

PUCL

PEOPLE'S UNION FOR CIVIL LIBERTIES

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**CONDEMN THE ONGOING GENOCIDAL WAR
WAGED BY ISRAEL AGAINST PALESTINIAN CITIZENS!
Demand Immediate Ceasefire and Unhindered Humanitarian Aid.**

PUCL strongly condemns the genocidal violence and crimes against humanity perpetuated against Palestinians by Israeli forces in the Gaza strip and the occupied Palestine territory. The spectacle of mass destruction and the illegal killings of civilians being played before the world, is shameful and signals the colossal death of humanity.

As per the list released by Gaza's Ministry of Health, more than 8300 Palestinians have been killed of which 40 percent are children. The heartless war is killing a child every 15 mins. With bombardments continuing, about 1,600 people including 900 children have been reported missing and may be under the rubble. As the UNICEF spokesperson poignantly noted, 'Gaza has become a graveyard for thousands of children'.

It is shocking that 32 journalists have been killed at the minimum. Israeli air strikes have destroyed homes; even hospitals have not been spared.

Gaza's 2.3 million residents have been running out of food, water, medicine, and fuel, and aid convoys have been facing restrictions and even those being allowed are less than a fraction of what is needed to meet the requirements of the entrapped Palestinian citizens. With no end in sight, with refugees camps and hospitals being bombed regularly and humanitarian aid hardly being allowed by Israeli Government (and their NATO supporters) to reach the people it is the people of the world who have to rise in support of the Palestinians and stop this war and it is in this context that the PUCL is raising its voice against this mindless war.

The situation in the Occupied Palestinian territories has escalated quite rapidly ever since the October 7, 2023 heinous attack by Hamas which resulted in the killing of over 1,400 **civilians** and 229 hostages being taken. This attack by Hamas targeting and killing civilians is a war crime and is to be condemned. However, the carrying out of a war without limits by Israel, violates several core principles of international humanitarian law, international human rights law as well as international criminal law. Today we are witnessing an ongoing genocide, this one carried out in full public view with full impunity by Israel.

The UN Secretary General, observed on 24th October, 2023,

*"It is important to also recognize **the attacks by Hamas did not happen in a vacuum**. The Palestinian people have been subjected to 56 years of suffocating occupation.*

They have seen their land steadily devoured by settlements and plagued by violence; their economy stifled; their people displaced and their homes demolished. Their hopes for a political solution to their plight have been vanishing.

But the grievances of the Palestinian people cannot justify the appalling attacks by Hamas. And those appalling attacks cannot justify the collective punishment of the Palestinian people". (emphasis added)

Violation of international law

The mass bombardment of all of Gaza violates the rules of humanitarian law as encoded in the Geneva Conventions. The heart of the rules which govern war are the "**Principles of 'Distinction', 'Precaution' and 'Proportionality'**". At the heart of the rules of war is the distinction between 'civilians' and 'combatants' which is being violated by Israel as it repeatedly casts the entire civilian population of Gaza as the enemy. The bombing of Jabaliya refugee camp with the murder of hundreds is only the latest illustration of the impunity with which Israel violates the rules of war.

It is becoming clear that the violation of the rules of war has underlying it an even more sinister objective. From the horror unfolding in Palestine before all our eyes, it appears that the warning on 14th October, 2023 of Francesca Albanese the UN Special Rapporteur on the 'Situation of Human Rights in the Palestinian Territory occupied since 1967' is coming true, "Israel has already carried out mass ethnic cleansing of Palestinians under the fog of war **again, in the name of self-defence, Israel is seeking to justify what would amount to ethnic cleansing**". (emphasis given).

As per the Convention on the Prevention and Punishment of the Crime of Genocide, 1948, genocide is defined as the '**intent to destroy in whole or in part a national, ethnical, racial or religious group**'. Some of the acts which can constitute genocide include '**killing, causing serious bodily harm**' and '**deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part**'. The Genocide Convention places a duty on all 153 signatories to both prevent and punish genocide.

In the attack on Gaza, Israel's actions seem to be geared towards the infliction of 'conditions of life' all of which are 'calculated to bring about its physical destruction'. International law characterizes genocide as the 'crime of crimes' or the supreme crime. According to the UN General Assembly, '**Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings**' and '**such denial of the right of existence shocks the conscience of mankind**'.

The calls for the mass evacuation of Palestinians to South Gaza the persistent pressure on Egypt to open the Rafah Crossing so that Palestinians can be forcibly resettled into the Sinai as well as the mass and indiscriminate bombing, seem to indicate Israel is intending the destruction of the basis of life of the people of Gaza.

