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H.E.Ambassador Vitaly Churkin

Permanent Representative of the Russian
Federation to the United Nations

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INTERNATIONAL**



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Letter to the President of the United Nations Security Council

The conflict in Gaza and southern Israel

I am writing to urge your country to act on the recommendations made in the Secretary-General's Summary of the Report of the United Nations headquarters Board of Inquiry into certain incidents in the Gaza strip between 27 December 2008 and 19 January 2009, notably the last recommendation which addresses the need for a further impartial inquiry into allegations of violations of international humanitarian law. The Summary was sent to the President of the Security Council on 4 May, and its contents became public on 5 May. The Board concluded that seven of the nine incidents it investigated causing deaths, injuries and damage were committed by the Israel Defense Force (IDF) and that in at least one case Palestinian armed groups, affiliated to Hamas or other factions, caused damage to a UN facility, namely the WFP Karni Warehouse. The findings are disturbing.

The Board found, according to the Summary, that actions by the IDF involved 'varying degrees of negligence or recklessness with regard to United Nations premises and to the safety of UN staff and other civilians within those premises, with consequent deaths, injuries and extensive physical damage...' In one of the incidents investigated by the Board, concerning the UNWRA Asma Elementary School in Gaza City in which three young men were killed on 5 January, the Board concluded that the IDF carried out a direct and intentional strike into UN premises. Significantly, with regard to the UNWRA Jabalia Preparatory Boys School incident involving the greatest loss of life of any of those investigated, the Board found no evidence of firing by Palestinian militants from within the compound and no explosives within the school to which the Israeli authorities claimed the IDF had responded. The report also found no evidence of firing by Palestinian militants from within other UN facilities which came under Israeli fire, including the UNWRA Beit Lahia Elementary School, where two young children were killed and other civilians were injured leading the Board to conclude that " .. the firing by the IDF of projectiles containing white phosphorus in such close proximity to the school as to cause the death of two young children and serious injuries to others.. was highly negligent and amounted to a reckless disregard for the lives and safety of those sheltering in the school".

The Board emphasized that the incidents it investigated are not isolated cases, but rather "are

among the many incidents during operation Cast Lead involving civilian victims". Indeed, these cases are representative of some of the patterns of abuses of international humanitarian law established by Amnesty International's delegates in Gaza and in southern Israel during and after the 22-day conflict, which resulted in hundreds of deaths of civilians not involved in the conflict and injury to thousands of others, as well as the destruction of thousands of homes and other civilian properties.

The findings of the Board highlighted in the Secretary-General's Summary underline the need for a full impartial investigation into all allegations of violations of international humanitarian law committed by all parties in Gaza and southern Israel in December 2008 and January 2009.

Amnesty International shares the conclusions of the Board that many incidents during Operation Cast Lead require further examination and that "where civilians have been killed and there are allegations of violations of international humanitarian law, there should be thorough investigations, full explanations, and, where required, accountability". Amnesty International fully endorses the report's final recommendation 11 "that these incidents should be investigated as part of an impartial inquiry mandated, and adequately resourced, to investigate allegations of violations of international humanitarian law in Gaza and southern Israel by the IDF and by Hamas and other Palestinian militants." This recommendation must be put into effect immediately.

We deeply regret that the Secretary-General announced in his 4 May 2009 letter to the Security Council President that he does "not plan any further inquiry" as recommended by the Board in its final recommendation. His stance contradicts his earlier statements that "there has to be thorough investigation, full explanation and where it is required accountability". The responsibility now falls on the Security Council to ensure full accountability for alleged violations of international humanitarian and human rights law committed by all parties in the conflict.

Amnesty International therefore urges the Security Council to give its full consideration to all the recommendations made by the Board in its report and, in respect of recommendation 11, to take immediate steps to ensure that an impartial inquiry is now able to proceed without delay. The Security Council should note that the UN fact finding mission established by the Human Rights Council and headed by Justice Richard Goldstone will now investigate allegations of violations of international law by the Israeli as well as the Palestinian side in Gaza. The Council must now demand that all parties, and notably Israel which so far has signaled its refusal, cooperate fully and immediately with the UN fact-finding team headed by Justice Goldstone. Without such determined action by the Security Council to establish full accountability for what happened during the recent conflict in Gaza, long term peace and security will not be achieved.

Yours sincerely,

Yvonne Terlingen
Head of Amnesty International office at the United Nations

Note: A copy of this letter was sent to all members of the Security Council