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HUMAN RIGHTS COUNCIL
Sub-Commission on the Promotion and
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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND
SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO
COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES:
REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN
RIGHTS RESOLUTION 8 (XXIII)**

Written statement submitted by Pax Christi International, International Catholic
Peace Movement, 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.

[3 August 2006]

* Pursuant to General Assembly resolution 60/251 of 15 March 2006 entitled "Human Rights Council", all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights, including the Sub-Commission, were assumed, as of 19 June 2006, by the Human Rights Council. Consequently, the symbol series E/CN.4/Sub.2/_ , under which the Sub-Commission reported to the former Commission on Human Rights, has been replaced by the series A/HRC/Sub.1/_ as of 19 June 2006.

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

Title: Respect International Humanitarian Law in Middle East

Pax Christi, the international Catholic peace movement, with 95-member organisations active worldwide, is extremely concerned about the vicious spiral of violent conflict and violations of human rights in the Middle East over the past weeks. The number of those killed and wounded as well as the number of displaced persons is disturbingly high and continues to increase. Pax Christi International expresses its deep concern in solidarity with its member organisations and partners in the region.¹

1. A conflict that has dragged on for decades, where violence is the order of the day and a number of people live in a permanent war-like situation, has slowly but surely escalated further. A series of recent events in Gaza led to Palestinian rocket attacks and the abduction of an Israeli soldier. Israel arrested several Hamas parliamentarians, attacked Palestinian ministerial buildings and later, launched a massive attack on the Gaza Strip. Since the start of the Israeli operation “Summer Rain” on the 28th of June 2006, the civilian population has been deprived of access to electricity, water and humanitarian aid, largely the result of the destruction of bridges and the only power station in the Gaza Strip.

2. A second front was opened when Hezbollah in turn kidnapped two Israeli soldiers. Israel attacked Lebanon over ground, air and sea. Hezbollah’s rocket attack on Israel hit cities such as Haifa, Tiberias and Nazareth for the first time. This is the most serious crisis between Israel and Lebanon, since Israel withdrew from Lebanon in 2000.

3. The current escalation, through the actions of the Israeli government, put at risk recent advances to free Lebanon from external powers. It also threatens the fragile democracy of a nation healing from years of sectarian divisions. If Syria and Iran continue to give their support to Hezbollah, and become deeper involved, a regional escalation is not inconceivable.

4. On 30 July 2006, Israeli missiles struck several buildings in Qana- a southern Lebanon village- killing dozens, most of them children. This makes the situation in the Middle East even more grave and tragic: hundreds of dead, many wounded, a huge number of homeless and refugees; houses, towns and infrastructure destroyed; and all the while, hatred and the desire for revenge grows in the hearts of many.²

5. The most urgent need is to bring the fighting to a halt without further delay. Pax Christi International appeals for an immediate cease-fire in the Middle East. A dialogue with all relevant actors in the conflict should be opened, taking into account the justified and legitimate concerns of all parties.

In the current conflict, all parties are violating the absolute prohibition on attacks against civilians under international law. The movement strongly condemns all the

¹ H.B. Michel Sabbah, Latin Patriarch of Jerusalem, is the President of Pax Christi International. The movement has member organisations in Palestine, Jordan, Syria and Lebanon and has partners in Israel.

² “High Commissioner for Human Rights condemns killings of civilians in Qana, South Lebanon,” 31 July 2006 at <http://www.ohchr.org/english/press/media.htm>

attacks by Hezbollah targeting civilians and cities as well as the unjustified and disproportionate use of force by Israel in Lebanon and Gaza.³

6. Pax Christi International recalls international humanitarian law that says that parties have an obligation to exercise precaution and to respect the proportionality principle in all military operations. Furthermore, parties have to distinguish between combatants and civilians. Attacks can only be directed against combatants and military objectives. Israel, Hezbollah and the Palestinian armed groups should therefore refrain from attacking civilians as well as civilian infrastructure (e.g. roads, bridges, airports, train stations, hospitals, schools, etc.).

