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**HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER  
OCCUPIED ARAB TERRITORIES**

**Written statement\* submitted by Federación de Asociaciones de Defensa y  
Promoción de los Derechos Humanos, 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.

[13 February 2009]

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

## **Call for immediate action to be taken after Israel's barbaric aggression on the Gaza Strip<sup>1</sup>**

The Federation of Associations for the Defense and the Promotion of Human Rights-Spain, on behalf of the Spanish civil society we represent, and in solidarity with the peaceful Palestinian civil society, we assume their position paper after Israel's barbaric aggression on the Gaza Strip and we would like to bring their claims to the attention of all interested parties attending the Human Rights Council.

On 27 December 2008, Israeli occupying forces launched a full-scale military offensive on the Gaza Strip from the sea, land and air. For 22 days the Israeli military indiscriminately shelled homes, mosques and schools, leaving no area of Gazan society untouched. During Israel's barbaric military campaign, approximately 1300 Palestinians were killed. According to Al-Mezan for Human Rights, almost 4 of every 5 persons killed was a civilian. According to the Palestinian Ministry of Health, more than 1 of every 3 fatalities was a child. Practices and tactics adopted by the Israeli military during its offensive, which included bombing and shelling densely populated areas, strongly indicate that civilians were deliberately targeted.

The goal of the Israeli military was clearly to leave an indelible imprint in the minds of the Palestinians, both the current and future generations, - an image of unprecedented destruction - in the hope of erasing the memory of resistance and struggle amongst the people of Gaza. In doing so Israel would be free to impose its goals, and instill a culture of obedience, and compliance with the occupying power.

Israel's actions amount to an illegal act of aggression and there is growing evidence that the circumstances in which many of the civilians were killed may amount not only to war crimes but also crimes against humanity.

We demand immediate intervention, particularly by the High Contracting Parties to the Fourth Geneva Convention, to thoroughly investigate Israel's military conduct during its full-scale 22-day offensive in the Gaza Strip, and to consequently prosecute all those responsible for war crimes and crimes against humanity committed.

This aggression, orchestrated by the Israeli body politic, depicts a grave disregard for the fundamental human rights of a civilian population under the control and protection of Israel, as Occupying Power of the Gaza Strip, and has a direct bearing on the current media campaigns and the pending Israeli elections.

Although Israel's stated goals were not reached, the people of Gaza heroically endured the systematic destruction of their lives for 22 days.

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<sup>1</sup> Asociación para las Naciones Unidas en España (ANUE), Asociación Pro Derechos humanos de España (APDHE), Asociación para la Defensa de la Libertad Religiosa (ADLR), Comisión Española de Ayuda al Refugiado (CEAR), Institut de Drets Humans de Catalunya (IDHC), Instituto de Estudios Políticos para América Latina y África (IEPALA), Justicia y Paz, Liga Española Pro Derechos Humanos, Movimiento por la Paz, el Desarme y la Libertad (MPDL), Paz y Cooperación, Mundubat, UNESCO Etxea, Plataforma de Mujeres Artistas contra la Violencia de Género, Coordinadora Estatal de Asociaciones Solidarias con el Sáhara (CEAS-Sáhara), Asociación Española para el Derecho Internacional de los Derechos Humanos (AEDIDH)

However, Israel's hidden goals were to deepen the rift already existing between Hamas in Gaza and Fatah in the West Bank, in order to further divide Palestinian people both politically and geographically.

We call for immediate action to be taken to achieve the following:

1. An immediate end to the internal conflict, a revival of national unity as to avoid polarization on a regional and international level, which does not serve common Palestinian goals, and formation of a National Unity Government to lead the Palestinian people through these critical times.
2. Immediate commencement of reconstruction work in Gaza with a priority of finding homes for those without. The reconstruction of Gaza should be handled by Palestinians as their knowledge of the affected areas is second to none. Although Israel should take full responsibility for rebuilding all destroyed civilian infrastructure in the Gaza Strip, if reconstruction is to be bankrolled by the international community, reconstruction funds should be handled exclusively by a Palestinian team, which should be selected on the basis of transparency, accountability and professionalism, and should consist of members from civil society, the private sector and the Government. This team should utilize their collective experience on a local, regional and international level and apply it as specified by the needs of the team.
3. Co-operation with civil and popular initiatives in order to allow them the possibility to assist the victims of this war. In addition, the role and independence of civil society should also be respected.
4. An end of the siege on Gaza and opening of the borders and crossings. In addition, a safe and free passage that links the West Bank to Gaza should be created, whilst avoiding anything that deepens the already existing division between the West Bank and Gaza.
5. Preservation of the freedom of expression and right to criticize the performance of any authorities involved in the war, and let them be answerable for their respective roles. We call for the release of all political prisoners and the immediate cessation of arrests, while allowing media impartiality and freedom from external influence.
6. Conducting a comprehensive revision of Palestinian negotiating policy to ensure immediate cessation of the construction of Israeli settlements, the end of the siege on Gaza, the end of Israel's policy to isolate Jerusalem and to end all Israeli aggression. This policy should be linked with existing UN treaties, resolutions and standards of international law and should help develop Palestinian political discourse and its mechanisms. The reference of negotiation should be based on the Palestinian Political Prisoners Initiative with an emphasis on the right to resist.
7. The intervention of the international community in providing protection for the people of Gaza and the West Bank, ending the occupation of Palestinian territory by Israel and guaranteeing Palestinians' right to self-determination, through application of international conventions and resolutions. It is not acceptable to place the Palestinians on the same level as the Israelis; it is now clearer than ever who the oppressor is and who is being oppressed.

8. Bringing the Israeli authorities before a war tribunal to hold them to account for the damage and destruction they have caused in Gaza, and to ensure the appropriate reparations are made. We propose to form a national committee to work on this front.

9. Upholding the current global BDS campaign to boycott Israeli goods, support of divestment initiatives and encourage sanctions against Israel, to re-enforce its aims in light of Israel's recent war crimes in Gaza.

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