

DECLARATION OF THE NGO PARALLEL MEETING CONCERNING THE FOURTH GENEVA CONVENTION 4 – 5 DECEMBER 2001, Geneva

We, the undersigned Palestinian, Israeli, Regional and International NGOs, civil society groups and individuals state the following:

1. Appalled by Israel's systematic and persistent ongoing violations of the Convention and the right of Palestinian protected persons under that Convention, and gravely concerned by the ongoing failure of the High Contracting Parties to take any effective measures to put an end to these violations, we deplore the fact that at their meeting the High Contracting Parties issued a declaration which went no further than to reaffirm the obligations of the High Contracting Parties, including the Israeli occupying power under the Convention.
2. Reaffirming that the obligations of the High Contracting Parties under Article 1 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (the Convention) "to respect and to ensure respect" for the Convention "in all circumstances" requires them to take effective measures to ensure Israel, as the Occupying Power, applies the Convention de jure in the Occupied Palestinian Territories.
3. Recalling the resolutions of the UN General Assembly (including Res ES-10/5, 17 March 1998) which called for the convening of a meeting of the High Contracting Parties to discuss enforcement measures of the Convention in the Occupied Palestinian Territories.
4. Recalling the previous meeting held on 15 July 1999 which was a grave disappointment as it failed entirely to fulfill any of the UNGA resolutions or the obligations of the High Contracting Parties under the Convention.
5. Recognizing that this second meeting has been convened following the continuous systematic perpetration of violations of the convention, including grave breaches, namely war crimes, which have only escalated in the last 15 months.
6. Condemning the contempt of the Convention demonstrated by some High Contracting Parties, in particular the United States and Israel, in opposing even the convening of the Conference that was held today, and their relativization and politicization of fundamental and universal principles of international humanitarian law.
7. Reaffirming that no state should be above the law and that in allowing Israel to violate international humanitarian law with impunity, the High Contracting Parties encourage continuing violations of the Convention and undermine and victimize international humanitarian law. Further condemning the deferral of the application of humanitarian law in the name of political expediency, and condemning illegitimate claims that the implementation of international humanitarian law would prejudice the peace process. Recognizing that, as the concluding lesson of the previous ten years, the absence of international humanitarian law in the Occupied Palestinian Territories has facilitated the current humanitarian crisis.
8. Recalling that this parallel conference has been convened, by PCHR and LAW, to provide a voice for leading civil society representatives and experts on international human rights and humanitarian law, and to make clear the ethical, professional and legal voice of civil society. Emphasizing that this is of even greater importance as the High Contracting Parties meeting has been convened in camera, without an NGO or media presence, and that the declaration has been agreed in advance, is therefore symbolic and diverted from its intended purpose.
9. Asserting that this voice calls upon the High Contracting Parties to break the conspiracy of silence and put an immediate end to the violations, including grave breaches, against the Palestinian people in the Occupied Palestinian Territories.
10. Recognizing that the unprecedented escalation in the perpetration of violations of the Convention (willful killing, torture and inhuman treatment, settlements, destruction of civilian homes and properties (including the deployment of F16s and Apache helicopters in civilian areas), social and economic suffocation of the Palestinian people, excessive use of lethal force), including grave breaches, further illustrates the need for the immediate deployment of an international protection presence to prevent

violations of the Convention and to protect Palestinian protected persons within the Occupied Palestinian Territories.

11. Calling upon the High Contracting Parties to implement, individually and collectively, in a graduated and cumulative manner, sanctions including economic and diplomatic, which would ensure Israel's respect of its obligations under the Convention (and ensure its agreement to international protection for Palestinian protected persons).
12. Recalling and demanding that the High Contracting Parties not contribute to, aid or abet violations of the Convention. Accordingly, we call for an immediate suspension of military aid, including weapons and parts, used to perpetrate violations against the protected persons, and an immediate end to support of illegal settlement activities.
13. Reaffirming that the obligation of the High Contracting Parties under Article 146 of the Convention:
 - requires each High Contracting Party to enact legislation to provide effective penal sanctions for persons committing, or ordering to be committed, any grave breaches as defined under article 147; and
 - impose a positive duty to search for and bring to trial those responsible for grave breaches of the Convention, under the principle of universal jurisdiction.
14. Additionally, calling for the establishment of a War Crimes Tribunal to prosecute those responsible for the perpetration of war crimes within the Occupied Palestinian Territories. Also calling upon all of the High Contracting Parties to ratify the Rome Statute of the International Criminal Court.
15. Also call upon Palestinian, regional and international non-governmental organizations and civil society groups to further pressure their governments to take effective enforcement measures, including all of the measures detailed above.
16. Finally expressing concerns that this meeting not be the last such meeting of the High Contracting Parties to discuss the enforcement of the Convention in the Occupied Palestinian Territories.

Palestinian Centre for Human Rights

LAW, The Palestinian Society for the Protection of Human Rights and the Environment

Organisation Mondial Contre La Torture (OMCT)

Federation Internationale des Ligues des Droits de L'Homme (FIDH)

Cairo Institute for Human Rights Studies

Euro-Mediterranean Human Rights Network

International Association of Democratic Lawyers (IADL)

Al-Haq, Law in the Service of Man

Alternative Information Centre

Al-Awda

Jerusalem Legal Aid Centre

Womens Affairs Technical Committee

The Action Committee for One Democratic Secular Republic

Women in Black, Tel Aviv

Israeli Committee Against House Demolition

Yesh Gvul

World Movement of Mothers

Young Women Christian Association

Union of Arab Jurists

General Arab Women Federation

Swedish Refugee Council

Ligues des Droits de l'Homme

Palestinian Bar Association

Comite Solidaridad con la Cause Arab

CTPP

Palestine Solidarity Group, South Africa

World YWCA, Switzerland

Luisa Morgantini, Member of European Parliament, Italy

Women in Black, Italy

Associazione Per La Pace, Italy

Arab Organisation for Human Rights

Comite Tunisie en Suisse

Association France Palestine Solidarite

Vive la Palestine et la Maroc

Comite de Soutien en Peuple Palestinien, Paris-Est

Comite Romand Contre La Guerre

Comite Soutien au Peuple Palestinien

Comite Iuryen Pour La Palestine, France

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Ministry of NGO Affairs