which was tightened in June 2007 following Hamas take-over of the Gaza Strip.

Around forty five patients have died as a direct result of Israeli Occupying Force (IOF) closure and siege of the Gaza Strip. In addition to the dangerous shortage of electricity that threatens the lives of critically ill patients in all of Gaza's hospitals, chronic shortages of petrol and diesel and gas for domestic use have led to panic buying before gas stations in Gaza are forced to close completely. Civilians are also suffering widespread shortages of bread, due to lack of electricity to power the ovens at bakeries across Gaza. These actions amount to the collective punishment of the entire population of Gaza and endanger the very survival of civilians.

Refugee Problem

About 726,000 Palestinians were expelled or fled their homes in 1948 in the war that followed the creation of Israel, and additional Palestinians fled in 1967. There are now about 4 million Palestinian refugees. Many of them live in crowded refugee camps in poor conditions in the West Bank and Gaza, in Jordan, Syria, Lebanon and Iraq. Palestinians demand that these refugees should have the right to return to their homes in Israel under UN General Assembly Resolution 194. Israelis note that an almost equal number of Jews fled Arab lands to Israel in 1948. Israelis oppose return of the refugees because that would create an Arab Palestinian majority and would put an end to Israel as a Jewish state. Most Palestinian groups agree and openly proclaim that resolution of the refugee issue by granting right of return would mean the end of Israel.

Israel's indiscriminate military attacks have led to unprecedented forcible mass displacement, with tens of thousands of civilians fleeing their homes in search of adequate and secure shelters. Yet, it is evident that even UN installations in the occupied Gaza Strip cannot provide safety and security for those civilians, especially after UNRWA shelters were deliberately shelled by Israel military forces on 5 and 6 January 2009, an act that resulted in the deaths and injury of more than a hundred innocent civilians. The civilians have been even denied the option of becoming refugees during the recent crisis.

Casualties

Israel's 22-day offensive in the Hamas-ruled Gaza Strip killed 1,434 people of whom the vast majority were civilians. According to a Palestinian human rights group, 960 civilians, 239 police officers and 235 fighters were killed by Israel during the onslaught.

In sharp contrast, during the offensive 13 Israelis were killed including 3 by rockets fired into Israel.

Use of Illegal Weapons, Use of Phosphorous Bombs and Indiscriminate/Disproportionate Attacks

Israel has been accused of using phosphorous bombs for strike against Palestinians in Gaza by various Human Rights organisations like Human Rights Watch. Though the use of white phosphorus is permitted on the battlefield, but the side effects on humans and the environment are severe and highly dangerous and are banned from use where civilians may be harmed. Its potential for harm to civilians is magnified by Gaza's high population density, among the highest in the world (nearly 1.5 million Palestinians living in ~ 360 sq. Km area of Gaza Strip). Human Rights Watch believes that the use of WP (White Phosphorus) in densely populated areas of Gaza violates the requirement under international humanitarian law to take all feasible precautions to avoid civilian injury and loss of life.

“The Israeli military may be using legal weapons, but it is using the weapons in an illegal manner,” Marc Garlasco, Human Rights Watch.

The fireworks-like explosions, the thick smoke, suffocating gas, and flames that are not extinguished by water, but rather are heightened by it, mushroom clouds of pinkish-red smoke, harsh burns on the skin, extraordinary maimed live and dead bodies - all of these are characteristic of the white phosphorus bombs the IDF is using. Israel has also experimented with new weapons during the 22-day war like GPS guided Mortar, DIME- Dense Inert Metal Explosive, Spike and APAM (Anti Personnel/Anti Materiel). These weapons cause more destruction as compared to regular bombs. The extent of indiscriminate or disproportionate attacks can be estimated by the number of casualties of civilians in Gaza strip. On the other side, Hamas has been using bombs like Grad and Qassam against Israel which use is not permitted on civilians.

However, according to the International Red Cross Israel has fired white phosphorus shells in its offensive in the Gaza Strip, but there is no evidence to suggest it is being used

improperly or illegally.

