

KIRSTEN E. GILLIBRAND

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United States Senate

WASHINGTON, DC 20510-3205

July 8, 2009

H.E. Mr. Ban Ki-moon
Secretary-General
The United Nations
760 United Nations Plaza
New York, NY 10017

Dear Mr. Secretary-General:

I am writing to express my deep concerns about your May 2009 Secretary General's report on the protection of civilians in armed conflict. While I applaud your efforts to draw attention to the effects of war and other conflict on civilian populations, especially women and children, I am concerned about the lack of balance in the depiction of the events that occurred preceding and during the military conflict between Israel and Hamas in Gaza during December and January 2009.

The report makes no mention of the fact that Hamas specifically targeted Israeli civilian populations over many months in order to instill terror and devastate normal civilian life in the towns surrounding the Gaza Strip – the reason Israel was finally forced to enter Gaza in an attempt to stop the rocket fire. The report expresses concern about Hamas' use of residential buildings to launch attacks against Israel, but fails to condemn Hamas for using the Palestinian civilian population as a collective human shield. Nor does the report reference the careful steps the Israeli military took in attempting to avoid civilian casualties – including leafletting targeted areas and sending warning shots before attacking. Furthermore, the report repeatedly condemns Israel for limiting the entry of reconstruction materials into Gaza, but makes no mention of Israel's efforts to facilitate the flow of humanitarian goods or the smuggling of weapons into Gaza that in part cause limits on entry. More than 37,000 tons of goods were transported into Gaza through the Kerem Shalom crossing, in addition to 1.5 million liters of heavy duty diesel for the power plant and 188,000 liters of diesel fuel for UNRWA while the war was being waged.

I am very concerned by the suffering of children and civilians in Gaza and other parts of the world and share your commitment to drawing attention to the damaging effects of war on women and children. As we address these issues, greater attention must be paid to the actions of terrorist organizations that specifically target civilian populations and cynically use them for their own purposes. As conflicts between states and non-state actors become more prevalent, there needs to be greater scrutiny of the actions of terrorist organizations. There can be no justification for the deliberate targeting of innocent civilian populations and for the deliberate use of civilian populations as human shields. I hope that in the future, your reports will not shy away from criticizing the actions of

terrorist organizations and distinguishing them from states which take steps to avoid civilian casualties.

I look forward to working with you to bring a greater balance to future reports. Thank you and I appreciate your attention to this issue.

Sincerely,

A handwritten signature in blue ink that reads "Kirsten E. Gillibrand". The signature is written in a cursive, flowing style.

Kirsten E. Gillibrand
United States Senator