

TIMESONLINE

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Israel's bombardment of Gaza is not self-defence – it's a war crime

ISRAEL has sought to justify its military attacks on Gaza by stating that it amounts to an act of "self-defence" as recognised by Article 51, United Nations Charter. We categorically reject this contention.

The rocket attacks on Israel by Hamas deplorable as they are, do not, in terms of scale and effect amount to an armed attack entitling Israel to rely on self-defence. Under international law self-defence is an act of last resort and is subject to the customary rules of proportionality and necessity.

The killing of almost 800 Palestinians, mostly civilians, and more than 3,000 injuries, accompanied by the destruction of schools, mosques, houses, UN compounds and government buildings, which Israel has a responsibility to protect under the Fourth Geneva Convention, is not commensurate to the deaths caused by Hamas rocket fire.

For 18 months Israel had imposed an unlawful blockade on the coastal strip that brought Gazan society to the brink of collapse. In the three years after Israel's redeployment from Gaza, 11 Israelis were killed by rocket fire. And yet in 2005-8, according to the UN, the Israeli army killed about 1,250 Palestinians in Gaza, including 222 children. Throughout this time the Gaza Strip remained occupied territory under international law because Israel maintained effective control over it.

Israel's actions amount to aggression, not self-defence, not least because its assault on Gaza was unnecessary. Israel could have agreed to renew the truce with Hamas. Instead it killed 225 Palestinians on the first day of its attack. As things stand, its invasion and bombardment of Gaza amounts to collective punishment of Gaza's 1.5m inhabitants contrary to international humanitarian and human rights law. In addition, the blockade of humanitarian relief, the destruction of civilian infrastructure, and preventing access to basic necessities such as food and fuel, are prima facie war crimes.

We condemn the firing of rockets by Hamas into Israel and suicide bombings which are also contrary to international humanitarian law and are war crimes. Israel has a right to take reasonable and proportionate means to protect its civilian population from such attacks. However, the manner and scale of its operations in Gaza amount to an act of aggression and is contrary to international law, notwithstanding the rocket attacks by Hamas.

Ian Brownlie QC, Blackstone Chambers

Mark Muller QC, Bar Human Rights Committee of England and Wales

Michael Mansfield QC and Joel Bennathan QC, Tooks Chambers

Sir Geoffrey Bindman, University College, London

Professor Richard Falk, Princeton University

Professor M Cherif Bassiouni, DePaul University, Chicago

Professor Christine Chinkin, LSE

Professor John B Quigley, Ohio State University

Professor Iain Scobbie and Victor Kattan, School of Oriental and African Studies

Professor Vera Gowlland-Debbas, Graduate Institute of International and Development Studies, Geneva

Professor Said Mahmoudi, Stockholm University

Professor Max du Plessis, University of KwaZulu-Natal, Durban

Professor Bill Bowring, Birkbeck College

Professor Joshua Castellino, Middlesex University

Professor Thomas Skouteris and Professor Michael Kagan, American University of Cairo

Professor Javaid Rehman, Brunel University

Daniel Machover, Chairman, Lawyers for Palestinian Human Rights

Dr Phoebe Okawa, Queen Mary University

John Strawson, University of East London

Dr Nisrine Abiad, British Institute of International and Comparative Law

Dr Michael Kearney, University of York

Dr Shane Darcy, National University of Ireland, Galway

Dr Michelle Burgis, University of St Andrews

Dr Niaz Shah, University of Hull

Liz Davies, Chair, Haldane Society of Socialist Lawyer

Prof Michael Lynk, The University of Western Ontario

Steve Kamlisch QC and Michael Topolski QC, Tooks Chambers

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