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## **ICC urged to decide on Gaza conflict investigation**

Amnesty International has urged the International Criminal Court (ICC) to decide on whether it can investigate alleged war crimes and crimes against humanity committed during the 2008-9 conflict in Gaza and southern Israel.

The Human Rights Council must make the same call after it considers today a report by a Committee of Independent Experts highlighting the continuing failures of both the Israeli and Hamas authorities to investigate violations of international law that were documented more than a year ago by a UN fact-finding mission headed by Judge Richard Goldstone.

“Both Israeli and Hamas authorities have been given adequate time and opportunity to ensure justice for the victims, yet they are both failing to do so,” said Widney Brown, Senior Director of International Law and Policy, Amnesty International. “An international justice solution must now be found.”

Neither Israel nor the Palestinian Authority (PA) has ratified the Rome Statute. However, in January 2009, the PA declared that it accepted the ICC’s jurisdiction over all crimes committed in the territory of Palestine since July 2002.

If that declaration is valid, under the ICC’s rules it would cover all crimes committed during the conflict, both in Gaza and in southern Israel.

“Victims have waited long enough,” said Widney Brown. “It’s now time the ICC Prosecutor sought a decision on whether the Palestinian declaration submitted in 2009 allows him to act. If the Pre-Trial Chamber determines that the ICC has jurisdiction, the Prosecutor should open an investigation into crimes committed by both sides during the Gaza conflict, without delay.”

Amnesty International has called on national authorities of all states to investigate and prosecute crimes committed in the Gaza conflict before their national courts on behalf of the international community, said Widney Brown, noting that all states can prosecute war crimes and crimes against humanity – regardless of where they are committed.

Amnesty International today also urged the Human Rights Council to:

- recognize the failure of the investigations conducted by Israel and the Hamas de facto administration to comply with international law and standards;
- 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 UN General Assembly - and request that Ban Ki-moon, UN Secretary-General, place the report before the Security Council.