



# 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 Khiam Rehabilitation Center for Victims of Torture, 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.

[31 May 2021]

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\* Issued as received, in the language(s) of submission only.



## **Towards an international investigation of the crimes committed by Israel in its aggression against the Gaza Strip**

The Israeli occupying forces committed serious crimes in the Gaza Strip during their recent aggression, rising to war crimes and crimes against humanity, according to international law experts and officials of international organizations. The Prosecutor of the International Criminal Court, Fatu Ben Suda, United Nations human rights experts such as Balakrishnan Rajagopal, Michael Link, Combo Poly Pari, Rapporteurs Michael Fakhri, Cecilia Jiménez Damari, Irene Khan, Fionolani Uleen and Maurice Tibal Binz were unanimous of the international inquiry by the International Criminal Court into attacks on civilian populations and other gross violations of human rights. They referred to the killing of dozens, the wounding of thousands of civilians, including children, women and the elderly, and the extermination of entire families. Their testimony and opinion are important before international organizations, both human rights and judicial, and the International Criminal Court.

The round of conflict began after the Israeli Supreme Court issued, on May 6th, 2021, a decision to evacuate Palestinian-owned houses in the "Sheikh Jarrah neighbourhood" of occupied Jerusalem, accompanied by indiscriminate arrests, including of many children, with a view to expanding the illegal settlement and Judaization of occupied Jerusalem. The case of "Sheikh Jarrah" has begun since 1956, under Jordanian rule over the West Bank, when 28 refugee families moved to "Sheikh Jarrah neighbourhood," after these families lost their homes during the Nakba in 1948. The Jordanian Ministry of Reconstruction and Development, together with the Palestinian Refugee Relief and Employment Agency collaborated in 1956 to provide substitute houses in Sheikh Jarrah for the 28 families. The citizens were asked to pay a nominal fee so that after three years, ownership would be delegated to the population.

Over the years, several attempts had been made to take over the area, for example under the pretext of green areas and gardens. Restrictions were imposed on the neighbourhood similar to the Silwan and the Batenel Hawa neighbourhoods, denying the citizens there the permits to build and demolishing new houses with a view to the displacement of the population. Some families submitted titles, and documents establishing their ownership from the Ottoman Tabu in Turkey, to the Israeli Central Court in 1997. The Occupation Court rejected these papers and held onto forged settler papers.

To tighten the Israeli occupation forces' control of the neighbourhood in 2003, it closed the headquarters of the Palestine Liberation Organization (PLO), located in the neighbourhood of Sheikh Jarrah, as well as the National Theatre, and several diplomatic headquarters in the neighbourhood. In 1973, it established the "Javat Hamgtaar" settlement in Sheikh Jarrah on the Jerusalem-Ramallah road, and the number of illegal housing units there reached 4200, dwelled by (13) thousand settlers.

The construction of Israeli settlements in the occupied Palestinian territories contradicts the Rome Statute, the Fourth Geneva Convention and the United Nations resolutions 242 (1976), 338 (1973), 1515 (2003) and 2334 (2016) of the Security Council. The Jewish Nationality Act and the Yehuda and Samaria (i.e. the Palestinian Bank) Settlement Regulation Act, No. 5777, adopted by the Israeli Knesset in 2016, are therefore contrary to all international laws.

The decision of the Supreme Court of May 6th, 2021 therefore constituted the fuse that was set alight to resist attempts to displace the population and Judaize the city of Jerusalem. Meanwhile, settlers threatened to break into the Al-Aqsa Mosque by thousands on 28th of Ramadan, i.e., May 10th, 2021. Iron barriers had been put in front of the gate of Damascus. The occupying police stopped the worshippers buses and severed the highway to prevent them from reaching the Al-Aqsa mosque. Israeli soldiers entered the Al - Aqsa Mosque and occupied its yards. Benjamin Netanyahu wanted to prove his support for the settlers so that he could remain a prime minister and protect himself from the corruption case against him. The occupation authorities used all manner of intimidation, such as the withdrawal of identities of Palestinian activists and banishing them away from Al-Aqsa and Jerusalem.

Excessive force was used against them, killing and wounding hundreds and arresting more than 250 people.

