



PALESTINIAN CENTRE FOR HUMAN RIGHTS

To: Kofi Annan, United Nations Secretary General
Mary Robinson, United Nations High Commissioner for Human Rights
John Dugard, UN Special Rapporteur on human rights in the OPT
Asma Jahangir, UN Special Rapporteur for Extra-judicial, Summary, and Arbitrary Executions

Date: 11 December 2001

Re: Death of Children in Assassination Attempt Highlights Need for Enforcement of International Humanitarian Law, International Protection, End to Occupation

On 10 December 2001, Israeli occupation forces killed two children and injured nine people while attempting to assassinate a Palestinian activist in Hebron, in the Occupied Palestinian Territories (OPT). At 14.40, Israeli Apache helicopter gunships fired two missiles at a group of civilian cars stopped at a traffic light in Hebron, killing Burhan Mohammed al-Himouni, 3, and Shadi Ahmad Arafah, 13. Nine others were injured in the attack, including Burhan's father, Mohammed Ibrahim al-Himouni, 45, who lost his left leg, and two children.

Since the start of the al-Aqsa Intifada, Israeli occupying forces have embarked on a systematic policy of assassinating Palestinian activists. Including yesterday's attack, they have carried out at least 52 such operations, in which 71 people have been killed and 83 injured. These attacks have resulted in the death of 51 targeted individuals and 20 bystanders, including 5 children.

Assassinations, as a category of willful killings, constitute grave breaches of the Fourth Geneva Convention and war crimes under the Rome Statute of the International Criminal Court. Premeditated killing of individuals suspected of planning or carrying out violent activities has no basis in international law. Assassinations are carried out without any judicial process or attempt at arrest, and in circumstances that demonstrate complete disregard for the risk posed to bystanders.

The recent attack in Hebron is only the latest and most shocking example of a pattern of grave breaches of the Fourth Geneva Convention by Israeli occupation forces in the OPT since 1967, with a dramatic and unprecedented escalation since 29 September 2000. Such grave breaches include willful killings, use of torture, and wanton destruction of homes and agricultural land.

PCHR calls upon you to condemn these acts, as well as the policies behind them, and to fully exercise the capacities of your offices to call upon the international community to enforce international humanitarian law, provide immediate protection for Palestinian civilians, and end Israel's 34-year belligerent occupation of the Gaza strip and West Bank, including east Jerusalem.

Enforcement of international humanitarian law. Under common article 1 of the Geneva Conventions, the 189 High Contracting Parties (HCPs) to the Convention are obligated not only to respect the Conventions, but to "ensure respect for them in all circumstances." Given Israel's



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refusal to recognise the applicability of the Convention in the OPT and its systematic violation of multiple provisions of the Convention as a matter of policy (demonstrated most egregiously through its establishment of settlements in the OPT), the burden of enforcement clearly falls on the other HCPs. The HCPs, acting unilaterally, in concert with other states, or through international organisations, could employ any of the measures normally reserved for states that violate their treaty obligations, including: restrictions or bans on military aid, economic sanctions, or downgrading or severing of diplomatic ties.

International protection. As a stateless people under foreign military occupation, Palestinians living in the OPT are powerless to protect themselves from violations of international humanitarian law. Thus, PCHR calls upon the international community to mandate, equip, and deploy an impartial and effective presence to the OPT immediately to provide international protection to Palestinian civilians.

End of occupation. Israel's 34-year belligerent occupation and settlement policy constitute a system of de facto apartheid and a threat to the stability of the region. Israel has failed to comply with the numerous UN Security Council resolutions calling upon it to withdraw from the territories it has occupied. The Oslo process failed to produce this outcome, as it relied on the United States as the primary mediator, despite its enormous military, economic, and diplomatic support for Israel. PCHR affirms that a just and lasting peace in the region will be impossible without an end to the occupation in a manner that fully respects international law, including international humanitarian law.