7. Several reports confirmed the use of cluster munitions and phosphor bombs by Israel in the current conflict in Lebanon.⁴ These weapons have a long, documented history of causing grievous humanitarian harm. If more cluster munitions are used in this conflict, one can be certain of at least two outcomes: An increase in civilian casualties due to the far-reaching effects and inaccuracy of these weapons; and a deadly legacy of unexploded cluster munitions that will add to the already severe problems of landmine and UXO contamination in Lebanon.⁵ In addition, use of phosphor bombs by the Israeli army in populated Lebanese areas has been reported.⁶

8. Pax Christi International recalls the position of the High Commissioner for Human Rights, Ms. Louise Arbour, in her statement of 19 July 2006 on protection of civilians: "Indiscriminate shelling of cities constitutes a foreseeable and unacceptable targeting of civilians. Similarly, the bombardment of sites with alleged military significance, but resulting invariably in the killing of innocent civilians, is unjustifiable. International humanitarian law is clear on the supreme obligation to protect civilians during hostilities. This obligation is also expressed in international criminal law, which defines war crimes and crimes against humanity. International law demands accountability. The scale of the killings in the region, and their predictability, could engage the personal criminal responsibility of those involved, particularly those in a position of command and control."⁷

9. Collective punishment of civilian population cannot be accepted.⁸ The peace movement calls on the United Nations to hold Israel accountable for the purposeful destruction of necessary civilian infrastructure in Lebanon and Gaza, a clear violation of international humanitarian law.

10. Pax Christi International is very worried about the deteriorating humanitarian situation in the region. In particular the situation in (southern) Lebanon and Gaza is extremely

³ "Egeland condemns Israel's "disproportionate use of force" in the Gaza Strip." United Nations Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory, Situation Report, 27 July 2006. Read also latest reports of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA)-Jerusalem - www.ochaopt.org.

⁴ <http://www.stopclustermunitions.org/dokumenti/dokument.asp?id=65>.

⁵ Pax Christi International is a member of the Cluster Munitions Coalition, CMC, www.stopclustermunitions.org

⁶ Trouw Newspaper 27 July 2006, Against International Agreements. And see <http://lebanonunderattack.wordpress.com/tag/propagate-it/page/2/>.

⁷ United Nations, Press Release, "High Commissioner for Human Rights Calls For Protection of Civilians and Accountability in Latest Mideast Crisis," 19 July 2006.

⁸ "Human rights situation in the Occupied Palestinian Territory," Resolution (A/HRC/S-1/L.1/Rev.1). Human Rights Council, 6 July 2006.

strained. Both in Gaza and Lebanon, basic human rights of the population are at risk or are being violated, including right to life, health and food. The warring parties have the responsibility of guaranteeing that food, water and other essential goods such as medical supplies; fuel, electricity, etc. are delivered to the civilian population.

11. The movement presses for the unconditional release of the captured Israeli soldiers and for negotiations on the Palestinian and Lebanese prisoners held in Israeli prisons.

12. Pax Christi International calls on the Sub-Commission for the Promotion and Protection of Human Rights to denounce in the strongest possible wording: (1) all attacks from all sides against civilians and civilian infrastructure; and (2) the collective punishment meted out by Israel on the population in Gaza and Lebanon.

Pax Christi International urges the Sub Commission to call for a stop to the use of cluster munitions and phosphor bombs, which are unacceptable, inaccurate and unreliable weapons in the current conflict.

Pax Christi International urges the Sub Commission to once again highlight that humanitarian assistance should be unrestricted and secure passage should be provided, including rapid and unimpeded access for humanitarian workers.

Pax Christi International calls on the Sub Commission to expand the mandate of Mr. John Dugard, Special Rapporteur on the situation of human rights in the Palestinian Territories (OPT) to all of Israel, OPT and Lebanon.

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