



Human Rights in the Occupied Territories: Possible Implications of the Recognition of Palestinian Statehood

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Introduction

The Palestinian initiative planned for September 2011, in which a request will be made to admit Palestine to the UN as a state within the 1967 borders, or to be recognized as a state by the UN members, is a political and diplomatic move whose implications in general and for the human rights of those in the region are hard to foresee. These implications will largely depend upon decisions made by the Israeli, Palestinian, and international political echelons as well as activity on the ground. Although chances appear slim that Palestine will be accepted for UN membership, in light of the United States veto in the Security Council, the very recognition of Palestinian statehood by a decisive majority of UN Member States would have significant repercussions.

If Palestine is recognized as a state, this would open the way for it to become party to international conventions and international courts. Becoming a state party to these could provide Palestine with new tools *to enforce Israel's obligations to uphold Palestinian human rights*. In addition to the rights afforded by international recognition of Palestinian statehood, this new status would obligate it to meet standards of international law, *deepening the obligation of Palestinian governing authorities to uphold human rights*, and heightening its duty and responsibility to prevent terrorism and threats that originate from within its territory.

In this paper, we outline issues that will arise as a result of this initiative, focusing on those with potential repercussions for the human rights of those living in the region. As a human rights organization, ACRI does not take a position on peace process policy questions. However, since the political changes in the region may have significant implications with regard to specific human rights questions, we have created this briefing to outline some of the expected impacts on human rights issues.

Recognition of a Palestinian State

Conditions for Recognition of a State

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According to the traditional formulation of customary international law, an entity must meet four criteria set out in the Montevideo Convention of 1933² for it to be considered a state: a permanent population, a defined territory, effective government over the population, and the capacity to enter into relations with other states.

The Montevideo Convention reflects the *declarative model* of the recognition of states, in which the act of recognition acknowledges the existence of the state, but is not what bestows statehood upon it. The existence of a state is, thus, a matter of fact: An entity that meets the four criteria is a state, and does not require the recognition of other states. The difficulty, of course, is that without an act of recognition by other states, it cannot fully realize its sovereignty.³ According to the *constitutive model*, on the other hand, the act of recognition by other states is what bestows statehood.⁴

Already today, no significant argument appears to counter the claim that the Montevideo criteria have been met by the Palestinian entity. But even in the case that a dispute does arise over the question of whether Palestine meets the Montevideo criteria, particularly the doubt raised by Israel about the existence of effective government,⁵ this does not eliminate the possibility that Palestine would receive widespread recognition. In modern international law, the Montevideo criteria are not the only criteria of statehood. In current practice, *political and moral principles* are key to the guidelines for recognition, and these include the right to self-determination, protection of the rights of minorities, and others.⁶

Considering the broad international support for the Palestinian right to self-determination, and the fact that the territories in the West Bank and Gaza are not part of the sovereign state of Israel, there is a real possibility that most UN Member States will support recognition of Palestinian statehood even in the absence of perfect fulfillment of the formal criteria of the Montevideo Convention.

Nevertheless, in light of the fact that Israel, as well as other states, are not expected to recognize Palestinian statehood at this stage, the question of the existence of a Palestinian state will not remain free of doubts, and its ability to realize its sovereignty will be limited.

Admission to the UN

Admission to the United Nations confers various advantages upon the Member States, but membership in the UN is not a condition for the existence of statehood.⁷

According to Article 4(2) of the UN Charter, membership in the UN is effected by a two-thirds majority vote in the General Assembly upon the recommendation of the

² Convention on the Rights and Duties of States (Montevideo Convention), 26 December 1933.

³ As in the case of Somaliland, which meets the criteria of the Montevideo Convention, but is not recognized by the international community.

⁴ Thomas D. Grant, *The Recognition of States*, 2-12 (1999).

⁵ Israel's position as stated in the Foreign Ministry website (dated 30 June 2011) is that the Palestinian Authority does not have effective control over most areas of the West Bank, and no effective control whatsoever over the Gaza Strip, where Hamas governs.

⁶ James Crawford, *Recognition of States in International Law*, 99-101 (2007).

⁷ The state of Taiwan, for example, is not a member of the UN; Switzerland joined the UN only in 2002, although it was a recognized state and functioned in every respect as a state for many years prior.

