



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

London, 21 July 2014

STATEMENT

BHRC supports calls for immediate ceasefire to halt Israel's military assault on the Gaza Strip

The Bar Human Rights Committee of England and Wales (“BHRC”) expresses its condemnation at the ongoing killings of civilians in Israel’s latest military assault against the Gaza Strip and calls on the international community to take urgent action to bring about an immediate, viable and durable ceasefire.

Over 500 Palestinians have been killed since the Israeli military began its operation codenamed ‘Protective Edge’ on 8 July 2014. Two Israeli civilians and 18 Israeli soldiers have been killed in the same period.

The United Nations Office for the Coordination of Humanitarian Affairs (‘OCHA’) reports that 78 percent of Palestinians killed are civilians. One in five of the dead are children. Entire families have been killed in their homes. Patients have been killed in direct strikes on hospitals. The dead include more than 60 people – including 17 children, 14 women, three paramedics and a member of the press – killed in Sunday’s military assault against the densely populated Al-Shuja’iyeh area of Gaza City, which the United Nations Secretary General has described as “atrocious”. The Palestinian Ministry of Health reports that over 3,000 Palestinians have been injured by Israeli forces since 8 July, many of whom remain in a critical condition. More than 2,200 homes have been destroyed or severely damaged, leaving thousands of families in desperate need of shelter. A further 2,700 homes have sustained lesser damage. 25 health facilities have been destroyed or damaged. 1.2 million people have no or extremely limited access to water or sanitation services.

Gaza’s population of 1.8 million people – over 50 percent of whom are under the age of 18, and at least 1.1 million of whom are refugees from the territory which now forms the State of Israel – have nowhere to which to flee. Gaza’s land and sea borders remain closed. Approximately 43 percent of Gazan territory is currently subject to

Israeli military evacuation order or declaration of a no-go zone, while Israeli military attacks also continue in the rest of the territory. The number of internally displaced people now exceeds 119,000, including 84,843 men, women and children taking refuge at United Nations schools, which have themselves been attacked by Israel in previous assaults on the Gaza Strip.

The cardinal principles of international humanitarian law that regulate the conduct of hostilities are distinction between civilians and combatants, proportionality and military necessity. Civilians and civilian objects may not be the target of an attack. Combatants and objects serving military purposes may be targeted, unless the attack may be expected to cause loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated. Disproportionate, indiscriminate or deliberate attacks on civilians, or attacks which fail adequately to distinguish between combatants and civilians, are prohibited by the laws of war and constitute war crimes.

Warnings given to residents of individual properties or of entire cities or areas to evacuate do not serve to legitimise military attacks which are otherwise unlawful under the laws of war; nor do they absolve military personnel from the requirement to distinguish between civilians and combatants or between civilian and military objects. Purported ‘warnings’, including those which take the form of lethal ‘roof knocking’, which fail to provide civilians with sufficient time to evacuate or sufficient detail of safe areas to which to flee, do not meet the requirements of international law. They do not transform protected civilians into ‘human shields’ or justify the killing of civilians who are unable to flee or have nowhere to flee to.

- BHRC condemns all violations of international law, regardless of the identity of the perpetrator. We call on all parties – Israeli and Palestinian – to comply with their obligations under international humanitarian law, including by refraining from any indiscriminate, disproportionate or otherwise unlawful use of force against civilians or civilian objects.
- BHRC supports the UN Security Council’s call for an immediate, viable and durable ceasefire between Israel and Palestinian armed groups. It must address the underlying factors which have contributed to the recent escalation in the region. This must include an immediate and permanent end to the indiscriminate rocket attacks launched by Palestinian armed groups in Gaza towards Israel; an immediate and permanent end to the attacks by Israel in the Gaza Strip; and an end to the unlawful blockade of Gaza, which has resulted in severe shortages of water, food, medical supplies and electricity and has caused the territory’s near economic collapse.

- BHRC calls on the international community to reaffirm the universality of human rights and international law and to ensure that all allegations of war crimes and crimes against humanity in the occupied Palestinian territory and Israel are properly and credibly investigated and perpetrators held legally accountable. Without justice and accountability, the ongoing “culture of impunity” condemned by Justice Goldstone in 2009, will do nothing but continue to fuel ever worsening cycles of violence in the region

END.

NOTES FOR EDITORS

1. The Bar Human Rights Committee of England and Wales (“BHRC”) is the international human rights arm of the Bar of England and Wales. It is an independent body concerned with protecting the rights of advocates, judges and human rights defenders around the world. The Committee is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. The remit of BHRC extends to all countries of the world, apart from its own jurisdiction of England & Wales. This reflects the Committee's need to maintain its role as an independent but legally qualified observer, critic and advisor, with internationally accepted rule of law principles at the heart of its agenda.

BHRC website

<http://www.barhumanrights.org.uk/>