

## A. October 1973 Appeal

[Source: IRRIC, no. 152, 1973, pp. 583-583]

### Appeals to belligerents

On 9 October 1973, the ICRC issued the following appeal on behalf of the civilians to the parties to the conflict:

*The International Committee of the Red Cross is extremely concerned at the extent of the new outbreak of violence in the Middle East and especially at its effects in densely populated areas. This tragic turn of events, confirmed by reliable sources and by the protests which it has received from various parties to the conflict, has led the ICRC to repeat its pressing overtures of twenty-four hours previously to the Governments involved, urging them to abide by the four Geneva Conventions of 12 August 1949. It stresses the necessity of sparing the civilian population in all circumstances.*

On 11 October, in view of the alarming news reaching it on the plight of the civilian population, the ICRC urged all the belligerents (Iraq, Israel, Arab Republic of Egypt and Syrian Arab Republic) to observe forthwith the provisions of Part IV ("Civilian Populations") of the draft Additional Protocol to the Geneva Conventions of 12 August 1949 for the protection of victims of international armed conflicts, in particular Article 46 ("Protection of the Civilian Population"), Article 47 ("General Protection of Civilian Objects") and Article 59 ("Precautions in Attack"). [Corresponding respectively to Articles 51, 52 and 57 of Protocol I of 1977.]

The Government of the Syrian Arab Republic and Iraq replied favourably to the ICRC, as did the Government of the Arab Republic of Egypt, the latter provided that Israel did the same.

Israel replied thus on 19 October: "In response to the ICRC appeal, the Government of Israel states that it has strictly respected and will continue to do so to respect the provisions of public international law which prohibit attacks on civilians and civilian objects."

As the ICRC considered that this statement did not answer the question it had asked, on 1 November the Government of Israel – through Mr. R. Kidron, *Political Advisor to the Minister for Foreign Affairs*– supplemented its reply as follows:

"As you are aware following the extensive conversations which we held on 30 and 31 October, the Government of Israel was both surprised and disappointed by the negative ICRC reaction to its statement. I explained that the ICRC proposal was examined in Jerusalem with the utmost seriousness and attention, and that the statement reproduced above was formulated after most careful consideration.

However, in order to remove any doubts as to its attitude on this matter, I am instructed to state that it is the view of the Government of Israel that the statement of its position transmitted to the ICRC on 19 October 1973 includes and goes well beyond the obligations of Articles 46, 47 and 50 of the Draft Additional Protocol mentioned in the ICRC note of 11 October 1973 in that it comprises the entire body of public international law, both written and customary, relative to the protection of civilians and civilian objects from attack in international armed conflicts.

I trust that this explanation of my Government's position will be accepted by the ICRC in the positive spirit in which it is made, and that the record will be corrected accordingly."

## B. November 2000 Appeal

[Source: ICRC, Press Release 00/42, 21 November 2000; available on <http://www.icrc.org/eng/resources/documents/misc/57jqrf.htm>]

### ICRC appeal to all involved in violence in the Near East

Geneva (ICRC) – The International Committee of the Red Cross (ICRC) is extremely concerned about the consequences in humanitarian terms of the persisting violence in the Near East. Since the end of September, the ICRC has repeatedly called upon all those involved in the violence to observe the restraints imposed by international humanitarian law and its underlying principles and, in particular, to ensure respect for civilians, for the wounded, for medical personnel and for those who are no longer taking part in the hostilities. To date, the intense clashes have left more than 200 people dead and thousands wounded. The ICRC is particularly worried about the large number of casualties among unarmed civilians and even children during clashes and the high proportion of wounds caused by live ammunition and rubber or plastic-coated bullets.

In the context of the Palestinian uprising against Israel as the Occupying Power, the ICRC stresses the fact that the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War remains fully applicable and relevant.

The ICRC once more reminds all those taking an active part in the violence that whenever force is used the choice of means and methods is not unlimited. It reiterates its appeal to all those involved in the violence or in a position to influence the situation to respect and to ensure respect for international humanitarian law and its underlying principles in all circumstances. Terrorist acts are absolutely and unconditionally prohibited, as are reprisals against the civilian population, indiscriminate attacks and attacks directed against the civilian population.

To avoid endangering the civilian population, those bearing weapons and all those who take part in violence must distinguish themselves from civilians. Armed and security forces must spare and protect all civilians who are not or are no longer taking part in the clashes, in particular children, women and the elderly. The use of weapons of war against unarmed civilians cannot be authorized.

