



# General Assembly

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## Human Rights Council

Thirteenth session

Agenda item 7

**Human rights situation in Palestine  
and other occupied Arab territories**

### **Written statement\* submitted by Nord-Sud XXI, 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.

[15 February 2010]

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

## **The Need to Combat Impunity for Violations of International Law in Gaza**

Nord-Sud XXI continues to be concerned with the effects of Israel's foreign and oppressive occupation of Palestine, including the continued severe suffering of the Palestinian people of Gaza as a result of Israel's ongoing attacks against these people.

Nord-Sud XXI, while welcoming the response of the Hamas, the Palestinian Authority, and Israel to the demands that all parties investigate violations of international law that occurred in Gaza during Israel's action against the people for Gaza that is still ongoing, also regrets the failure of the Israeli government to take meaningful steps to investigate its violations of international law as well as the failure of the international community to take effective action to ensure that those persons and governments responsible for gross, widespread and reliably attested violations of international law against the people of Gaza are not held responsible for their actions.

### **Background**

On 3 April 2009 the President of the UN Human Rights Council established the independent United Nations Fact Finding Mission on the Gaza Conflict. This Mission presented its report to the Council on 15 September 2009 (UN Doc.A/HRC/12/48).

The Report concluded that Israel intentionally targeted Palestinian civilians "in furtherance of an overall and continuing policy aimed at punishing the Gaza population, and in a deliberate policy of disproportionate force aimed at the civilian population."

On 5 November 2009 the UN General Assembly adopted a resolution (UN Doc. A/RES/64/10) by a recorded vote of an overwhelming majority states 114 states in favor, 18 against, and 44 abstentions which among other things, "requests the Secretary-General to report to the General Assembly, within a period of three months, on the implementation of the present resolution, with a view to the consideration of further action, if necessary, by the relevant United Nations organs and bodies, including the Security Council."

On 5 February the Secretary-General transmitted to the UN General Assembly a one and a half page report, with several annexes attached. The report neither discussed nor recommended further action by the UN Security Council. Instead, the report merely reiterated the oral or written undertakings of the parties to this matter.

Although all parties to the armed conflict have pledged to take action to investigate the persons alleged to have committed violations of international law, none of the effective done so to date. More importantly, no structure exists that is working to ensure that the states responsible for violations of international law in the conflict in Gaza are made to answer for their internationally wrongful acts under the established rules of international law.

As of 15 February 2010 the Palestinian people of Gaza remain under siege from Israel, which continues to maintain its foreign and oppressive occupation of Palestine. In violation of international law Israel continues to deny the people of Gaza access to the basic necessities of life and even restricts the activities of humanitarian relief organizations, to the extent that they are not able to do their work to assist the people of Gaza. Moreover, the Israeli military continues to regularly carry out armed attacks against the people of Gaza using some of the most advanced military equipment available, but nevertheless, targeting civilians and facilities necessary to the survival of civilians.

## **Nord-Sud XXI's Concerns**

Nord-Sud XXI is concerned that the people of Gaza—and indeed all Palestinians living under a foreign and oppressive occupation continue—to suffer violations of their human rights, including indiscriminate military attacks, the denial of the basic necessities of life, targeted killings, denial of access to health care and education, and threats to their security of person.

Nord-Sud XXI is also concerned that no effective action has been taken to assist the people of Gaza more than one year after the UN Human Rights Council, the General Assembly, the Security Council and the Secretary-General were seized of this matter.

Nord-Sud XXI particularly regrets the recent failure of the Secretary-General to respond to the request of the UN General Assembly in a manner that contributes to combating impunity. Instead, the report of the UN Secretary-General at best seems to indicate helplessness and at worst suggests his refusal to take action.

Nord-Sud XXI recalls that action is required by the Charter of the United Nations that calls upon the UN organization and all its member states to cooperate to ensure human rights. These obligations are stated in even more clear terms in the instruments of international human rights and international humanitarian law for which the UN Human Rights Council is responsible for ensuring respect and which most states in the UN have ratified.

Nord-Sud XXI is concerned that it is increasingly appearing that the situation in Gaza will be allowed to linger as yet another long-term unresolved problem on the UN's long agenda. This plays into the hands of those who flaunt the rules of international law.

## **Recommendations:**

In light of the above, Nord-Sud XXI calls on the Human Rights Council to take the following action:

1. Recommend to the UN General Assembly that the General Assembly immediately establishes a subsidiary body to investigate and hold responsible in accordance with the established rules of international any individuals or states that have violated international law.

2. Recommend to the UN General Assembly that the General Assembly immediately gives affect to the report of the Independent Fact-Finding mission led by Judge Richard Goldstone by ensuring effective action is taken to bring those persons and states accused of violations of international law to answer for their actions.

3. Request the Secretary-General of the UN to fulfill his responsibility under UNGA resolution by reporting on what actions can be taken by the UN Security Council.

4. Urges the Human Rights Council to continue to follow up on the report of the United Nations Fact Finding Mission on the Gaza Conflict and to take the steps necessary to ensure that urgent and effective action is taken to protect the human rights of the people of Gaza and to end the impunity of those individuals and states that continue to violate international law.

Our reaction to Gaza is not only a test of the international community's commitment to law, fairness and justice, but it is also a test of our humanity. A world that sends billions of dollars, relief workers, and even soldiers to assist the people of Haiti, cannot reconcile its ignoring the man-made suffering of millions of Palestinians.