



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

"Dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights"

9th Special Session of the UN Human Rights Council

ICJ Intervention on Serious Violations of Human Rights Law and Grave Breaches of International Humanitarian Law during the Israeli Military Operations in Gaza

12 January 2009

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Mr. President,
Madam High Commissioner,

Palestinian civilians continue to pay the heaviest toll in the 17-day Israeli military operations in Gaza replete with serious violations of human rights law and international humanitarian law. Since this Special Session started there have been 100 Palestinian casualties, totalling to 858 Palestinians killed due to devastating Israeli Defence Forces' attacks. Their consequences score injury to over 3.500 others and widespread damage to essential civilian infrastructure. Many of the Palestinian victims have been civilians, including women and children. Thirteen Israelis, including three civilians, have also been killed during these operations.

The Israeli military operation and the Hamas rocket attacks continue to inflict suffering on civilians on both sides in violation of the UN Security Council resolution No. 1860 of 8 January 2009. Ensuring respect of the Security Council resolution is essential to ending the hostilities by both sides.

Israel's attacks have been indiscriminate or disproportionate and it has failed in its legal obligation to spare civilians and civilian infrastructure from attack and to take care of the wounded. Violations of the prohibitions against indiscriminate and disproportionate attacks, such as through shelling the UN school in Jabaliya that claimed 43 casualties, constitute crimes under international law. The ICJ is also concerned that a substantial number of Palestinians from Gaza have been detained as "unlawful combatants" and illegally transferred for interrogation to Israel where they face incommunicado detention.

The ICJ calls for an immediate end to the Israeli military operations in Gaza that came in response to indiscriminate Hamas's rocket attacks on civilian targets in southern Israel. Hamas also must unconditionally stop these attacks that violate the principle of distinction. The Council should condemn such attacks.

Conclusion of an immediate and durable cease-fire is essential. In the interim, all parties must take effective measures to protect civilians and civilian infrastructure.

Israel must end the siege of Gaza, open all its crossings to allow for regular access of humanitarian assistance, and to ensure the effective and safe humanitarian corridors to allow essential supplies of food, water, medicines and fuel into Gaza.

Mr. President,

In light of the gravity of the humanitarian and human rights situation in Gaza, the ICJ urges this Council:

- To call on the parties to implement an immediate and durable cease fire with a view to achieving a cessation of hostilities between them and a withdrawal of Israeli military from Gaza;
- To establish a Commission of Inquiry, acting in conjunction with the Special Rapporteur on Human Rights in the Occupied Palestinian Territory and other relevant Special Procedures of the Council, to conduct a fact-finding investigation on violations of international human rights and international humanitarian law by all parties and to make recommendations to the parties and to the Council. The Council should also request that those recommendations be forwarded to the UN Security Council for its consideration;
- To call on Israel to ensure medical assistance to sick and wounded and allow for international journalists to enter Gaza;
- To urge both parties to protect the right to life in the course of hostilities and prevent further violations of international law, hold to account individuals responsible and provide their victims with remedies, including reparations;
- To invite the Security Council to immediately act under the UN Charter's Chapter VII to end the violence in Gaza and work for the conclusion of an immediate and durable cease-fire by both parties to the conflict. To that end, the Security Council should dispatch international observers to monitor compliance with the cease-fire;
- To condemn incidents such as the firing of rockets from Lebanon that may fuel the conflict and threaten the regional stability.

Mr. President,

I thank you.