

Palestinian Legislative Council

Women and Children General Directorate

Report on the violations of the Israeli Aggression on the Rights of Women and Children in Gaza Strip

Gaza Strip has exposed to unjust aggression since July, 2014. This aggression considers the third during 8 years of blockade, through which Israel has launched its strikes against people, buildings, hospitals, mosques, parks, and even animals are not excluded, under the pretext of striking the resistance.

This aggression also occurred as a response to the steps of reconciliation that have been taken and to the unification process between Gaza and West Bank. Without any doubts, this aggression aimed to undermine the restoration of the national unity among Palestinians.

During this aggression, Israel violated all international norms and laws, in particular, that conventions on the protection of women, who suffered a lot in Gaza. That is, women has deprived of all their rights to live as a human being, to live in dignity , to have a house, and to have rights to travel like all other inhabitants who live anywhere in the world. According to the International Humanitarian Law, the blockade which has been imposed on Gaza Strip can be considered as a collective punishment crime, that punished Palestinians from exercising their normal, economic, social, and political lives.

The Palestinian children also suffered during this aggression. That is to say, an organized operations to target children was conducted by the Israeli political and military leadership and has been adopted by the top levels in order to kill the Palestinian children, and to terror and fear the new generations of them, and also to dash their future hopes in a clear violation of the provisions of the Universal Declaration of the Rights of the Child of depriving the Palestinian children from protection and endangering their lives .

The Israeli army also targeting civilians, women and children, in a clear violation of the principle of discrimination stipulated in the International Humanitarian Law, particularly the Fourth Geneva Convention of 1949, that confirms the rules of International Humanitarian Law that all individuals, who are non-combatants are protected in general under this law (IHL): These civilians should not be considered as a target to be attacked, and all possible measures should be taken to protect them. However, such protection measures in general can be considered as conditional of indirect participation in acts of hostilities, otherwise will become void and null .

First: - Damages and losses of the aggression on the Gaza Strip :

The recent Israeli aggression on Gaza is the forceful , the fiercest, and the bloodiest one in the Palestinian history against civilians since Israeli occupation in 1948. Israeli occupation forces used during the aggression different kinds of weapons against Palestinian civilians and their properties, and the air, ground, navy forces have fired thousands of rockets and guided grenades that weighing about 1,000 kg, that targeted civilian populations and caused losses in the lives and the properties of civilians .

Dr. Ashraf AL-Qudri, the Spokesman of Ministry of Health in Gaza has published on his official website data and statistics about the aggression, until the day 51 of the aggression. The statistics and figures of the martyrs of injured women can be classified as the following:-

1- Martyrdoms.

This aggression caused the death of: 2133 martyrs, among those martyrs are 263 women with a percentage of (12.3% of the total martyrs). Also, this aggression caused the death of 577 children with a percentage of (27%), and 102 of elderly with a percentage of (4%), while the number of men stood at 1191 with a percentage of (56%).

2- Wounded People.

The number of wounded people stood at 11,100. Among these numbers, 2088 women are included (with a percentage of 19% of the total injuries) , and 3374 of the numbers are children with a percentage of 19%, and 410 elderly of (4%), and 5771 men with a percentage of (57%).

3- Displaced

According to the published data by UNICEF, it shows that hundreds of thousands, or approximately 450 thousand Palestinians have displaced from their homes, about 250,000 Palestinians (quarter of a million) have fled to UNRWA schools, that have been targeted during this aggression, and this displacement deprived Gazan women from their rights of having a house and to live in a dignified life to her family. Also, targeting the Palestinian children in this aggression placed a heavy burden on Palestinian women, who suffer a lot by losing their beloved ones.

4- Births and abortions during the aggression.

According to an investigation posted on website of *Donia Alwatan*, the number of births in Gaza Strip until mid-August reached 1642 case. 400 of these cases were caesarean , 1242 natural birth, and 105 premature birth. It was noted that the abortion rate rose to 25%, while this rate was not exceed to 13%, before the aggression, and the examination cases due to the aggression rose to 40% because of the psychological trauma that pregnant women suffered.

Without any doubts, the amount of the health care that these women and their children who received, are declined during the aggression, or it could be non existent during pregnancy or after birth .