The wounded and sick must be collected and cared for regardless of the party to which they belong. Ambulances and members of the medical services must be respected and protected. They must be allowed to circulate unharmed so that they can discharge their humanitarian duties. All those who take part in the confrontations must respect the medical services, whether deployed by the armed forces, civilian facilities, the Palestine Red Crescent Society or the *Magen David Adom* in Israel.

To date, dozens of Palestine Red Crescent ambulances and many of its staff have come under fire while conducting their medical activities in the occupied territories. Ambulances belonging to the *Magen David Adom* have also been attacked. The ICRC once again calls on all those involved in the violence to respect medical personnel, hospitals and other medical establishments, and also ambulances, other medical transports and supplies.

Any misuse of the emblems protecting the medical services is a violation of international humanitarian law and puts the personnel working under those emblems at risk. The ICRC calls on all persons involved in violence to refrain from misuse of the protective emblems and calls on all the authorities concerned to prevent or repress such practices.

All persons arrested must be respected and protected against any form of violence. The detaining authority must authorize the ICRC to have access to such persons, wherever they may be, so that its delegates may ascertain their well-being and forward news to their families.

The ICRC is increasingly concerned by the consequences in humanitarian terms of the presence of Israeli settlements in the occupied territories, which is contrary to the Fourth Geneva Convention, and by the effects of curfews and the sealing-off of certain areas by the Israeli Defense Forces. As an Occupying Power, Israel may restrict the freedom of movement of the resident population, but only when and in so far as military necessity so dictates. Restrictions on movement by means of curfews or the sealing-off of areas may in no circumstances amount to collective penalties, nor should they severely hinder the daily life of the civilian population or have dire economic consequences. Moreover, the Occupying Power has the duty to ensure an adequate level of health care, including free access to hospitals and medical services, and may not obstruct the circulation of food supplies. All institutions devoted to the care and education of children must be allowed to function normally. Religious customs must be respected, which implies access to places of worship to the fullest extent possible.

Lastly, the ICRC calls upon the authorities concerned and all those involved in the violence to facilitate the work of the volunteers of the Palestine Red Crescent Society, the *Magen David Adom* in Israel, its own delegates and those of the International Federation. Despite tremendous difficulties, these volunteers and delegates have worked tirelessly to bring assistance to the victims of the clashes, often at great risk to their own lives.

## **C. ICRC Declaration of 5 December 2001**

[Source: Official Statement of the International Committee of the Red Cross, made at the Conference of High Contracting Parties to the Fourth Geneva Convention, Geneva, 5 December 2001, available on <http://www.icrc.org/eng>]

### **Statement by the International Committee of the Red Cross, Geneva, 5 December 2001**

1. Pursuant to the relevant provisions of international humanitarian law and to the mandate conferred on it by the States party to the 1949 Geneva Conventions, the International Committee of the Red Cross (ICRC) established a permanent presence in Israel, the neighbouring Arab countries and the occupied territories in 1967 with a view to carrying out its humanitarian tasks in the region and to working for the faithful application of international humanitarian law.
2. In accordance with a number of resolutions adopted by the United Nations General Assembly and Security Council and by the International Conference of the Red Cross and Red Crescent, which reflect the view of the international community, the ICRC has always affirmed the *de jure* applicability of the Fourth Geneva Convention to the territories occupied since 1967 by the State of Israel, including East Jerusalem. This Convention, ratified by Israel in 1951, remains fully applicable and relevant in the current context of violence. As an Occupying Power, Israel is also bound by other customary rules relating to occupation, expressed in the Regulations annexed to the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907.
3. In general terms, the Fourth Geneva Convention protects the civilian population of occupied territories against abuses on the

part of an Occupying Power, in particular by ensuring that it is not discriminated against, that it is protected against all forms of violence, and that despite occupation and war it is allowed to live as normal a life as possible, in accordance with its own laws, culture and traditions. While humanitarian law confers certain rights on the Occupying Power, it also imposes limits on the scope of its powers. Being only a temporary administrator of occupied territory, the Occupying Power must not interfere with its original economic and social structures, organization, legal system or demography. It must ensure the protection, security and welfare of the population living under occupation. This also implies allowing the normal development of the territory, if the occupation lasts for a prolonged period of time.

4. More precisely, the Fourth Geneva Convention sets out rules aimed at safeguarding the dignity and physical integrity of persons living under occupation, including detainees. It prohibits all forms of physical and mental ill-treatment and coercion, collective punishment, and reprisals against protected persons or property. It also prohibits the transfer of parts of the Occupying Power's civilian population into the occupied territory, forcible transfer or deportation of protected persons from the occupied territory, and destruction of real or personal property, except when such destruction is rendered absolutely necessary by military operations.

