



UNITED NATIONS

Press Release

Gaza: Silence is not an option

9 December 2008

The Special Rapporteur on the situation of human rights on Palestinian territories occupied since 1967, Richard Falk, issued the following statement:

GENEVA— In recent days the desperate plight of the civilian population of Gaza has been acknowledged by such respected international figures as the Secretary General of the United Nations, the President of the General Assembly, and the UN High Commissioner for Human Rights.

Last week, Karen AbyZayd, who heads the UN relief effort in Gaza, offered first-hand confirmation of the desperate urgency and unacceptable conditions facing the civilian population of Gaza. Although many leaders have commented on the cruelty and unlawfulness of the Gaza blockade imposed by Israel, such a flurry of denunciations by normally cautious UN officials has not occurred on a global level since the heyday of South African apartheid.

And still Israel maintains its Gaza siege in its full fury, allowing only barely enough food and fuel to enter to stave off mass famine and disease. Such a policy of collective punishment, initiated by Israel to punish Gazans for political developments within the Gaza Strip, constitutes a continuing flagrant and massive violation of international humanitarian law as laid down in Article 33 of the Fourth Geneva Convention.

It is long past the time when talk suffices. As AbuZayd has written, "the chasm between word and deed" with respect to upholding human rights in occupied Palestine creates a situation where "radicalism and extremism easily take root." The UN is obligated to respond under these conditions. Some governments of the world are complicit by continuing their support politically and economically for Israel's punitive approach.

Protective action must be taken immediately to offset the persisting and wide-ranging violations of the fundamental human right to life, and in view of the emergency situation that is producing a humanitarian catastrophe that is unfolding day by day. However difficult politically, it is time to act. At the very least, an urgent effort should be made at the United Nations to implement the agreed norm of a 'responsibility to protect' a civilian population being collectively punished by policies that amount to a Crime Against Humanity.

In a similar vein, it would seem mandatory for the International Criminal Court to investigate the situation, and determine whether the Israeli civilian leaders and military commanders responsible for the Gaza siege should be indicted and prosecuted for violations of international criminal law. As AbuZayd has declared, "This is a humanitarian crisis deliberately imposed by political actors."

It should be noted that the situation worsened in recent days due to the breakdown of a truce between Hamas and Israel that had been observed for several months by both sides. The truce was maintained by Hamas despite the failure of Israel to fulfill its obligation under the agreement to improve the living conditions of the people of Gaza.

The recent upsurge of violence occurred after an Israeli incursion that killed several alleged Palestinian militants within Gaza. It is a criminal violation of international law for elements of Hamas or anyone else to fire rockets at Israeli towns regardless of provocation, but such Palestinian behavior does not legalize Israel's imposition of a collective punishment of a life- and health-threatening character on the people of Gaza, and should not distract the UN or international society from discharging their fundamental moral and legal duty to render protection to the Palestinian people.

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For further information on the Occupied Palestinian Territories, and work and mandate of the Special Rapporteur on the situation of human rights on Palestinian territories occupied since 1967, visit the following website: <http://www.ohchr.org/EN/countries/MENARegion/Pages/PSIndex.aspx>

