



Palestinian Centre for Human Rights (PCHR)



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## **Human Rights Organisations Demand PLO and International Community Uphold Victims Rights**

During the 66<sup>th</sup> General Assembly, the world's attention has been focused on issues surrounding recognition of Palestinian Statehood. However, as human rights organizations we believe that the true question is not only one of Statehood per se; rather it concerns recognition of rights, and the fundamental importance of the rule of law.

This General Assembly must act to uphold the enforcement of international law, and to ensure that the accountability process triggered more than two years ago by the Report of the UN Fact-Finding Mission on the Gaza Conflict reaches its full legal implementation.

The Fact-Finding Mission documented extensive evidence indicating the commission of crimes under international law by all sides in the context of Israel's 27 December 2008 – 18 January 2009 offensive on the Gaza Strip. In accordance with the requirements of customary international law, a two-stage accountability process was initiated. First, all sides were required to address all allegations domestically. Second, in the event that these investigations failed to meet international standards, recourse to international justice mechanisms – particularly the International Criminal Court – was necessitated.

Two years later, as confirmed by national and international human rights organizations and the UN Committee of Independent Experts established by the Human Rights Council, it is unambiguously clear that all parties have failed to conduct domestic investigations that are prompt, effective, independent, and in conformity with international law. Furthermore, all parties have failed to prosecute suspected perpetrators of crimes under international law.

As a result, recourse must now be had to mechanisms of international justice. Indeed, the 16<sup>th</sup> session of the Human Rights Council recommended that this 66<sup>th</sup> session of the General Assembly submit the Report of the UN Fact-Finding Mission on the Gaza Conflict to the Security Council, with the recommendation that the Security Council refer the situation in Israel and the Occupied Palestinian Territory to the Prosecutor of the International Criminal Court, pursuant to Article 13(b) of the Rome Statute.

The interests of justice demand that the General Assembly make this request of the Security Council, and that the Security Council continue the precedent established with respect to Sudan and Libya and act in the interests of accountability and justice for all victims.

Responsibility falls upon the Palestine Liberation Organization (PLO), as drafters of the relevant resolutions, to initiate the procedures recommended by the 16<sup>th</sup> Session of the Human Rights Council. All efforts must be undertaken to ensure justice for all victims.

Should the PLO choose not to pursue the accountability process initiated by the Report of the UN Fact-Finding Mission – at the expense of the Statehood initiative – this will amount to the prioritisation of political processes over victims' fundamental rights; indicating acceptance of the pervasive impunity that characterises the situation in Israel and the occupied Palestinian territory.

At this time it is imperative that the international community sends a clear and unambiguous message: human rights are universal, and all those suspected of committing crimes under international law will be pursued, irrespective of any political considerations.