5- Damages and psychological effects on child.

The "UNICEF" pointed out that about 373 thousand children were suffered from a direct traumatic experience, and they are in need of an intensive support at both social and psychological level to maintain the balance. The UNICEF head of the field office in Gaza, Pernille Ironside said that:

"Rebuilding the children's lives will be part of a much larger effort to rebuild sector (Gaza) once the fighting stops permanently", she also added that "It is an extraordinary thing to live through, and especially to survive and witness the use of incredibly damaging weapons that tend to slice people with terrible amputations and maimings , shredding people apart in front of children eyes and in front of their parents as well,"

The scene of killed children with their sliced bodies has shocked people and wept the toughest hearts. These children who supposed to live their lives, like the rest of the world's children were deprived of living because of this aggression and their killing rejoice the leaders of the Israeli occupation .

During this aggression, approximately 1,500 Palestinian children became an orphaned and their daily sufferings increased and became homeless because of the miserable conditions they live, and also their houses were leveled with the ground.

6- Targeting properties and homes.

There is no doubt, that targeting properties of Gazan homes, work places, animal husbandry, and different factories led to the deterioration of the economic situation of Gazan families. A primary statistics were posted on *Donia Al-Watan* pointed out that 20 thousand housing units were destroyed completely, and 40 thousand house were destroyed partially, and 130 thousand citizens in the Gaza Strip become homeless, and this is for sure will affect the economic status of women.

Additionally, a large number of women in Gaza became widows, that adds a heavy burden on their shoulders, in terms of how can they secure a decent life for their families .

Second: Israeli violations of conventions and international laws and resolutions :

The investigations of human rights organizations in Gaza, come to a conclusion that the practices of the Israeli occupation forces during the aggression, constituted a breach for the rules of International Humanitarian Law. The Israeli army has launched random attacks on populated areas, and used deadly weapons by bombing populated areas randomly.

For example, what happened in Khuza'a, and Rafah Massacres were unbelievable, that more than 120 martyrs have been killed within a specific hours, and in one day. In addition, the number of injured people have exceeded more than 450 citizens in Rafah Massacre .

1- Fourth Geneva Convention on the Protection of Civilian Persons in Time of War of 1949.

The Israeli violations can be limited under the provisions of the Fourth Geneva Convention as follows :

1.1- Preventing of Targeting Civilians :

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: .

(a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(c) Outrages upon personal dignity, in particular humiliating and degrading treatment;

Despite the fact that the clause (a, c) of Article 3 has banned violence to life and person, in particular murder of all kinds, but Israel violated this clause and practiced the killing of women and children, that was very clear by the frequent attacks committed against the lives , dignity of women and children by killing , maiming and displacing women from their families and killing thousands of women "were a large number of women have been distorted, lost their children and families, and have abortion ".

Also, children were not excluded from Israeli attacks, they were maiming , displacing from their families and their body sliced to pieces and they were deprived of their basic rights such as play, education, and even to have a decent life and to live in peace .

The Article (12) of the Additional Protocol I pointed out that launching attacks against the civilian population consider a war crime. Also, article (13) of the Convention and of the Additional Protocol I pointed out that the necessity of affording general protection

to populations against certain consequences of war without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war.

So, the civilian population should not be an object of attack and acts of violence or threat should be prohibited, unless they participated directly in acts of hostilities. While clause (3) of Article (51) of Additional Protocol I stipulated that civilian people should enjoy protection, unless they took a direct participation in acts of hostilities.

The repeated Israeli attacks have been targeted humans, trees, stone and did not differentiate between one person and another due to different beliefs or opinions, or political affiliations, were women and children exposed to acts of violence or threat, either directly or indirectly. Despite the fact that these groups classified as vulnerable and marginalized groups in the community and did not threaten the security of Israel or participated in any aggressive acts against Israel. This is a very clear violation of Article (13), that stipulated on preventing the acts of violence and threats against the civilian population who are not waging aggressive acts against Israel.

2.1- Destruction of properties

Article (53) of the Convention pointed out that any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

Israel has destroyed the infrastructure completely, and has worked on the destruction of private properties such as food, garment and medicines factories, that formed a basic source of income for many families. Israel also intend to destroy as well as public properties, such as universities, mosques, and thus deprived many women of their rights of education, work and worship.