5. In the course of its activities in the territories occupied by Israel, the ICRC has repeatedly noted breaches of various provisions of international humanitarian law, such as the transfer by Israel of parts of its population into the occupied territories, the destruction of houses, failure to respect medical activities, and detention of protected persons outside the occupied territories. Certain practices which contravene the Fourth Geneva Convention have been incorporated into laws and administrative guidelines and have been sanctioned by the highest judicial authorities. While acknowledging the facilities it has been granted for the conduct of its humanitarian tasks, the ICRC has regularly drawn the attention of the Israeli authorities to the suffering and the heavy burden borne by the Palestinian population owing to the occupation policy and, in line with its standard practice, has increasingly expressed its concern through bilateral and multilateral representations and in public appeals. In particular, the ICRC has expressed growing concern about the consequences in humanitarian terms of the establishment of Israeli settlements in the occupied territories, in violation of the Fourth Geneva Convention. The settlement policy has often meant the destruction of Palestinian homes, the confiscation of land and water resources and the parcelling out of the territories. Measures taken to extend the settlements and to protect the settlers, entailing the destruction of houses, land requisitions, the sealing-off of areas, roadblocks and the imposition of long curfews, have also seriously hindered the daily life of the Palestinian population. However, the fact that settlements have been established in violation of the provisions of the Fourth Geneva Convention does not mean that civilians residing in those settlements can be the object of attack. They are protected by humanitarian law as civilians as long as they do not take an active part in fighting.

6. The ICRC has also drawn the attention of the Israeli authorities to the effects of prolonged curfews and the sealing-off of certain areas by the Israel Defense Forces. The resulting restrictions on movements have disastrous consequences for the entire Palestinian population. They hamper the activities of emergency medical services as well as access to health care, workplaces, schools and places of worship, and have a devastating effect on the economy. They also prevent, for months on end, Palestinian families from visiting relatives detained in Israel. The concern caused by these practices has grown considerably during the past 14 months as measures taken to contain the upsurge of violence have led to a further deterioration in the living conditions of the population under occupation.

7. The ICRC has reminded all those taking part in the violence that whenever armed force is used the choice of means and methods employed is not unlimited. Today, in view of the sharp increase in armed confrontations, the ICRC has to stress that Palestinian armed groups operating within or outside the occupied territories are also bound by the principles of international humanitarian law. Apart from the Fourth Geneva Convention, which relates to the protection of the civilian population, there are other universally accepted rules and principles of international humanitarian law that deal with the conduct of military operations. They stipulate in particular that only military objectives may be attacked. Thus indiscriminate attacks, such as bomb attacks by Palestinian individuals or armed groups against Israeli civilians, and acts intended to spread terror among the civilian population are absolutely and unconditionally prohibited. The same applies to targeted attacks on and the killing of Palestinian individuals by the Israeli authorities while those individuals are not directly taking part in the hostilities or immediately endangering human life. Reprisals against civilians and their property are also prohibited. When a military objective is targeted, all feasible precautions must be taken to minimize civilian casualties and damage to civilian property. To avoid endangering the civilian population, those bearing weapons and those taking part in armed violence must distinguish themselves from civilians.

8. Demonstrations against the occupying forces by the civilian population under occupation or stand-offs between them are not acts of war. They should therefore not be dealt with by military methods and means. When faced with the civilian population, Israeli forces must exercise restraint: any use of force must be proportionate, all necessary precautions must be taken to avoid casualties, and the lethal use of firearms must be strictly limited to what is unavoidable as an immediate measure to protect life.

9. Access to emergency medical services for all those in need is also of paramount importance in the current situation. Such access must not be unduly delayed or denied. Ambulances and medical personnel must be allowed to move about unharmed and must not be prevented from discharging their medical duties. All those taking part in the violence must respect and assist the medical services, whether deployed by the armed forces, civilian organizations, the Palestine Red Crescent Society, the *Magen David Adom*, the ICRC, the International Federation of Red Cross and Red Crescent Societies or other humanitarian organizations.

10. Article 1 common to the four Geneva Conventions stipulates that the “High Contracting Parties undertake to respect and ensure respect for the present Convention in all circumstances”. This conference is to be viewed within that context. The ICRC has always welcomed all individual and joint efforts made by States party to the Geneva Conventions to fulfil this obligation and ensure respect for international humanitarian law. These efforts are all the more vital as violations of humanitarian law are far too common around the globe.

11. The means used to meet these legal and political responsibilities are naturally a matter to be decided upon by States. Whatever the means chosen, however, the ICRC wishes to emphasize that any action States may decide to take at international level must be aimed at achieving practical results and at ensuring application of and compliance with international humanitarian law, in the interests of the protected population.

