

The UN Security Council has failed to stop massive Israeli war crimes in Gaza

By [BRussells Tribunal](#)

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Statement of the BRussells Tribunal

Renewed call for UNGA to act under Resolution 377

The UN Security Council has failed to stop massive Israeli war crimes in Gaza.

Urgent action by the UN General Assembly is warranted and possible.

Israeli impunity must be ended by the collective action of the world community

After almost two weeks of impotence, during which an estimated 790 Palestinians in Gaza have been killed, including 230 children, a further 1080 children among the 3300 injured, the UN Security Council passed — with US abstention — a weak and indeterminate resolution that has failed to force the State of Israel to halt its criminal onslaught on the occupied people of Gaza, encircled and unable to avoid being massacred.

Today, the security cabinet of the Israeli government, proving again its contempt for its obligations as a member state of the UN, rejected this resolution in no uncertain terms, saying that the State of Israel has never agreed that “any outside body” would determine its military policy, deeming the resolution “not practical” — this a resolution that was even biased towards it, failing to mention Hamas, the elected government in Palestine. In other words, the slaughter will continue whether the Security Council demands that it end or not.

Israeli impunity, UNSC complicity

This outcome is proof that Israel acts with systematic impunity. It is also proof, as recognized by President of the UN General Assembly Miguel d’Escoto-Brockmann, that the Security Council is “dysfunctional”, excusing by omission massive and grave human rights abuses when perpetrated by one of its permanent members or their allies.

In doing so, and in the face of overwhelming evidence — much televised — of Israel war crimes and crimes against humanity in Gaza, amounting to substantive evidence of the crime of genocide against the Palestinian people, the Security Council has effectively shown that it cannot — or is not willing to — maintain international peace and security and satisfy the Palestinian people’s national right to live peacefully, free on its land.

Uniting for peace resolution

The world need not endure this horror. A mechanism exists that can take the protection of international peace and security, and the Palestinian people, out of the hands of the

Security Council and give it to the world community as a whole, represented by the General Assembly.[1] General Assembly President d'Escoto-Brockmann supports this mechanism and Malaysia already fulfilled the procedural obligation that one UN member state proposes it.

Hours before the Security Council voted on a resolution made so weak and bereft of mechanisms of enforcement that Israel could dismiss it, a General Assembly emergency session was due to be held. There is evidence that this prospect alone forced the Security Council to act, largely to block invocation of Resolution 377. Given the result, and given Israel's rejection of Security Council authority, it is urgent that this session convenes and imposes upon Israel an immediate ceasefire, according to the overwhelming will of the international community and people everywhere, or face international ostracism.

Israel fears Resolution 377

According to UN General Assembly Resolution 377, emergency special sessions of the General Assembly are warranted to act when the Security Council "fails to exercise its primary responsibility for the maintenance of international peace and security." [2] The government of Israel itself has ensured the failure of the Security Council to exercise its primary responsibility for the maintenance of international peace and security.

That Israel's violations of international humanitarian and human rights law in Gaza are so flagrant, and that Israel rejects the authority of the Security Council prime facie, suggests as the only route possible — a last resort for the Palestinian people in Gaza — the convening of an emergency session of the General Assembly where no veto could be invoked, to impose on Israel an immediate ceasefire backed by credible collective measures.

Urgent call for action

As stated by the Palestinian human rights community in their 30 December call to invoke Resolution 377[3]: "The civilian population of the occupied Gaza Strip will inevitably continue to suffer heavy losses without the external intervention of the international community."

In renewing the call to invoke Resolution 377, we support Special Rapporteur Richard Falk's demand on "all Member States, as well as officials and every relevant organ of the United Nations system, to move on an emergency basis not only to condemn Israel's serious violations, but to develop new approaches to providing real protection for the Palestinian people."

Only the General Assembly can impose, where the Security Council fails, an immediate ceasefire on Israel.

We call upon human rights groups, lawyers and legal organizations, trade unions, intellectuals, the anti-war movement and all people of conscience to support President d'Escoto-Brockmann, demand that an emergency session of the General Assembly be convened under authority of Resolution 377, and to participate in the growing international boycott, divestment and sanctions movement against Israel.

We call upon the UN human rights system to authorize an effective investigation of Israel's war crimes and crimes against humanity, including its wilful killings, use of internationally

prohibited weapons, destruction of civilian infrastructure, targeting of schools, higher education institutions, mosques and civilian shelters, and even international humanitarian aid workers. The UN Human Rights Council has an obligation to investigate these elements of genocide and in doing so contribute to ending it.

As a signal to Israel, we call upon all states to cut diplomatic relations with Israel forthwith and for the High Contracting Parties of the Geneva Conventions to hold an immediate conference to re-establish respect for international humanitarian law. On the basis of its past and present impunity, Israel should be expelled from the United Nations.

All should demand an immediate Israeli ceasefire, the immediate withdrawal of all belligerent Israeli military forces, and the end of the blockade. Upon realization, collective measures should be taken at all levels to end Israel's occupation of Palestine and to oblige Israeli society to respect the equality of human rights. Until the occupation of Palestine ends, we underline the legal and guaranteed right of the Palestinian people to resist Israeli aggression by all means.

The BRussells Tribunal Committee

9 January 2009

Please sign and circulate this statement widely.

For individual and organizational endorsements: info@brusselstribunal.org

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