Human Rights Violation on Civilians

Over 10,000 Palestinian men, women, and children are held in Israeli prisons. Few of them have had a legitimate trial; Physical abuse and torture are frequent. Periodically men, women, and children are strip searched; people are beaten; women in labour are prevented from reaching hospitals (at times resulting in death); food and medicine are blocked from entering Gaza, producing an escalating humanitarian crisis. Israeli forces invade almost daily, injuring, kidnapping, and sometimes killing inhabitants.

Civilians, including women, were killed without any consideration for the principles of proportionality and distinction as prescribed by international humanitarian law in order to minimize civilian casualties during military operations.

In the West Bank, Palestinian women continue to suffer due to human rights violations perpetrated by IOF, including extra-judicial executions, wilful killings, house raids and demolitions, settlement activities and restrictions on freedom of movement. Palestinian women continue to face systematic discrimination and violations within their own society which also need to be addressed urgently.

Denial of Entry to Human Rights Organisations & Journalists to Gaza Strip

Humanitarian and human rights workers and journalists have been denied entry to Gaza by the Israeli authorities since the beginning of November'08. Amnesty International has been seeking access to the Gaza strip since the beginning of the crisis but could not receive authorization for passage into Gaza from the Israeli authorities. Amnesty International has also urged the EU to demand access to Gaza for its own representatives and to consider the deployment of international monitors.

Survival of the population, attacks on medical personnel and humanitarian access

Medical personnel attempting to evacuate injured civilians to hospitals have been victims of Israeli attacks. Several ambulances have been hit by direct gunfire and medical personnel have been seriously injured or killed. On 8 January 2009 a UN aid convoy was attacked near Erez. Wounded adults and children in the Zeitoun neighbourhood of Gaza City were left among their dead relatives' bodies in collapsed houses for four days as the ICRC and Palestine Red Crescent Society were denied access to the area by the Israeli army from 3 to 7 January 2009. Of 110 people sheltering in the houses, 30 had been killed.

Extra-Judicial Executions

Extra-judicial killing or physical liquidation is the most prevalent practice of the Israeli Occupation Forces (IOF) against the Palestinians. It reveals the immoral nature of the Israeli government. According to PCHR (Palestinian Centre for Human Rights) data, Between September 2000- the beginning of the Second Intifada – and 30 June, 2008, Israel committed 348 extra-judicial execution operations in the OPT (Occupied Palestinian Territory). During these operations, Israel killed a total of 754 Palestinians, including 233 civilian bystanders, 71 of whom were children. The Centre has investigated these crimes, and concluded that in the overwhelming majority of cases, Israel used excessive lethal force in order to execute Palestinians who could instead have been either apprehended or arrested.

War Crimes

Grave breaches of the Geneva Conventions and Additional Protocol I and most other serious violations of international humanitarian law are war crimes. Amnesty International in the past has

accused Israel of committing war crimes in the OPT (Occupied Palestinian Territory) including: wilful killing, unlawful deportation, torture and inhuman treatment, and extensive destruction and appropriation of property not justified by military necessity.

Crimes against Humanity

According to the Rome Statute, certain acts, if directed against a civilian population as part of a widespread or systematic attack, and as part of a state or organizational policy, amount to crimes against humanity. In the past, Amnesty International has found evidence that both Hamas and Israel have been responsible for committing crimes against humanity. The organization has stated that the campaign of suicide bombings and other attacks against civilians by Hamas and other Palestinian armed groups amounted to crimes against humanity. It has also concluded that certain practices by Israeli forces in the OPT (Occupied Palestinian Territory) such as deportations, collective punishment, and unlawful killing of civilians amounted to crimes against humanity.

Breach of International Humanitarian Law

International law demands that a distinction is made between combatants and non-combatants, and civilian casualties proportionate to the military gains from the attack in which they occurred. International humanitarian law (IHL) lays down stringent, legally-binding, obligations regulating the conduct of hostilities. Civilians and civilian objects must be spared the effects of any hostilities to the greatest extent possible. This is the core premise on which IHL is founded. Consequent to this fundamental obligation, IHL also regulates the methods and means used in an attack. In short, all precautions must be taken to restrict any damage and destruction beyond that absolutely required by military necessity.

