

UNITED NATIONS INTERNATIONAL MEETING ON QUESTION OF PALESTINE OPENS IN GENEVA TO DISCUSS ISSUES SURROUNDING GAZA WAR

Speakers Call Attacks on Civilians War Crimes and Possibly Crimes against Humanity and Call for Independent Investigations

22 July 2009

An international meeting on the question of Palestine, organized by the Committee on the Exercise of the Inalienable Rights of the Palestinian People, opened today in Geneva to discuss the responsibility of the international community to uphold international humanitarian law to ensure the protection of civilians in Occupied Palestinian Territories in the wake of the war in Gaza. In a first plenary meeting participants discussed the results of various investigations of Israeli conduct during the 2009 war in Gaza carried out by the United Nations, the League of Arab States, United Nations Special Rapporteurs, parliamentarians and other groups.

Ban Ki-Moon, United Nations Secretary-General, in a message read out by Sergei Ordzhonikidze, Under-Secretary-General and Director-General of the United Nations Office at Geneva, said that the Government of Israel had to commit itself fully to its obligations, including to freeze settlement activity. Continued settlement activity would not only be acting contrary to international law but also against a strong international consensus. By contrast, if Israel froze settlement activity, it would facilitate a new environment of cooperation and common purpose from the countries in the region. Most urgently, Israel had to allow basic supplies, goods and reconstruction materials into Gaza through a sustained reopening of crossing points. All parties were urged to respect the provisions of international humanitarian law related to the treatment of detainees, including Israeli Corporal Gilad Shalit, to whom neither the International Committee of the Red Cross nor any other international body had been granted access. "Let us rise to our responsibilities, and thereby help the parties rise to theirs", he concluded.

Paul Badji, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in his opening statement, said that the Israeli onslaught against Gaza during the 22 days of Operation Cast Lead in December 2008 and January of 2009 had demonstrated the total disregard by Israel of international humanitarian law. Recent testimony by some 30 soldiers who served in all sectors of the Operation had lent further credibility to the allegations. According to the soldiers, they were urged by commanders to shoot first and worry later about sorting out civilians from combatants. The international community could not show complacency in the face of such allegations. It had to mobilize to prevent future violations of and uphold international humanitarian and human rights law and to hold those committing them accountable. The existing legal instruments, and in particular the Fourth Geneva Convention, provided the necessary tools for the international community to ensure the rule of law.

Also in opening statements, Rudy Salles, President of the Parliamentary Assembly of the Mediterranean and Vice-Chairman of the French National Assembly, said that one of the Assembly's initiatives was to organize, with the Government of Malta, a parliamentary symposium on the status of the city of Jerusalem and to come out with proposals that would be sent to the main stakeholders. In a message delivered by Mr. Salles, Miguel D'Escoto Brockmann, President of the United Nations General Assembly, observed that for the 1.5 million Palestinian civilians who lived there, the Gaza war had not ended and that the blockade continued today. United Nations obligations under the Charter and United Nations resolutions, as well as under international humanitarian law, remained unfulfilled. For Ibrahim Khraishi, Permanent Representative of Palestine to the United Nations in Geneva, the urgency of ending the tragedy and injustice of the Palestinian people, after more than 60 years of statelessness, could not be overstated. While resolving the question of Palestine was urgent for the Middle East, it was also important for the whole world – not only to make peace and security a reality but to make it flourish throughout the whole world.

