

The 9th Special Session of the Human Rights Council

The Grave Violations of Human Rights in the Occupied Palestinian Territory

9 and 12 January 2009

Joint Statement By

Union of Arab Jurists (UAJ), The International Organization for the Elimination of All forms of Racial Discrimination (EAFORD), Arab Lawyers Union, General Arab Women Federation, The International Association of Democratic Lawyers, International Educational Development - Humanitarian Law Project, Association of Humanitarian Lawyers, General Federation of Iraqi Women, Association of Arab Lawyers (UK), Monitoring Net of Human Rights in Iraq, Association of Iraqi Diplomats

12 January 2009

Mr. President,

While we, in this room, are deploring and condemning the tragedy of what is happening in the Gaza Strip, the Israeli war machine continues its killing of Palestinian civilians, children, women, and elderly people. It is destroying civilian infrastructures, houses, facilities, public buildings, schools, mosques, press offices and other properties. Such actions are considered under international law and conventions as war crimes and crimes against humanity.

We would like to recall that the basic principle underlying the law of armed conflict is that the right of parties in any armed conflict to choose methods or means of warfare has restrictions. This principle consists of two essential rules: one prohibiting the use of weapons and methods of warfare of the nature as to cause undue suffering. The second rule requires parties to the conflict to distinguish at all times between the civilian population and combatants and between civilian targets and military objectives. Israel has not complied in the past or today with any of these rules, nor has Israel abided by any obligations set forth

in or established by international norms and conventions.

What is happening in Gaza is not because of rockets fired by Hamas or the end of a truce. Israel occupied Palestine forty-one years before Hamas appeared and sixty years before the success of Hamas in the democratic elections supervised by the UN and the international community. Israel has committed massacres in Jenin, Nablus, Ramallah, and Bethlehem. Israel besieged Yasser Arafat for years, restricted his movements out of Palestine, cut off electricity and burned his compounds while then Hamas was neither in power nor occupied a position in the government. Israel also perpetrated its war crimes of aggression on southern Lebanon in July 2006 and still refuses to comply with UN Security Council resolutions to withdraw from the Golan Heights, which Israel occupied since 1967.

The long list of crimes committed by Israel in the occupied Arab and Palestinian territories include building the racist separation wall and expanding settlements, resulting in the exercise of Palestinians of the right of resistance which is a legitimate right of all peoples under occupation.

Criminal acts by means of force, destruction, genocide and exclusion carried out by Israel with the support of some powerful Western states that finance and arm such State terrorism to impose on Palestinians the so-called “peace of the graves” does not help in building peace and bringing stability to the region. Delay in stopping these serious violations of international humanitarian law and of the four Geneva Conventions under which Parties undertake to respect and ensure respect for the Conventions in all circumstances, can only be regarded as complicity, in accordance with the Conventions and as contained in the Statute of the International Criminal Court.

In addition to all of the above-mentioned crimes, there are numerous reports by international organizations including the UN confirming the use of illegal weapons against Palestinians such as the white phosphor. There are also several indications from those who worked in humanitarian aid inside Palestine confirming the summary execution of several Palestinian POWs by the Israeli authorities.

The 12 NGOs on behalf of which we are speaking, urge the Council to hold the perpetrators of these war crimes accountable under applicable jurisdictions in order to ensure respect for

international law and implementation of international humanitarian law as well as protection and promotion of the principles and provisions of the Universal Declaration of Human Rights, peace, and justice as set out in the Charter.

We believe Mr. Chairman that it is time that a special international tribunal is established to deal with these crimes.

Thank you Mr. President.
