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Written statement* submitted by the International Commission of Jurists, 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.

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

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Gross violations of international human rights law and grave breaches of international humanitarian law during Israeli military operations in Gaza

The International Commission of Jurists (ICJ) calls for an immediate end to the Israeli military operations in Gaza. The Human Rights Council must urge both Israel and Palestinian armed groups to desist from any attacks that harm civilians. It is imperative that the conflicting parties cease hostilities immediately with a view to achieving and implementing an immediate and durable cease-fire. The Israeli military must unconditionally withdraw from Gaza.

Over the last two weeks, due to the disproportionate and often indiscriminate attacks by the Israel Defense Forces, more than 500 people have been killed in Gaza. The overwhelming majority of these were civilians, including more than 120 children. Thousands were wounded in the context of these attacks. Sustained aerial bombardment and ground incursions have also resulted in the destruction of basic infrastructure and civil facilities. Many of the attacks have been directed against civilian objects.

Israel must end these attacks immediately and unconditionally. It must open all of Gaza's crossings and allow for free and unrestricted access of humanitarian and medical assistance and supplies. Israel continues to exercise effective control over Gaza. It has obligations both under international humanitarian law, including the Fourth Geneva Convention, and international human rights law to ensure the safety and welfare of civilians living in Gaza. Palestinian armed groups have also been responsible for indiscriminate attacks against the Israeli civilian population, in particular by using rockets that cannot be guided to reach military objects.

Such attacks by both parties constitute crimes under international law and their perpetrators must be held criminally accountable.

The Human Rights Council should take all effective measures at its disposal to ensure accountability for the perpetrators and justice for the victims, including remedies and reparation and guarantees of non-repetition. As a first step in this direction, the ICJ calls for the establishment by the Council of a commission of inquiry, the mandate of which would be to: investigate all breaches of international humanitarian law and gross violations of human rights law committed during the Israeli military operations in Gaza; make recommendations to the parties and to the Council with a view to ensuring accountability and justice for victims; and identify recommendations to be taken up by the Human Rights Council to the UN Security Council for its consideration, also with a view to ensuring accountability, justice for victims and guarantees of non-repetition.

The ICJ is deeply concerned that, over decades, the absence of accountability for breaches of international law and gross human rights violations committed in the context of the Israeli-Palestinian conflict has fueled the cycle of impunity that prevails in this conflict. Both parties do not fear being held accountable for their acts. The international community can no longer condone systematic impunity and remain passive in the face of the chronic cycles of atrocities committed in the context of this conflict. The indefinite denial of justice cannot continue. It undermines the very fabric of international law and accountability, and the international community's collective responsibility to protect. It severely hampers the rights of victims to effective remedies and reparation.

This Council should prepare the ground for the investigation and possible prosecution of military, political and armed group leaders as well as other persons responsible for gross violations of international law committed in the context of this conflict. It must urge the Security Council to take robust and effective measures to break the cycle of impunity prevalent in this conflict, including by referring the situation in Gaza to the International Criminal Court. The Council should also remind all States of their obligations, individually and collectively, to seek out, prosecute and punish any person responsible for grave breaches of international law committed by any party in the context of the Israeli-Palestinian conflict.