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**HUMAN RIGHTS SITUATION IN PALESTINE
AND OTHER OCCUPIED ARAB TERRITORIES**

Joint written statement* submitted by the Sudan Council of Voluntary Agencies (SCOVA), a non-governmental organization in special consultative status and the African-American Society for Humanitarian Aid and Development (ASHAD), 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.

[28 August 2009]

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

Israeli war crimes in Gaza

- The United Nations has moved to set up a commission to look into Israeli war crimes and respond to its human rights violations in Gaza.
After the United Nations Works and Relief Agency (UNRWA) compound became the target of GPS-guided Israeli mortars on January 15, the UN Secretary-General Ban Ki-moon condemned "in the strongest terms this outrageous attack" and called for an inquiry into suspected Israeli war crimes.
- UN spokesman Adnan Abu Hasna said the shelling of the school happened while Israel had been given the coordinates of the building and the compound was also clearly marked with UN flags and logos.
"The UN compound in Gaza had only that morning become a makeshift shelter for hundreds of Gaza City residents seeking sanctuary from relentless Israeli shelling," said an unnamed UN official in Gaza.
- The ICC prosecutor's office said it had received 210 communications from individuals and non-governmental organizations regarding the recent events in Gaza. The criminal case is expected to focus on the Israeli atrocities, including charges of using disproportionate force, white phosphorous bombs and depleted uranium in the densely-populated area.
- Israel's three-week offensive against Gaza -- aimed at toppling the democratically-elected government of Hamas in the Palestinian territory -- left nearly 1,300 Palestinians dead, more than half of them civilians, according to medical sources. The Israeli assault led to the destruction of schools, mosques, houses, UN compounds and government buildings, which Israel has a responsibility to protect under the Fourth Geneva Convention.
- Earlier during the war, members of a Norwegian triage medical team in Gaza which worked at the Shifa Hospital in the war-torn Palestinian territory said Israel had turned Gaza into a research laboratory to test out its new "extremely nasty" weapons on Palestinians.
- The criminal case is expected to focus on the Israeli atrocities, including charges of using white phosphorous bombs, disproportionate force and failure to ensure civilian safety. The Israeli artillery fire that hit a UN school housing hundreds of Gazan refugees would be on the list. The incident left 42 people killed and many others wounded. On the list would also be allegations that Israeli soldiers ordered 110 civilians into a warehouse, and shelled it the next day, killing 30. More than 1,300 Palestinian and 13 Israeli soldiers were killed in the war before both sides declared separate ceasefires.
- While Amnesty International, Human Rights Watch, as well as Israel's most prominent human rights organization, B'Tselem have raised questions about the ethical and moral guidelines of Israel's warfare, the Israeli lobby is working hard to counter efforts to protect the criminal Israel's soldiers from being held accountable for war crimes. Amid reports of profound human sufferings, Israel continues to reject the fact that it has imposed a humanitarian crisis among the battle-hardened 1.5 million population of Gaza and denies committing war crimes in the embattled Strip.
- The commission would later report back to the Security Council, which would then decide how to respond.

- The Israeli authority is growing anxious about the legal step taken by the Spanish judiciary system regarding the war crimes in Gaza. The Israeli have tried to exert profound pressure on the Spanish judge so as to abort the investigations but without success.
- The ICC - which started work in 2002 as the world's first permanent tribunal on war crimes, crimes against humanity and genocide - had no competence over the Gaza situation?. Although the International Criminal Court (ICC) prosecutor in The Hague announced earlier that a "preliminary analysis" was launched to review the military conduct of Israeli forces participating in the offensive against Gaza, but It remains to be seen whether the conducted investigations would lead to bring those who are responsible for the disastrous havoc of Gaza into justice and trials.

RECOMMENDATIONS:

(ASHAD) and (SCOVA) request the Human Rights Council to adopt the following recommendations:

- Condemn the outrageous attack on civilian's women children as well as premises in Gaza.
- Urge the Human Rights groups to build a legal case over Gaza crimes.
- Demand a thorough investigation and punishment for those responsible of civilian atrocities and disastrous havoc of Gaza.
- Set up a UN commission as a preliminary step to look into Israeli damage not only for UN premises but for the massive damage and brutal atrocities for the whole of Gaza as well.
- Enforce International justice to those who think they are above the law, especially to those who have complete disregard for human life.
- In view of denied access by neighboring countries to many investigation committees into the Gaza Strip, ASHAD demand unrestricted access of International human rights defenders - including any investigations committees –so as to conduct a thorough investigations relating to war crime and crime against humanity in Gaza.
- Acknowledge the genuine legal steps taken by the Spanish judiciary system to conduct investigations about war crimes committed during the Israelis' war on Gaza, and encourage other member of the UN to take the similar courageous steps towards serious human rights violations in Gaza.
- Counter efforts the Israel's attempt to protect the criminal Israel's soldiers from being held accountable for war crimes, inter alia; ensure that impunity should not be granted to any suspected criminal at the level of the highest political leaders.
- Urge the human rights council to pursue and adopt the independent investigation conducted by the UN, human rights activists and human rights defenders regarding the atrocities in Gaza and bring with (Unstinting resolve) The Israel's military and political leaders in front of the international justice.

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