All of this has led to the ignition of the Gaza Front, the firing of rockets from Gaza and the bombing by Israeli aircraft and rockets.

In the days of the bombing of Gaza, the Israeli authorities committed a number of war crimes such as the crime in the Beach refugee camp in western Gaza City. On Saturday, May 15th, 2021, Israeli warplanes bombarded a house for Abu Hattab family, destroying it over the heads of its inhabitants, causing the death of 10, including 8 children and 2 women. Children killed include: Yaman Abu Hattab, 5, Bilal Abu Hattab, 10, Yusuf Abu Hattab, 11, Abdul Rahman Al-Hadidi, 8, Suhaib Al-Hadidi, 14, Yahya Al-Hadidi, 11, in addition to Yasmin Hassan, 31 and Maha Al-Hadidi, 36.

That Israeli attack on the besieged Strip for 15 years caused the following casualties:

The occupying forces bombed and destroyed nine towers such as "Mushtaha" tower, Tower of Ashoroq, Hanadi" and "Al Jawhra Tower, which all housed residential apartments, corporate offices and some press institutions operating in Gaza. It also bombed Al Jalaa' which housed along with apartments, numerous international, Arab and local media offices. It also housed the offices of the United States News Agency (Associated Press), as well as local radio stations and Internet networks, doctors and lawyers' offices, and headquarters for charities. Al Jalaa' tower is Gaza's second largest. There were approximately 16,000 destroyed and damaged housing units.

The number of martyrs rose to 249, including 65 children and 39 women. In addition, more than 1910 citizens were injured.

In addition, more than 450 buildings were completely destroyed in the Strip and other buildings were damaged by rocket fire, including six hospitals, nine health-care centres and a desalination plant providing some 250,000 Palestinians with clean drinking water, as well as a tower with information offices.

The experts said: "Because of the great disparity in power, the victims of this conflict are disproportionately Palestinians in Gaza, of whom more than 74,400 have been forcibly displaced, mostly women and children. This is in addition to the focus of the bombing on the destruction of infrastructure including streets, water lines, electricity and sewage lines, resulting in the scarcity of clean drinking water.

They Israeli air strikes also destroyed 15 factories in the industrial area of the Gaza Strip and the initial loss of such destruction alone is estimated at \$40 million and includes the damage of some 46 schools, including UNRWA and other private schools. The Gaza Ministry of Agriculture estimated \$27 million of damage, including agricultural land.

The destruction of a large part of the electricity sector has caused Gaza to experience a difficult humanitarian situation as a result of a 20-hour blackout. This has had a significant negative psychological impact on more than 2 million people living under Israeli siege.

The occupying forces committed war crimes in accordance with article 8 of the Rome Charter establishing the International Criminal Court, by destroying the infrastructure which has exacerbated the difficult humanitarian situation in the besieged Gaza Strip, in particular the scarcity of clean drinking water for citizens, which will have long-term consequences for all aspects of life.

The International Criminal Court must therefore act promptly to investigate these crimes, especially following its recent decision that it will proceed to investigate the crimes committed in the territory of the State of Palestine, which covers the entire occupied Palestinian territory, namely the Gaza Strip and the West Bank, including occupied Jerusalem.

The international community should facilitate this task for the International Criminal Court and provide all forms of support for the initiation of an immediate international judicial investigation and the activation of international instruments of accountability to ensure that the Israeli occupying authorities are punished for their crimes against Palestinian civilians and civilian objects.

Khiam Rehabilitation Center for Victims of Torture and European Alliance once again call for the dispatch of an international delegation to investigate the Israeli crimes committed against Palestinians in the Gaza Strip as well as in Jerusalem, in particular in the neighborhood of Sheikh Jarrah and in the area of the Al-Aqsa Mosque. We commend the decision of the Human Rights Council and the statement of the United Nations High Commissioner for Human Rights, Michelle Pelet, who said that the Israeli strikes against the Gaza could constitute "war crimes."

We received this Information from the European Alliance in Defence of Palestinian Detainees.

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European Alliance in Defence of Palestinian Detainees, European Institute For Economics, Political and Social Research Conseil Universel Des Droits De L'Homme - France, NGO(s) without consultative status, also share the views expressed in this statement.