

Oral Intervention
Ninth Special Session of the UN Human Rights Council
9 January 2009

AL-HAQ INTERVENTION
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Mr. President, Distinguished Members of the Council,

I am speaking on behalf of Al-Haq, The Cairo Institute for Human Rights Studies, BADIL, and Adalah.

I come before you today not asking for condemnation but action. Words will not save the lives of the Palestinian civilians dying by the minute in the occupied Gaza Strip.

Today the number of dead is nearing 800 with over 3,000 injured. This number will unfortunately increase dramatically, with an unknown number still buried under the rubble and lying in the streets while medical service agencies are unable to provide the necessary services because of continuous attacks and the active impeding of relief.

Entire families have been killed; mosques have been attacked; and even civilians seeking safe haven in United Nations' Schools have come under attack.

The majority of Gaza's population are already refugees, imprisoned in one of the world's most densely populated areas, and there is simply nowhere left to run.

Israeli Foreign Minister Livni's recent comments that the military wing of Hamas "don't make a distinction, and neither should [Israel]," is not only an erroneous interpretation of the law, but in fact reveals a criminal intent to target civilians. This has manifested itself in the wilful killing of civilians and the extensive destruction of civilian property.

Not only is Israel responsible as a state for violating international human rights and humanitarian law, but its political and military leaders are individually criminally responsible for the commission of war crimes through grave breaches of the Fourth Geneva Convention.

Additionally, the continuing air strikes on the Gaza Strip are being committed as part of a widespread and systematic attack directed against a civilian population, bringing them to the level of crimes against humanity.

Illegal rocket fire emanating from Gaza in no way justifies Israel's violation of international law.

What Israel would like you to lose sight of is its 42 year oppressive occupation of the Palestinian territory, including the Gaza Strip, which has never ended, contrary to Israeli

claims. Israel is now using the claim of self-defence in order to justify the killing of the very people it has oppressed through various methods; most recently a siege that has led to a humanitarian disaster and the collective punishment of 1.5 million people.

Despite the gravity of the situation, the Security Council has failed to act.

This does not mean that there are no other options.

UN General Assembly Resolution 377 provides the General Assembly with the power to act when the Security Council fails to exercise its primary responsibility for the maintenance of international peace and security.

The only effective measure the UN Human Rights Council can take under these specific circumstances in order to stop the attacks is to recommend that the General Assembly convene under Resolution 377, "Uniting for Peace," with a view towards the imposition of collective measures against the Israeli Government.

History will judge Israel's actions, and eventually those responsible will be held accountable. History will also judge your actions as individual states and as the collective body of the United Nations which is entrusted as the guardian of peace and security.

In order to avoid the charge of complicity through silence, the UN must take firm action.

We hope you will have the courage to make the right decision.

Thank you Mr. President.

Al-Haq, with endorsement by:

*Adalah – The Legal Center for Arab Minority Rights in Israel
Addameer, Prisoners' Support and Human Rights Association
Al-Mezan Center for Human Rights
Arab Association for Human Rights
BADIL - Resource Center for Palestinian Residency and Refugee Rights
Cairo Institute for Human Rights Studies
International Federation for Human Rights
The International Federation for Human Rights (FIDH)*