



UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS



**Address by Ms. Louise Arbour, UN High Commissioner for Human Rights
on the occasion of the 6th Special Session of the Human Rights Council**



23 January 2008
Geneva

Mr. President,
Distinguished Members of the Human Rights Council,
Excellencies,
Ladies and Gentlemen,

The recent flaring up of conflict in the occupied Palestinian territory has been paralleled by an escalation of human rights violations. The right to life is imperiled for all in the region. This is the case for those living in Israel, particularly in the area of Sderot and Ashqelon. This is the case for Palestinians, in particular those living in Gaza who, in addition, are systematically deprived of the enjoyment of almost all their human rights and basic needs.

In December 2007, 58 Palestinians in Gaza were reportedly killed due to the conflict, making December the month with the highest Gaza strip death toll in 2007. The number of wounded also increased: 61 Palestinians and eight Israelis were injured during Israel Defense Forces operations in Gaza, and six Israelis were wounded by Palestinian Qassam rockets and mortar shells. Since the beginning of the year and until mid-day on 22 January, as hostilities continue unabated, around 70 Palestinians have been reported killed; 23 of them on 15-16 January alone. Israeli military operations continue also in the West Bank and in particular in the city of Nablus where Palestinian security forces had been attempting to restore law and order.

Although differing in scope and proportions, operations which have failed to respect international humanitarian law have resulted in the loss of lives of Palestinian and Israeli civilians. The Israeli practice of collective punishment, disproportionate use of force, and targeted killings continues, as does the Palestinian militants' practice of indiscriminate firing of mortars and rockets into Israel. Since the beginning of the year and until mid-day 22 January 2008, Palestinian militants fired around 230 mortar shells and 110 rockets into the northern Negev including the cities of Sderot and Ashqelon.

According to Israeli and Palestinian civil society organizations, last year, more than a third of the total number of Palestinians killed are civilians. The same organizations report that during 2007, seven Israelis and 131 Palestinian civilians were killed. In the two incidents that took place on 15-16 January, five Palestinian civilians were killed during the operation of the Israeli army and another three died when an Israeli aircraft allegedly mistakenly fired a missile at their car. On 18 January, a Palestinian woman was killed and around 30 civilians injured, among them several children, when an Israeli air strike targeted an empty building of the Ministry of Interior. An Ecuadorian volunteer worker was killed by Palestinian gunfire in the south of Israel. The escalating violence has added to the already critical situation in the Gaza strip, which results from the restrictions on the movement of people and goods to and from the territory imposed by Israel, the breakdown in law and order, and abuses committed by local authorities and armed groups.

As recently stated by the Secretary-General, the 1.4 million people of Gaza live under the most abhorrent conditions. With few exceptions, all legitimate trade with Gaza has come virtually to a halt as a result of the closure of the crossings into Gaza, with devastating effects on the economy and on livelihoods.

The UN Office for the Coordination of Humanitarian Affairs reports that 80% of Gazans live under the poverty line and depend on food and direct assistance provided by aid agencies. As regards the right to food, the World Food Programme estimates that only 56% of basic commercial food import needs were met during the period of mid November to mid December 2007. The level of desperation became even more starkly apparent this morning when thousands of Palestinians poured out of Gaza and into Egypt rushing to buy food, fuel, medicines and other supplies that have become scarce in Gaza. Masked gunmen had blown dozens of holes in the wall on the border to facilitate passage. In relation to the right to health, the World Health Organization highlights a serious shortage of essential drugs, as well as increasing difficulties for patients requiring emergency care to exit Gaza, sometimes resulting in the death of the patients concerned. Access to essential services and utilities, such as water, waste-water systems and energy, is becoming more uncertain. Electricity is essential to ensure adequate provision of health services. On Sunday 20 January, Gaza's main power plant shut down. The power plant can resume working properly only when the provision of fuel is regularly allowed within the territory. Tuesday, Israel allowed fuel and medical supplies into Gaza and signaled that it is considering further easing restrictions. I exhort the Government of Israel to completely lift all restrictions to the free flow of desperately needed aid and essential supplies into Gaza. Let me reiterate what a number of experts have already pointed out with regard to Israeli action in Gaza: the use of collective punishment is strictly prohibited under the Fourth Geneva Convention.

While aid agencies and the donor community are committed to providing humanitarian support in Gaza, such aid, by itself, cannot reverse the situation. It is a palliative. The denial of basic and fundamental rights can not be compensated for by permitting a trickle of charity.

Unless broader steps are taken, both by the parties to the conflict and by the international community, the situation for Palestinians and Israelis can only continue to deteriorate. All parties concerned should put an end to the vicious spiral of violence before it becomes unstoppable. To this end, they must ensure accountability for breaches of international humanitarian law and violations of international human rights law through credible, independent, and transparent investigations. In all ascertained cases of such violations, perpetrators must be brought to justice and victims must receive adequate reparation.

Excellencies,

The international community must intensify its efforts to ensure that the human rights dimension of this conflict is properly addressed regardless of the development of a political settlement. It is, therefore, imperative that Israel, the Palestinian Authority and Hamas respect the long-standing international legal obligations governing the situation to which they, as duty bearers, are bound. While States have a primary responsibility to protect all persons under their jurisdiction or control from war crimes, crimes against humanity, genocide, and ethnic cleansing, under the doctrine that was reconfirmed in the Outcome Document of the 2005 World Summit, the international community in its entirety shares the responsibility to protect civilians in particular where and when the authorities concerned are unable or unwilling to do so. Thus, the people of Gaza look legitimately to the international community to respond with urgency and with appropriate measures to their desperate and still worsening situation.

Thank you.