Security Council. In the absence of a Security Council recommendation, the General Assembly is not empowered to admit Palestine to UN membership.⁸ In light of the United States's position on this unilateral action by the Palestinian Authority, and American veto power in the Security Council, it appears that the Palestinian Authority's chances of becoming a UN member are slim.

An alternative possibility is winning the support of the General Assembly. A General Assembly vote is an opportunity for the international community to express, in a coordinated way, a collective view about the status of Palestine, which would carry significant weight in international discourse. This means that even if Palestine does not gain UN membership, it could be recognized as a state according to international law, and the General Assembly could invite it to be party to various international conventions.⁹

The Normative Framework that Would Apply to the West Bank and Gaza

Application of the Laws of Occupation

According to the laws of occupation, statehood is irrelevant in determining whether a territory is occupied or not, and therefore recognition of a Palestinian state per se would not affect Israel's standing in international law as an occupying power.

The accepted interpretation of international law is that the laws of occupation apply to territories in which *a foreign military force is able to exercise effective control* over the lives of the local population. Occupation is not a function of a permanent military presence, but of the ability to control the territory in the sense that a conquering power is able to engage in governance activity of a territory.¹⁰

In the current situation, Israel controls the territory of the West Bank and many aspects of life in the Gaza Strip. With regard to the West Bank, subject to specific powers that Israel transferred to the Palestinian Authority and allows it to exercise in the framework of an Interim Agreement, it is Israel that holds all governing powers, including full control over Area C (62% of the West Bank), Jerusalem, water sources, civil and military control over the airspace, civil and military control over all border crossings, entry to and exit from the West Bank, and more.

⁸ According to an Advisory Opinion of the International Court of Justice (1950), "The admission of a State to membership in the United Nations, pursuant to paragraph 2 of Article 4 of the Charter, cannot be effected by a decision of the General Assembly when the Security Council has made no recommendation for admission..." ("Advisory Opinion: Competence of the General Assembly for the Admission of a State to the United Nations," ICJ Reports, 3 March 1950, p. 4, <http://www.icj-cij.org/docket/files/9/1883.pdf>).

⁹ Such as the International Covenant on Civil and Political Rights (see Article 48), the International Covenant on Economic, Social, and Cultural Rights (see Article 26), and the Convention on the Elimination of All Forms of Racial Discrimination (see Article 17).

¹⁰ Orna Ben-Naftali and Yuval Shany, *International Law between War and Peace*, pp. 138-139 (2006) (Hebrew); H CJ 102/82 *Tsemel v. Minister of Defense*, PD 37 (3), 365, 372-374; von Glahn, *The Occupation of Enemy Territory: A Commentary on the Law and Practice of Belligerent Occupation*, p. 28-29 (1957).

Gaza

Following Israel's disengagement from the Gaza Strip in the summer of 2005, the IDF regional commander declared the end of Israeli military rule over Gaza. The official Israeli position is that ever since this disengagement, Israel has no control over what transpires in Gaza and therefore the Israeli occupation of the Gaza Strip has ended, as have Israel's legal obligations toward the Gaza population in accordance with the laws of occupation.¹¹

However, the question of whether Israel is an occupying power of Gaza is a matter of controversy. Many in the international community, as well as international jurists, reject Israel's official stance, as exemplified in the position of the UN Secretary-General,¹² the views of jurists,¹³ and reports by human rights organizations.¹⁴ Others claim that after the disengagement, Israel no longer has the ability to exercise effective control on which the status of an occupying power is predicated.¹⁵

It is possible that, with regard to the status of the Gaza Strip, recognition of a sovereign Palestinian state could lead to a re-examination of this position.

We note that regardless of whether Gaza is still under Israeli occupation or not, Israel bears legal responsibility for what takes place in the Gaza Strip from various perspectives, both in light of its current control over the Gaza border crossings (with the exception of the Rafah crossing), airspace, and territorial waters, and in light of its previous control and neglect.

