

Introduction: a 68 Year-Long Struggle

Since 1977, when the General Assembly adopted resolution [32/40 B](#) on the “Question of Palestine”, the 29 November was established as the international day of solidarity with the Palestinian people. On this day, the Committee on the Exercise of the Inalienable Rights of the Palestinian People arranges a special meeting at the UN Headquarters in New York where the President of the Security Council, the President of General Assembly, and representatives of relevant UN bodies express solidarity with the Palestinian issue. Moreover, messages of solidarity are delivered by governments and civil society, films on Palestine are screened, and exhibitions and cultural events are organized.



The aim of the observance of this day is to remind the world that the issue of Palestine is still unsolved, the Palestinian people are still suffering, and their basic rights remains denied. In particular, we talk about the rights that should be guaranteed to them by the UN different resolutions such as the right to self-determination (res.3236/1974), the right to return (res.194/1948), and the right of an independent state without interference and with defined borders in which Palestinians will live in dignity, out of fear or threat (res.242/1967).

This day was chosen very carefully, as it marks a turning point in the history of the Palestinian people. It was the day when the General Assembly adopted, back in 1947, resolution [181\(II\)](#), which called for the partition of the Palestinian land into two states: Jewish and Palestinian. However, while the Jewish state was established, the Palestinian in fact was not, and from that moment its people experienced the worst massacres and exodus in their history.

Geneva International Centre for Justice (GICJ) has a long history of advocacy for the Palestinian cause and, in particular, for the daily violations committed against this population. In this context, it has been working constantly to draw the attention of the relevant UN bodies and the international community towards these violations as well as towards the perpetual refusal of Israel to comply with UN resolutions. The shocking lack of accountability for the

crimes committed in Palestine is what has allowed and will allow their perpetration throughout the decades, unless urgent and definitive action is taken. Today, GICJ wants, therefore, to take this chance by joining the observance of this important anniversary, to show its deep solidarity with the Palestinian people, to remember the appalling human rights violations they were subjected to for more than 68 years and to call for the ultimate halt of Israeli illegal apartheid regime over this strained, yet always hopeful, land.

Historical Background of the Question of Palestine

1948 Catastrophe

The year 1948 witnessed some of the most heinous crimes against the Palestinian people. For this reason, it was later called by the Palestinians as “Nakba”, which means catastrophe or disaster. It was in that year that the promise made by the British Foreign Secretary Arthur



Balfour to establish a national home for the Jews in Palestine was fulfilled. This decision consequently caused the forced deportation of more than 726,000 Palestinians at that time¹, the destruction of about 600 Palestinian villages, as well as shocking massacres such as the one carried out in Deir Yassin, which caused -in just a couple of hours-, the death of more than 360 Palestinians, most of whom were children, women, and elderly people.

After the establishment of their state, the Israeli government passed a number of laws which prevented the Palestinians or their descendants from returning to their homes or claiming their property. This issue became a corner stone problem in the question of Palestine. Today, there are around 11.8 million Palestinians around the world of whom 5.2 million are distributed among the 33 camps located in Jordan, Lebanon and Syria. Other 4.5 million remain inside Palestine, most of them living in IDP camps in Gaza and the West Bank. Another 1.4 million

¹<http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=ar&ItemID=1683&mid=3915&wversion=Staging#>

are living as second class citizens inside Israel, whereas the remaining 665 thousand are displaced around the world². Some researchers classified what happened in Palestine as ethnic cleansing, others consider it as an ongoing “war crime”.

1967 Six-Days War

Even though the General Assembly’s plan of partition, adopted on 29 November 1947, entitled Israel to 56% of the land with Jerusalem under a special international regime, the newly established state of Israel arbitrarily annexed more and more land, depriving Palestinians any chance for creating a state or living in peace. In June 1967, during the so-called “six-days war”, Israel captured the rest of the Palestinian land, Gaza and the West Bank, causing another wave of displacement. At that time, around 300,000 Palestinians were forced to flee their lands while terrible massacres were committed against them.



Decades of Violations:

The list of human rights abuses and violations of international law at the hands of the Israeli authorities in the occupied territories seems to have no end. Decade after decade, the life of Palestinians gets worse. More and more restrictions are imposed on all aspects of life while new discriminatory laws and military orders are issued every day, making the situation unbearable.

The saddest part of the story is that the world turns a blind eye towards all these violations, allowing Israel to enjoy full impunity and acting without fear of being held accountable on its crimes.

² <http://www.maannews.net/Content.aspx?id=661631>

In this regard, Geneva International Centre for Justice (GICJ) works tirelessly on bringing these endless violations of international human rights and humanitarian laws to the attention of the international community as well as the suffering to which Palestinians are subjected on a daily basis, while constantly calling on Israel to be held accountable for its grave actions.