In a first plenary meeting on the results of investigations of Israeli conduct during the war in Gaza, John Dugard, Head of the Independent Fact-Finding Committee on Gaza of the League of Arab States, said that his Committee had heard disturbing accounts of cold-blooded killings of civilians by members of the Israel Defense Forces, accounts which had later been confirmed by Israeli soldiers at the Oranim military college. Although Israel had initially denied it had used white phosphorous, it later admitted its use. The Independent Committee found Israel's actions met the requirements for the *actus reus* of the crime of genocide contained in the Genocide Convention. George Vella, Chairman of the Ad Hoc Committee on the Middle East of the Parliamentary Assembly of the Mediterranean, said that currently in Gaza there was a collapse of the private sector due to the restrictions imposed by the Israeli authorities. The indiscriminate and disproportionate attacks on civilians constituted war crimes and possibly crimes against humanity. The International Criminal Court should accept the declaration lodged by the Government of Palestine. David Hammerstein, Former Member of the European Parliament for Spain, said that the position of the European Parliament was very clear, if the positions of the Members were often not. That included the lifting of the siege of Gaza and the end of collective punishment of the civilian population; the end of use of disproportionate force and illegal weapons; a total suspension of the settlement building; and the building of a large solar plant for electricity and desalination in or near Gaza. Javier Solana had recently called for the United Nations Security Council to recognize a Palestinian State and the two-State solution by a certain deadline even if Israel and others did not.

Also speaking in the plenary, Ran Yaron, Director of the Occupied Palestinian Territories Department of Physicians for Human Rights Israel, said the findings of the investigations by the Israeli Army into suspected human rights violations in the field of health raised various questions and doubts. The basic problem was that the investigative body formed part of the Army, which made it lose its objectivity and independence. It was important to establish an objective and independent body to investigate the incidents. Bill Van Esveld of Human Rights Watch said that Human Rights Watch had released reports on the use of white phosphorus and unmanned aerial vehicles, or drones, by the Israel Defence Forces (IDF) and would soon release reports on IDF shootings of civilians attempting to convey their civilian status, as well as the wanton destruction of civilian property by the IDF. The IDF's repeated firing of air-burst white phosphorus into densely populated areas failed to take all feasible precautions against civilian harm, failed to discriminate between civilians and military targets, and revealed a policy rather than accidental usage.

The International Meeting will reconvene this afternoon at 3 p.m. by holding a second plenary on the responsibility of Governments and intergovernmental organizations in upholding international law.

Introductory Statements

PAUL BADJI, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, said that one could still recall the events that had happened in Gaza at the beginning of the year and the disproportionate use of force by the Israeli Army, with complete disregard for the civil population. The Committee, along with other international organizations, had condemned the attack, as well as the rocket attacks by armed groups into Israel. Since those events, several missions of inquiry had carried out investigations into the events. The Committee had felt that it was important, following the war in Gaza, to convene this meeting to look into the need for respect of international humanitarian law. The meeting would provide a forum for experts of international law, members of investigation committees and others to present their assessment to representatives of Government and civil society organizations. The Committee was confident that the meeting would strengthen the principles of international law.

SERGEI ORDZHONIKIDZE, Under-Secretary-General and Director-General of the United Nations Office at Geneva, delivering a message on behalf of BAN KI-MOON, United

Nations Secretary-General, noted that intensive diplomatic efforts were under way to create what the Quartet had recently called the conditions for the prompt resumption and early conclusion of negotiations. All wanted to see both parties committed to the two-State solution and to their road map obligations, and an agenda of transformative change on the ground. In particular, Israel should commit fully to its obligations, including to freeze settlement activity and natural growth. If Israel continued settlement activity, it would not only be acting contrary to international law but also to a strong international consensus. By contrast, if Israel froze settlement activity, it would facilitate a new environment of cooperation and common purpose from the countries in the region, building on the framework of the Arab Peace Initiative. With its recent welcome measures to ease closures on important West Bank routes, Israel had shown that it was possible to change longstanding practices. Israel should also cease unilateral actions in Jerusalem such as house demolitions, and heed the five-year-old Advisory Opinion of the International Court of Justice on the wall.

The Secretary-General remained deeply concerned about conditions of the civilian population in Gaza, the unsustainable political situation there and the potential for renewed conflict and instability. While there had been a decrease in violence and an attempt to halt rocket fire, all sides should commit to a complete cessation of violence. More also had to be done to ensure that illicit weapons did not enter Gaza and to implement the other key elements of Security Council resolution 1860. Most urgently, the United Nations reiterated its call on Israel to allow basic supplies, goods and reconstruction materials into Gaza through a sustained reopening of crossing points. The United Nations had also presented the Government of Israel with a proposal to begin a first phase of early recovery and reconstruction, which merited a positive response. Meanwhile, the Palestinian Authority had also to intensify its efforts on the ground. In particular, it was regrettable that Hamas, for its part, had not renounced violence and committed clearly to existing agreements and a two-State solution with Israel. That made efforts to achieve Palestinian unity and statehood much more difficult and Hamas was urged to reconsider those stances.

