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OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement* submitted by the Cairo Institute for Human Rights Studies
(CIHRS), 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.

[28 February 2007]

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

Civilian Protection within Armed Conflicts of the Arab Region

The Cairo Institute for Human Rights Studies would like to express its concern over the disregard for the protection of civilians demonstrated by governments and armed militias involved in armed conflicts within the Arab region.

1. Parties to conflicts in Iraq, the Occupied Palestinian Territories (OPTs) and the Darfur region of Sudan have demonstrated a severe disregard for the civilian protection standards of international law. In all of these conflicts wide-spread human rights abuses, including war crimes and Grave breaches of the Geneva Conventions (1949), are carried out against unarmed civilians on a regular basis by government forces, government supported forces and/or armed militias.

2. In Iraq, a total of 34,452 Iraqis were killed in 2006 according to the United Nations (UN) Assistance Mission for Iraq. Government security forces connected to Shiite militias have been involved in direct participation and/or complicity in many execution-style killings and torture of Sunni civilians, while Sunni insurgents and other groups continue to target civilians in indiscriminate bombings. Iraqi authorities have failed to end the killings and bring members of the security forces that perpetrate war crimes to justice. Moreover, United States (US) soldiers have repeatedly been accused or convicted of committing war crimes since 2003. The severe lack of civilian protection in Iraq has fueled ethnic violence and pushed the country to the brink of full scale civil war. Due to this violence and instability, tens of thousands of Iraqis are fleeing Iraq each month and more than 1.8 million Iraqis have become internally displaced.

3. According to John Dugard, UN Special Rapporteur to the OPTs, the Israeli occupation has taken on the characteristics of colonialism and Apartheid. During 2006, there was a rise in the number of Palestinian civilians killed and injured by Israeli forces in the OPTs. Furthermore, throughout 2006, in violation of fundamental standards of international humanitarian and human rights law, Israel continued to seize Palestinian land, attacked unarmed Palestinian civilians, failed to distinguish between civilian and military targets, and imposed collective punishment on the Palestinian population through various means, including house demolitions. Also, 5 suicide bombings killing 15 Israeli civilians were carried out by Palestinians in 2006. It is worth noting that during the Israel-Lebanon conflict that erupted in July of 2006, both Israeli forces and Hezbollah militias were guilty of indiscriminate bombing of civilian areas resulting in the death of more than 1000 Lebanese, the vast majority civilians, and 43 civilians in Israel.

4. The situation in Darfur has been described by the U.N. as the largest manmade humanitarian disaster in the world. The office of the U.N. Secretary General has concluded that Sudanese government officials and the Janjaweed militias that the government supports are responsible for "International offences such as crimes against humanity and war crimes that have been committed in Darfur [and which] may be no less serious and heinous than genocide."¹ Since 2003, fighting in Darfur between rebel and government forces has caused the death of at least 200,000 people and forced another 2.5 million from

¹ *Report of the International Commission of Inquiry*, p. 4

their homes. The Sudanese government's support of Janjaweed militias, which perpetrate violent assaults against civilians, and frequent use of indiscriminate aerial bombardments of civilian areas, have been identified as two main causes of civilian deaths and internal displacement within the Darfur region. In a statement released 17 January 2007, U.N. bodies operating in the Darfur region said that insecurity caused by increased violence, including increased targeting of aid workers, has disrupted aid to large segments of Internally Displaced Peoples, and threatens the sustainability of all humanitarian assistance in the region. Millions of civilians in Darfur depend on this assistance in order to survive.

The Cairo Institute for Human Rights Studies would like to call the attention of the Human Rights Council and UN member states, to the insufficient and highly selective manner in which the international community has carried out their Article 1 obligation to "ensure respect" for the Geneva Conventions and the protection of civilians regarding armed conflicts in Iraq, the Occupied Palestinian Territories and the Darfur region of Sudan.

