

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **Amnesty International launches international justice campaign for Gaza conflict victims**

On the second anniversary of the end of the 2008-2009 conflict in Gaza and southern Israel, Amnesty International members and supporters around the world are today launching a campaign to ensure that members of the UN Human Rights Council hear victims' demands for justice ahead of the Council's March 2011 session.

With tensions escalating again in Gaza and southern Israel, Amnesty International will be lobbying Human Rights Council members over the next two months to grasp a crucial opportunity to respond to the demands of the families of the hundreds of civilians who died during the conflict and the thousands left injured or homeless by it. The organization will be calling on Council members to prepare the ground for a strong resolution at its March session that condemns the inadequacies of the investigations conducted by Israel and the Hamas de facto administration into violations of international law committed during the conflict and calls for meaningful measures to ensure that international justice is achieved.

Such a resolution should call on the International Criminal Court (ICC) Prosecutor to urgently seek a determination from the judges of the Pre-Trial Chamber to resolve the question of whether the ICC can open an investigation based on a declaration by the Palestinian Authority in January 2009 accepting the ICC's jurisdiction. It should also urge other states to investigate and prosecute crimes committed during the conflict before their national courts by exercising universal jurisdiction.

In addition, such a resolution should call on the Human Rights Council to refer the situation to the UN General Assembly for action. The General Assembly has issued two resolutions calling for the domestic authorities to conduct credible investigations that continue to be ignored.

Amnesty International is dismayed that the Human Rights Council has yet to take these measures. At its last session in September 2010, faced with compelling evidence of inadequate investigations, politics prevailed and the Council adopted a seriously flawed resolution that failed to establish a clear process for justice. Some members of the Human Rights Council argued that pursuing justice for victims of the Gaza conflict would jeopardize any prospect for negotiations between Israel and the Palestinian Authority.

Amnesty International believes that the international failure to ensure justice for the victims, and the continuing cycle of impunity for human rights violations committed in Israel and the Occupied Palestinian Territories are themselves significant obstacles to achieving durable peace and security there.

### **Background**

Operation "Cast Lead", Israel's devastating 22-day military offensive on the Gaza Strip, finished on 18 January 2009. Around 1,400 Palestinians, the majority of them civilians, and 13 Israelis, including three civilians, were killed in the conflict.

In September 2009, the UN Fact-Finding Mission on the Gaza Conflict, established by the Human Rights Council and headed by Justice Richard Goldstone, concluded that both sides had committed war crimes and possibly crimes against humanity. It made detailed recommendations calling on the local authorities to ensure justice and reparations for the

victims. In particular, it recommended that the government of Israel and the relevant authorities in Gaza be given six months to undertake credible investigations into the alleged violations of international law committed by both sides during the conflict. The two sets of authorities will have had a year and a half to conduct such investigations by the time of the forthcoming Human Rights Council session in March.

In September 2010, Amnesty International issued its assessment of the Israeli and Palestinian investigations (available at <http://www.amnesty.org/en/library/info/MDE15/022/2010/en>), and the Committee of Independent Experts established by the Human Rights Council to monitor these investigations issued its report (available at [http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.50\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.50_en.pdf)).

Both Amnesty International and the Committee found that Israel's investigations have lacked independence, appropriate expertise and transparency. More than 65 military probes have been closed without opening criminal investigations; they include probes into Israeli attacks on UN facilities, civilian property and infrastructure, medical facilities and personnel, attacks using white phosphorus and other attacks in which many civilians were killed and injured. Although some Israeli investigations are still ongoing, there is no indication that these investigations overseen by the Israeli military, including military bodies involved in Operation "Cast Lead", will be impartial and transparent, or result in prosecutions for serious violations.

In Gaza, the Hamas de facto administration has failed to mount credible investigations into alleged violations by its forces and other Palestinian armed groups, including the firing of indiscriminate rockets into Israel that killed three civilians and injured others during the conflict.

Although neither Israel nor the Palestinian Authority have ratified the Rome Statute of the ICC, on 22 January 2009, the Palestinian Minister of Justice on behalf of the Palestinian Authority submitted a declaration to the ICC accepting its jurisdiction over crimes "committed on the territory of Palestine since 1 July 2002." The declaration would potentially cover all crimes documented in the Fact-Finding Mission's report in both Gaza and Israel.

Irrespective of the status of the ICC's jurisdiction, Amnesty International notes that under international law all states can and should investigate and prosecute crimes committed during the conflict before their national courts by exercising universal jurisdiction over crimes under international law. Amnesty International further notes that the UN Security Council has the ability to refer the Gaza conflict to the ICC.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566 or email: [press@amnesty.org](mailto:press@amnesty.org)

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK

[www.amnesty.org](http://www.amnesty.org)