



# 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 "*

## COMMUNIQUE DE PRESSE – COMUNICADO DE PRENSA

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### **Israeli Military operations in Gaza must stop; civilians must be protected**

The International Commission of Jurists (ICJ) today called for an immediate end to the 12-day Israeli Military operations in Gaza that have claimed lives of more than 660 and wounded some 3.000 Palestinians. Nine Israelis have also been killed during these operations. Many of the victims have been civilians.

*"Palestinian civilians continue to pay the heaviest toll in operations that appear replete with violations of international humanitarian law",* said the ICJ. *"Many attacks have been indiscriminate or disproportionate, and Israel has failed in its legal obligation to take constant care to spare civilians and civilian objects from attack."*

Indiscriminate attacks are those which strike military objectives and civilian objects without distinction. Disproportionate attacks are those from which the expected harm would be excessive in relation to the military advantage gained. Violations of the prohibitions against indiscriminate and disproportionate attacks constitute crimes under international law.

The Israeli Military operations came in response to indiscriminate rocket attacks by Hamas and other Palestinian armed groups on civilian targets in southern Israel. These attacks, like the Israeli response, violate the principle of distinction. Hamas must unconditionally stop them. However, Israel must not, in response, continue to commit violations of international humanitarian law to stop these rocket attacks. Disproportionate and indiscriminate attacks in Gaza by the Israeli Defence Forces (IDF) have already brought devastating humanitarian consequences: death and injury to numerous civilians, including children, and widespread damage to civilian infrastructure, some of which is essential for basic needs of the civilian population.

*"The Israeli Government and Hamas must desist from engaging in acts of hostility amounting to war crimes,"* said the ICJ. *"Responsible individuals carrying out such acts or ordering them or acquiescing in them must be held criminally accountable,"* the ICJ added.

The ICJ urges both parties to conclude an immediate ceasefire. In the interim, they must take effective measures to protect civilians and civilian and infrastructure.

Israel also must end the siege of Gaza, open its crossings to allow access for humanitarian assistance, and set up a humanitarian corridor to allow relief supplies such as food and medicines into Gaza. *"Palestinian civilians must not be deprived of medical assistance, which has been exacerbated by the effective partition of Gaza. The media must be allowed access to Gaza in compliance with decision of the Israeli Supreme Court in this regard"* said the ICJ.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

The ICJ urges the United Nations Security Council to act under the UN Charter's Chapter VII, to end the deadly violence in Gaza and to ensure the immediate protection of civilians. The Security Council must work for the conclusion and the implementation of a ceasefire, including the dispatch of international observers to monitor compliance. The Security Council should also mandate an international fact-finding mechanism to investigate violations of international humanitarian law and international human rights law committed during this conflict with a view to establishing accountability for such violations.

If the Security Council fails in its responsibilities, the ICJ calls on the United Nations General Assembly (GA) to act under its 377 (V) Resolution of 3 November 1950 "Uniting for Peace". Under this resolution, the GA is empowered to take action itself if *"the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression."*

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