
HEAD OF UN FACT FINDING MISSION ON GAZA CONFLICT URGES ACCOUNTABILITY FOR WAR CRIMES; INSISTS IMPUNITY UNDERMINES PEACE PROCESS

29 September 2009

GENEVA – The Head of the UN Fact Finding Mission on the Gaza Conflict, Justice Richard Goldstone, today urged the international community to put an end to impunity for violations of international law in Israel and the Occupied Palestinian Territory as he presented the report of the Mission to the Human Rights Council.

Following its three-month investigation, the four-person Mission concluded that serious violations of international human rights and humanitarian law were committed by Israel in the context of its military operations in Gaza from December 27, 2008 to January 18, 2009, and that Israel committed actions amounting to war crimes, and possibly crimes against humanity.

The Mission also found that Palestinian armed groups had committed war crimes, as well as possibly crimes against humanity.

As neither the Government of Israel nor the responsible Palestinian authorities had to date carried out any credible investigations into alleged violations, Justice Goldstone urged the 47 Member States of the Human Rights Council to implement a number of measures, including referral of the Mission's report to the UN Security Council. The Mission report recommends that the Security Council require Israel and the authorities in Gaza to report to it, within six months, on investigations and prosecutions it should carry out with regard to the violations identified by the Mission.

The Mission recommends that the Security Council set up a body of independent experts to report to it on the progress of the Israeli and Palestinian investigations and prosecutions. If the experts' reports do not indicate within six months that good faith, independent proceedings are taking place, the Security Council should refer the situation in Gaza to the International Criminal Court Prosecutor.

The Fact Finding Mission, headed by Justice Richard Goldstone, who is a former judge of the Constitutional Court of South Africa and former Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda, also comprises Hina Jilani, Advocate of the Supreme Court of Pakistan, former Special Representative of the Secretary-General on the situation of human rights defenders and a member of the International Commission of Inquiry on Darfur (2004); Professor Christine Chinkin, Professor of International Law at the London School of Economics and Political Science and a member of the high-level fact-finding mission to Beit Hanoun (2008); and Colonel Desmond Travers, a former Officer in Ireland's Defence Forces and a member of the Board of Directors of the Institute for International Criminal Investigations.

"Now is the time for action," Justice Goldstone told the Human Rights Council, "A culture of impunity in the region has existed for too long. The lack of accountability for war crimes and possible crimes against humanity has reached a crisis point; the ongoing lack of justice is undermining any hope for a successful peace process and reinforcing an environment that fosters violence. Time and again, experience has taught us that overlooking justice only leads to increased conflict and violence."

The Mission was appointed by the President of the Human Rights Council in April with a mandate to "To investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after."

The Mission found that the repeated acts of firing rockets and mortars into Southern Israel by Palestinian armed groups from the Hamas-controlled Gaza Strip constituted war crimes that may amount to crimes against humanity.

In the lead up to the Israeli military assault on Gaza, the Mission said it found that Israel had imposed a blockade amounting to collective punishment and carried out a systematic policy of progressive isolation and deprivation of the Gaza Strip. During the Israeli military operation, code-named "Operation Cast Lead," more than 1,400 people were killed, including women and more than 340 children, and houses, factories, wells, schools, hospitals, police stations and other public buildings were destroyed.

The report concludes that the Israeli military operation was directed at the people of Gaza as a whole, in furtherance of an overall and continuing policy aimed at punishing the Gaza population, and in a deliberate policy of disproportionate force aimed at the civilian population. The Report states that Israeli acts that deprive Palestinians in the Gaza Strip of their means of subsistence, employment, housing and water, that deny their freedom of movement and their right to leave and enter their own country, that limit their rights to access a court of law and an effective remedy, and could lead a competent court to find that the crime of persecution, a crime against humanity, has been committed.

"The Government of Israel has a duty to protect its citizens," Justice Goldstone told the Human Rights Council, "That in no way justifies a policy of collective punishment of a people under effective occupation, destroying their means to live a dignified life and the trauma caused by the kind of military intervention the Israeli Government called Operation Cast Lead. This contributes to a situation where young people grow up in a culture of hatred and violence, with little hope for change in the future. Finally, the teaching of hate and dehumanization by each side against the other contributes to the destabilization of the whole region," he said.

As well as calling for justice, the Members of the Mission urged the Human Rights Council to take action that would ensure the protection of victims, prevent further violence and improve the living conditions of the affected people.

(*) *Statement by Richard Goldstone on behalf of the Members of the United Nations Fact Finding Mission on the Gaza Conflict before the Human Rights Council (Human Rights Council 12th Session – 29 September 2009):* http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/docs/OpeningStatement_GazaFFM_290909.doc

The mandate of the UN Fact Finding Mission on the Gaza Conflict is "To investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after." Learn more about the UN Fact Finding Mission on the Gaza Conflict: <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/FactFindingMission.htm>

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