Area A

Israel has previously expressed the view that the territories transferred to the control of the Palestinian Authority, namely Area A, are no longer its responsibility, and

¹¹ For details of this position, see the website statement of the Military Advocate General, "Legal Aspects of IDF Operations in the Gaza Strip," online at <http://www.law.idf.il/935-4489-he/Patzar.aspx> (Hebrew). According to H CJ 9132/07 *al-Bassiouny v. the Prime Minister* (2008), ever since Israel's disengagement from Gaza, the law of occupation no longer applies to Israel's relationship to Gaza, although Israel bears obligations there by virtue of the law of armed conflict, the degree of control Israel exercises over Gaza's border crossings, and the fact that Gaza is almost entirely dependent on Israel in the wake of many years of military occupation.

¹² "Situation of human rights in the Palestinian territories occupied since 1967: Note by the Secretary-General," UN Doc. A/61/470, 27 September 2006, para. 7. Available online at <http://domino.un.org/UNISPAL.NSF/22f431edb91c6f548525678a0051be1d/2e64a5d7f563f5468525720a0052603d>.

¹³ Nicholas Stephanopoulos, "Israel's Legal Obligations to Gaza after the Pullout," *Yale Journal of International Law*, vol. 31, 524 (2006); Mustafa Mari, "The Israeli Disengagement from the Gaza Strip: An End to Occupation?" *Yearbook of International Humanitarian Law*, vol. 8, 356 (2005). This position was also adopted by Prof. John Dugard, the UN Special Rapporteur for the Occupied Palestinian Territories, in "Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967," Implementation of G.A. Res. 60/251 of Mar. 15, 2006, U.N. Doc. A/HRC/4/17 (2007).

¹⁴ Gisha, *Disengaged Occupiers: The Legal Status of Gaza*, January 2007.

¹⁵ Yuval Shany, "The Law Applicable to Non-occupied Gaza: A Comment on Bassiouni v. the Prime Minister of Israel," *Israel Law Review*, vol. 42, 2009; Yuval Shany, "Binary Law Meets Complex Reality: The Occupation of Gaza Debate," *Israel Law Review*, vol. 41, 2008; Yuval Shany, "Faraway, so Close: The Legal Status of Gaza after Israel's Disengagement," *Yearbook of International Humanitarian Law*, vol. 8, 2005.

therefore it is no longer responsible for safeguarding the human rights of Palestinians living in these areas.¹⁶ However, unlike the situation in Gaza, Israel has not, to this day, declared the end of the occupation of Area A territories.

According to the Interim Agreement, Israel continues to be responsible for security in all areas of the West Bank, including Area A. Even in practice, Israel demonstrates its control in various ways, including search and arrest operations within Area A, adjudication in Israeli military courts of Palestinian residents of Area A suspected of security offenses,¹⁷ and exclusive jurisdiction of Israelis within the territories (including Area A¹⁸) who are suspected of offenses.

The Military Court of Appeals has reiterated that the entire territory, including Area A, remains under the belligerent occupation of Israel.¹⁹ The court ruled that the entire region constitutes “a single territorial unit,” that the regional commander has authority over the entire area, and that the military commander’s authority for Area A was never comprehensively revoked, only limited by the Interim Agreement. In another case, it stated that:

“Also de facto, the IDF’s continuous control over Area A cannot be denied, as even when IDF soldiers were not physically present in the area, they controlled it to a large extent through other means. In light of this, according to international law, the military commander of the area retains security powers pursuant to his basic obligation to ensure the public order in areas under his control.”²⁰

In summary, the question of the recognition of a Palestinian state itself has no effect upon the degree of Israeli control over the West Bank, or upon Israel’s status as the occupying power. In light of the small size of Area A territories and their non-contiguity, like islands within Area C under Israel’s full control, even if Israel changes its patterns of activity in these territories and even if it declares the “end of occupation” in them, we believe they still cannot be viewed as independent territories.

The Oslo Accords (the Interim Agreement)²¹

A Palestinian initiative to achieve recognition of Palestine as an independent state is a unilateral measure that contravenes this agreement, and opens the door to a

¹⁶ Second Periodic Report of the State of Israel under the International Covenant on Civil and Political Rights, para. 8, UN Doc. CCPR/ISR/2001/2 (2001); Second Periodic Report of the State of Israel under the International Covenant on Economic, Social and Cultural Rights, para. 6-8, UN Doc. E/1990/6/Add.32 (2001).

