

The Deadline for Justice is Long Overdue

Joint Open Letter to the Member States of the General Assembly for the Effective Implementation of the UN Fact-Finding Mission's Report on the Gaza Conflict

29 November 2010

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Dear Member States of the General Assembly,

As Palestinian human rights organisations dedicated to the promotion and protection of human rights in the Occupied Palestinian Territory (OPT), we are deeply concerned with the failure of the UN-process initiated by the report of the UN Fact-Finding Mission on the Gaza Conflict.

The report, endorsed by the General Assembly in November 2009, set out a clear timeline of six months for all parties to carry out domestic investigations of violations of international law committed during the Israeli offensive, code-named "Operation Cast Lead". In the absence of investigations conducted in conformity with international standards, the report called upon the Security Council to act under Chapter VII and refer the situation to the International Criminal Court.

Almost a year later, in September 2010, the Committee of Independent Experts established to monitor and assess domestic investigations carried out by the parties indicated that neither Israeli nor Palestinian investigations have resulted in effective judicial remedies for the victims of "Operation Cast Lead". The Report of the Committee of Independent Experts highlighted the failure of Israel to investigate the policies of "those who designed, planned, ordered and oversaw "Operation Cast Lead", which evidences the underlying unwillingness of Israel to ensure genuine mechanisms of justice for victims.

Despite these findings, the UN Security Council has failed to implement the recommendations of the Fact-Finding Mission. Therefore, nearly two years after the end of the offensive, neither domestic nor international justice mechanisms have succeeded in providing justice for victims. The continuing impunity enjoyed by the State of Israel perpetuates the lack of human security for Palestinians and undermines mechanisms of international justice as endorsed by Member States. Should impunity continue, prospects for peace will remain elusive.

Therefore, we urge the Member States of the UN General Assembly to fulfill their commitment to international law and justice by effectively pursuing accountability in accordance with the UN Fact-Finding Mission Report and to that effect, without further delay:

1. To request the Security Council to promptly assess and report to the General Assembly on measures taken by the Israeli and Palestinian authorities to ensure accountability for serious violations of international law.
2. To urge the Security Council to act under Chapter VII of the UN Charter and to refer the matter to the Office of the Prosecutor of International Criminal Court.

3. Should the Security Council fail to act on the matter immediately, to make appropriate recommendations for collective measures on the basis of UN General Assembly Resolution 377, "Uniting for Peace."

We entrust the General Assembly to adhere to its commitment to ensuring accountability for all violations of international law in order to end impunity, secure justice, deter further violations and promote peace.

Yours sincerely,

The Palestinian Council of Human Rights Organisations

Organisations endorsing the statement:

Addameer Prisoners' Support and Human Rights Association

Aldameer Association for Human Rights

Al-Haq

Al Mezan Center for Human Rights

BADIL Resource Center for Palestinian Residency and Refugee Rights

The Civic Coalition for Defending Palestinians' Rights in Jerusalem

Defence for Children International – Palestine Section

Ensan Center for Human Rights and Democracy

Jerusalem Center for Legal Aid and Human Rights

Palestinian Centre for Human Rights

Ramallah Center for Human Rights Studies

Women's Centre for Legal Aid and Counselling