This statement will mention just a few examples of an endless list:

The Construction of the Wall



One of the most extreme violations of international law by Israel of is the establishment of a separation wall along the Green line, deep into the Palestinian Territory. About 85% of this wall is on the Palestinian side, which indeed resulted in the separation of Palestinian families and the isolation of around 25,000 Palestinians from the rest of the population. Palestinians call this wall as “Apartheid Wall”.

The wall of about 8 meters’ height and 280 miles’ length also had destructive economic consequences for over 200,00 Palestinians: it caused deprivation of private property, restrictions on movement, confiscation of lands and cut of resources. Moreover, it allowed Israel to annex large parts of the previously defined Palestinian land, leading to another geographical change of the Palestinian Occupied Territories. Such consequences constitute violations of the Fourth Geneva Convention, The Hague Regulation of 1907, ICCPR, ICESCR and related Security Council resolutions.

In 2004, the International Court of Justice (ICJ) issued an advisory opinion (2004/28) in which it decided that the construction of this wall is illegal as it violated the rules of international law and the basic right of self-determination of the Palestinian people. It therefore called on Israel to suspend the further construction of the wall and rather to destroy what had already been built. Despite this, the construction has been continuing until today, causing more and more suffering for the Palestinian population.

Expanding of Settlements

Despite all the UN resolutions and the calls from the international community to stop the expanding of Jews-only settlements inside the Palestinian territories, there are now more than 200 settlements with more than 400,000 Jewish settlers. And Israeli expansion over Palestinian lands is still far from being over.

While Israeli settlers are living under Israeli civil law enjoying all the rights of an Israeli citizen, the Palestinians- in the same territory- are living under martial law. Day after the other, their life becomes harder as the ongoing construction of settlements coincides with confiscation of their agricultural lands, restrictions on their freedom of movement and deprivation of access to the needed resources, water among others.



The growing number of settlements is also leading to an increase in settler violence against Palestinians in the West Bank and East Jerusalem. According to the United Nations Office for

the Coordination of Humanitarian Affairs (OCHA), there has been an average of 2 incidents per week during 2016. Such incidents are rarely reported by the victims due to the fears of retaliation by Israeli police. Moreover, the opportunity of such accidents to be effectively investigated is just 1.9%³.

The adoption of the recently proposed Israeli law that would give the right for Israel to confiscate Palestinian private lands is also to be feared as it would this way legalize illegal settlements built on stolen lands. On 21 November 2016, the Special Rapporteur on the situation of human rights in the Palestinian territories, Mr. Michael Lynk, raised his deep concerns regarding this proposed law stating that: “The international community must be very clear with the Government of Israel { ... } the annexation of occupied territory likewise would be a profound breach of international law. If Israel proceeds with either step, the international community must be prepared not only to condemn the action, but also to adopt appropriate measures to reverse these violations.”

It is worth to mention that these actions constitute a striking violation of the Fourth Geneva Convention, which stated that the occupying power has no right whatsoever to confiscate private lands or to transfer its own population into the occupied territories

Violations in Jerusalem and Al-Aqsa Mosque

The status of Jerusalem is among the thorniest issues in the question of Palestine, since both Palestinians and Israeli claim their right to the holy city. As an occupying power, Israel committed severe violations against Palestinians in Jerusalem and against its cultural heritage. In particular, the situation with the Al-Aqsa Mosque is a shocking example of this. The mosque, under a special status since 1757, has always been recognized as a Muslim place of worship. Since Israel has taken control of the Old City in Jerusalem in 1967, where the mosque is located, it has claimed the holy site as an exclusively Jewish one.

The violations against the mosque started in 1969 when some extremists set the holy building on fire causing a lot of damage to the place⁴. Since then, the violations against the mosque have been committed systematically by the Israeli governmental forces, by right-wing extremists and alleged temple groups. Beside the breakings into the mosque and the attempts of burning the place down, the Israeli forces have in mind a much more elaborated plan, aiming

³ See more at: <http://mondoweiss.net/2016/09/neglecting-settler-violence/#sthash.bHjh6HgU.dpuf>

⁴<http://www.aljazeera.net/programs/behindthenews/2008/8/24>.

at levelling the whole site to the ground. This is being carried out through years of dangerous digging under the holy place, which has already reached the very foundations of the building⁵.

In 2015, the assault escalated even more to the point that Palestinians were denied access to the mosque while Jews were given the opportunity to enter and pray there. In addition, the breakings by the extremists into the religious building became systematic: during that year, only, there had been around 11,307⁶ settler breakings into the Al-Aqsa Mosque. This situation caused the uprising that started in October 2015, which led to the death of 34 persons from East Jerusalem, among them 6 boys and 1 girl⁷. Injured Palestinians were deprived adequate first aid and further health care and were instead left to bleed until death while surrounded by the Israeli police. Moreover, videos showed Palestinians getting beaten and insulted by the settlers who were protected by the police.