Following the hostilities in Gaza and southern Israel, the Secretary-General had established a Board of Inquiry into incidents that had affected United Nations premises and personnel. The Secretariat was following up on the Board's recommendations, including compensation for damages to United Nations property. The Secretary-General was also supporting and following with interest the work of the Human Rights Council fact-finding mission led by Justice Richard Goldstone. All parties were urged to respect the provisions of international humanitarian law related to the treatment of detainees, including Israeli Corporal Gilad Shalit, to whom neither the International Committee of the Red Cross nor any other international body had been granted access. The international community continued to have a crucial role to play in the search for peace in the Middle East. "Let us rise to our responsibilities, and thereby help the parties rise to theirs", Mr. Ban said in his message.

PAUL BADJI, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, taking the floor again, noted that they were meeting at a time when there was little reason for optimism with regard to a possible prompt solution to the Israeli-Palestinian conflict. The peace negotiations were stalled despite statements by both parties that they remained committed to the tenets of the road map. The conditions recently set out by Israel in the statement made by Prime Minister Benjamin Netanyahu on 14 June 2009, his statements and those of members of his Cabinet since then and continued Israeli settlement activity in the West Bank made it difficult to foresee the resumption of a viable peace process in the immediate future. There has not been an end to violence on either side, and they had witnessed the disquieting phenomenon of a significant increase of settler violence against Palestinians, often aided and abetted by the Israeli army. There was at present no sign that genuine political negotiations were about to begin and that the occupation might come to an end. The situation on the ground, therefore, remained volatile and was potentially explosive.

As the Committee had stressed on numerous occasions, the continued occupation of Palestinian territory by Israel, which comprised the Gaza Strip and West Bank, including East Jerusalem, was a violation of international humanitarian law. The Israeli onslaught against Gaza during the 22 days of Operation Cast Lead in December 2008 and January of 2009 had demonstrated the total disregard by Israel of international humanitarian law. Attesting to that was the number of deaths and injuries among the population of the Gaza Strip and the extensive and deliberate destruction of property and infrastructure. A huge percentage of the more than 1,400 persons who had been killed during the offensive were civilians, including women, the elderly and children. More than 5,000 persons had been wounded. Not only has a large part of the Gaza Strip been reduced to more than 600,000 tonnes of rubble which, according to the United Nations Development Programme, would take more than a year to clear, but even the several billion dollars pledged for humanitarian aid and reconstruction had been prevented from reaching the territory because of the total Israeli blockade imposed on the Gaza Strip. The population of the Gaza Strip was kept one step ahead of outright starvation thanks to a trickle of minimal quantities of humanitarian assistance and other indispensable supplies which were allowed to enter the territory.

The Committee was especially disheartened that activities such as the expansion and establishment of settlements and the building of the wall in the West Bank continue unabated. Together with the settlements, the so-called "security barrier" was fast becoming a barrier to peace. Concerning violations of international humanitarian law in the Gaza Strip during the Operation Cast Lead, Mr. Badji said that recent testimony by some 30 soldiers who served in all sectors of the Operation had lent further credibility to the allegations, even though the testimony at the Israeli military academy which initially gave rise to the brief inquiry by the Israel Defense Forces was dismissed as unfounded. According to the soldiers, they were urged by commanders to shoot first and worry later about sorting out civilians from combatants. The international community could not show complacency in the face of such allegations. It must mobilize to prevent future violations of and uphold international humanitarian and human rights law and to hold those committing them accountable. The existing legal instruments, and in particular the Fourth Geneva Convention, provided the necessary tools for the international community to ensure the rule of law.

