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**Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by International Educational Development, Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 May 2010]

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

The Right to Health and Adverse Health Consequences of Certain Weaponry¹

International Educational Development has raised issues relating to the right to health and weaponry since 1996 when we presented the issue of weapons containing depleted uranium at the Sub-Commission. That year the Sub-Commission adopted resolution 1996/16, expressing its concerns about serious life and health consequences of certain weapons, including those containing depleted uranium, and finding their use in violation of existing norms. After a number of other initiatives on this topic undertaken by the Sub-Commission, in its decision 2001/119, the Sub-Commission entrusted Mr. Yeung Sik Yuen with the task of preparing a working paper, submitted at the 2002 session as E/CN.4/Sub.2/2002/38 and in its decision 2002/133, requested an up-date of that paper, sub-mitted at the 2003 session as E/CN.4/Sub.2/2003.

Both working papers elaborate in some detail the extremely hazardous nature of some of these weapons in relation to civilians and, citing Protocol Additional I to the Geneva Conventions and the 1996 International Court of Justice case on nuclear weapons, stressed that international humanitarian law requires that weapons be adequately tested before their use to ensure that their use in combat would not violate existing treaty-based and customary law rules pertaining to weapons.

Regrettably, there is growing evidence of increasing deaths and severe disabilities of civilians and combatants caused by depleted uranium weapons deployed in recent conflicts. For example, studies of persons exposed to depleted uranium weapons in Gulf War II indicate higher rates of cancers and other radiation-implicated conditions – most disturbingly far higher incidences of spontaneous abortion and severe, almost unheard of birth defects. Evidence of depleted uranium contamination has been found in areas not involved in an armed conflict, showing that the residue of these weapons cannot be contain to the legal field of battle. Many studies attest that Gulf War I veterans are far more likely to be granted partial or full disability than any other war, and veterans of Gulf War II already show many of the same symptoms of low-grade radiation exposure, with rising numbers on partial or full disability.

A new study just released by New Weapons Research Group involving tissue from victims killed during military operation “Summer Rains” (2006) and “Cast Lead” (2009) in Gaza City evaluated by researchers at institutions in Italy, Sweden and Lebanon indicates far higher than normal quantities of a number of other toxic or carcinogenic metals such as strontium, barium, mercury, vanadium, uranium, and rubidium. This particular testing involved wounds with no shrapnel or other fragments. A study published by the same group in December 2009 found toxic metals in craters made by Israeli bombs. A third study released in March 2010 indicates undue levels of toxics in the hair of children in the area of bomb use. It is unclear what weapons were actually used or whether any of them had been tested prior to use to ensure no unduly adverse consequences on health and well-being.

There are a number of other weapons potentially dangerous to human health in unacceptable ways being developed or perhaps already in use. For example, there is a category of weapons called “directed energy weapons” or DEW. Some use a type of radar like microwave energy. We interviewed a Belgian doctor, Geert van Moorter, who was in Iraq during Gulf War II and investigated a civilian bus that was intact but the passengers

¹ The Association of Humanitarian Lawyers, an NGO without consultative status, also shares the views expressed in this statement.

were all carbonized and mutilated. Witnesses had not heard any explosion and there was no trace of shrapnel or other debris at the scene.

While much information regarding new and unduly hazardous weapons is unavailable due to government secrecy, it appears that there has been a failure to adequately test weapons in regard to human health prior to use in combat or to remove weapons that cannot be used without violating norms from active arsenals. However, there is growing evidence that users of some weapons known to be in use knew or should have known about their adverse consequences.

Because of the gravity of violations of humanitarian law, the right to health, and the extremely adverse health consequences we urge the Special Rapporteur on the right to health to look into this issue, especially looking into evidence of serious health consequences of certain new or developing types of weapons. We hope that he would also propose strategies for addressing it.