Israeli forces imprisoned about 2,297 Palestinians from Jerusalem during 2015, including 860 minors, among whom 105 under 12 years and 219 women⁸.

On 26 October 2016, UNESCO's World Heritage Organization passed a resolution that condemned these violations by the Israeli police and settlers and the restrictions on Muslim access to the religious place. At the same time, it also defined Israel as the "occupying power"⁹.



⁵ <http://www.aljazeera.net/news/arabic/2016/4/6/>.

⁶ <http://imemc.org/article/74498/>

⁷ <http://imemc.org/article/74498/>

⁸ <http://imemc.org/article/74498/>

⁹ <http://www.aljazeera.com/news/2016/10/israel-suspends-unesco-ties-al-aqsa-resolution-161014094246490.html>

The most controversial part of the resolution was however the denial of any Jewish linkage to Al-Aqsa Mosque and the definition of it as a place solely for Muslims¹⁰.

Palestinian Prisoners

Among the most important issues within the question of Palestine concerns the Palestinian prisoners in Israeli jails. According to the statistics from the Palestinian Ministry of Detainees and Ex-Detainees Affairs, since 1967 and until today, a number that equals around 20% of the Palestinian population in OPT have been imprisoned by the Israeli authorities. Today, some 11,000 Palestinians are still held in Israeli prisons. among them 69 women¹¹.

Palestinian prisoners, mostly civilians, are tried before military courts, even for simple offences such as throwing stones. In these courts, Palestinians are deprived of their basic right to a fair trial.

In the prisons, they are subjected to different types of human rights violations, including torture and other inhumane and degrading treatment, solitary confinement, deprivation from visits of family members, and medical negligence.

Arbitrary detention is also a common phenomenon practiced against Palestinians. Under the cover of administrative detention, Israel is holding more than 700 Palestinians¹² in its jails



¹⁰ <https://www.theguardian.com/world/2016/oct/26/unesco-adopts-controversial-resolution-on-jerusalem-holy-sites-israel>

¹¹ <http://mod.gov.ps/wordpress/?p=605>

¹² <http://www.qudspress.com/index.php?page=show&id=15447>

without charge or trials in total breach of international law and misuse of the concept of “administrative detention”

Detention of Children



On 2nd August 2016, Israeli Knesset has passed a new law that allows charging children under 14 years of age. The law gives the right to Israeli authorities “to imprison a minor convicted of serious crimes such as murder, attempted murder or manslaughter even if he or she is under the age of 14”¹³. This means that Israel opts for the criminalization of children rather than rehabilitation or reintegration, which are the preferred treatments for children involved in serious crimes, according to the International juvenile justice standards¹⁴.

This law was passed shortly after the Palestinian child Ahmed Manasra, 13 Y/O, was subjected to 12 years of imprisonment for an alleged stabbing attempt¹⁵.

Despite the fact that this law is a part of the Israeli criminal law and thus is supposed to be implemented equally on both Israeli and Palestinian children, the evidence showed that Palestinian children are more subjected to it. Since the first moment of their arrest, Palestinian children are highly discriminated and deprived from their basic rights.

¹³ <http://www.dci-palestine.org/new-israeli-law-allows-children-as-young-as-12-to-be-jailed>

¹⁴ <http://www.dci-palestine.org/new-israeli-law-allows-children-as-young-as-12-to-be-jailed>

¹⁵ <http://english.pnn.ps/2016/11/07/14-year-old-ahmad-manasra-sentenced-with-12-years-in-israeli-jail/>

Beside this law, there are military laws, under which the Palestinians in the West Bank live. Such extreme laws, allow the imprisonment of children as young as 12 years old, even for minor offences For instance, Palestinian children can be sentenced to 10 years of imprisonment for throwing a stone at traffic without an intent of causing injury or to 20 years for throwing a stone with an intent to cause injury¹⁶.

According to Defense for Children International Palestine Organization (DCIP), Israel appears to be the only country in the world to prosecute between 500-700 children in military courts every year, most of whom are deprived even from the basic right to a fair trial¹⁷.

Decade of Blockade

For more than 10 years in a row, Palestinians in Gaza have been living under a strict blockade which imposes restrictions on movement and access to the basic means for a dignified life, such as electricity, clean water and fossil fuels. This consequently had a severe impact on all aspects of life: from the economy to the development, the health care, the education, etc....

