



The International Community must prevent a new massacre in Gaza!

The Russell Tribunal on Palestine (RToP) calls on the international community to intervene to immediately end the Israeli “Operation Pillar of Defence”, launched on Wednesday 14 November.

Operation Pillar of Defence must be seen within the broader context of the Israeli occupation of the Gaza Strip. An occupation which has changed since the withdrawal of Israeli troops and settlements in 2005, but that is still effective through the continuous control by Israel of the Gaza Strip’s ground, sea and air spaces.

The RToP wishes to remind that since 1967, almost one hundred Security Council resolutions have urged Israel to put an end to the occupation of the Palestinian Territories, to no avail. The current escalation of violence is therefore to be seen as a consequence of the military occupation of the Palestinian Territories by Israel and of the international community’s lack of will to force Israel to abide by its international legal obligations.

Israel invokes its right of self-defence against the launch of Palestinian rockets to Israel but the continued occupation of a part of the Gaza Strip by Israel in violation of the Security Council resolutions and of the UN Charter (Art. 25) becomes itself a permanent Israeli aggression against Palestine justifying a right of self-defence of the Gaza people (*cfr.* A/RES/3314, Art. 1 and 3; UN Charter, Art. 51).

Furthermore, the blockade imposed by Israel on the Gaza strip since June 2007 amounts to collective punishment of a civilian population forbidden by Art. 33 of the 4th 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War.

Testifying during the recent New York session of the RToP, Jeanne Mirer, President of the International association of Democratic Lawyers, highlighted some of the most salient impacts of the Israeli blockade on the life of the 1.6 million people living in the Gaza strip:

- 95 % of the industrial establishments are closed or have suspended their activities, the remaining 5% work at 25 to 50 % of their capacity,
- Fishing boats are not allowed to go further than 3 miles off the coast, and risk being shot at even when they respect these distances. This severely impacts on their fishing capacity.

- Israel has unilaterally established all along the border a “no go” buffer zone which deprives the Gaza Strip of 35% of its agricultural land.
- The lack of drinkable water in the Gaza Strip is due to Israel’s practices and policies towards Gaza:
 1. Israeli military operations against Gaza destroyed or rendered useless pipes and sewage: therefore, such operations amount to attacking objects indispensable to the survival of the civilian population and violate Rule 54 of customary international humanitarian law;
 2. the Israeli blockade of Gaza is an impediment to the repair of these hydraulic systems (violation of Rule 54 quoted here above);
 3. the Israeli kibbutz located in the upper stream of the wadi Gaza, a river flowing from the West Bank to Gaza, capture most of its waters and violate the customary principle of the “reasonable and equitable” use of transboundary waters (1982 Helsinki Convention on the Protection and Use of Transboundary Watercourses, Art. 2, 2, c; 1997 UN Convention on the Law of the Non-Navigational Uses of International Watercourses, Art. 5; these conventions do not bind Israel but they express international custom).

Such grave violations of International Humanitarian Law by Israel entail the international community’s obligation to ensure compliance by Israel with international law. These obligations originate from common Art. 1 of the Geneva Conventions, which provides that “the High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances”.

In the current launching of the new Israeli assault on Gaza, it is important to state that contrary to Israeli claims, the escalation of violence started when Israeli forces conducted an incursion into Gaza on 8 November, opening fire towards an open area which led to the killing of a 13 year-old boy.

Moreover, while the IOF is arguing that it focuses only on military targets, it has been proved during operation Cast Lead in 2008-9 that such so-called “surgical attacks” are impossible in such a tiny densely-populated area where there is no safe space and no bomb shelters. Attacks can thus only lead to the death of innocent civilians. Such indiscriminate military attacks on civilian population are forbidden under international Humanitarian law.

The UN Fact Finding Mission on the Gaza Conflict that followed the “Cast Lead operation” had stated that war crimes and possibly crimes against humanity had been committed. This never led to any further inquiry and no international sanctions were applied against those responsible. Such impunity allows Israel to launch this new military operation that will most certainly lead to an important number of civilian deaths and injuries, and aggravate the dire living conditions that the Gaza population has been enduring since the beginning of the blockade.

Throughout its international sessions, the RToP highlighted the responsibilities and omissions of third states and international organizations regarding Israel's recognized violations of international law. Today, the RToP can only but reaffirm that only third party involvement for a full recognition of the rights of the Palestinian people to self-determination could lead to a just and durable peace in the region. The way the international press is currently covering the "operation Pillar of Defence" and most official statements that are coming through from various western governments are not giving prospect for this to occur in the short term.

The RToP therefore calls for the mobilization of international public opinion to condemn this situation and use all available tools available to civil society to put pressure on their governments and members of parliament, so that they ensure compliance by Israel with international law.

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