



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"

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ICJ Intervention on the human rights and humanitarian situation in Palestine

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Mr. President,
Madam High Commissioner,

The International Commission of Jurists (ICJ) expresses its deep concern at the deteriorating human rights and humanitarian situation in the Occupied Palestinian Territories (OPTs), which has been exacerbated by recent Israeli incursions on Gaza and the West bank town of Nablus.

Israel, while exercising effective control over the OPTs, must respect the human rights of all civilians and persons *hors de combat* and treat humanely persons in captivity. Israel must also abide by the IVth Geneva Convention and protect civilians.

Of particular concern is the humanitarian crisis in Gaza resulting from the continuous isolation following the 'disengagement' in 2005 and the incidents of June 2007.

In December 2007, an ICJ mission to Israel & the OPTs, headed by the Secretary General, visited refugee camps in Jabalya, Dir El balah, Khan Younes. The ICJ witnessed the devastating impact on the humanitarian situation in Gaza and the human rights of its civilian population. Together with restrictions on freedom of movement in and out of Gaza, civilians have been denied their basic economic, social and cultural rights, including access to food, medicine, education, adequate housing and other essential means of subsistence, such as fuel and electricity. Such practices constitute a clear breach of international humanitarian law that applies to the Israeli-Palestinian conflict. Some of these practices also amount to collective punishment, prohibited by Article 33 of the IVth Geneva Convention.

Mr. President,

The continuous closure of the crossings, including the one in Rafah on the Egyptian border, broken through yesterday by Palestinians, only escalates the volatile situation in Gaza. Temporary resumption by Israel, on 22 January 2008, of the delivery of essential medicine and fuel must be extended to ensure permanent transit in and out of Gaza, and regular delivery of all means of subsistence.

The ICJ urges Israel to respect its international obligations and calls on the international community to intervene immediately to end the suffering of civilians in Gaza.

Mr. President,

The ICJ urges all parties to the conflict both state and non-state actors, to abide by fundamental principles of international law, and respect and protect the rights of civilians.

Israeli Defence Forces (IDF) continue to conduct indiscriminate and disproportionate military incursions on Gaza and in the West Bank, taking lives of civilians.

During its mission to Gaza, the ICJ delegation met several families of civilian victims killed by the indiscriminate use of the force by the IDF.

Hamas and other Palestinian armed groups continue to launch Qassam rockets, sometimes from civilian areas in Gaza, into south Israel. This puts the life of Israeli civilians at risk, and Palestinian civilians at danger of reprisals by the IDF.

The ICJ calls on the Human Rights Council, General Assembly and the Security Council of the United Nations to reinvigorate the action by the international community to achieve a fair solution to this long and violent conflict. The Council should express its concern over the deteriorating human rights and humanitarian situation in the OPTs and urge all parties to abide by international law, exercise restraint and protect civilians.

The ICJ believes that the Council's Special Procedures are best placed to ensure a meaningful follow-up to the Council's decision, implementation of which will need to be reviewed in March 2008.

I thank you.