¹⁷ According to Article 7(d) of the Order Regarding Security Provisions, a military court has jurisdiction over cases in Area A in which Palestinians are suspected of an offense that harmed or was intended to harm the security in that area. The IDF commander has the authority to rule that a specific act constitutes an offense even if it took place in Area A, if it affects the security of the area or of the State of Israel (2533/07 *Military Prosecutor v. Ahmad Issa*, 27 September 2007).

¹⁸ According to the Interim Agreement (Chapter 1, Article 3), Israel retained exclusive jurisdiction over offenses carried out by Israelis in Area A. The Palestinian Authority has no authority to arrest Israelis even if they are suspected of carrying out an offense in Area A, but only to detain them until the arrival of a joint patrol.

¹⁹ Military Prosecutor Appeal – Judea and Samaria 2016/07 *Issa (Ajouli) v. Military Prosecutor*, 16 May 2007; Appeals – Judea and Samaria 3924/06 *Sa’adi v. Military Prosecutor*, 17 October 2007.

²⁰ Appeals – Judea and Samaria 3924/06 *Sa’adi v. Military Prosecutor*, 17 October 2007. Ruling by Military Court Vice-President, Lt. Col. Benichou.

²¹ The Interim Agreement on the West Bank and the Gaza Strip, from 1995.

declaration of the non-validity or revocation of the accords. However, the absolute revocation of the accords is not a necessary outcome. Despite repeated violations of the Interim Agreement, neither party to the agreements to this day has announced their revocation. The website of the Military Advocate General presented this view:

“The question of the validity of the Interim Agreement first arose soon after the outbreak of the armed conflict in Judea, Samaria, and the Gaza Strip [...] Despite the great question mark that has hovered over this issue ever since, no side so far has officially declared that it views the Interim Agreement, or parts of it, as null and void. In fact, both sides have by and large continued to uphold some of the provisions of the Interim Agreement and to implement them in practice.”

And following the disengagement from Gaza, it noted, “[...] With the exception of arrangements that became irrelevant or inapplicable as a result of the changes in the factual and legal reality, attention should continue to be paid to the Interim Agreement as a legal source [defining] relations between the two parties.”²²

Thus, it appears that the validity of the agreements and the existence of relevant arrangements based on them continues to be contingent upon the decisions and actions of the two sides. Of course, any decision made by either side about this would have significant ramifications for many matters currently regulated by the agreements.

Another critical point in this context relates to the status of the Palestinian Authority. Since its founding, the PA has drawn its authority from the Interim Agreement. If Palestinian statehood is recognized, the source of this authority will change, and the Palestinian government will draw its authority from the existence of the state.

Changes in the Legal and International-Institutional Framework

Becoming a Party to International Conventions

If Palestine is recognized as a state, this will allow it to become party to various international conventions, including human rights covenants and trade agreements, and to join international organizations. The main human rights conventions do not require UN membership as a condition for becoming party to them. Many are open to *any state invited by the UN General Assembly*:

The ***International Covenant on Civil and Political Rights (ICCPR)*** – This covenant does not require UN membership as a condition for ratification, but does require an invitation from the General Assembly (para. 48)

The ***International Covenant on Economic, Social, and Cultural Rights (ICESCR)*** (Article 26)

The ***Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*** (Article 17)

²² “Legal aspects of IDF operations in the Gaza Strip,” Military Advocate General, available online at <http://www.law.idf.il/935-4489-he/Patzar.aspx> (Hebrew).

Other conventions allow states to become party to them on easier terms (without an invitation from the General Assembly): the Convention on the Rights of the Child (CRC); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention against Torture (CAT); and the Geneva Conventions and additional Protocols.

The consequences of a Palestinian state becoming party to these conventions are, above all, the obligations that these would impose on the Palestinian state vis-à-vis those under its authority, and its becoming subject to UN monitoring mechanisms, such as the committees that monitor implementation of these conventions. Becoming party to these conventions could also affect its relations with Israel and the settlers.

Becoming a Party to International Courts of Law

Another channel of activity that would be open to Palestine, if it is recognized as a state, is joining various international organizations, including international courts of law:

International Court of Justice in The Hague (ICJ) – The ICJ addresses the responsibility of states, not of individuals. It is the leading and most important international judicial body, both in terms of prestige and of jurisdiction.²³ According to Article 35 of the Statute of the Court, UN membership is not a condition for access to the ICJ. Thus, even if Palestine does not gain UN membership, it can become a party to the Statute of the Court and join it.