RUDY SALLES, President of the Parliamentary Assembly of the Mediterranean and Vice-Chairman of the French National Assembly, said that as a representative of the people he had always worked for a "rapprochement" between people; it was by bringing people together that one could achieve things. The Parliamentary Assembly of the Mediterranean was trying to achieve that in the whole Mediterranean region. The first discussion they had focused on after the creation of the Assembly of the Mediterranean had been whether all countries of the region could be represented. Some had said that they did not want Israel to be present. After 24 hours of discussions everyone had accepted to have Israel onboard. It was better to speak around a table than to have people fight on the ground. Both Palestine and Israel would be represented again at the Assembly this year.

Mr. Salles said that they had recently conducted a visit to Palestine, Egypt and Jordan and had met the main stakeholders in the region. They wanted to look at how parliamentarians could support the peace process. They did not wish to be another initiative, but their role was important as they were the only organization which included the whole Mediterranean region. Further, they would organize, with the Government of Malta, a parliamentary symposium on the status of the city of Jerusalem and come out with proposals that would be sent to the main stakeholders. The question of Jerusalem, without a doubt, was extremely thorny. It should not divide people and the world; it should become, once again, the city of peace and unity and should be considered a world heritage.

MIGUEL D'ESCOTO BROCKMANN, President of the United Nations General Assembly, in a statement read out by Mr. Salles, observed that the theme of today's meeting was the responsibility of the international community to uphold international humanitarian law, and to ensure the protection of civilians in the Occupied Palestinian Territories in the wake of the Gaza war. But in many ways, for the 1.5 million Palestinian civilians who lived there, the Gaza war had not ended. In the midst of Israel's 22-day assault against Gaza that ended on 19 January 2009, the General Assembly had passed a resolution that called not only for an immediate ceasefire but specifically called upon all Member States to urgently extend the necessary support to international and regional efforts aimed at alleviating the critical humanitarian and economic situation in the Gaza Strip, emphasizing the need to ensure the sustained opening of border crossings for the free movement of persons and goods into and out of the Strip. The meeting of the Committee on the Exercise of the Inalienable Rights of the Palestinian People convened today, six months later. And yet the blockade continued. The United Nations and the Member States of the United Nations, despite their now six-month-old commitment to ensure the sustained opening of border crossing for the free movement of persons and goods, stood silent. United Nations obligations under the Charter and United Nations resolutions, as well as under international humanitarian law, remained unfulfilled.

With Governments and the United Nations standing mute, unwilling or unable to provide assistance or protection to the people of Gaza, international civil society had taken the lead. Ships carrying humanitarian aid and human rights activists, accompanied by Nobel Peace laureates, parliamentarians and journalists representing people around the world, had been stopped in international seas, far outside Israeli territorial waters, by the naval forces of the Occupying Power, the ships taken forcibly to Israel and their passengers accused of illegal entry. The humanitarian goods had been taken in custody. Convoys of trucks driven by ordinary people from a host of countries, all committed to human rights, and laden with humanitarian supplies were now making their way by land across Egypt, to bring relief and solidarity to the people of Gaza. They in the United Nations would do well to follow that example in bringing international pressure to bear on the Occupying Power to abide by the requirements of international law, particularly that of the Fourth Geneva Convention. Those means were taking shape in the global call for boycott, divestment and sanctions to bring about an end to the violations of humanitarian law.

During the Gaza crisis, Mr. Brockmann had reminded all Member States of the United Nations that the United Nations continued to be bound to an independent obligation to protect

any civilian population facing massive violations of international humanitarian law – regardless of what country might be responsible for those violations. That reminder held true today and was the reason why the current conference in Geneva was so important.

IBRAHIM KHRAISHI, Permanent Representative of Palestine to the United Nations in Geneva, conveyed the greetings and the message of President Abbas, who had not been able to join the meeting, expressing deep appreciation to the Committee for convening this meeting. Over the decades, the Committee had worked tirelessly for the rights of the Palestinian people and in support of the peace process. The urgency of ending the tragedy and injustice of the Palestinian people, after more than 60 years of statelessness, could not be overstated. While resolving the question of Palestine was urgent for the Middle East, it was also important for the whole world – not only to make peace and security a reality but to make it flourish throughout the whole world. Too much time had been wasted and lives had been lost as a result of the continuation of the tragic conflict.

