



# General Assembly

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## Human Rights Council

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Agenda item 4

**Human rights situations that require the Council's attention**

### **Written statement\* submitted by Institute of Sustainable Development, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 January 2024]

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\* Issued as received, in the language of submission only.



# The Use of White Phosphorus against the People of Gaza

## Preface

According to international humanitarian law, all parties to a conflict must at all times distinguish between civilians and civilian objects and between combatants and military targets and direct their attacks only against combatants and military targets. Indiscriminate attacks – i.e. those that do not distinguish between civilians and military targets as prescribed – are prohibited. An indiscriminate attack that kills or injures civilians or damages civilian objects is a war crime.

White phosphorus is an incendiary device that is usually used to create a dense smoke screen or to mark targets. When released into the air, it burns at extremely high temperatures and often causes fires in the areas where it is used. People exposed to white phosphorus can suffer respiratory damage, organ failure and other horrific and life-altering injuries, including burns that are extremely difficult to treat and cannot be extinguished with water. Burns that affect as little as 10 per cent of the body are often fatal.

White phosphorus should therefore never be used in areas inhabited by civilians, as there is a high likelihood that the fire and smoke will spread and such attacks are indiscriminate. This attack on Dhayra, which injured civilians and damaged civilian objects, was indiscriminate and therefore unlawful. It must be investigated as a war crime.

The use of white phosphorus is restricted under international humanitarian law. Whilst there may be legitimate uses, it must never be fired on or in close proximity to populated civilian areas or civilian infrastructure, as the fires and smoke it causes are likely to spread. Such attacks, which do not distinguish between civilians and civilian objects or combatants and military targets, are indiscriminate and therefore prohibited.

Their use is regulated by Protocol III of the Convention on Conventional Weapons (CCW). Protocol III prohibits the use of fired incendiary weapons in “concentrations of civilians” and restricts the lawful use of ground-based incendiary weapons – such as the artillery documented here – in concentrations of civilians. The Protocol defines incendiary weapons as weapons designed “primarily” to set fire to and burn people, and excludes the use of incendiary weapons for other purposes, including as smoke screens.

On contact, white phosphorus can burn people thermally and chemically, down to the bone, as it is very fat-soluble and therefore also in human flesh. Fragments of white phosphorus can aggravate wounds even after treatment, penetrate the bloodstream and lead to multiple organ failure. Wounds that have already been treated can become re-inflamed when the dressings are removed and the wounds are re-exposed to oxygen. Even relatively minor burns are often fatal. In survivors, severe scarring leads to constriction of muscle tissue and physical disabilities. The trauma of the attack, the subsequent painful treatment and the appearance-changing scars lead to psychological damage and social marginalisation. Human Rights Watch (HRW) announced that it has verified videos showing the multiple aerial use of white phosphorus over Gaza and Lebanon on 10 and 11 October.

The use of white phosphorus in military operations in Gaza and Lebanon puts civilians at risk of serious and long-term injury. The use of white phosphorus in Gaza, one of the most densely populated areas in the world, increases the risk to the civilian population and violates the prohibition of international humanitarian law against exposing civilians to unnecessary danger.

The Gaza Strip is one of the most densely populated places in the world. Around 2 million people live in an area of 140 square miles. It has been almost completely cut off from the rest of the world for almost 17 years. More than half of the population lives in poverty and is affected by food shortages, and almost 80% of the population is dependent on humanitarian aid. It is now three months since the occupying power declared war on the defenceless civilian population of the Gaza Strip, whom it is obliged to protect under international law. In view of this fact and condemning the use of white phosphorus by the occupying power, we call on the Human Rights Council:

## Recommendations

The army of the occupying power must immediately stop the use of white phosphorus, especially in populated areas, as it promised in 2013. It must honour its promise and stop further endangering the lives of civilians in Gaza. We are of the opinion that:

- The UN should establish a commission of enquiry to investigate the matter.
- The international community should hold the OP accountable for its actions and protect the rights of the Palestinian people.
- The OP must abide by international humanitarian law, which prohibits the use of means and methods of warfare that are indiscriminate or cause superfluous injury or unnecessary suffering
- The United Nations must take a binding decision to end the aggression and end the colonial occupation, which is a constant violation of international law and various UN resolutions.
- the international community should recognise the OP as an occupying power, with all the resulting consequences of international humanitarian law. This includes the construction and expansion of settlements, the confiscation of land and the expulsion of Palestinians from their homes.
- All states should stop exporting weapons and ammunition to the occupying authorities, which are used by the army of the occupying power to commit violence against the Palestinian people and destroy their homes, hospitals, schools, mosques, churches and other vital infrastructure.
- calls on the Human Rights Council to launch an immediate investigation into the war crimes and crimes against humanity committed by the occupying power against the Palestinian people in all occupied Palestinian territories.

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