

Brussels, December 21, 2009 - Gaza: Avocats Sans Frontières (ASF; “Lawyers Without Borders”) reiterates its call to the international community to do all it can in supporting the fight against impunity for war crimes.

On January 13, 2009, at a time when fighting was still ongoing in and around Gaza, ASF called for the immediate and unconditional respect of international law and demanded that there shall be no impunity for war crimes. ASF welcomed in this regard the decision of the United Nations Human Rights Council to authorize an independent international investigation. ASF called on the parties and the international community to fully cooperate with the commission’s investigation.

On September 15, 2009, the United Nations fact-finding mission led by Judge Richard Goldstone concluded its report. The report points at the commission of serious violations of international law by Israel and by Palestinian armed groups. It also includes a series of recommendations which addresses both national as well as international entities. The report recommends that the United Nations Security Council demand independent enquiries, conducted in accordance with international standards, to be launched at the national level within the following three months. An independent committee of experts also needs to be set up to follow up on enquiry measures undertaken by the Israeli and Palestinian authorities. Depending on the content of the report established by this committee, the situation in Gaza should be deferred to the International Criminal Court six months after the adoption of the suggested resolution.

On October 16, 2009, after going through various challenges, the United Nations Human Rights Council finally endorsed the report’s recommendations and recommended for the United Nations General Assembly to examine it during the course of its next session.

On November 5, 2009, the United Nations General Assembly adopted a resolution approving the report. It further requested that the Secretary-General transmit the report to the Security Council and asked both the Israeli Government and the Palestinian side to launch, within three months, an independent investigation into the serious violations of humanitarian law as identified by the fact-finding mission.

On November 11, 2009, the report was transmitted by the United Nations Secretary-General to the Security Council. As of today, the Security Council has yet to examine the report.

In view of these developments, Avocats Sans frontiers (ASF; “Lawyers without Borders”) would like to express its satisfaction that an international investigation was undertaken and commends both the conclusions and recommendations of the report. ASF, nevertheless, deplores the fact that Israel has refused to cooperate with the United Nations’ fact-finding mission overseen by Judge Goldstone.

ASF also praises the fact that both the United Nations Human Rights Council and the United Nations General Assembly have successively endorsed and retransmitted this mission’s report.

However, ASF expresses its deep regret at the lack of commitment of certain States towards ending impunity for war crimes.

ASF hopes that the United Nations Security Council will give its support to Judge Goldstone's report and act upon the recommendations contained therein. Independently of the eventual adoption of a binding resolution by the Security Council, ASF hopes that serious and credible investigations will be conducted without delay by Israeli and Palestinian authorities.

ASF reiterates its call to the international community to do everything to end impunity for war crimes, by supporting Goldstone's report in the framework of its examination by the Security Council, by instituting criminal proceedings, in particular through making use of the universal jurisdiction principle, or via any other appropriate mechanism.

There should be no place for attempts to shield those suspected of war crimes from justice. ASF is convinced that without accountability, peace initiatives in the Middle East will be substantially weakened.

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