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GENERAL ASSEMBLY

Human Rights Council

22th Session

Item 7 : Interactive Dialogue with the FFM

Check against delivery

The International Association of Democratic Lawyers (IADL), the Europe – Third World Centre (CETIM), the American Association of Jurists and the Palestinian Centre for Human Rights (PCHR) welcome the report of the International Fact-Finding Mission investigating the impact of the Israeli settlements on the human rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem.

As underlined by the Mission, “despite all pertinent United Nations resolutions declaring that the existence of the settlements is illegal and calling for their cessation, the planning and growth of the settlements continues of existing as well as of new structures”.

The deportation or transfer, directly or indirectly, by the occupying Power of parts of its own population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, represents a grave breach of art. 49 of the Fourth Geneva Convention and therefore, according to the Rome Statute of the International Criminal Court, it constitutes a “war crime” that should be judged by the ICC itself.

For this reason we support the Mission’s suggestion that “Ratification of the Statute by Palestine may lead to accountability for gross violations of human rights law and serious violations of international humanitarian law”.

The dramatic impact of these activities on the human rights of the Palestinian people and the magnitude of these unlawful practices are very well known by the international community. Nevertheless, as the report emphasized, there is a situation of prevailing impunity for settler violence, as well as settlement expansion. During its 45-year occupation, Israel has consistently and systematically violated international human rights law and humanitarian law but until now has not been held accountable for its crimes. This impunity has resulted in Israel continuing – and escalating – its violations of international law.

We call upon the HRC to take all necessary steps in order to implement the recommendations contained in the report and in particular the cease of all settlements activities without preconditions and the immediate withdrawal of all settlers from the OPT. In order to put an end to impunity, to ensure respect for the rule of law and to provide justice for victims, we also call upon the HRC:

- 1) to urge the Prosecutor of the ICC to open an investigation on war crimes committed in the OPT;
- 2) to reiterate his call to the Government of Switzerland, in its capacity as depositary of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, to reconvene, as soon as possible, a conference of High-Contracting Parties on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its compliance by Israel in accordance with common article 1;
- 3) to urge all Member States to comply with their obligations and assume their responsibility under international law and therefore to adopt without delay national criminal legislation to enable them to prosecute persons committing or ordering to be committed any grave breach of international humanitarian law according to art. 146 of the Fourth Geneva Convention.

18th March 2013