

Key excerpts: UN Gaza report

A United Nations investigation into Israel's campaign in the Gaza Strip earlier this year has concluded that there is evidence both sides committed war crimes.

Below are extracts from a UN statement accompanying the report:

[The report] concluded there is evidence indicating serious violations of international human rights and humanitarian law were committed by Israel during the Gaza conflict, and that Israel committed actions amounting to war crimes, and possibly crimes against humanity.

The report also concludes there is also evidence that Palestinian armed groups committed war crimes, as well as possibly crimes against humanity, in their repeated launching of rockets and mortars into Southern Israel...

The Mission found that, in the lead up to the Israeli military assault on Gaza, Israel 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," houses, factories, wells, schools, hospitals, police stations and other public buildings were destroyed... More than 1,400 people were killed during the military operation...

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 destruction of food supply installations, water sanitation systems, concrete factories and residential houses was the result of a deliberate and systematic policy which has made the daily process of living, and dignified living, more difficult for the civilian population...

The report underlines that in most of the incidents investigated by it, and described in the report, loss of life and destruction caused by Israeli forces during the military operation was a result of disrespect for the fundamental principle of "distinction" in international humanitarian law that requires military forces to distinguish between military targets and civilians and civilian objects at all times...

[The]report describes a number of specific incidents in which Israeli forces launched "direct attacks against civilians with lethal outcome." These are, it says, cases in which the facts indicate no justifiable military objective pursued by the attack and concludes they amount to war crimes...

A number of other incidents the Report concludes may constitute war crimes include a direct and intentional attack on the Al Quds Hospital and an adjacent ambulance depot in Gaza City.

The Report also covers violations arising from Israeli treatment of Palestinians in the West Bank, including excessive force against Palestinian demonstrators, sometimes resulting in deaths, increased closures, restriction of movement and house demolitions. The detention of Palestinian Legislative Council members, the Report says, effectively paralyzed political life in the Occupied Palestinian Territories...

The Fact-Finding Mission also found that the repeated acts of firing rockets and mortars into Southern Israel by Palestinian armed groups "constitute war crimes and may amount to crimes against humanity," by failing to distinguish between military targets and the civilian population. "The launching of rockets and mortars which cannot be aimed with sufficient precisions at military targets breaches the fundamental principle of distinction,"

the report says. "Where there is no intended military target and the rockets and mortars are launched into civilian areas, they constitute a deliberate attack against the civilian population."

The Mission concludes that the rocket and mortars attacks "have caused terror in the affected communities of southern Israel," as well as "loss of life and physical and mental injury to civilians and damage to private houses, religious buildings and property, thereby eroding the economic and cultural life of the affected communities and severely affecting the economic and social rights of the population."

The Mission urges the Palestinian armed groups holding the Israeli soldier Gilad Shalit to release him on humanitarian grounds, and, pending his release, give him the full rights accorded to a prisoner of war under the Geneva Conventions including visits from the International Committee of the Red Cross. The Report also notes serious human rights violations, including arbitrary arrests and extra-judicial executions of Palestinians, by the authorities in Gaza and by the Palestinian Authority in the West Bank.

The prolonged situation of impunity has created a justice crisis in the Occupied Palestinian Territory that warrants action, the Report says. The Mission found the Government of Israel had not carried out any credible investigations into alleged violations.

It recommended that the UN Security Council require Israel to report to it, within six months, on investigations and prosecutions it should carry out with regard to the violations identified in its Report. The Mission further recommends that the Security Council set up a body of independent experts to report to it on the progress of the Israeli 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 ICC Prosecutor. The Mission recommends that the same independent expert body also report to the Security Council on proceedings undertaken by the relevant Gaza authorities with regard to crimes committed by the Palestinian side.

As in the case of Israel, if within six months there are no good faith independent proceedings conforming to international standards in place, the Council should refer the situation to the ICC Prosecutor.

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