



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

"Dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights"

IMMEDIATE RELEASE
2008

28 January

6th Special Session of the Human Rights Council: Council demands that Israel lift the siege on Gaza, but fails to uphold the responsibility of all parties to observe international law

The International Commission of Jurists (ICJ) calls on all parties to the Israeli-Palestinian conflict to protect civilians on both sides from violence, observe international law, exercise restraint and prevent further escalation of human rights and humanitarian law abuses, following the conclusion of the UN Human Rights Council's 6th special session on the human rights and humanitarian situation in Palestine. At the session, the Council discussed the human rights implications of the recent Israeli military attacks and incursions in Gaza and the West Bank town of Nablus, and of the continuing siege on Gaza. The ICJ welcomes the Council's expression of concern at the deteriorating human rights and humanitarian situation in the Occupied Palestinian Territories.

"Israel must respect the human rights of all civilians and persons *hors de combat*, and treat detainees humanely. Israel must abide by the 4th Geneva Convention and protect civilians," said the ICJ. The ICJ also urges all parties concerned to abide by the international humanitarian law that applies to the Israeli-Palestinian conflict.

The ICJ is concerned that due to Israel's siege on Gaza and its closure of Gaza's borders, 1.5 million Palestinians have had their freedom to move into and out of Gaza severely restricted, and been denied basic economic, social and cultural rights, including access to food, medicine, education, adequate housing and other essential means of subsistence. "Instead of temporary delivery of essential medicine and fuel, Israel must ensure permanent transit into and out of Gaza, and regular delivery of all means of subsistence, including fuel and electricity," continued the ICJ. The ICJ considers that some of these Israel's practices amount to collective punishment, prohibited by Article 33 of the 4th Geneva Convention.

The ICJ condemns the Israeli Defence Forces' indiscriminate and disproportionate use of force during the military incursions in Gaza and in the West Bank, which take civilian lives. The ICJ also condemns the launch of Qassam rockets and mortars from civilian areas in Gaza, by Hamas and other Palestinian armed groups, which frequently strike civilian areas in southern Israel. "Such indiscriminate attacks on civilians can amount to war crimes and therefore must be investigated," expressed the ICJ.

The ICJ urges all parties to the conflict to abide by fundamental principles of the international humanitarian law, and respect and protect the rights of civilians. The ICJ calls on the authorities on both sides to investigate and prosecute perpetrators of violations of international humanitarian law and human rights law.

During the special session, the ICJ called on the Human Rights Council, the General Assembly and the Security Council of the United Nations to urge both sides to protect civilians, and to reinvigorate action by the international community to achieve a fair political solution providing for Palestine to live side-by-side with Israel in peace and security.

The ICJ welcomes the Council's demand for Israel to lift the siege on Gaza. On the other hand, the ICJ deplores the parts of the Council's resolution adopted at the special session that did not call equally on both sides to scrupulously observe international humanitarian law and protect

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

33, rue des Bains, P.O. Box 216, 1211 Geneva 8, Switzerland
Tel: +41(0) 22 979 3800 - Fax: +41(0) 22 979 3801 - Website: <http://www.icj.org> - E-mail: info@icj.org

P
R
E
S
S

R
E
L
E
A
S
E

civilians. The resolution also fails to call on both parties to exercise restraint. Such obligations extend equally to all the parties to the conflict. "An unbalanced result of the Council's special session will do little to improve the situation on the ground," concluded the ICJ.

For further information, contact:

- Mr. Lukas Machon, ICJ Representative to the UN, phone: +41 22 979 38 29, mobile: +41 76 345 40 65
- Mr. Said Benarbia, Middle East & North Africa Program Officer, phone: +41 22 979 38 17