

## Gaza: World's leading investigators call for war crimes inquiry

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**Archbishop Desmond Tutu, Mary Robinson and Justice Richard Goldstone among signatories 'shocked to core' by recent events**

A 16-strong group of the world's most experienced investigators and judges have today (16 March) called for a full international investigation into alleged abuses of international law during the recent Gaza conflict.

The call, supported by Amnesty International, is made in an open letter (full text below) to United Nations Secretary-General Ban Ki-moon as well as all members of the UN Security Council. The letter comes at a time when a UN Board of Inquiry is expected to report to the UN Secretary-General, Ban Ki-moon, on its initial findings regarding attacks on UN facilities and personnel in the region.

The new letter stresses the need for an investigation into 'all serious violations of international humanitarian law committed by all parties to the conflict'. It argues that the UN investigation 'should not be limited only to attacks on UN facilities.'

The signatories - who have led investigations of crimes committed in former Yugoslavia, Kosovo, Darfur, Rwanda, Sierra Leone, South Africa, East Timor, Lebanon and Peru - say that they have been 'shocked to the core' by events in Gaza. The signatories argue that they 'have seen at first hand the importance of investigating the truth and delivering justice for the victims of conflict and believe it is a precondition to move forward and achieve peace in the Middle East.'

The letter's signatories - who include Antonio Cassese (First President and Judge of the International Criminal Tribunal for the former Yugoslavia and Head of the UN Inquiry on Darfur) and Richard Goldstone (Chief Prosecutor of the International Criminal Tribunals for the former Yugoslavia and for Rwanda and Chairman of the UN Inquiry on Kosovo) - urge world leaders 'to send an unfaltering signal that the targeting of civilians during conflict is unacceptable by any party on any count.'

The letter calls for the establishment of a United Nations commission of inquiry into the Gaza conflict that:

- Has a mandate to carry out a prompt, thorough, independent and impartial investigation of all allegations of serious violations of international humanitarian law committed by all parties to the conflict
- Acts in accordance with the strictest international standards governing such investigations
- Can provide recommendations as to the appropriate prosecution of those responsible for gross violations of the law by the relevant authorities

Prof. William A. Schabas, former member of the Sierra Leone Truth and Reconciliation Commission and a signatory to the letter, said: 'The international community must apply the same standard to Gaza as it does to other conflicts and investigate all abuses of the laws of war and human rights. The current UN inquiry is no substitute for a full investigation. It is not only the UN personnel that deserve truth and justice, but Palestinians and Israelis themselves.'

The signatories conclude that: 'relief and reconstruction are desperately needed but, for the real wounds to heal, we must also establish the truth about crimes perpetrated against civilians on both sides.'

**ENDS**

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### FULL TEXT OF THE LETTER

To: United Nations Secretary-General Ban Ki-moon, the United Nations Security Council Ambassadors

Find the truth about the Gaza war

Dear Secretary-General, dear Ambassadors,

Allegations of serious violations of the laws of war have emerged throughout the latest Gaza conflict - relating to the conduct and actions both by the Israeli military and by the Palestinian armed groups.

As individuals with direct experience of international justice and reconciliation of conflict, we believe there is an important case to be made for an international investigation of gross violations of the laws of war, committed by all parties to the Gaza conflict.

Without setting the record straight in a credible and impartial manner, it will be difficult for those communities that have borne the heavy cost of violence to move beyond the terrible aftermath of conflict and help build a better peace.

A prompt, independent and impartial investigation would provide a public record of gross violations of international humanitarian law committed and provide recommendations on how those responsible for crimes should be held to account. We have seen at first hand the importance of investigating the truth and delivering justice for the victims of conflict and believe it is a precondition to move forward and achieve peace in the Middle East.

The international humanitarian law enshrined in the Geneva conventions provides universal standards of conduct of war for both state and non-state actors. The world must vigilantly demand respect for these standards and investigate and condemn their violations.

We urge world leaders to send an unfaltering signal that the targeting of civilians during conflict is unacceptable by any party on any count. We call on them to support the establishment of a United Nations commission of inquiry into the Gaza conflict. The commission should have the greatest possible expertise and authority and: a mandate to carry out a prompt, thorough, independent and impartial investigation of all allegations of serious violations of international humanitarian law committed by all parties to the conflict; it should not be limited only to attacks on UN facilities; act in accordance with the strictest international standards governing such investigations; if it finds sufficient evidence, it should provide recommendations as to the appropriate prosecution of those responsible for gross violations of the law by the relevant authorities.

