

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Human Rights Council fails victims of Gaza conflict**

The UN Human Rights Council's weak response yesterday to the continuing failure of both the Israeli and Hamas authorities to genuinely investigate violations of international law committed during the 2008-9 conflict in Gaza and southern Israel amounts to a betrayal of the victims, Amnesty International said today.

Having considered on Monday a report by a Committee of Independent Experts highlighting the inadequacies of domestic investigations into allegations of violations – including war crimes and possible crimes against humanity – identified in the September 2009 report of the UN Fact-Finding Mission led by Justice Richard Goldstone, the Human Rights Council adopted a seriously flawed resolution that fails to establish a clear process for justice.

Instead of meaningfully supporting the long quest of the conflict's victims for justice by taking action towards an international justice solution, the Human Rights Council merely renewed the Committee's mandate and asked it to present another report in March 2011.

Amnesty International sees little value in the decision to extend the work of the Committee. Both sides have had adequate time to investigate the crimes and they are failing to do so. This is unlikely to change in the next six months. The Council's decision will only further delay justice for victims who have already been waiting more than 20 months since the end of the 22-day conflict.

The Committee's report supported Amnesty International's evaluation that the domestic investigations carried out by both the Israeli government and the de facto Hamas administration in Gaza do not meet the required international standards of independence, impartiality, thoroughness, effectiveness and promptness. In its conclusions, Amnesty International called on the Council to:

- recognize the inadequacies of the investigations conducted by Israel and the Hamas de facto administration;
- call on the International Criminal Court Prosecutor to urgently seek a determination from the Pre-Trial Chamber on whether the Court has jurisdiction to investigate crimes committed during the Gaza conflict;
- call on states to investigate and prosecute crimes committed during the conflict before their national courts by exercising universal jurisdiction;
- refer the Committee's report to the Council's parent body - the General Assembly; and
- request that the Secretary-General place the report before the Security Council.

By ignoring such recommendations, Amnesty International believes that the Human Rights Council has once again put politics before human rights and the victims of gross violations of humanitarian and human rights law.

Amnesty International is also concerned that the resolution failed to recognize or properly address the responsibility of the Hamas de facto administration in Gaza. Hamas was a party to the conflict and the UN Fact-Finding Mission levelled accusations of violations against it and other Palestinian armed groups. The report of the Committee of Independent Experts

addressed both the violations alleged to have been committed by Hamas and the investigations they said they had undertaken.

Yesterday's resolution addressed only the investigations by Israel and the Palestinian Authority (PA) and urged the Palestinian Independent Investigation Commission, established by the PA, to consider alleged violations in Gaza. However the PA Commission, which is based in the West Bank, made clear in its report (submitted to UN Secretary-General Ban Ki-moon in July 2010) that they have been unable to access the Gaza Strip and unable to undertake any investigations in Gaza into the firing of indiscriminate weapons by Palestinian armed groups into southern Israel.

Earlier this week Amnesty International called for the Prosecutor of the International Criminal Court to urgently seek a determination by the Pre-Trial Chamber on whether the Court has jurisdiction over the Gaza conflict.

Amnesty International also reiterated its call for all states to investigate and prosecute crimes committed by both sides during the conflict before their national courts by exercising universal jurisdiction.

### **Background**

Resolution A/HRC/15/L.34 regarding "Follow-up to the report of the Committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9" was passed on 29 September 2010 by the Human Rights Council in its 15<sup>th</sup> session.

A total of 27 member states of the Human Rights Council voted in favour of the resolution and one voted against it (the USA). Nineteen states abstained, including all EU states that have a seat on the Council.

The resolution is available at:

[http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/15/L.34](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/15/L.34)

The report of the Committee of Independent Experts is 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)

Amnesty International's assessment of the Israeli and Palestinian investigations is available at:

<http://www.amnesty.org/en/library/info/MDE15/022/2010/en>