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Written statement* submitted by Badil Resource Center for Palestinian Residency and Refugee Rights, Adalah - The Legal Center for Arab Minority Rights in Israel, Al-Haq and The Arab Association for Human Rights (HRA), non-governmental organizations 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.

[7 January 2009]

* This written statement is issued, unedited, in the language received from the submitting non-governmental organizations.

Gross Human Rights Violations and War Crimes in the Occupied Gaza Strip¹

For almost two weeks now Israel has carried out military operations in the occupied Gaza Strip from the air, sea and land, killing hundreds and injuring thousands of Palestinian civilians. Many of the casualties are women and children with entire families among the dead. Thus, grave breaches of international humanitarian law, including the Hague Regulations (1907) and the Geneva Conventions (1949) that amount to war crimes have been committed by Israel in the occupied Gaza Strip. These breaches include wilful killing and the extensive destruction of houses and other civilian property not justified by military necessity and have been carried out unlawfully and wantonly.

In addition to the above, the already dire humanitarian crisis in the Gaza Strip is deteriorating further. It is becoming increasingly difficult for humanitarian relief personnel to reach and evacuate casualties and distribute aid. Almost a million and half a million Gazans, most of whom have been refugees since 1948, continue to remain without food, water or electricity, as they have since Israel imposed its current siege, which was tightened in June 2007 following Hamas take-over of the Gaza Strip. Furthermore, due to the widespread destruction of civilian infrastructure, including electricity, water, communication services and roads, hospitals are unable to provide adequate care to the high number of casualties. These actions amount to the collective punishment of the entire population of Gaza and endanger the very survival of civilians.

Moreover, Israel's indiscriminate military attacks have led to unprecedented forcible mass displacement, with tens of thousands of civilians fleeing their homes in search of adequate and secure shelters. Yet, it is evident that even UN installations in the occupied Gaza Strip cannot provide safety and security for those civilians, especially after UNRWA shelters were deliberately shelled by Israel military forces on 5 and 6 January 2009, an act that resulted in the deaths and injury of more than a hundred innocent civilians.

Without the immediate intervention of the international community, the vulnerable Palestinian civilian population in the occupied Gaza Strip will inevitably continue to suffer heavy losses.

Despite the gravity of the situation, the Security Council is failing to fulfil its role and take prompt and concrete steps to end the suffering of civilians in the Gaza Strip.

Thus, while reiterating General Assembly President Miguel D'Escoto's statement that "the time has come to take firm action if the UN does not want to be rightly accused of complicity by omission", we respectfully call upon the Human Rights Council to:

- Condemn the Israeli military attacks on Gaza Strip, which have resulted the deaths and injury of thousands of civilians and destruction of civilian property and infrastructure;

¹ Addameer Prisoners Support and Human Rights Association, Ad-Dameer Association for Human Rights, Al Mezan Center, The Arab Association for Human Rights (HRA), The Palestinian Non-Governmental Organizations' Network (PNGO), also share the views expressed in this statement.

- Demand that Israel end its military operations in Gaza and abide scrupulously by the provisions of international humanitarian and human rights law, and cease the collective punishment of Palestinian civilians;
- Call upon Israel as an occupying power to fulfil its duties and responsibilities towards the occupied population of the Gaza strip, in accordance with the laws of occupation;
- Demand that Israel immediately open the Gaza Strip's border crossings in a sustained matter to allow the entry of humanitarian aid and basic supplies in order to mitigate the dire humanitarian situation faced by Palestinian civilians;
- Dispatch an urgent high-level fact-finding mission to Gaza to investigate the countless gross violations of human rights and humanitarian law committed by Israel, which amount to war crimes and crimes against humanity, and to ensure that those responsible are held to account. Furthermore, the fact-finding mission should assess the situation of the Palestinian civilian population in Gaza, address the needs of the survivors, and make recommendations on ways and means to protect Palestinian civilians against further Israeli assaults;
- Recommend the General Assembly, in light of the urgency of the matter, convene under GA Resolution 377, "Uniting for Peace," with a view to imposing collective measures against the Israeli Government.
