

30 December 2008

Re: Gross Human Rights Violations and War Crimes in the Gaza Strip – The UN Human Rights Council must urge the General Assembly to act under Resolution 377

Dear Member State of the UN Human Rights Council,

Representing the Palestinian human rights community, we write to you with an urgent request for intervention by the UN Human Rights Council to put an end to the war crimes and crimes against humanity being committed in the Occupied Palestinian Territory (OPT) as a result of the Israeli occupying forces' ongoing attacks on the Gaza Strip. At least 310 persons, including 37 children, have been killed and over 1000 Palestinians have been injured. The civilian population of the occupied Gaza Strip will inevitably continue to suffer heavy losses without the external intervention of the international community; this is confirmed by Israeli Defence Minister Ehud Barak's assertion that this is a "war to the bitter end."

Grave breaches of the Fourth Geneva Convention amounting to war crimes, have been committed, including, wilful killing and the extensive destruction of property not justified by military necessity and carried out unlawfully and wantonly. 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 were fully apprised of the human rights situation in the OPT, during the Universal Periodic Review (UPR) of Israel earlier this month. The dire humanitarian situation in the Gaza Strip was a dominant concern raised by 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 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 judgement 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. We urge this approach having duly considered the implications for the Human Rights Council as well as the human rights of the Palestinian people should Israel again impede or ignore the Council's interventions. 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.

Sincere regards,

Palestinian Human Rights Community

Al-Haq

Adalah

Arab Association for Human Rights-HRA

Addameer Prisoners' Support & Human Rights Association

Ad-Dameer Association for Human Rights

Al-Mezan Center for Human Rights

BADIL Resource Center for Palestinian Residency & Refugee Rights

Defence for Children International

Ensan Center for Democracy & Human Rights

Independent Commission for Human Rights (ICHR)

Jerusalem Legal Aid & Human Rights Center (JLAC)

Palestinian Centre for Human Rights (PCHR)

Palestinian Center for the Independence of the Judiciary and the Legal Profession,

Musawa

Ramallah Center for Human Rights Studies (RCHRS)

Women's Center for Legal Aid and Counseling (WCLAC)

Women's Studies Center

The Palestinian Non-Governmental Organizations' Network – PNGO