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Written statement* submitted by the International Association of Jewish Lawyers and Jurists (IAJLJ), 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.

[4 July 2006]

* The present document contains the statement that was to have been delivered orally by the organization(s) concerned at the first special session. It is issued, unedited and in the original language(s), as received. Its contents are the sole responsibility of the author(s).

The International Association of Jewish Lawyers and Jurists (IAJLJ) as an accredited NGO in consultative status with the United Nations wishes to submit the following written statement regarding the Special Session of the Human Rights Council of July 5, 2006:

The IAJLJ considers that the grounds on which the 21 Member States of this Council have petitioned for convening this special session do not correspond to the relevant facts and accordingly do not justify its meeting in special session for the reasons which the petitioning States erroneously invoke.

The two victims of the unjustified convening of this session are the truth and this Council which should be protected from an abuse of its procedures.

Making concessions to the patent attempt of the group of Arab and Islamic States to enable the promotion of its own political agenda is a throwback to the troubling sessions of the late lamented Commission on Human Rights whose disreputable record of sterile politicisation brought about its downfall.

The very terms of reference on which this request is based are a complete travesty of the facts. For a year the Hamas and Fatah terrorist groups have been repeatedly firing Kassam and other rockets aimed indiscriminately at civilian targets in Israel reaching Sderot and more recently Ashkelon and other populations centres. These are cities in the heart of Israel whose sovereignty is undisputed. To this must be added the deliberate and unprovoked attack into Israel territory from the Gaza strip of another Hamas terrorist group at the end of June who abducted an Israeli soldier whose fate is unknown. At the same time, other Hamas related terrorists abducted an 18 year old Israeli civilian whom they promptly murdered.

Hamas whose charter calls for politicide of Israel and the genocide of its population in unmistakably explicit terms rivalling those of Hitler's *Mein Kampf*, has accepted responsibility for the kidnapping of the soldier and other terrorist actions. Its terrorist leader who masterminded this attack resides in Damascus sheltered by the Syrian authorities.

The response of the Israeli government and Defence Forces is firmly based on Article 51 of the UN Charter stipulating the inherent right of self defence against armed attacks which have been repeated throughout the past year since Israel's withdrawal on its own initiative from the Gaza strip, in the form of these unceasing rocket attacks suicide bomb attacks in crowded areas and other terrorist actions, renewed by the recent assault and kidnapping incidents already cited.

The military action that was the inevitable response has been restrained, avoiding harm to the maximum extent possible to the Palestinian civilian population.

The strikes against the Hamas administrative and military installations and against a power station have been made in the context of an extensive terrorist apparatus deliberately embedded in civilian population centres in violation of the Geneva humanitarian law conventions, thus making make any distinction between combatants and non-combatants extremely difficult.

The argument that the Hamas government was empowered in democratic elections and therefore allegedly has legitimacy, is unsustainable. It is a clear principle of international human rights law that the enjoyment of one important political right, namely conducting elections for political office, leaving aside the credentials of the political aims of the group elected, in this case what is termed the Hamas political wing, cannot be interpreted as a licence to engage in any activity or perform any act aimed at the destruction of the rights and freedoms of others, specifically the right to life of both the Palestinian and Israeli civilian population . The Nazi party under Adolf Hitler was elected to office in seemingly democratic elections during the Weimar Republic of Germany to succeed President Hindenburg's government. But this did not enable the Nazi German Government to earn any legitimacy in the light of its subsequent conduct.

Not until the Hamas terrorist movement and its leaders have renounced violence and their openly avowed and publicly proclaimed criminal aims of politicide and genocide, should it or its supporters be given any credence by this Council or any other organ of the UN.

The above reasons constitute compelling grounds for the Council to reject the specious grounds invoked by the 21 petitioning States for convening this special session.

The Council is accordingly urged to reject the submissions of the petitioning States and unequivocally condemn the Hamas acts of repeated aggression against Israel's sovereign territory in the form of incessant rocket attacks indiscriminately directed at population centres in southern Israel, as well as its grave violation of international humanitarian law by the abduction of an Israeli soldier as well as of an Israeli teenager who was subsequently brutally murdered by his abductors.
