



Al Mezan Center for Human Rights

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

16 September 2011

Dear Secretary-General,

We are writing to you as the General Assembly gets under way, in relation to the pursuit of accountability for victims of crimes under international law and follow-up to the Report of the UN Fact-Finding Mission on the Gaza Conflict.

In November 2009, the UN General Assembly tasked you with monitoring the implementation of General Assembly Resolution A/Res/64/10, which addressed the domestic investigations of alleged crimes under international law committed by all sides in the context of Israel's offensive on the Gaza Strip from 27 December 2008 to 18 January 2009.

Two years later, it is unambiguously clear that all sides have failed to conduct domestic investigations that are prompt, effective, independent, and in conformity with international law, and failed to prosecute suspected perpetrators of crimes under international law. This has been confirmed by national and international human rights organizations, as well as the UN Committee of Independent Experts established by the Human Rights Council. Consequently, the 16th session of the Human Rights Council recommended that the forthcoming session of the General Assembly submit the Report of the UN Fact-Finding Mission on the Gaza Conflict to the Security Council, with the recommendation that the Security Council refer the situation in Israel and the Occupied Palestinian Territory to the Prosecutor of the International Criminal Court, pursuant to Article 13(b) of the Rome Statute.

We request that you support this recommendation of the Human Rights Council, and act decisively to pursue accountability and uphold victims' rights. Consequent to your monitoring of the domestic investigations, it must now be unequivocally clear that the national authorities are unable or

unwilling to carry out genuine investigations or prosecutions. Therefore, international criminal investigations and prosecutions offer the only realistic means of combating the pervasive impunity in Israel and the Occupied Palestinian Territory. The two-year process triggered by the Report of the Fact-Finding Mission on the Gaza Conflict must be allowed to reach its full legal conclusion. The failure to administer justice domestically means that victims' rights can only be upheld through international justice mechanisms, and most appropriately the International Criminal Court.

We call upon you, as Secretary-General, to uphold the purpose of the United Nations as defined in Article 1 of the UN Charter: 'to maintain international peace and security, in conformity with the principles of justice and international law.' The international community must enforce the rule of international law, and the UN Secretary-General has a decisive role to play in this regard.

We ask that you take a decisive stand in the fight against impunity, and ensure that this issue is addressed at the UN Security Council.

Yours sincerely,

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Director, Palestinian Centre for Human Rights

Kamel Jendoubi
President, Euro-Mediterranean Human Rights Network

Salil Shetty
Secretary General, Amnesty International

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