Following the war in Gaza and the election of a right-wing extremist Government this year, the situation on the ground had further worsened. The situation in the Gaza Strip remained grave as a result of the Israeli blockade. They had to achieve a peaceful settlement to the conflict which would bring an end to the occupation and establish East Jerusalem as a capital. Immediate efforts had to be undertaken on the ground to make the two-State solution a reality, Mr. Khraishi underscored. The illegal blockade had to end immediately. Border crossings had to be allowed, in accordance with international humanitarian law. Israel had to cease its raids and arrest operations, the construction of the separation wall and the construction of further homes, as that was contrary to the peace process. Israel had to cease all settlement activities. Further, the Quartet had to realize that mild appeals were not sufficient.

Plenary I: The Results of Investigations of Israeli Conduct During the War in Gaza

JOHN DUGARD, Head of the Independent Fact-Finding Committee on Gaza of the League of Arab States, presenting the report of the Independent Fact-Finding Committee, said that the past two decades had seen important developments in international accountability for international crimes: international crimes had been defined with more clarity by international treaties and judicial decisions; international tribunals had been established to try international criminals; and treaties had placed obligations upon States to either try international criminals themselves or to cooperate with other States or international tribunals in the prosecution of those suspected of international crimes. The result was that States and their political and military leaders were no longer beyond the reach of the law. International law had set itself against impunity. Israel's offensive in Gaza, Operation Cast Lead, had to be seen in that context. Several reports of investigative bodies established by intergovernmental bodies had found that there had been very serious international crimes in the Gaza offensive. The Independent Fact-Finding Committee on Gaza to the League of Arab States had visited Gaza from 22 to 27 February 2009. It had requested cooperation from Israel, which had not been granted. The Committee had nevertheless received evidence of great loss of life and injury in Gaza, with over 1,400 Palestinians killed, representing at least 850 civilians, including 300 children; and over 5,000 wounded.

According to the Israeli definition of combatant, which was not accepted by the Committee, everyone somehow related to Hamas was a combatant. The Committee had also heard disturbing accounts of cold-blooded killings of civilians by members of the Israel Defense Forces, accounts which were later confirmed by Israeli soldiers at the Oranim military college. Moreover, although Israel had initially denied it had used white phosphorus in the offensive, it had later admitted its use but denied it had been used unlawfully. There was also substantial destruction of and damage done to property during the offensive. Over 3,000 homes were destroyed and over 11,000 damaged; 215 factories and 700 private businesses had been seriously damaged or destroyed; and 15 hospitals and 43 primary health care centres had been destroyed or damaged. There was no evidence that the destruction served any military purpose and the Committee considered it as clearly disproportionate.

The Independent Committee found Israel's actions met the requirements for the *actus reus* of the crime of genocide contained in the Genocide Convention, in that the Israel Defense Forces were responsible for killing, exterminating and causing serious bodily harm to members of a group – the Palestinians of Gaza. However, the main reason for the operation was not to destroy a group, as required for the crime of genocide, but to engage in a vicious exercise of collective punishment designed either to compel the population to reject Hamas as the governing authority of Gaza or to subdue the population into a state of submission. Israel's offensive against Gaza presented a real dilemma for the international community. On the one hand, important developments in international law relating to the accountability of States and their leaders for international crimes insisted that there should be no more impunity. On the other hand, no serious attempt was being made to hold Israel accountable for Operation Cast Lead. As far as the European Union and the United States were concerned Israel was beyond the reach of the law – it was above the law. The consequence was that the rules of international law on accountability for international crimes were not only undermined, their very existence was brought into question. Either the international community held Israel and its leaders accountable for their actions or it abandoned its efforts to secure international justice.