Article (27) of the Convention pointed out that the right of Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Israel in its recent war on Gaza Strip has committed numerous massacres, through which thousands of the lives of women and children have been killed, and many families have been wiped of from the civil registry and this is a good example of committing Israel a genocide against humanity in Gaza. This is a war crime and a crime against humanity.

Israeli has been violated the International Humanitarian Law, through repeated aggressive assaults that targets the lives of the civilian population of women and children which includes: murdering, wounding and maiming, and destroying the facilities and

houses over the heads of their inhabitants and burning crops and vegetables, killing and burning livestock and birds, and destroying factories, hospitals and medical centers .

These acts "grave violations" that have been committed by the Israeli government during the days of the aggression on the Gaza Strip are contradicting with international conventions, particularly the Fourth Geneva Convention of 1949 and Additional Protocol I and the principles of International Law and Human Rights Declarations and the United Nations Convention on the Rights of the Child, which Israel must stopped these violations immediately and in an accelerated manner as these violations consider a war crimes and crimes against humanity .

3.1- Indiscriminate attacks

The clause 1,2,3,6 of Article (51) of Additional Protocol I concerning the general protection of civilian population as such, as well as individual civilians against dangers arising from military operations. The civilians shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

4.1- Punishing people for their crimes.

The High Contracting Parties undertake according to Article(146) to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article. Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

The Article (147) pointed out that the grave breaches which includes the following acts - :

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive

destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Article (148)

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

Israel has committed grave breaches according to article (147.146) that is related to premeditated murder, which calls for imposing effective penal sanctions on persons who commit these crimes, namely war crimes and crimes against humanity according to the basis of the text of Article (7/1 / a) of the Statute of the Court ICC under the Article / 85/5 of the additional Protocol I to the Four Geneva Conventions of 1977 .

Since Israel is a member of the Fourth Geneva Convention of 1949, it can be prosecuted legally for its committed crimes, but the only obstacle remains that the State of Palestine is not a member and didn't sign this convention. So, Israel are not permissible to degrade from its responsibilities and should be obliged as a member of this Convention accordingly .

2- Convention on the Rights of the Child of 1989.

This Convention has confirmed the rights protection of the child in terms of the right to life, survival, development, education, health , play and in terms of humane treatment , respect, safety , security and prevention of diseases and dangers .

The aggression war on Gaza Strip was done in a systematic manner and targeted children, because Israel did not respect the international conventions, while killing a large number of children, wounding and maiming them. Israel by doing so, it may kill the Childhood " all children of the world," and deprived them of their rights to live, survive, development, education, and also Israel violated the principles of human rights and the International Covenant on Civil and Political Rights and on Economic, Social and Cultural Rights and the international charters and conventions, when Israel targeted and murdered in a systematic manner the Palestinian children .

3 - United Nations General Assembly resolution 3318 (d -29) of 1974, on the protection of women and children during armed conflicts.

This declaration stipulated on bearing in mind the need to provide protection of women and children belonging to the civilian population .

Also the resolution stipulated on that attacks and bombings the civilian population, inflicting incalculable suffering, especially on women and children, who are the most vulnerable members of the population, shall be prohibited, and such acts shall be condemned.

The third clause of the resolution also stipulated that all States shall abide their obligations under the Geneva Protocol of 1925 and the Geneva Conventions of 1949, as well as other instruments of international law relative to the respect of human rights in

armed conflicts, which offer important guarantees for the protection of women and children .

The clause (6) of the resolution thereof pointed out women and children belonging to the civilian and finding themselves in circumstances of emergency and armed conflict in the struggle for peace, self-determination, national liberation and independence, or who living in occupied territories, shall not be deprived of shelter, food, medical aid or other inalienable rights, In accordance with the provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration of the Rights of the Child or other instruments of international law .

Despite the fact that this resolution calls for the need to protect women and children in armed conflicts as they the most vulnerable and marginalized groups. However, Israel has breached the provisions of this resolution and did not provide the civilian population, especially women and children protection cover, relief and aid, and launched its frequent assault on them, and bombing them in very barbaric way, and killed some of them and caused permanent disabilities for some others .