ICJ jurisdiction is not obligatory, in the sense that the default is that both sides must agree that a dispute be brought before it.

International Criminal Court (ICC) – The International Criminal Court deals with individual responsibility for acts defined as international crimes (war crimes, crimes against humanity, and genocide). The ICC was established in order to prevent a situation in which an individual suspected of an international crime will not be brought to justice because the state linked with that crime avoids prosecuting it. Hence, the ICC does not prosecute a case when the relevant state actor exercises appropriate jurisdiction.

The ICC may exercise jurisdiction in any of three cases:²⁴ (a) when the said act took place in the territory of a state party; (b) when the act was committed by a citizen of a state party; or (c) when the Security Council referred the matter to its Prosecutor.

Article 125(3) of the Rome Statute states that the ICC is open to all states that ratify and submit the Rome Statute to the UN Secretary-General. Here, too, non-membership in the UN does not prevent a state from becoming party to this court. Switzerland, for example, was admitted to the UN only in 2002, but ratified the Rome Statute in 2001. *Given broad-based recognition of statehood, Palestine will be able to ratify the Rome Statute and become party to the International Criminal Court.*

²³ M. Shaw, *International Law*, p. 960 (2003).

²⁴ ICC Statute, Article 12-13.

The *innovative aspect* entailed by Palestine becoming party to the ICC is that this court would now have jurisdiction over actions carried out in the context of the Israeli-Palestinian conflict: First, on Palestinians suspected of committing international crimes; and, second, on Israelis suspected of offenses within the territory of the Palestinian state. As noted, the ICC would not prosecute a case if the relevant state exercised appropriate jurisdiction, i.e., properly investigated the case and brought it to trial when required.

The Issue of Settlements

One of the dramatic repercussions that will ensue from recognition of a Palestinian state concerns its becoming a party to the International Criminal Court. In this context, special attention should be given to the article in the Statute of the Court stating that the transfer, whether direct or indirect, of the population of the occupying power into occupied territory constitutes a war crime.²⁵ This means that the issue of settlements would become an issue of an international criminal tribunal, which would open the door to the prosecution of Israelis responsible for establishing or expanding settlements.

Bear in mind that the Advisory Opinion of the International Court of Justice concerning the Separation Barrier states that, as an act that strengthens the settlements and makes them permanent, the construction of the barrier in the segments that surround the settlements constitutes an illegal act and violates Article 49(6) of the Geneva Convention.²⁶

East Jerusalem

Published information indicates that the planned initiative for recognition of a Palestinian state will also relate to the borders of the Palestinian state, to be defined according to the 4 June 1967 boundaries (the “Green Line”). This area includes East Jerusalem.

The territory of East Jerusalem, as distinct from other parts of the West Bank, was annexed to Israel, and the “law, jurisdiction, and administration of the state” were applied to it.²⁷ However, although internal Israeli law defines East Jerusalem as part of the state, this has been rejected by the international community, which views this territory as part of the area held by Israel as an occupying power.²⁸

²⁵ ICC Statute, Art. 8(2)(b)(viii). In the document “Elements of Crimes” of the International Criminal Court, the following note was introduced concerning Article 8: “The term ‘transfer’ needs to be interpreted in accordance with the relevant provisions of international humanitarian law” (footnote 44).

²⁶ ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, para. 122, 9 July 2004; para. 9 of Justice Buergenthal’s judgment.

²⁷ In accordance with para. 11B of the Law and Administration Ordinance 1948. This provision was added to the Law and Administration Ordinance 1967 (in Amendment of the Law and Administration Ordinance (no. 11) 1967). Also see para. 5 of the Basic Law: Jerusalem, Capital of Israel; and HCJ 1661/05 *Gaza Coast Regional Council v. Israeli Knesset*, PD 59 (2), 481, 512-513 (2005).

²⁸ ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, para. 70-78, 9 July 2004.

The significance of this is that, from an international perspective, the laws that apply to East Jerusalem are the same laws that apply to the rest of the West Bank. This means, for example, that the authority of the International Criminal Court will also extend to Israel's actions in East Jerusalem (such as the construction of new neighborhoods).