As this is not enough, the Israeli forces launched three dreadful attacks on the strip during the period of the blockade, namely operation Cast Lead (2008-09), operation Pillar of Cloud (2012) and operation Protective Edge (2014). The military assaults indeed caused mass



¹⁶ http://www.dci-palestine.org/new_israeli_law_allows_children_as_young_as_12_to_be_jailed

¹⁷ http://www.dci-palestine.org/increasing_numbers_of_palestinian_children_held_in_solitary_confinement

destruction and loss of human life, while no access to building materials was provided for reconstruction, leaving a large number of civilians homeless.

Mass Killing

Since the occupation of Palestine in 1948, the figures indicate that about 510,000 Palestinians had been murdered at the hand of Israeli forces¹⁸. Some of the killings were conducted by shooting the victims to death in the West Bank, while some of them occurred among prisoners in jails by ignoring their health situation thus leading to the death of high numbers of them each year. Some deaths were a consequence of the clashes between Palestinians and Israeli forces, or of the severe bombardments by warships, war aircraft or the use of heavy weaponry. For instance, the 2014 (50-days) brutal attack on the Gaza strip caused the death of about 2200 Palestinians, mostly civilians (among them 490 children), while another 11,000 civilians were wounded (among them 3000 children)¹⁹.

Punitive Destruction

Another policy implemented by the Israeli authorities is the punitive house demolition, which can be considered as a form of collective punishment against Palestinians and could amount to a war crime. This policy consists in destroying the family houses of those convicted or suspected of carrying out attacks against Israeli people. Such practice cause physical and psychological harm for the members of the families and neighbours who have nothing to do with the alleged crimes.

Based on this policy, more than 700 homes have been destroyed, leaving thousands of Palestinians homeless, among them children and women.

The Importance of this Day

In light of all the misery experienced by Palestinians inside the occupied territories and by those displaced around the world without a place to call homeland, the need for such a day is crucial to show them solidarity for their cause. The international community, which allowed

¹⁸ <https://sites.google.com/site/palestiniangenocide/>

¹⁹ <http://www.independent.co.uk/news/world/middle-east/israel-gaza-conflict-50-day-war-by-numbers-9693310.html>

this dramatic scenario to continue for more than half a century without taking any strong position to put an end to it, has a strong responsibility towards the Palestinian people. In this sense, the least that could be done to alleviate the suffering of this striving population is to give them hope for a better tomorrow and show them that somebody still care about their situation.

On 29 November 2015, the Secretary-General Ban Ki Moon commemorated this event saying that: "Today, 136 countries recognize the State of Palestine and its flag flies at the United Nations next to those of all Member States. However, these advances are not felt by children in Gaza, or by the residents of Nablus, Hebron and East Jerusalem. [...] let us reaffirm our commitment to bring about the just peace that the peoples of Israel and Palestine deserve."

One step towards bringing peace to the region and justice to the Palestinian people is indeed firstly to recognize their suffering and afterwards to prevent Israeli discriminative policies from going further, to stop the illegal occupation of Palestinian lands and, finally, to hold Israel accountable for its crimes.



Conclusion and Recommendations

While the United Nations and the governments of the world are observing this day, GICJ wants to call on them to finally take a step beyond simple solidarity: the time has come to take real action. Therefore, on this important occasion, Geneva International Centre for Justice calls on the global community and the UN relevant bodies to:

- ✓ Put pressure on the Israeli government to suspend the construction of the illegal separation wall and rather destroy what had already been built.
- ✓ Urge the Israeli authorities to immediately stop its apartheid policies against Palestinians.

- ✓ Pressure the Israeli government to comply with its obligations under international law to respect the right to self-determination of the Palestinian people and respect their right for a state with defined borders and stable peace, as per guaranteed by international law.
- ✓ Call on Israeli authorities to suspend the expansion of illegal settlements in the Palestinian territories and to refrain from adopting any law that contradicts the international norms.
- ✓ Take the necessary measures to guarantee to all displaced Palestinians the right to return to their homes and ensure the compensation, which they are entitled to under UN resolution 194 of 1948.
- ✓ Call on the Israeli authorities to cooperate with the UN bodies and grant them access to the OPT to analyse the situation on the ground.
- ✓ Call on the Israeli authorities to comply with the provisions of international law and international humanitarian law, and guarantee the Palestinian population with the right to a fair trial as well as protecting the rights of Palestinian children, in order to respect their best interests when investigating into the alleged involvement in violent acts.
- ✓ Urge the UN related bodies and, in particular, the Special Rapporteur on the situation of human rights in the occupied Palestinian territories, to open an urgent investigation into all Israeli violations in Gaza, East Jerusalem and the West Bank.
- ✓ Take all the necessary measures in order to refer the violations which amounts to war crimes, genocide, and crimes against humanity to the International Criminal Court in order to hold Israel accountable for its actions.



Geneva International Centre *for* Justice

Independent, non-profit, non-governmental organization



0041227881971



0041795365866



info@gicj.org



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