

## **Gaza Inquiry recommendations must be implemented: Background information**

In September 2009, a United Nations Fact-Finding Mission issued a report (The Goldstone Report) setting out evidence that both sides committed war crimes and other serious violations of international law. The report noted that there were no credible efforts by either the Government of Israel or the Palestinian authorities to ensure that the crimes are investigated, that those responsible for the crimes are prosecuted or to provide reparations to the victims.

The report called on the United Nations to give both sides three months to address the issue. If they failed to do so, it recommended that the United Nations Security Council refer the situation to the International Criminal Court (ICC). It also recommended that other states exercise universal jurisdiction over the crimes.

On 5 November 2009, the United Nations General Assembly adopted the report's recommendations. Since then, however, little progress has been made and the United Nations has failed to insist on an international justice solution.

A separate issue has also arisen following a letter from the Palestinian National Authority to the ICC, indicating its willingness to accept the jurisdiction of the Court over crimes committed in Gaza. A determination by the Court that the Palestinian National Authority can be treated as a state under the Rome Statute and is therefore able to accept the Court's jurisdiction could result in the Court being able to act without political authorisation from the UN Security Council but this outcome is not certain.

The issue of implementation of the Goldstone report was recently discussed at the UN Human Rights Council. Unfortunately, their weak response in September 2010 to the continuing failure of both sides to genuinely investigate violations of international law has once again betrayed the victims of the conflict.

On 25 September 2010, having considered a report by a Committee of Independent Experts highlighting the inadequacies of domestic investigations, the Human Rights Council adopted a seriously flawed resolution that failed to establish a clear process for justice.

Instead of meaningfully supporting the unacceptably 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. 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 Hamas de facto administration in Gaza do not meet the required international standards of independence, impartiality, thoroughness, effectiveness and promptness. So now, as we head towards March 2011 when the issue is back before the UN Human Rights Council, we need to step up our campaigning for an international justice solution.