

# AMNESTY INTERNATIONAL

## Press Release

AI Index: PRE 01/331/2009  
15 September 2009

### **Israel-Gaza: Implementation of UN Fact finding mission recommendations crucial for justice**

All relevant UN bodies must act promptly and in coordination to implement the recommendations of the UN-mandated Goldstone report on violations of international law committed in Gaza and southern Israel in late December and January, Amnesty International said today.

“The UN Human Rights Council should endorse the report and its recommendations and request the UN Secretary-General to refer it to the UN Security Council,” said Donatella Rovera, who headed Amnesty International’s investigation into the conflict in Israel and Gaza.

“The UN Security Council and other UN bodies must now take the steps necessary to ensure that the victims receive the justice and reparation that is their due and that perpetrators don’t get away with murder.”

Despite powerful evidence of war crimes and other serious violations of international law which emerged during and in the aftermath of the conflict, both Israel and Hamas have failed to carry out credible investigations and prosecute those responsible. The UN Security Council condemned attacks against civilians during the conflict and urged both sides to respect international law, but so far it has turned a blind eye to the allegations of war crimes and other grave violations committed by both sides.

“The responsibility now lies with the international community, notably the UN Security Council, as the UN’s most powerful body, to take decisive action to ensure accountability for the perpetrators and justice for the victims,” said Donatella Rovera. “The Security Council must refer the Goldstone findings to the International Criminal Court (ICC) Prosecutor if Israel and Hamas do not carry out credible investigations within a set, limited period.”

Judge Goldstone's Fact-Finding Mission, mandated by the UN Human Rights Council, published its findings and made recommendations in a 575-page report on Tuesday. It concluded that both Israeli forces and Palestinian armed groups committed grave violations of international law, including war crimes and possibly crimes against humanity.

The report's findings are consistent with those of Amnesty International’s own field investigation into the 22-day conflict from 27 December 2008 to 18 January 2009, during which some 1,400 Palestinians and nine Israelis were killed. Most of the Palestinians killed by Israeli forces were unarmed civilians, including some 300 children. Palestinian rocket attacks killed three Israeli civilians and six soldiers (four other soldiers were killed by their own side in “friendly fire” incidents). Israeli forces also carried out wanton and wholesale destruction in Gaza, leaving entire neighbourhoods in ruin, and used Palestinians as human shields.

Amnesty International welcomes the Fact-Finding Mission's recommendations, which, if implemented, offer the best hope for justice and accountability. The organization urges:

- The UN Human Rights Council to endorse the recommendations of the Fact-Finding Mission, review their implementation regularly, request the UN Secretary-General to convey the report to the UN Security Council and ask the Security Council to submit its contents to the International Criminal Court (ICC) Prosecutor to pursue if Israel and Hamas fail to ensure justice for the victims.

- the UN Secretary-General to refer the report to the UN Security Council without delay.
- the UN Security Council to promptly establish a committee of experts to monitor and assess any domestic proceedings instituted by Israel and the Hamas de facto administration in Gaza and require that both Israel and the Hamas administration report within 6 months on what independent investigations and prosecutions of serious violations of international human rights and humanitarian law they have carried out.
- the Security Council to refer the situation to the ICC Prosecutor if no credible investigations, have been conducted by Israel and the Hamas administration in conformity with international standards, within the set period.
- the UN General Assembly to request the UN Security Council to report to it on measures taken by the parties to ensure accountability for serious violations of international law, and establish a fund to pay appropriate compensation to victims on both sides who suffered loss or damage as a result of unlawful acts.

Key findings of the UN-mandated international independent fact-finding mission led by Justice Richard Goldstone:

- Israeli forces committed violations of human rights and international humanitarian law amounting to war crimes and some possibly amounting to crimes against humanity. Notably, investigations into numerous instances of lethal attacks on civilians and civilian objects revealed that the attacks were intentional, that some were launched with the intention of spreading terror among the civilian population and with no justifiable military objective and that Israeli forces used Palestinian civilians as human shields.
- Israeli forces committed grave breaches of the Fourth Geneva Convention, notably wilful killing, torture and inhumane treatment, wilfully causing great suffering or serious injury to body or health, and extensive destruction of property, not justified by military necessity and carried out unlawfully and wantonly. As grave breaches these acts give rise to individual criminal responsibility.
- Israel violated its duty to respect the right of Gaza's population to an adequate standard of living, including access to adequate food, water and housing. Notably acts which deprive Palestinians in Gaza of their means of sustenance, employment, housing and water, that deny their freedom of movement and their right to leave and enter their own country, that limit their access to an effective remedy and could amount to persecution - a crime against humanity.
- Palestinian armed groups violated the principle of distinction by launching rocket and mortars attacks which cannot be aimed with sufficient precision at military targets and that their attacks into civilian areas which had no intended military target constituted deliberate attacks against civilians. Such attacks constitute war crimes and may amount to crimes against humanity.
- Palestinian combatants did not always adequately distinguish themselves from the civilian population and they unnecessarily exposed civilians to danger when they launched attacks close to civilian or protected buildings.
- The Fact-Finding Mission found no evidence that Palestinian armed groups directed civilians to areas where attacks were launched or that they forced civilians to remain within their vicinity, nor that hospital facilities were used by the Hamas de-facto administration or by Palestinian armed groups to shield military activities, or that ambulances were used to transport combatants, or that Palestinian armed groups engaged in combat activities from within hospitals or UN facilities that were used as shelters.

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