

AI Index: PRE 01/362/2009
16 October 2009

Israel/Occupied Palestinian Territories: Human Rights Council divisions must not obstruct Gaza accountability

The political divisions surrounding the adoption of today's Human Rights Council resolution on the human rights situation in the Occupied Palestinian Territories must not become an obstacle to investigations into serious violations of international law reported during the conflict in Gaza and southern Israel, Amnesty International said.

The resolution addresses human rights violations by the Israelis but, while condemning "all targeting of civilians", fails to mention explicitly violations by Hamas and other Palestinian groups. It was passed with a divisive vote that saw countries from all regions abstain, oppose or refuse to vote on the resolution.

Although the resolution endorses the recommendations in the Goldstone report, the process that led to the passing of the resolution will make it more difficult for the United Nations to work constructively on giving effect to the report's key findings.

In the Council's debates on the Goldstone report, a preponderance of delegations from all regions acknowledged its value and called for an end to impunity and accountability for violations of international law committed by all parties to the conflict. However, Amnesty International regrets that, overall, member states failed to step up to the challenge to reach a formulation that would reflect the consensus on the need for accountability.

The resolution recommends that the UN General Assembly, the next body which is able to consider the Goldstone report, do so during its current session. Amnesty International urges the Assembly to demand that both Israel and the Hamas de facto administration in Gaza immediately start independent investigations that meet international standards into alleged war crimes, possible crimes against humanity and other serious violations of international law reported during the conflict.

The investigations must be in line with the recommendations made in the report of the UN Fact Finding Mission on the Gaza Conflict headed by Judge Richard Goldstone

The General Assembly must set up a committee of independent and impartial experts in international law to assess the effectiveness and genuineness of the measures taken within a set time frame by Israelis and Palestinians, as well as their compatibility with international standards, or request the UN Secretary General to do so.

It must also make provision to address any failure by Israeli or the relevant Palestinian authorities to effectively address accountability.

The Goldstone report concluded that Israel as well as Hamas and other Palestinian armed groups in Gaza committed grave violations of human rights and international humanitarian law, including war crimes and possible crimes against humanity.

Its findings are fully consistent with those of Amnesty International and other human rights organizations that carried out similar investigations.

No credible investigation has so far been conducted by either Israel or the Palestinians.

Amnesty International reminds states party to the 1949 Geneva Conventions of their individual responsibility for ensuring accountability by exercising universal jurisdiction in initiating criminal investigations in national courts, where there is sufficient admissible evidence of grave breaches of the Geneva Conventions.

The organization believes that accountability for serious violations international law is an essential component of the process for establishing a just and lasting peace in the region.