4- The two International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights .

The Israeli government actions has formed a clear violation of the provisions of two International Convents through non-compliance with the provisions of Article(6) of the International Covenant on Civil and Political Rights which states that "Every human being has inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life ".

Israeli has deprived residents of Gaza Strip, especially women of their most basic rights: the right to life, and killed of thousands of children and women by reference to the statistical number of martyrs, we find that the martyrs, most of them women and children, and this is a clear and explicit violation of clause (1) of Article(6) related to the International Covenant on Civil and political Rights .

Third: Recommendations.

1- While Israel committing grave breaches to Fourth Geneva Convention of 1949, related to the protection of civilians during the war. Since Israel became a member and join this convention, it could be possible to sue and trial its former leaders and heads of current governments of committing a war crimes and crimes against humanity, according to the text of Article (147), which refers to the grave breaches committed by Israel as war crimes and crimes against humanity, and Article (146), which related to imposing penal sanctions for persons committing, or ordering to be committed grave breaches of the present Convention. Considering this killing and destruction of grave and serious violations that fall within the scope of war crimes and crimes against humanity. Also,

premeditated murder considers a crime against humanity under Article 7 \ 1 / a of the Statute of the International Criminal Court .

2- Monitoring and documenting all violations and breaches of " war crimes and crimes against humanity", that Israel carried out in its previous wars in 2008 , 2009 , 2012 and 2014 on a base that war crimes and crimes against humanity, that never become obsolete (no statute of limitations). Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and what confirmed by Article (9) of the basic law of the Statute of the International Criminal Court in 1998, which reads as follows: " crime within the jurisdiction of the Tribunal of the International Criminal Court, will never become obsolete".

3- The international community should hold a great responsibility towards the State of Palestine by sending a fact-finding committee to look into and investigate war crimes and crimes against humanity and genocide that carried out by Israel on the ground, and reporting the United Nations Committee of the recommendations about the investigation concerning the systematic attacks that targeting the Palestinian civilian population on the ground .

4- Demanding the Palestinian leadership to speed up the process of signing Rome Statue to join the International Criminal Court to present lawsuits and complaints to the International Criminal Court to prosecute Israeli government and its military leaders, who are responsible for committing in accordance with Article (28) of the Statute of the ICC .

Israel should be tried on committing mass crimes as well, "crimes of genocide", through which the whole families of Gazans have been wiped out completely from the Civil registry.

5- following up the request submitted by Palestine Liberation Organization to hold a Conference of the High Contracting States, who signed the Four Geneva Conventions to oblige Israel to respect and to implement the Fourth Geneva Convention of 1949. Israel as an occupied country, and as it becomes a member who join the Convention should be hold a full civil responsibility towards the Palestinian population in terms of damages, killing civilian population, destruction of houses and of the intense suffering that befell upon them, through a fair financial compensation process to compensate the Gazans for their loses and to restore the situation as well.

6-Calling government ministries to establish a " protection network " for women and children who have been affected by this aggression.

7-Citing the Israeli violations, in terms of the rights of women and children, and thus preparing a comprehensive report, that should be submitted to the international institutions that concerned with the rights of women and children.

References:

- Fourth Geneva Convention of 1949, on the protection of civilian persons in time of war and of Additional Protocol I (Supplement), 1977.
- Convention on the Rights of the Child in 1989.
- The two International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.
- The resolution of the General Assembly of the United Nations 3318 (d -29) for the year 1974 on the protection of Women and Children in Armed Conflicts.
- Dar'awi, David. A report on "war crimes and crimes against humanity: Israel's Responsibility for International Crimes during Al Aqsa Intifada", the Independent Commission for Citizens' Rights: Ramallah ,2001.

<http://twitter.com/press221>

<http://www.alwatanvoice.com/arabic/news/2014/08/12/577066.html>

<http://alresalah.ps/ar/index.php?act=post&id=98980>

<http://www.maannews.net/arb/ViewDetails.aspx?ID=718596>

<http://twitter.com/press221>

<http://www.alwatanvoice.com/arabic/news/2014/08/12/577066.html>

<http://alresalah.ps/ar/index.php?act=post&id=98980>

<http://www.maannews.net/arb/ViewDetails.aspx?ID=718596>