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Israel/Occupied Palestinian Territories: Renewed UN call for Gaza conflict accountability welcomed as important shift

Amnesty International welcomes the General Assembly's decision on Friday 26 February 2010 to reiterate its call on the Government of Israel and the Palestinians to conduct "independent, credible" investigations into allegations of serious violations of international law during the conflict in Gaza and southern Israel in 2008-2009.

Friday's resolution adopted with 98 in favour, seven against and 31 abstentions shows an important shift in favour of measures to ensure accountability for the serious violations of international humanitarian and human rights law documented in the report of the UN Fact-Finding Mission led by Justice Goldstone. Three months ago the General Assembly adopted a comparable resolution but with considerably less support from key EU member states.

Amnesty International views this as an important step in the process of pressing Israel and the Palestinian side to confront the serious violations of international humanitarian and human rights law committed during the 22-day conflict in Gaza and southern Israel. Domestic investigations carried out so far have failed to meet the necessary standards of being independent, credible and in conformity with international standards. With this resolution, the parties have been given a further five months to tackle impunity effectively and must now do so in accordance with the international standards required by the General Assembly.

Significantly two members of the Security Council, France and the United Kingdom, were among EU member states that shifted to vote in favour of Friday's resolution, and the number of states voting against the resolution was reduced from 18 to seven. Countries abandoning their opposition by shifting their vote from no to abstention include Germany, the Netherlands, Italy and Poland.

Amnesty International also renews its urgent call on the UN Secretary-General to immediately establish a body of independent experts to make a substantive assessment of the efforts by the parties concerned to carry out investigations, measured against the standards required by the resolution adopted on Friday.

Amnesty International has dismissed the investigations that have been carried out by Israel, particularly as they lacked the necessary independence and failed to

credibly address grave concerns about the army's use of white phosphorous and other alleged violations of international humanitarian law. The recent measures taken by the Hamas de facto administration in Gaza do not begin to constitute credible investigations into serious violations alleged to have been committed by Palestinian armed groups during the conflict.

It is significant that Friday's resolution includes a reference to potential action by the Security Council. Amnesty International underlines that, should the parties fail to conduct investigations that meet international standards, it falls on the Security Council to refer the situation in Gaza to the International Criminal Court.

BACKGROUND

The resolution adopted on 26 February 2010 by the General Assembly (A/64/L/48), Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict (II), was adopted with 98 in favour, seven against and 31 abstentions. Twenty-two countries moved their votes from abstention to yes; and nine moved from voting no to abstention. The resolution is a modified version of General Assembly resolution 64/10 adopted on 5 November 2009 which for the first time called on the parties to the Gaza conflict to conduct, within three months, "investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and human rights law reported by the Fact-Finding Mission, towards ensuring accountability and justice".

Those countries continuing to vote against the resolution are: Canada, Israel, Micronesia, Nauru, Panama, FYR Macedonia, and the United States of America.

Countries shifting their vote from abstention to a vote in favour are: Andorra, Austria, Belgium, Costa Rica, Denmark, Estonia, Finland, France, Greece, Iceland, Japan, Kenya, Liechtenstein, Luxembourg, Monaco, New Zealand, Norway, Spain, Sweden, Uganda, the United Kingdom and Uruguay.

Countries shifting their vote from no to abstentions are: Australia, the Czech Republic, Germany, Hungary, Italy, the Netherlands, Poland, Slovakia, and Ukraine.

In reporting to the General Assembly (A/64/651) about the implementation of resolution 64/10, UN Secretary-General Ban Ki-moon had merely observed that "no determination can be made on the implementation of the resolution by the parties concerned" as processes were "ongoing". Amnesty International had repeatedly called on the Secretary-General to substantively assess the credibility of the investigations by both sides and stated that there was already sufficient information available to the Secretary-General for him to make such an assessment.