



## General Assembly

Distr.  
GENERAL

A/HRC/S-9/NGO/7  
8 January 2009

ENGLISH  
Original: ENGLISH AND  
FRENCH ONLY

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HUMAN RIGHTS COUNCIL  
Ninth special session

**Joint written statement\* submitted by the Europe – Third World Centre, a non-governmental organization in general consultative status, and American Association of Jurists (AAJ), 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.

[7 January 2009]

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\* This written statement is issued, unedited, in the languages received from the submitting non-governmental organizations.

## **The UN Human Rights Council must stop war crimes and crimes against humanity in the Occupied Palestinian Territory (OPT)<sup>1</sup>**

As European and Israeli human rights organizations, we are urging the UN Human Rights Council to intervene and call to an end of the war crimes and crimes against humanity being committed in the Occupied Palestinian Territory (OPT) as part of the Israeli occupation forces ongoing attacks in the Gaza Strip. At least 660 persons, including children and women, have been killed and over 3 000 Palestinians have been injured. Without the external intervention of the international community, the civilian population of the occupied Gaza Strip will inevitably continue to suffer heavy losses; this is confirmed by Israeli Defense Minister Ehud Barak's assertion that this is a "war to the bitter end" and Foreign minister Tsipi Livni answer to the French request for a 48 hours truce, " nothing will interrupt the pre-established plan".

Grave breaches of the Fourth Geneva Convention amounting to war crimes, have been committed, including, killings and extensive destructions of property not justified by military necessity and carried out unlawfully and with premeditation. Furthermore, the continuing collective punishment of the Gaza strip has left medical services unable to deal with the increasing number of victims.

As member States of the UN Human Rights Council, you are fully apprised of the human rights situation in the OPT, thanks to the Universal Periodic Review (UPR) of Israel earlier this month. The dire humanitarian situation in the Gaza Strip was a dominant concern raised by numeral States during the review. Despite recommendations to Israel concerning its obligation to improve the humanitarian situation in the Gaza Strip, the capacity of Gaza's civilian infrastructure to respond to the humanitarian needs of the population after days of bombardment has now reached a breaking point. You have further been notified by Special Rapporteur Richard Falk of Israel's failure to cooperate with his mandate and his call on "all Member States, as well as officials and every relevant organ of the United Nations system, to move on an emergency basis not only to condemn Israel's serious violations, but to develop new approaches to providing real protection for the Palestinian people.

We note that the Security Council has thus far failed to take concrete steps despite the gravity of the situation. However, General Assembly President Miguel D'Escoto's statement that "the time has come to take firm action if the UN does not want to be rightly accused of complicity by omission" offers a platform for concrete action that should be supported by the Human Rights Council.

It is our considered judgment that the only effective measure the UN Human Rights Council can take under these specific circumstances is to issue a resolution requesting the General Assembly to convene under GA Resolution 377, "Uniting for Peace," with a view towards the imposition of collective measures against the Israeli Government.

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<sup>1</sup> This declaration was drafted in collaboration with Alternative information Center (AIC), National Lawyers Guild (NGL) and French Jewish Union for Peace (FJUP).

We believe that such a step would halt the escalation of civilian deaths, offer hope to civilians in despair over the political deadlock and ultimately serve the long-term interests of peace.

**WE URGE THE HUMAN RIGHTS COUNCIL:**

- to adopt a resolution condemning unequivocally Israel for violation of international humanitarian and human rights law ;
- to recommend to General Assembly to address this question, referring to Resolution 377, in view of the failure of the Security Council on this subject.

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