



**General Assembly**

Distr.  
GENERAL

A/HRC/S-9/NGO/2  
8 January 2009

ENGLISH ONLY

---

HUMAN RIGHTS COUNCIL  
Ninth special session

**Written statement\* submitted by Nord-Sud XXI, 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.

[7 January 2009]

---

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

## **Israeli's aggression against the Palestinian people of Gaza constitutes genocide**

Israel's use of force against the Palestinian people in Gaza is one of the most serious violations of international law in recent times. It is aggression against a people who are illegally occupied that denies them their right to self-determination in a manner that has been ongoing for more than sixty years. These actions are also significant evidence of the Israeli government's intention to destroy the Palestinian people as a national group in whole or in part.

The Israeli government's claim of self-defense is completely unfounded. Self-defense is only a justification for an otherwise illegal act under international law when one state has been attacked by another state. Israel has not been attacked by another state. In fact Israel's actions continue to deny the Palestinian people and their legitimately-elected representatives, Hamas, the right to create their own state which was recognized by the United Nations more than half a century ago. With its aggression against Gaza Israel has acted to kill and maim thousands of Palestinians who have been essentially held under the captivity of an illegal Israeli and inhuman occupation and embargo.

Israel's action is naked aggression in violation of international law for several reasons.

First, it targets civilians in occupied territory. The onslaught of violence rained down on the Palestinian people by Israel using the most technically advanced weapons it can acquire from its allies, especially the United States, is aimed at civilians. A strikingly clear example is Israel's repeated attacks on three UN schools this past week that killed more than 40 persons, including many children. To justify these acts of aggression Israel has admitted that it had targeted the schools or areas close enough to these civilian objects to kill people in or near these civilian objects, but boasted that it was entitled to attack civilian objects because they might have been used to launch rockets against Israel. Even if Israel's unsupported allegations were correct it would still be violating international humanitarian law which prohibits targeting even legitimate combatants when the humanitarian cost to civilians would be too high. Customary international law reflected in articles 51 and 52 of the First Protocol Additional to the Four Geneva Conventions of 8 June 1977 creates a very strong presumption in favour of the protection of schools as civilian objects that cannot be attacked, that Israel has not even attempted to refute. Israel's statement, therefore, constitutes an admission to the commission of war crimes.

Second, Israel's aggression is a means of denying the Palestinian people their right to self-determination. The right of self-determination is one of the seminal rights under international law. It appears in the first article of the two major human rights treaties adopted by the UN (the ICCPR and ICESCR) and in the Charter of the United Nations. For more than 60 years the Palestinians have resisted Israel's illegal occupation as they are entitled to do under well-agreed rules of international law by all necessary means. The brave Palestinian victims of Gaza are also resisting Israel's latest act of inhumanity. Nevertheless, the mere action of using force to obstruct the right of self-determination is a serious violation of international law that continues until Israel ceases its acts of aggression and ends its illegal occupation of Palestine.

And third, Israel's aggression is very strong evidence of its intention and acting to commit genocide. Genocide is committed when a state or an individual acts with intent to destroy whole

or part of a national, religious, or ethnic group by killing, causing serious bodily or mental harm or deliberately inflicting on the group conditions of life that are calculated to bring about their physical destruction in whole or in part.

Israeli's intentionally disproportionate use of force against part of the Palestinian people that has killed or wounded a significant percentage of those people is significant evidence that the crime of genocide is being committed.

This genocide did not start on having illegally occupied Palestine for more than 60 years. Israel has ignored dozens of UN Security Council and General Assembly resolutions calling for the establishment of humane conditions in the occupied territories. Instead Israel has imposed embargoes that have denied the basic necessities of life to the Palestinian people living in Gaza, has repeatedly used force, and has created such inhumane conditions for the Palestinian people that these conditions might reasonably be said to be intended to destroy the Palestinian people in whole or in part. Indeed, tens of thousands of Palestinians have been killed either by direct Israeli aggression or by the conditions that have been imposed upon them. Even in the last few months, the inhumane embargo that Israel has imposed on Gaza, which restricted even humanitarian necessities, has been responsible for the deaths of dozens of civilians.

Confronted with Israel's illegal action the Human Rights Council must act:

- to request in the strongest language possible that the UN General Assembly operating under the precedent set UNGA Resolution 377 and the practice developed therefrom, immediately order Israel to stop its aggression and withdraw from Gaza, if no definitive action has been taken by the UN Security Council or the General assembly by the time of the Human Rights Council's Special Session on Friday, 9 December 2009;
- to establish a special commission to investigate Israel's international crimes committed in Gaza;
- to consider the the responsibility of states and individuals who have supported or been complacent in Israel's commission of international crimes in Gaza;
- to request the government of Israel to cooperate with the immediate visit of the Special Rapporteur on Palestine to establish a means of documenting the crimes committed in Gaza; and
- to condemn Israel actions as war crimes, crimes against humanity, and genocide.

-----