GEORGE VELLA, Chairman of the Ad Hoc Committee on the Middle East of the Parliamentary Assembly of the Mediterranean, reporting on the visit to the Middle East by the Bureau of the Parliamentary Assembly of the Mediterranean in May 2009, said that the war in Gaza had attracted the world's attention because of its intensity, the inequality of firing power of the two sides involved, and the total disregard by the attacking forces to make any distinction between civilian and military targets, and by their obstinate refusal to concede adequate access to vital humanitarian aid services. The Parliamentary Assembly of the Mediterranean had decided to embark on a fact-finding mission to the Middle East to get to know more about the situation in Gaza, especially the plight of the civilian population and the consequences of the Israeli military operation. In an earlier visit this year, he had been impressed by the strict controls at Rafah check point, the huge amounts of aid material stacked at El Arish and by the large number of ambulances arriving from the Gaza Strip. Evidence of mortar and rocket fire on civilian buildings, with quite heavy damage, could be seen at regular intervals in all areas of Gaza they had passed through along their route. Homeless people were living in appalling conditions, in makeshift sheds, using material salvaged from the destruction, and in all sorts of tents, with no sanitary facilities, and no running water.

Turning to the current situation, Mr. Vella said that it was estimated that 500 or 600 truckloads of provisions were needed daily, but Israeli forces allowed in only 75 truckloads a day. There was a collapse of the private sector; fuel was in short supply; unemployment had risen to 46 per cent; and reconstruction was impossible, due to the restrictions imposed by the Israeli authorities on bringing in any types of construction material. The situation was dramatic, and could only fuel more hate, more radicalism, and more instability. The indiscriminate and disproportionate attacks on civilians constituted war crimes and possibly crimes against humanity. The International Criminal Court should accept the declaration lodged by the Government of Palestine.

Mr. Vella announced that the Parliamentary Assembly of the Mediterranean (PAM) had unanimously decided to award the PAM Prize to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for the commitment, dedication and efficiency with which that United Nations agency was seeing to the needs of the civilian Palestinian population.

DAVID HAMMERSTEIN, Former Member of the European Parliament for Spain, said that the position of the European Parliament was very clear, but the positions of the Members were often not. When the European Council got together that was a problem, as there was rarely a consensus needed to take a decision. The European Parliament's position included the lifting of the siege of Gaza and the end of collective punishment of the civilian population; the end of use of disproportionate force and illegal weapons; a total suspension of the settlement building and the building of a large solar plant for electricity and desalination in or near Gaza for energy and water autonomy.

The European Union's top foreign policy representative Javier Solana had recently called for the United Nations Security Council to recognize a Palestinian State and the two-State solution by a certain deadline even if Israel and others did not. After a fixed deadline, a United Nations Security Council resolution should proclaim the adoption of the two-State solution. European Union policy on the Middle East did not really exist, because the needed unanimity by the 27 countries was hard to reach. There was now a new policy on the Middle East by Barack Obama and the European Union often played the sherpa for the United States Government trying the ground. The European Union was a great payer, but not a great player. The European Union's greatest allotment of aid per capita was for the Palestinian authority, but was the European Union financing an occupation? That humanitarian aid should be questioned which could lead to destabilization in Gaza, but it would also put the brunt of the occupation on Israel. At the moment, many people in Israel thought the current situation was the best possible case because the occupation did not cost Israel anything.

RAN YARON, Director of the Occupied Palestinian Territories Department of Physicians for Human Rights Israel, said that his presentation would focus on the subject of the investigations by the Israeli Army into suspected human rights violations in the field of medicine in health. During the attacks, numerous testimonies had been collected from Palestinian civilians and others raising suspicion that both sides had committed war crimes and grave human rights violations. Based on the belief that a democratic society had to examine itself, eleven human rights organizations active in Israel had contacted the Israeli Attorney-General and had demanded that an independent and impartial body be established to investigate the behaviour of the Army in the Gaza Strip. The request had been rejected on the grounds that the Israeli army had appropriate tools to examine the various suspected violations of international law.

