

An Urgent Action Appeal International Community Must Act to Stop Killing Palestinian Children.

Israel kills over 81 Palestinians, injures more than 250 and cause severe suffering to hundreds of thousands in the Gaza Strip

Al Mezan Center for Human Rights requests your urgent intervention in the following situation in Palestine.

Al Mezan strongly condemns the Israeli violations of human rights and the rights of the children in the Occupied Palestinian Territories (OPT) and especially in the north of the Gaza Strip. The Center calls upon the international community to take effective action to put an end to these violations. The Center also calls human rights organizations and children NGOs, coalitions and individuals to take whatever steps within their power to mobilize a more effective intervention to prevent such violations of the International Humanitarian Law and human rights standards.

Brief Description

Since the night of Tuesday 28 September 2004, the Israeli Occupation Forces (IOF) carried out a wide-scaled incursion into the area of North Gaza1. IOF spokespersons announced that the Israeli Army carried out the incursion to stop the launch of Qassam and other hand-made rockets on the Israeli territory and Jewish settlements inside the Gaza Strip. The incursion is still underway for the eighth day. To date, eighty-one Palestinians; among whom are 25 children, have been killed and 270; including 90 children, were injured. Numerous homes and private property have also been destroyed as IOF utilize excessive, disproportionate force, including air force and heavy tanks in this military operation.

At about 3 pm on Thursday 30 October, an Israeli tank fired artillery into a group of Palestinians in the center of Jebalia refugee camp killing 10, of them at least 8 were Palestinian under-18s. Some 30 other people were injured; including 10 children.

In addition, as the incursion continues, a major proportion of the civilian population of the area suffer shortage in food and water supply due to the destruction of water and electricity facilities, or denying access of technical teams to operate them by IOF.

In the south of the Strip, there has been a serious shortage of food and fuel as IOF ban human and goods movement and, thus, the supplied from Gaza City. Moreover, hundreds of people, including numerous children are not able to access medical care due to the closure of checkpoints.

Background information:

Israel occupied the Gaza Strip and the West Bank, including East Jerusalem in the aftermath of the June 1967 war. The international community considered this occupation as illegal and has a consensus on the applicability of the Fourth Geneva Convention in the OPT. During this period, Palestinians have been striving to achieve their own independent state. In

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¹ One of the most populated areas in the Gaza Strip; North Gaza Governorate is composed of three major residential areas: Jabalia towns and its refugee camp, the town of Beit Hanoun and the town of Beit Lahia. The population of this area is over 250,000.



September 2000, Palestinians took to the streets in reaction to Ariel Shaon's visit to Al Aqsa Mosque in east Jerusalem in what is called the Al Aqsa Intifada, which had a more passive nature in the beginning. The IOF perpetrated numerous violations of IHL during this Intifada, including the murder of over 2,500 Palestinians, including 700 children, and used children as collaborators and informants. IOF also destroyed more than 5,000 homes in the Gaza Strip and impose daily strict closures restricting human and goods movement.

There are some 3.5 million Palestinians living in the OPT, 1.4 of them in the Gaza Strip. The area of the Strip is about 360 square kilometers. Israel controls 40% of this area for settlement and military purposes. There are 19 Jewish settlements in the Gaza Strip.

International Law

The above mentioned practices represent a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949). The Convention prohibits the perpetration of grave breaches by the occupying power, such as excessive and disproportionate force, reprisals against civilians and destruction of civilian properties, collective punishment and targeting civilians (articles 146, 147, 33, 53, 49, and 47).

Israel is in breach of its obligations under the Convention on the Rights of the Child 1989, which Israel ratified in 1991. These practices violate Palestinian children "inherent right to life" and their right to adequate housing, among other rights (articles 6 and 27).

The practices reported also violate the basic right to adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity.

Action requested:

Al Mezan Center for Human Rights requests the solidarity of human rights organizations, groups and individuals. Please read this release and endorse it by sending a message to the Center at the below email address. Endorsements will be updated daily starting from Wednesday 7 October 2004, and will appear at the Center's website www.mezan.org.

Please also send the attached sample letter or a letter of your own demanding respect for human rights law and restraint from reprisals against civilians and children in the OPT to international, Israeli and National officials. Some of the important contact information is enclosed in the letter.

Al Mezan Center for Human Rights

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Email: <u>info@mezan.org</u>. Website: www.mezan.org.



Sample Letter to the Israeli authorities

Dear Sir/Madam,

Al Mezan Center for Human Rights have informed us that the Government of Israel announced to intend to continue military action, code operation name (Operation Days of Repentance) in the Gaza Strip in response of hand-made rocket launches towards Israeli territory and settlements in the Strip. It is estimated that the Israeli military has killed 81 Palestinians, including 25 under-18s, demolished 140 Palestinian homes from 28 September to 5 October 2004, leaving hundreds homeless; the majority of whom are also children. Due to the Israeli forces operation, 10 Palestinians were killed on 30 October 2004, when Israeli forces launched artillery towards a crowd of Palestinian. Eight of the dead were under 18years-old. Moreover, most of the victims are civilians who did not take part in any hostilities. Meanwhile, due to the closure imposed on the North Gaza area and other parts in the Strip, the civilian population's life is endangered as they do not have access to basic needs. This includes water, electricity and health care.

These practices represent a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949), which prohibits destruction of civilian properties, collective punishment and targeting civilians and excessive, disproportionate use of force (articles 33, 53, 49 and 47). The extensive loss of life and destruction and appropriation of property, not justified by military necessity is also considered a grave breach under Art. 147 of the Fourth Geneva Convention.

Also, the practices reported also violate the inhabitants' human right to adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. House demolitions represent a gross human rights violation and a violation of the international human rights land humanitarian norms, especially provisions regulating adequacy, nondiscrimination and military necessity. It should be noticed that Israel bears a treaty-bound obligation to respect, defend, promote and fulfill these entitlements in an environment of self-determination, nondiscrimination, gender equality, rule of law, and nonregressivity.

Specifically, the authorities have breached their treaty obligations under the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), to both of which Israel is a State Party. Additionally, The State of Israel breaches its obligations, inter alia, under the International Covenant for the Elimination of Racial Discrimination (CERD), both in general and specifically Article 5(e)(iii), which treaty it ratified on 2 February 1979.

Finally, Israel is in violation of its treaty obligations under the Convention on the Rights of the Child (CRC) and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of children in armed conflict. The Israeli security forces did not use measures to protect Palestinian civilians and children.

We demand that you immediately take all the measures under your power to halt the acts of killing of civilians and demolition of Palestinian homes, particularly the ongoing campaign in the Gaza Strip, and to take measures to spare civilians and children life under all circumstances.



Sincerely,

[Signed]
[Your name and organization]
[Cc]

Officials in Israel:

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 Josh Schwarcz, Secretary General

The Israeli Embassy or other official representation in your country; find a list at: http://www.israel-mfa.gov.il/mfa/go.asp?MFAH0czk0

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• European Court of Human Rights

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• ICC - International Criminal Court

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Kindly inform Al Mezan Center for Human Rights of any action undertaken quoting the code of this appeal in your reply to: $\underline{info@mezan.org}$.