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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:
DISAPPEARANCES AND SUMMARY EXECUTIONS

Written statement* submitted by Palestinian Centre for Human Rights,
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.

[5 February 2003]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The Palestinian Centre for Human Rights (PCHR) expresses its grave concerns at the increasing prevalence of extrajudicial, summary, and arbitrary executions of Palestinians by the Israeli military and settlers in the West Bank, including Jerusalem, and the Gaza Strip.

Since the beginning of the current Intifada, 1321 Palestinians have been killed by the Israeli military or settlers, including 349 children, in the Occupied Palestinian Territories (OPTs). These killings represent a further escalation and intensification of attacks perpetrated against the Palestinian civilian population, carried out in violation of international human rights and humanitarian law. These deaths include those resulting from excessive/indiscriminate use of force by the Israeli military, by sniper shootings, tank-fire, in demolition operations and by helicopter gunship and F16 fighter jet missiles. Palestinian civilians are afforded protected status under international humanitarian law, as a civilian population under occupation. As such the wilful killing of a Palestinian civilian constitutes a grave breach of the Fourth Geneva Convention, namely a war crime. PCHR further expresses its concern at the failure of the State of Israel to adhere to its international legal obligations to fully investigate such killings, to prosecute those responsible and to provide reparation to the families of the victims.

Whilst PCHR expresses its concerns regarding all killings of Palestinian civilians, for the purposes of this submission, PCHR wishes to highlight the Israeli government-affirmed policy of extrajudicial executions of alleged Palestinian activists. This policy of state-sanctioned murder has been implemented since the beginning of the current Intifada and has become an increasingly prominent feature of the Israeli military operations throughout the OPTs. Indeed, 10.5% of all Palestinians killed during the current Intifada, were killed in extrajudicial executions attacks by the Israeli military. PCHR wishes to draw this Commission's attention to this ongoing policy, the inherent violations of human rights, and its impact on the wider civilian population.

The Israeli government has established a political policy of extrajudicial executions carried out by the Israeli military to eliminate Palestinians Israel alleges are responsible for, have ordered, or have taken part in attacks against Israeli targets. This unlawful policy constitutes a flagrant violation of international human rights law, including the right to life¹, rights to a fair trial, and the right to an appeal. As such, in implementing this policy Israel remains in violation of the legal obligations by which it is bound as a State Party to international human rights treaty law which afford these guarantees, including the International Covenant on Civil and Political Rights. This punishment is metered out by the State of Israel without recourse to any form of judicial procedure; no evidence is presented before or after the attacks of the alleged imminent threat posed by the individual targeted; in many instances, the individual targeted for assassination could have been arrested by the Israeli authorities at Israeli military checkpoints, border controls, or during the increasingly regular Israeli military incursions into Palestinian cities, towns, villages and refugee camps.

¹ Article 6(1) of the International Civil and Political Rights, to which Israel is a party, sets out that 'Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.'

PCHR reiterates that extrajudicial executions violate the protections afforded under the Fourth Geneva Convention, including grave breaches (article 147)², namely war crimes. Grave breaches are automatically subject to the principle of universal jurisdiction and incur individual criminal responsibility; article 146 of the Fourth Geneva Convention, obligates all High Contracting Parties to the Convention "to search for and prosecute those alleged to have committed or to have ordered to be committed such grave breaches". However, PCHR notes with serious regret the failure of the international community to take any steps to ensure a halt to this particular policy, or to search for and prosecute those responsible for its implementation.

PCHR has documented the increasing reliance on this policy by the State of Israel; since the beginning of the Intifada, the Israeli military has conducted 110 extrajudicial execution attacks against alleged Palestinian activists. There were 43 such attacks in 2001, 57 in 2002. 73 Palestinians targeted for killing were killed in 2001, 43 in 2002. The type of force used to carry out these executions has also witnessed a serious escalation in 2002. Extrajudicial executions have been carried out using rockets fired from helicopter gunships, missiles fired from tanks, sniper fire, planted explosives and more recently, missiles fired from F16 fighter jets.

PCHR notes with particular alarm the increasing threat to Palestinian non-targeted civilians of the increased reliance on this policy. In addition, to the increasingly excessive use of force used in such attacks, the timing, location and force used in these attacks substantially increase the threat to non-targeted civilians; they are often conducted in civilian residential or commercial areas, against moving vehicles, and often during the day time. This escalating threat is evidenced in the significant increase in numbers of deaths and injuries of non-targeted civilians. A total of 69 non-targeted Palestinians were killed in extrajudicial assassination attacks since the beginning of this Intifada; 14 were killed in 2001, and 46 were killed in 2002. Of particular concern is the increasing threat to Palestinian children; in total 28 children have been killed in these attacks since the beginning of the Intifada, 5 in 2001 and 23 in 2002. Particularly illustrative of the threat to non-targeted Palestinians is the number of injuries; since the beginning of the Intifada, 280 Palestinians were injured in extrajudicial execution attacks by the Israeli military. However, of those only 24 individuals injured were actually targeted for extrajudicial execution. Of the remaining 256 non-targeted Palestinians who were injured in these attacks, 57 were injured in attacks in 2001, and 199 in attacks in 2002. This increasing disregard for civilian life is perhaps most clearly illustrated in the extrajudicial execution of the alleged Hamas activist Salah Shehada in Gaza city on 22 July 2002. This execution was carried out using a one-ton missile fired from an F16 fighter jet into civilian property located in a densely populated residential neighbourhood. The attack, conducted at around midnight, resulted in the deaths of 12 non-targeted civilians, including 7 children, who were asleep in their homes adjacent to the targeted building. Three unidentified persons believed to have been in the targeted building were also

² Article 3(1) of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) provides that, 'The following acts are and shall remain prohibited at any time and in any place whatsoever...(a) Violence to life and person, in particular murder...' Also, Article 32 prohibits 'taking any measure of such a character as to cause the physical suffering or extermination of protected persons.'

killed. A further 78 Palestinian civilians residing in neighbouring properties were injured and more than 40 homes in the neighbourhood were damaged or destroyed. In an immediate response to this incident, Ariel Sharon, the Prime Minister of Israel, reportedly declared that the assassination of Salah Shehada was one of Israel's "*...biggest successes*"³.

PCHR is further concerned at the failure of the State of Israel to provide effective reparation to victims of this policy, including to those non-targeted civilians killed or injured in such attacks.

PCHR condemns this policy of extrajudicial execution of alleged Palestinian activists as a grave violation of Israel's obligations under international human rights and international humanitarian law. PCHR reiterates that the willful killing of a Palestinian civilian, constitutes a war crime as defined in international law, and asserts that when conducted as part of a widespread and systematic policy, these extrajudicial executions may constitute a crime against humanity.

PCHR calls upon this Commission

- to condemn this policy of extrajudicial executions as a violation of the fundamental human rights, including the right to life, rights to a fair trial and the right to appeal.
- to remind the High Contracting Parties of the Geneva Conventions of their obligations under article 146 of the Fourth Geneva Convention to search for and prosecute those responsible for grave breaches.

³ Reynolds, Paul, "Gaza attack buries diplomatic efforts", BBC News Online – <http://www.bbc.co.uk/news>.