

**AMNESTY
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Item 7

Inter-Active Dialogue with Committee of independent experts
in international humanitarian and human rights law
established pursuant to Council resolution 13/9

Mr. President,

Amnesty International welcomes the new report of the Committee of Independent Experts. Their conclusions concur with our latest assessment published on 18 March 2011 that neither the Israeli nor Hamas authorities have adequately investigated violations covered by the report of the UN Fact-Finding Mission on the Gaza Conflict.¹ We believe that this continuing failure demonstrates a lack of will by both sides to ensure accountability for what the Mission concluded amounted to war crimes and possible crimes against humanity. The Human Rights Council must take steps now towards an international justice solution for all the victims of the conflict.

We agree with the Committee's conclusions that the Israeli authorities have not investigated the policy decisions that led to grave violations of international law during the conflict, or adequately investigated all alleged violations covered in the UN Fact-Finding Mission's report. On the whole, Israel's 52 criminal investigations, conducted by the Israel Defense Forces, into alleged violations have lacked independence, impartiality, transparency and appropriate expertise. The majority have been closed without leading to prosecutions; only four Israeli soldiers have been indicted on criminal charges relating to the conflict.

¹ "Amnesty International's updated assessment of Israel and Palestinian investigations into the Gaza conflict," AI Index, MDE 15/018/2011 of 18 March 2011. See: <http://www.amnesty.org/en/library/info/MDE15/018/2011/en>

We also concur with the Committee's conclusion that the Hamas authorities have failed to investigate the firing of indiscriminate rockets into Israel, among other alleged violations.

Amnesty International calls on the Human Rights Council to adopt a resolution that:

- condemns the failure of the Israeli authorities and Hamas de facto administration to conduct credible, independent investigations or prosecute perpetrators of violations;
- refers both reports of the Committee of Independent Experts to the UN General Assembly, and urges the General Assembly to call on the UN Security Council to refer the situation in Gaza to the International Criminal Court;
- urges the ICC Prosecutor to request a determination from the Pre-Trial Chamber on whether the ICC has jurisdiction to investigate war crimes committed during the Gaza conflict, pursuant to the Palestinian Authority declaration of January 2009; and
- calls on states to fulfil their duty to investigate and prosecute crimes committed during the conflict before their national courts by exercising universal jurisdiction.

Thank you Mr. President.