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HUMAN RIGHTS COUNCIL  
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### **HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER OCCUPIED ARAB TERRITORIES**

**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.

[14 October 2009]

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

Palestine remains the longest unresolved situation of serious human rights violations on the agenda of the Human Rights Council. The escalation of violence against Palestinians by Israel in the past year has reached such proportions as to draw into question the existence of any restraints on the actions of the Israeli forces. Recently this escalation has included not only continuing attacks against civilians in Gaza, but also attacks on the Al-Asqa mosque and against civilians in East Jerusalem.

As the meticulously investigated and documented report of the team led by Judge Richard Goldstone has indicated, Israel has become so self-assured of its impunity for violations of international law that it has left a trail of evidence indicating that it is intentionally targeting civilians in Gaza. Impunity also continues to exist for the ongoing pattern of ill treatment and use of force by the Israeli security forces against Palestinians in the West Bank, including East Jerusalem, which the fact-finding mission identified. Such arrogant impunity is an insult to the Human Rights Council whose solemn duty is to ensure respect for, and to promote, international human rights law. If the Council cannot do this in the face of such consistent, ongoing violations of the law its credibility is seriously at risk, perhaps more than it ever has been before.

Nord Sud XXI has consistently stood by the Palestinian people as have many other civil society actors and the overwhelming majority of governments in the Human Rights Council. We therefore recall our unyielding support for the Palestinians people as we call for effective and rapid action to end Israel's impunity for serious violations human rights.

Rather than dwell on listing the violations, something that requires much more space than is available here, Nord Sud XXI wishes to highlight some very real possibilities for action that can and must be taken.

First, as the report of the Independent Fact-Finding Mission ('Goldstone Report') points out, all concerned parties must investigate its findings. This is a required consequence of international law.

The elected Palestinian authorities in Gaza have publicly committed themselves to investigating the crimes alleged to have been committed by person under their authority. We welcome this effort and we urge all states that are so requested to provide these authorities all the resources and support necessary to undertake an investigation that meets the highest international standards.

At the same time, Israel, as recently as this week has thumbed its nose at the Council and the rule of international law. It has done so by unequivocally refusing to investigate the crimes its soldiers have been accused of committing.

The Goldstone report was done in conformity with the highest standards of international law. By ensuring its implementation the Human Rights Council acts to strengthen the rule of international law. By failing to act in a timely and adequate manner the Council threatens its own credibility.

Second, the Goldstone Report suggests that the many allegations of crimes committed by Israeli soldiers be referred by the UN Security Council to the International Criminal Court. Unfortunately, the Ambassadors of France, the United Kingdom and the United States, who sit in the Security Council and exercise a veto over its decisions, have indicated that they will block

any such action. Instead, the Security Council has agreed to merely discuss the report, adding to the sixty years of mere words without action that have left the Palestinians increasingly vulnerable to Israeli's aggression. Unfortunately, it is overly optimistic to expect the Security Council to act in this instance to preserve respect for the rule of law.

Third, the Goldstone Report suggests that the General Assembly could act under the Uniting for Peace precedent. This misses the point that the General Assembly can act merely because this matter concerns an issue of human rights and respect for international law that is already squarely before its subsidiary body, the Human Rights Council. This is not a matter for which the General Assembly's authority to act needs any other justification nor is it one that can be blocked by its consideration by the Security Council. Already in January 2009 the General Assembly set a precedent of meeting on the very issue of Gaza while this matter was being considered by the Security Council. Moreover, the General Assembly did in fact take action by adopting a resolution with a majority of 142 States in favor, four opposed and nine States abstaining, just hours after the Security Council had adopted its own resolution.

The General Assembly considered the situation in Gaza and adopted a resolution on the situation in a timely manner due to the courageous foresightedness of the President of the 63<sup>rd</sup> General Assembly H.E. Miguel D'Escoto-Brockmann in reconvening the adjourned 10<sup>th</sup> Special Emergency Session of the General Assembly. We hope that his predecessor H.E. Ali Abdelsalam Treki, a former Libyan Minister of Foreign Affairs, will exercise the same courageous foresightedness and concern for the plight of the Palestinian people and call for resumption of the Emergency Session that was suspended in January 2009. The Human Rights Council can urge him do so by urging him to bring the report to the attention of the General Assembly for action as soon as possible. Each State at the 12<sup>th</sup> Special Session of the Human Rights Council can also contribute to achieving this end by sending strong unambiguous messages to the General Assembly, its founding body, advising them to quickly consider the report and to rapidly take action on it.

Nord Sud XXI emphasizes the urgency of action. Everyday Palestinians are being unlawfully and willfully killed, arbitrarily detained, subjected to inhuman conditions, their right to worship denied, and their access to health care and education obstructed, among other types of suffering. Everyday that goes by imposes a greater violation of the the right to self-determination on the Palestinian people, a solemn and most fundamental human right that has been violated since on 14 May 1948 Israel was created on the land of indigenous Palestinians. This suffering has been ongoing too long. Action to end it must not be delayed. Especially action to implement the so-well documented report of the Independent Fact-Finding Mission led by Judge Richard Goldstone.

Nord Sud XXI therefore urges the Human Rights Council to be the proud defender of the rule of law by giving advice to the General Assembly, and by encouraging it, through action initiated by the President of the 64<sup>th</sup> General Assembly, to act without delay to protect the human rights of all Palestinians.

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