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REFERENCE:

21 November 2012

Dear Ms. Kohn,

I write in response to your letter addressed to the High Commissioner of 18 November 2012, concerning attacks on Israeli civilians by armed groups in Gaza.

The High Commissioner has repeatedly and unequivocally condemned the firing of indiscriminate rockets from the Gaza Strip into Israel. For example, let me refer you to the High Commissioner's statements of 16 and 20 November 2012, which are attached for ease of reference.

I should note that the High Commissioner's latest statements on this and other important matters are always made available on OHCHR's website at www.ohchr.org.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Hanny Megally'.

Hanny Megally
Chief

Asia, Pacific, Middle East and North Africa Branch

Cc: Her Excellency Laura Dupuy Lasserre
President of the Human Rights Council

Ms. Irit Kohn
President
The International Association of Jewish Lawyers and Jurists
10, Daniel Frisch Street
Tel Aviv, Israel

16 November 2012

Spokesperson for the UN High Commissioner for Human Rights: Rupert Colville

Location: Geneva

Subject: 1) Gaza

1) Gaza

The High Commissioner Navi Pillay is following the unfolding situation in Gaza and southern Israel with considerable alarm. She is appalled that once again civilians are losing their lives, including three Israeli citizens killed in their apartment by one of the hundreds of rockets fired over the past week as well as several Palestinian children, including a baby, and also a pregnant woman and some other civilians killed in Gaza.

The High Commissioner joins the Secretary-General, and many others in urging both sides to take serious steps to avoid further escalation and respect their obligations under international humanitarian law to ensure the protection of civilians.

The High Commissioner has repeatedly and unequivocally condemned the indiscriminate firing of rockets from the Gaza Strip into southern Israel, and is deeply concerned both by the recent major upsurge in the number of rocket attacks, and that they are now being aimed at a major city such as Tel Aviv. She is also extremely concerned by the sharp increase in aerial attacks by Israeli forces on the heavily populated Gaza Strip in the past two days and urges both sides to pull back from an increasingly dangerous confrontation.

The High Commissioner urges all sides involved to comply strictly with international human rights law and international humanitarian law.

20 November 2012

Spokesperson for the UN High Commissioner for Human Rights: Rupert Colville

Location: Geneva

Subject: 1) Gaza

1) Gaza

The High Commissioner for Human Rights, Navi Pillay, is acutely concerned about Palestinian and Israeli civilians caught up in the ongoing crisis in Gaza and southern Israel.

She is dismayed by the marked surge in the number of Palestinian civilians, including women and children, killed and injured over the past 48 hours as a result of Israeli military action. According to information gathered by OHCHR monitors on the ground, the civilian death toll has more than doubled during this period. As of this morning, at least 57 civilians, including 18 children, have been killed and hundreds have been injured since 14 November.

The High Commissioner deplores attacks such as the bombing of a house in Gaza which killed at least eight members of the Al-Dalou family, including 4 young children on 18 November.

The High Commissioner appreciates statements made by Israeli officials about the precautions taken to avoid harm to civilians. However, attacks affecting schools and religious sites, as well as the reported targeting of homes and media outlets during the past 48 hours raise serious concerns about Israel's commitment to its obligations under international human rights and humanitarian law. The High Commissioner therefore calls on Israel to scrupulously meet its legal obligations to distinguish at all times between civilians and combatants, and to take precautions and all possible measures to avoid the loss of civilian life and damage to civilian property.

The High Commissioner reiterates her condemnation of the continuing indiscriminate attacks and targeting of civilians in Israel by militants in Gaza which have killed three civilians as well as causing civilian injuries and damage to civilian property.

High Commissioner Pillay strongly supports the Secretary-General's efforts toward a cease fire agreement, and hopes that any such agreement contains commitments by both sides to respect international human rights law and international humanitarian law.

The High Commissioner recalls the need to ensure accountability for any violations of international law, including through prompt, impartial, independent and effective investigations into credible allegations of violations.

In response to a follow-up question on attacks on homes, schools and religious site, the spokesperson said that UN human rights staff had received reports that 31 residences had been hit directly as well as two buildings housing media. They had also received reports of damage to some 30 schools, but no direct hits that they were aware of, and reports of damage to ten religious sites, but again with no direct hits.

In response to a question as to whether any of these attacks constituted war crimes, the spokesperson said that would depend on the specific circumstances in each incident, and that the information to make that type of assessment was not yet available. He noted that in this type of situation, under international humanitarian law, three key principles apply: these are 'distinction' (making every effort to distinguish between combatants and civilians); 'precaution' (taking all possible precautions to avoid civilian casualties); and 'proportionality' (refraining from launching an attack when it is expected to cause excessive loss of civilian life in relation to the anticipated military advantage).

* * * RAPPORT DE RESULTAT DE LA COMMUNICATION (21. NOV. 2012 18:30) * * *

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Date:	21 November 2012	Nombre de pages y compris la présente : 5 Number of pages including this one :	
Objet: Subject:	Letter from OHCHR		