1. Common Article 1 of the Geneva Conventions (1949) imposes an absolute obligation to "*respect and ensure respect*" for international humanitarian law "*in all circumstances.*" This Article not only obligates parties to a conflict and/or occupying powers to conform to international humanitarian law, but also creates an obligation on individual states to "ensure respect" for the Geneva Conventions. Thus, a state party to the Conventions not participating in a conflict must take *active* measures, within legal bounds, to prevent other state parties to the Convention from violating its provisions. Pursuant to Article 3 common to the Geneva Conventions, the obligation to respect and ensure respect for the Geneva Conventions applies to both international and non-international conflicts. Fundamental human rights standards are protected by the Geneva Conventions and must be respected by parties to a conflict and/or an occupying power.

2. Regarding Iraq, the international community, including the United Nations, has taken a "hands off" approach to the situation. Although security concerns for international humanitarian personnel are important, it is imperative that states and the United Nations do everything within their power to ensure respect for international humanitarian law in Iraq. As consistently advocated by CIHRS and other Arab NGOs since the beginning of the Iraq conflict², the UN must take the lead role in efforts to aid the Iraqi government to stabilize the country and provide protection to civilians. As is evident, the United States, its coalition partners and the government of Iraq have been unable to provide this protection. In the face of this failure, political will within the US to remain in Iraq is quickly diminishing, and other coalition states have announced their intentions to withdraw. As this occurs, it is important that the international community, especially regional governments, step up efforts to ensure that civilians in Iraq receive proper protection.

3. Concerning the wide-spread inhumane and illegal treatment of Palestinian civilians in the OPTs, the international community has failed to apply significant and concerted pressure on the government of Israel to halt such abuses and end the occupation. In particular, the US and the European Union (EU), the strongest allies and largest trading partners of Israel, continue to award Israel with preferential economic and military trading agreements, while providing strong political support for Israel in international fora. Moreover, the US gives over \$3 billion of economic and military aid to Israel each year. In

² See *Rabat Declaration* (8/12/2004), *Second Independence Declaration* (22/3/2004) at www.cihrs.org

light of Israel's illegal behavior in the OPTs, US and EU policies contradict with their obligations to pressure Israel to conform to international humanitarian legal standards.

4. Regarding the situation in Darfur, China and many states in the Arab region continue to provide the government of Sudan with favorable economic and military agreements, while also giving political backing to Sudanese officials against international sanctions regimes designed to pressure the government to end its inhuman and illegal policies in the Darfur region. Many Arab League states in particular have forcefully rejected almost all international efforts to hold the government of Sudan accountable for its unwillingness to protect Darfurian civilians.

5. A pronounced double-standard exists among the US, EU and League of Arab States concerning humanitarian law violations and human rights abuses in the OPTs and Darfur. The US and the EU have forcefully applied diplomatic pressure and created the framework for internal sanctions regimes against the government of Sudan, while also supporting the deployment of UN peacekeepers in Darfur. Yet, they fail to apply to same type of mechanisms and pressure towards Israel. Arab League states in turn apply pressure on Israel to halt abuses against Palestinians and have called on the international community to deploy an international protection force within the OPTs, but support the Sudan government and denounce UN deployment in Darfur. These double-standards encourage governments in the region to ignore humanitarian law, undermine all international civilian protection standards and increase the suffering of conflict affected civilians in the Arab region, including in Iraq.

The Cairo Institute for Human Rights Studies recommends:

- The Human Rights Council pass a resolution denouncing the deteriorating respect for international humanitarian law in the Arab region, including in Iraq, the OPTs and Darfur; and call on the international community to increase efforts to ensure occupying powers and/or parties involved in conflicts in Iraq, the OPTs and Darfur provide full and unconditional protection to civilians.
- The Human Rights Council to send a fact-finding mission to Iraq to investigate and make recommendations on how to improve the human rights situation in the country.
- The Security Council and General Assembly to empower the UN to take the leading role in aiding the government of Iraq in stabilization and civilian protection efforts; and for international humanitarian organizations and governments in the region to assume a larger role in ensuring that civilians are provided protection in Iraq.
- The US, EU and Arab League states reconsider the selective approach in which they have applied their obligation to ensure respect of international humanitarian and human rights law in the Arab region.