There has also been an escalation of violence, arrests, torture, expulsions, and destruction of whole Palestinian communities in the occupied West Bank and Jerusalem. The news reports of violence coming from different parts now conclusively show that there is no safe space left for the people of the West Bank as well. Israeli settlers, with the backing of the army and police, have attacked and shot Palestinian civilians at point blank range, have invaded their homes and assaulted residents. Since 7th October, more than 115 Palestinians have been reportedly killed, 2000 injured and more than 1000 forcibly displaced by Israeli settlers in the West Bank under the gaze and protection of the Israeli security forces.

Taken together the action of the Israeli state in Gaza and its complicity with the actions of settlers in the occupied West Bank, speak to the intention of taking forward another wave of ethnic cleansing, what the Palestinians refer to as second Nakba.

The ongoing crime by Israel in Gaza and the West Bank ought to be investigated by the Special Prosecutor of the International Criminal Court as war crimes and crimes against humanity as well as genocide.

India's votes on Gaza: A betrayal of its constitutional responsibility

In 1974, India was one of the first non-Arab countries to recognize the Palestinian state. India co-sponsored the draft resolution on "the right of Palestinians to self-determination" during the 53rd session of the United Nations General Assembly (UNGA) and voted in favour of it.

However, shockingly, in the UNGA Special Session on October 27, 2023, India abstained in a resolution calling for 'an immediate and sustained humanitarian truce leading to a cessation of hostilities'. The General Assembly also demanded the unhindered provision of essential aid to civilians throughout the Gaza Strip. By a recorded vote of 121 in favour to 14 against, with 44 abstentions, the Assembly adopted the resolution titled "Protection of civilians and upholding legal and humanitarian obligations" demanding that all parties immediately and fully comply with their obligations under international law, including international humanitarian law.

This abstention by India on the above resolution is not only a betrayal of India's record of support for Palestine but is also in violation of the Directive Principles of State Policy which under Article 51(c) oblige India to 'foster respect for international law' and under 51(a) require the State to 'promote international peace and security'. The abstention indicates a foreign policy out of tune with the Constitution. A resolution for the protection of civilians and upholding legal and humanitarian obligations is at the heart of India's constitutional vision and to abstain does injustice to that constitutional mandate. When genocide is being incited or being attempted, all countries have the responsibility to prevent it as per Article 2 of the Convention. Article 2 read with Article 51(a) and (c) would oblige India to have acted at the international level to try to prevent genocide.

The unconstitutional shutting down of protests in India

Indian citizens exercising their right to protest against this gravely unjust and inhuman war against the people of Palestine, are being denied protest permissions, unlawfully detained and arbitrarily arrested and criminalized for their anti-war protests across the country! Meanwhile, pro-Israel and pro-war voices have complete impunity to protest as well as spread misinformation on social media. The role of protest in providing a counter voice becomes that much more important when we see the invidious role of news media which is engaged in biased reporting which is dehumanizing all Gazans. We condemn the arbitrary and openly biased action of the Indian state in silencing actions of non-violent democratic forms of peaceful protest which violate the citizen's fundamental right to free speech, assembly and association.

Citizen voices against violence, war, apartheid and genocide are the conscience keepers of humanity and of the Indian constitution. The Indian government must encourage and not subdue these voices.

Demands

PUCL calls upon the Indian government and the police authorities to uphold the right to protest of the citizens, allow peaceful and democratic protests and to unconditionally withdraw all the FIRs filed against protestors for organizing and participating in pro-Palestine protests. It is pertinent that citizens of the largest democracy founded on a self-determination struggle against colonial rule, stand with Palestine in this unfortunate hour in history and demand justice and accountability for Israel's war crimes.

PUCL further calls upon the Indian Government to extend full support, humanitarian aid and solidarity to the Palestinian people so they can surmount the enormous losses, damage and harm caused to them.

PUCL urges the Indian Government to take a firm stand against Israeli genocidal policies in line with its historical recognition of the struggle for self-determination of the Palestinian people. The International Criminal Court must begin investigations for crimes against humanity, war crimes and genocide being committed against civilians and captives.

India's position on peace and non-violence, not only has strong constitutional roots but also draws on an older civilizational tradition rooted in the teachings of Mahavir, Buddha and Gandhi. It is important that we build an anti-war movement in India as well, to raise its voice in tandem with the inspirational global anti-war movement. We urge the Government that talks about *Vasudhaiva kutumbakam*, to be true to its constitutional and civilizational traditions and work to stop this war.

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01st November, 2023.