The Army had established eight committees of investigation and had published the findings of five of them in April 2009. Their findings raised various questions and doubts regarding the facts they had included and their wording. The basic problem was that the investigative body formed part of the Army, which made it lose its objectivity and independence, as shown by the appointment of a colonel to head the investigative team. The investigation had found that Hamas had systematically used medical facilities and ambulances as a cover for its military operations. Did one or two such examples justify the damage caused to 34 medical installations and 26 first aid clinics by Israeli fire during the attack on Gaza as well as attacks on 12 ambulances and 25 medical personnel, 16 of whom were killed? Clearly not, Mr. Yaron said. The provisions of international law explicitly prohibited that and Israel had violated the provisions of international law.

The examples given in the conclusions of the investigation by the Israeli Army regarding damage to rescue vehicles and injury to medical personnel were isolated and vague. They did not include the date, circumstances, and location of the incident and it was difficult to address them seriously. Furthermore, the Army had not contacted any organization that had collected information, despite the fact that organizations in Israel had contacted the Army and had attempted to forward information regarding human rights violations. The Army had also silenced soldiers, Mr. Yaron observed. In that way the Army delegitimized testimonies that diverged from its public relations line. For all those reasons, it was important to establish an objective and independent body to investigate the incidents.

BILL VAN ESVELD, of Human Rights Watch, said that the Israeli authorities continued to bar Human Rights Watch from access to Gaza, but they had entered the territory via Egypt on 21 January and had stayed for two weeks. It had conducted a second two-week research trip in April (2009). Human Rights Watch had released reports on the use of white phosphorus and unmanned aerial vehicles, or drones, by the Israel Defence Forces (IDF) and would soon release reports on IDF shootings of civilians attempting to convey their civilian status, as well as the wanton destruction of civilian property by the IDF. White phosphorus was a chemical substance used primarily to obscure the movement of armoured vehicles and troops. It was not a chemical weapon and was not banned per se under international law. It ignited and burned on contact with oxygen and continued burning at up to 816 degree Celsius. When white phosphorus came into contact with skin it created intense and persistent burns, sometimes to the bone; infection was common and the chemical was toxic in the body and could cause serious organ damage and death. On at least three occasions, the IDF had air-burst white phosphorus in densely populated areas. In several attacks, including on the UNRWA compound, Human Rights Watch could find no military justification for the use of the phosphorus as a smoke screen, as there were no Israeli forces on the ground at the time, suggesting it was used for its incendiary effect. However, even if intended as a smoke screen, the IDF's repeated firing of air-burst white phosphorus into densely populated areas failed to take all feasible precautions against civilian harm, and failed to discriminate between civilians and military targets. Israel's repeated use of air-burst white phosphorus in populated areas until the last days of the operation revealed a policy rather than accidental usage. All of the white phosphorus shells that Human Rights Watch had found came from the United States, and it called on the United States to halt all further transfers of those munitions to Israel pending an investigation.

Turning to the drones, which were used extensively in the Gaza conflict for surveillance and attack purposes, Mr. Esveld noted that if doubts arose about a target after a missile had been launched, the drone operator could divert the weapon such as by flying it into the ground. Despite the advance capabilities of drones, however, in Gaza, Israel's targeting choices led to the loss of many civilian lives. Israeli and Palestinian human rights organizations reported 42 drone attacks that killed 87 civilians. Human Rights Watch did not find evidence that Palestinian fighters were present in the immediate area of the attack at the time. In terms of new reports, Human Rights Watch had investigated seven cases where small arms fire had killed 11 civilians. In each case the victims had been standing, walking or in a slowly moving vehicle with other unarmed civilians who were waving a white flag, and the events had taken place in areas over which the IDF had effective control and no fighting was ongoing at the time. In the most serious case, on 7 January, two women and three children were standing outside their home for a few minutes, at least three of them holding pieces of white cloth, before an Israeli soldier opened fire, killing a seven-year-old and a two-year-old girl. Human Rights Watch was preparing a second report based on its investigation of widespread and unnecessary destruction of private homes, public infrastructure, factories and businesses in a manner which suggested a policy of destruction that amounted to collective punishment.

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