12. Beyond all legal considerations and in view of the current humanitarian situation, the ICRC again calls upon all parties concerned to make every possible effort to spare civilian lives and preserve a measure of humanity.

13. For its part, the ICRC will continue to do its utmost to assist and protect all victims in accordance with its mandate and with the principles of neutrality, impartiality and independence which govern its humanitarian work. It counts on the full support of the parties concerned in promoting compliance with the humanitarian rules and facilitating humanitarian activities, which may also help pave the way towards the establishment of peace between all peoples and nations in the region.

14. The steady deterioration of the humanitarian situation over the last few months and, in particular, the tragic events of the past few days have highlighted the need to break the spiral of violence and restore respect for international humanitarian law.

## **D. ICRC Call of 13 December 2007**

[Source: ICRC, News Release 07/134, 13 December 2007; available on <https://www.icrc.org/eng/resources/documents/news-release/2009-and-earlier/palestine-news-131207.htm>]

### **ICRC calls for immediate political action to contain deep crisis**

The Palestinian population living in the occupied territories is facing a worsening humanitarian crisis as a result of the drastic deterioration of the situation there.

The International Committee of the Red Cross (ICRC) is particularly concerned about the impact of the severe restrictions on the movement of people and goods that exacerbate economic hardship and affect every aspect of life.

“The measures imposed by Israel come at an enormous humanitarian cost, leaving the people living under occupation with just enough to survive, but not enough to live a normal and dignified life,” said Béatrice Mégevand Roggo, the ICRC’s head of operations for the Middle East and North Africa. “The Palestinian people are paying an exceedingly high price for the continuing hostilities between Israel and Palestinian factions. Their situation is made even more difficult by intra-Palestinian rivalries. The Palestinian population has effectively become a hostage to the conflict.”

The situation in the Gaza Strip is alarming. The Strip has been progressively sealed off since June: imports are restricted to the bare minimum and essential infrastructure, including medical facilities and water and sanitation systems, is in an increasingly fragile state. Substantial cuts in fuel supplies further add to the hardship experienced by the population. In the West Bank, stringent restrictions on the movement of people continue to severely hamper the economic and social life of the Palestinian population.

“Israel’s right to address its legitimate security concerns must be balanced against the Palestinians’ right to live a normal and dignified life,” said Ms Mégevand Roggo. “In the current situation, humanitarian assistance alone is insufficient. It cannot and should not be a substitute for political action.”

[...] [T]he ICRC therefore appeals for immediate political steps to be taken to improve the humanitarian situation in Gaza and the West Bank. Moreover, it calls on Israel to respect its obligations under international humanitarian law, to ease restrictions on movement in the Gaza Strip and the West Bank and to lift the retaliatory measures that are paralysing life in Gaza. The ICRC also calls on the Palestinian factions to stop targeting civilian areas and endangering the lives of civilians.

## **E. Joint Public Statement by the International Red Cross and Red Crescent Movement**

[Source: ICRC, News Release, 13 January 2009; available on <http://www.icrc.org/eng/resources/documents/news-release/palestine-news-130109.htm>]

The International Red Cross and Red Crescent Movement is extremely concerned about the hostilities in Gaza and the tragic impact on its population. Hundreds of civilians are dead and many more are injured; others have had to flee their homes but are

caught in the fighting. The Movement deplores the fact that many wounded people have been abandoned and left to suffer alone, unable to reach hospitals and inaccessible to ambulances and medical workers. Some wounded have even died because ambulances did not receive the required clearances to reach them in time.

We call on the involved parties, in particular Israel, to remove restrictions on medical teams so they can do their life-saving work. We would like to reaffirm that under international humanitarian law all parties concerned have a duty to collect, care for and evacuate the wounded, without delay or discrimination.

The International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC) and National Red Cross and Red Crescent Societies salute the determination and courage of the staff and volunteers of the Palestine Red Crescent Society (PRCS) whose tireless efforts have saved countless lives. PRCS staff have been wounded and shot at in the course of their duties and their ambulances and properties have been severely damaged. This has dramatically reduced the PRCS' ability to deliver humanitarian services to the Gaza population.

The Movement deplores the lack of respect and protection given to medical teams, including PRCS personnel and facilities, which are clearly identified by the protective emblem of the Red Crescent. We call on the parties to the conflict to fully meet their obligation under international humanitarian law to facilitate the work of the PRCS and other neutral, independent and impartial humanitarian organizations. We welcome all efforts to achieve a cessation of hostilities, and we call for the establishment of a safe passage for humanitarian assistance in order to secure the provision of relief and the provision of medical care and treatment for the victims of the conflict.

[...]

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