

AMNESTY INTERNATIONAL PUBLIC STATEMENT



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Israel/Occupied Palestinian Territories: High Contracting Parties must take effective action to ensure respect for international humanitarian law

Amnesty International welcomes today's Declaration by High Contracting Parties of the Fourth Geneva Convention reaffirming the principles of the Convention and its applicability to all of the Occupied Palestinian Territories (OPT): Gaza and the West Bank, including East Jerusalem. It calls on the parties to translate this stated commitment into effective measures to ensure respect for international humanitarian law, including suspending arms transfers to Israel and Palestinian armed groups in Gaza, supporting the UN-mandated Commission of Inquiry into the 2014 conflict and facilitating accountability for war crimes.

The Declaration raises concern over the "recurring violations of international humanitarian law by all parties to the conflict" and over "the resulting great suffering of the civilian population". It reaffirms the fundamental principles of international humanitarian law governing the conduct of the hostilities as well as the illegality of the settlements and of the fence/wall in the OPT, "at least insofar as it deviates from the Green Line". The document also recalls Israel's obligations, as the occupying power, to administer the OPT in a way which fully takes into account the needs of the civilian population and to ensure adequate supplies of the population or allow and facilitate relief schemes, including free passage for humanitarian assistance. In addition, the states participating in the conference expressed "their deep concern, from an international humanitarian law standpoint, about certain measures taken by the Occupying Power in the Occupied Palestinian Territory, including the closure of Gaza."

Reaffirming the principles for protecting civilian populations in time of war and their continuing applicability to the OPT is a positive but insufficient step. Each High Contracting Party has solemnly agreed to ensure that these principles and rules are respected. Since the last declaration of the High Contracting Parties on the OPT on 5 December 2001, the situation has greatly deteriorated. Concrete measures have to be taken to ensure respect for the Convention and prevent further deterioration of the human rights situation in the OPT.

Amnesty International calls on High Contracting Parties urgently to carry out their obligation under Article 1 "to respect and to ensure respect" for the Convention. In this regard, Amnesty international is deeply troubled by the statements made by Australia, Canada, Israel and the USA that they were boycotting the conference, despite the fact that each is a High Contracting Party to the Fourth Geneva Convention. Their decision is contrary to their obligation to "ensure respect" for the Convention and undermines the fundamental principle of international law that treaties must be executed in good faith.

Amnesty International calls on the High Contracting Parties to suspend transfers to Israel and to Palestinian armed groups in the Gaza Strip of arms, munitions, weapons and military equipment, until substantive steps have been taken to achieve accountability for previous serious violations, including grave breaches, and effective mechanisms are in place to ensure that weapons and related equipment will not be used to commit serious violations of international human rights and humanitarian law.

The statement of the High Contracting Parties emphasizes that “all serious violations of international humanitarian law must be investigated and that all those responsible must be brought to justice”. However, after assessing Israeli investigations carried out into violations of international humanitarian law, Amnesty International agrees with the conclusion of the Israeli human rights organization B’Tselem that “there is currently no official body in Israel capable of conducting independent investigations of suspected violations of international humanitarian law”. We also assess that there have been no credible investigations of serious violations of international humanitarian law by the Palestinian authorities. To help give effect to their call the High Contracting Parties should therefore:

- Provide full support to the UN-mandated Commission of Inquiry set up to investigate all violations of international humanitarian law and international human rights law in the context of the military operations conducted since 13 June 2014 in OPT. In addition ensure that the Commission is resourced sufficiently to allow it to accomplish its tasks effectively and promptly, and press all parties to co-operate fully with the it;
- Support the International Criminal Court’s exercise of jurisdiction over Palestinian territory so that allegations of war crimes by all parties may be investigation by its Prosecutor, including by supporting the State of Palestine’s accession to the Rome Statute and condemning any attempts to dissuade them from doing so;
- Start criminal investigations in national courts, exercising universal jurisdiction, wherever there is sufficient evidence of war crimes or other crimes under international law, and seek to arrest alleged perpetrators and bring them to justice in proceedings that fully respect international fair trial standards.

Amnesty International has documented and is continuing to document serious human rights abuses and violations of international humanitarian law, including direct attacks on civilians and civilian objects, indiscriminate and disproportionate attacks both by Israel and by Hamas and Palestinian armed groups.

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