



General Assembly

Distr.
GENERAL

A/HRC/S-6/NGO/4
22 January 2008

ENGLISH ONLY

HUMAN RIGHTS COUNCIL
Sixth special session

Joint written statement* submitted by Al-Haq, Law in the Service of Man, a non-governmental organization in special consultative status, and Defence for Children International (DCI), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 January 2008]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Gaza Siege: Human Rights Council Must Act to End Israeli Impunity

As a Palestinian NGOs dedicated to the protection and promotion of human rights and international humanitarian law in the Occupied Palestinian Territory (OPT), Al-Haq and Defence for Children International – Palestine Section (DCI – PS) are gravely concerned by Israel's ongoing and increasingly aggressive siege of the Gaza Strip. On 20 January 2008, over 800,000 Gazans were plunged into darkness as Israel's decision to sever all fuel supplies forced Gaza's only power plant to cease operations. If sustained, electricity shortages, due to the lack of fuel, will damage the provision of essential services to the civilian population of the Gaza Strip, including medical, and water and sanitation services. Israel's latest escalation in the siege has included preventing entry of humanitarian supplies, on which over 80 percent of Gaza's population depend to meet their food needs, in all but exceptional circumstances. This escalation has also been accompanied by an intensifying of Israeli military attacks on the Gaza Strip. In the first 21 days of 2008 alone these attacks cost the lives of 72 Palestinians, including six children and eight women, and the injury of over 200.

Israel's current policy in relation to the Gaza Strip and its 1.5 million inhabitants constitutes an unmitigated violation of international humanitarian law including, but not limited to, Israel's obligation as an Occupying Power to, at a minimum, ensure the basic needs of the population under its effective control, and the prohibitions on collective punishment, coercion, unlawful reprisals and rendering useless objects indispensable to the survival of the civilian population. The exercise of fundamental human rights under these circumstances is inconceivable.

Indiscriminate rocket fire from the Gaza Strip by Palestinian armed groups, targeting Israeli civilian population centres, provides no justification under international law for Israel's current violations against the civilian population of the Gaza Strip.

While welcoming the decision of the Human Rights Council (HRC) to address the situation in the OPT, we are compelled to draw the attention of the Council to Israel's consistent failure to comply with its past resolutions. Resolutions A/HRC/S-3/1.1 and A/HRC/S-1/L.1 both established fact finding missions to investigate human rights violations committed by Israel in the Gaza Strip, yet both of these missions failed to take place due to Israel's lack of co-operation. When the spirit of constructive dialogue and cooperation with states fails, the Human Rights Council must rely on other UN bodies.

In light of the impunity with which Israel disregards HRC Resolutions, it is also necessary to note that the UN Security Council, the primary UN body responsible for the maintenance of international peace and security, has in recent years conspicuously failed to address Israel's violations of international law in the OPT. Despite this bleak assessment, the HRC can, and must, be instrumental in holding Israel accountable before the UN for the violations of international law inherent in its occupation of the OPT, and in particular the current siege of the Gaza strip.

Under UN General Assembly Resolution 377, Uniting for Peace, the General Assembly may convene an emergency special session at the request of the majority of its members where, "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,..."

Under Uniting for Peace, the General Assembly may make recommendations to members on the adoption of collective measures, including the adoption of economic and diplomatic sanctions. In view of the apparent impunity with which Israel consistently commits sustained violations of international human rights and humanitarian law, and the massive toll exacted on the civilian population of the Gaza Strip by Israel's current siege, the General Assembly must consider the implementation of both economic and diplomatic sanctions against Israel. As a first stage in this process the HRC should emphatically recommend to the General Assembly that such an emergency special session be convened and voice its support for ending impunity for human rights violations.