The events in Gaza have shocked us to the core. Relief and reconstruction are desperately needed but, for the real wounds to heal, we must also establish the truth about crimes perpetrated against civilians on both sides.

### LIST OF SIGNATORIES

**Prof. Dr. M. Cherif Bassiouni** (USA) - Chairman of the UN Commission of Experts to Investigate Violations of International Humanitarian Law in the Former Yugoslavia (1992-1994) and Chairman of the Drafting Committee of the UN Diplomatic Conference on the International Criminal Court (1998). He is currently Professor of International Law and President Emeritus of the International Human Rights Law Institute.

**Prof. Dr. Alex Boraine** (South Africa) - Vice-chairman of the South Africa Truth and Reconciliation Commission (1995-1998). He is currently Chairman of the International Center for Transitional Justice and Professor of Law at the New York University.

**Prof. Dr. Antonio Cassese** (Italy) - First President (1993-1997) and Judge (1993-2000) of the UN International Criminal Tribunal for the former Yugoslavia (1993-1997) and Head of the UN International Commission of Inquiry on Darfur (2004). He is currently Professor of International Law at the University of Florence.

**Mr. Luc Côté** (Canada) - Former Executive Director of the Independent Special Commission of Inquiry for Timor-Leste (2006) and Director of Prosecutions of the Special Court for Sierra Leone (2003-2005). Currently Director of a Justice Mapping Project in the DRC.

**Justice Richard J. Goldstone** (South Africa) - Chairman of the South Africa Standing Commission of Inquiry Regarding Public Violence and Intimidation (1991-1994), Chief Prosecutor of the UN International Criminal Tribunals for the former Yugoslavia and for Rwanda (1994-1996), Judge of the Constitutional Court of South Africa (1996-2003) and Chairman of the UN Independent Inquiry Commission on Kosovo (1999). He is currently a visiting professor of international law.

**Ms. Hina Jilani** (Pakistan) - Special Representative of the United Nations Secretary-General on Human Rights Defenders (2000-2008) and Member of the Darfur Commission of Inquiry (2006).

**Prof. Dr. Salomón Lerner Febres** (Peru) - Chairman of the Peru Truth and Reconciliation Commission (2001-2003). He is currently Rector Emeritus of the

Catholic University of Peru and President of the Institute for Democracy and Human Rights.

**Mr. Dumisa Ntsebeza** (South Africa) - Member of the South Africa Truth and Reconciliation Commission (1995-1998) and of the UN International Commission of Inquiry on Darfur (2004).

**Prof. Dr. Stelios Perrakis** (Greece) - Member of the UN Commission of Inquiry to Lebanon (2006). He is currently Professor of International and European Institutions at the Pantheon University and Member of the International Humanitarian Fact-Finding Commission.

**Prof. Dr. Paulo Sergio Pinheiro** (Brazil) - UN Special Rapporteur on Human Rights in Burundi (1995-1998) and in Myanmar (2000-2008) and Chairman of the Independent Special Commission of Inquiry for Timor-Leste (2006). He is currently Commissioner and Rapporteur on Children at the Inter-American Commission on Human Rights.

**Ms. Mary Robinson** (Ireland) - President of Ireland (1990-1997) and UN High Commissioner for Human Rights (1997-2002). She is currently Chancellor of the University of Dublin.

**Prof. William A. Schabas** (Canada) - Member of the Sierra Leone Truth and Reconciliation Commission (2002-2004). He is currently Professor of Human Rights Law at the National University of Ireland and Director of the Irish Centre for Human Rights.

**Ms. Yasmin Sooka** (South Africa) - Member of the South Africa Truth and Reconciliation Commission (1995-1998) and of the Sierra Leone Truth and Reconciliation Commission (2002-2007). She is currently Executive Director of the Foundation for Human Rights.

**Mr. Desmond Travers** (Ireland) - Former Colonel of the Army of the Irish Defence Forces, he is currently Director at the Institute for International Criminal Investigations.

**Archbishop Emeritus Desmond Tutu** (South Africa) - Chairman of the South Africa Truth and Reconciliation Commission (1995-1998) and Noble Peace Prize winner (1984).

**Mr. Ralph Zacklin** (United Kingdom) - United Nations Assistant Secretary-General for Legal Affairs (1998-2005), Member of the Independent Special Commission of Inquiry for Timor Leste (2006), Chairman of the United Nations Independent Panel on Accountability (2008).