Launching Military Operations

As noted, Israel's status as the occupying power of the West Bank territories is not expected to change as a result of the act of recognition itself. As an occupying power, Israel will continue to have the option for use of force, within the bounds of what is permissible and not permissible according to the laws of occupation.

This is not the case, however, with respect to territories where it is claimed that Israel has ended its role as an occupying power. In these territories, to justify the use of force and prior to launching a military operation, it appears that Israel would have to prove that all conditions of self-defense apply: a significant armed attack has occurred (which was interpreted as the use of force significant in scale²⁹); there is an immediate necessity to use force and there is no possibility to use alternative means; and the response is proportionate and relative.

Prisoners of War

Recognition of Palestinian statehood and its becoming party to the Geneva Conventions could obligate Israel to modify its treatment of Palestinian combatants, who are part of the regular forces or acting in the name of the state, and to recognize them as entitled to prisoner-of-war status according to the Third Geneva Convention.³⁰ This status carries with it various protections, above all legal immunity from criminal charges because of their participation in combat.³¹

Until now, Palestinians who are apprehended are treated as if they are civilians unlawfully engaged in combat,³² and they are detained or imprisoned by Israel in a

²⁹ *Nicaragua v. United States*, 1986, ICJ 14 paras. 187-201.

³⁰ Only a combatant is entitled to prisoner-of-war status. Article 4 of the Third Geneva Convention lists two categories of combatants – (1) members of all the armed forces of a party to the conflict; or (2) members of an irregular army, provided they fulfill four conditions: (a) they are commanded by a person responsible for his subordinates; (b) they have a fixed, distinctive sign recognizable at a distance; (c) they bear arms openly; and (d) they conduct their operations in accordance with the laws and customs of war. Upon fulfillment of these conditions, they too would be entitled to prisoner-of-war status.

It should be emphasized that for combatants to be recognized in this category, they must distinguish themselves from the civilian population by an identifying sign and bearing arms openly.

³¹ Orna Ben-Naftali and Yuval Shany, p. 162 (2006).

³² Orna Ben-Naftali and Yuval Shany, p. 164 (2006). According to the Kassem ruling in Israeli Military Court (1969), the combatants of the Popular Front for the Liberation of Palestine do not represent the government of Jordan or any other state, and therefore are not entitled to protection under the Third Geneva Convention (Ramallah Military Tribunal 4/69 *Military Prosecutor v. Kassem* (Selected Rulings of the Military Courts in the Administered Territories, vol. 1, 1969-1970, 402)). The High Court of Justice also stated that the organizations operating in the West Bank should not be deemed organizations to which the Third Geneva Convention applies (HCJ 2967/00 *Batya Arad v. Israel*

criminal proceeding in the framework of administrative detention or the Incarceration of Unlawful Combatants Law.

Responsibility of a Palestinian State for Human Rights Violations

Recognition of a Palestinian state and its becoming party to international conventions and courts of law will impose obligations on it and subject it to international mechanisms that monitor the implementation of the human rights conventions. These obligations apply first and foremost to the citizens under its rule, but there are also implications for its obligations toward Israelis, including settlers.

The a Palestinian state will be obligated – both according to the rules of state responsibility (“Responsibility of States for Internationally Wrongful Acts”) and by virtue of its obligations to uphold human rights – to take the necessary steps to prevent human rights violations by governmental bodies and official organizations. It may also bear responsibility for threats by organizations and citizens who operate from within its territory against Israelis or settlers, subject to the extent of its control and the means of action at its disposal.

One outcome of its becoming party to international conventions and international courts is that claims regarding violations of human rights by the Palestinian state could be adjudicated in various international forums. Among other things, should the Palestinian state not take the necessary measures to investigate and prosecute individuals suspected of perpetrating international crimes, the matter could be referred to the International Criminal Court. Thus, for example, the suspicion of torture conducted by Palestinian governmental bodies or on their behalf, the arbitrary killing of civilians, the shooting of rockets toward a civilian population in Israel, and the holding hostage of Gilad Shalit, could be submitted for deliberation both in the relevant UN committees and in the International Criminal Court.

Knesset, 54 (2), 188, 190 (2000)).