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Israel/Occupied Palestinian Territories: UN Security Council must move from rhetoric to concrete measures for accountability and peace

The UN Security Council should follow its calls for renewed efforts on the peace process by taking concrete steps to ensure that both the Israeli and the Palestinian sides comply with their obligations under international human rights and humanitarian law and to monitor and enforce compliance. Without this, pronouncements on reaching a comprehensive peace, such as those reiterated at the Security Council meeting on 11 May, stand little chance of ever becoming reality.

The grave concerns about serious breaches of international law committed by both sides during the recent conflict in Gaza and southern Israel, which claimed the lives of several hundred Palestinian civilians and three Israeli civilians, and left Gaza in ruins, require the Council's urgent attention.

Firstly, the Security Council must act to address the recommendations made by the UN Board of Inquiry, which investigated a series of attacks on UN facilities and personnel in Gaza and was presented to the Council by the UN Secretary-General, Ban Ki-moon. (The UN Board of Inquiry concluded that seven of the nine attacks it investigated, causing death, injuries and damage, were committed by the Israeli army and at least one was committed by Palestinian armed groups.) A key recommendation of the Board is the need for a comprehensive impartial inquiry into all alleged violations of international humanitarian law in Gaza and southern Israel by the Israeli army and Palestinian armed groups during the recent 22-day conflict (27 December 2008 to 18 January 2009).

The UN Secretary-General's announcement, in his letter of 4 May 2009 to the Security Council President, that he does not plan any further inquiry is disappointing and inconsistent with his earlier promises to ensure thorough investigations, full explanations, and, where required, accountability. Amnesty International's findings concur with those of the Board of Inquiry and of other NGOs that there is a pressing need for a comprehensive, independent and impartial investigation. The responsibility now rests with the Security Council to ensure accountability for violations of international humanitarian and human rights law and reparation for the victims.

The Security Council must support the UN fact-finding mission established by the Human Rights Council and headed by Justice Richard Goldstone, and should take steps to ensure that all the concerned parties cooperate fully with the UN fact-finding team and that the Israeli authorities grant the team prompt access to Israel and to Gaza. Israel's continued refusal to cooperate with the mission risks jeopardizing its work.

Secondly, the Security Council should take immediate steps to ensure the lifting of the Israeli blockade which has kept Gaza's entire population of 1.5 million cut off from the rest of the world for almost two years, caused a marked deterioration of the humanitarian situation, the collapse of the economy and growing despair, and is now preventing much needed reconstruction. The regular opening of Gaza's crossing points can be put in place in a manner which ensures the free passage of people and goods, without jeopardizing Israel's security.

Thirdly, the Security Council must take effective steps to put an immediate end to the relentless expansion of Israeli settlements on occupied Palestinian land in East Jerusalem and the rest of the West Bank, which has sharply increased since the Annapolis Conference of November 2007 and is in breach of international law and of UN Security Council resolutions.

It must also take steps to lift the stifling regime of Israeli military checkpoints, barriers and walls, which impede economic recovery and prevent any semblance of normal life for the Palestinian population of the West Bank.

It is incumbent on Security Council members, many of whom have repeatedly expressed concern about such abuses, to go beyond the rhetoric and to take steps to ensure that all parties comply with international law and Security Council resolutions, and that those who fail to do so are held accountable. Respect for human rights and accountability should be central to the peace process and should not be subordinate to progress in the political negotiations.

From Oslo in 2003 to Annapolis in 2007, a string of peace initiatives which disregarded fundamental human rights and requirements of international law and lacked concrete implementation and accountability mechanism have invariably failed. These repeated failures have shown that subordinating fundamental human rights and justice to political considerations will not deliver durable peace and security.

Impunity for serious violations of international law has cast a dark shadow over every peace initiative, fuelling victims' resentment and desire for revenge and allowing perpetrators to feel they are above the law, and has ultimately encouraged further abuses. A new approach is needed to break the deadly cycle, move beyond the rhetoric and ensure that the undertakings are translated into concrete action on the ground.

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