Grave breaches of international humanitarian law, including The Hague Regulations (1907) and the Geneva Conventions (1949) that amount to war crimes have been committed by Israel in the occupied Gaza Strip.

Both sides have breached their international obligations. Palestinian militants' use of rockets to target civilians in southern Israel was a violation of international humanitarian law. At the same time, Israel's act of carrying out vastly disproportionate attacks causing numerous civilian casualties which must also be condemned as unlawful and must cease.

The Palestinian Centre for Human Rights' (PCHR) investigations reveal that throughout the course of the assault, Israeli Occupation Forces (IOF) used excessive, indiscriminate force, in violation of the principle of distinction. This claim is evidenced by the disproportionately high rate of death amongst the civilian population, when compared to that of resistance fighters. Over the course of the 22 day Israeli assault on the Gaza Strip, a total of 1,434 Palestinians were killed. Of these, 235 were combatants. The vast majority of the dead, however, were civilians and non-combatants: protected persons according to the principles of IHL. The Ministry of Health have also confirmed that a total of 5,303 Palestinians were injured in the assault, including 1,606 children and 828 women.

These breaches also include wilful killing and the extensive destruction of houses and other civilian property not justified by military necessity and has been carried out unlawfully and wantonly.

Recommendations / Suggestions

This has clearly shown the abject failure of the UN Security Council to take firm and decisive action in the crisis. The EU and its Member States have a crucial role in enabling the UN Security Council to fulfil its responsibility to help ensure respect for international human rights and humanitarian law by any party involved in hostilities.

- The EU and its Member States should work constructively with all Security Council

members to enable the adoption of a resolution demanding that both parties fully respect their obligations under international humanitarian and human rights law.

- In the absence of any agreement on a ceasefire, the EU should also try to secure agreement within the Security Council for an immediate humanitarian truce, and demand that parties to the conflict cease hostilities for a period to allow adequate humanitarian assistance to reach those in desperate need.
- To provide the necessary protection for all Palestinian civilians, including women; and a chance to evacuate the wounded and bury the dead.
- Allow emergency repairs to essential infrastructure; enable those Palestinian civilians wishing to leave the conflict area to do so in safety with the assistance of neighbouring states where necessary.
- Ensure that humanitarian workers can provide protection and assistance in safety.
- **Unrestricted Entry to the HR workers:** EU should urge Israel to allow immediately the unrestricted access of humanitarian and human rights workers and journalists to the Gaza strip.
- **Independence to HR workers:** There are now also reports of obstacles to access encountered by ICRC staff. Humanitarian and human rights workers and journalists are urgently needed to independently assess needs and report on the situation on the ground, including abuses of international law.

The Human Rights Council to:

- Condemn the Israeli military attacks on Gaza Strip, which have resulted the deaths and injury of thousands of civilians and destruction of civilian property and infrastructure.
- Demand that Israel end its military operations in Gaza and abide scrupulously by the provisions of international humanitarian and human rights law, and cease the collective punishment of Palestinian civilians.
- Call upon Israel as an occupying power to fulfil its duties and responsibilities towards the occupied population of the Gaza strip, in accordance with the laws of occupation.
- Demand that Israel immediately open the Gaza Strip's border crossings in a sustained matter to allow the entry of humanitarian aid and basic supplies in order to mitigate the dire humanitarian situation faced by Palestinian civilians.
- **Fact Finding Committee:** Dispatch an urgent high-level fact-finding mission to Gaza to investigate the countless gross violations of human rights and humanitarian law committed by Israel, which amount to war crimes and crimes against humanity, and to ensure that those responsible are held to account.
- **Justice:** To investigate violations against the civilians, to bring the perpetrators to justice and to prosecute them. The importance of making universal jurisdiction powerfully effective through meticulous documentation, mutual collaboration and sharing legal expertise.