Statement by the International Commission of Jurists at the 12th Special Session on "human rights situation in the Occupied Palestinian Territories and East Jerusalem" – transcribed as delivered

In a deeply disappointing development, on 2 October 2009, the Council failed to endorse and implement the findings and recommendations of the Fact-Finding Mission on the Gaza conflict headed by Justice Goldstone. Acting under strain, the Council relied on the commitments by the Government of Israel and the Palestinian Authority to carry out domestic investigations. However, the ICJ highlights Israeli investigations has been largely perceived as ineffective as they lack safeguards of independence and impartiality. After the end of military operations in Gaza the Israeli government announced that it would take necessary measures to protect its soldiers from all legal action and yesterday Israeli ambassador in UN headquarters in NY continued to deny that the IDF committed any crime under international law. The Palestinian Authority and Hamas never investigated the allegations of crimes. For how long would the calls for accountability of all perpetrators of alleged war crimes and crimes against humanity committed throughout the conflicts in the Occupied Palestinian Territories continue to be disregarded? It is the duty of both parties to conduct a prompt thorough effective independent and impartial investigation into alleged was crimes and crimes against humanity in accordance with international standards. If the investigation would not have purpose of bringing the alleged perpetrators to justice these would be absolutely inconsistent with such duty under international law. It is essential to identify, prosecute and punish the authors of such crimes as well as civilian leaders and military commanders who should be held to account under the principle of command responsibility.

The requests for national investigations do not restrict the duty of every State and of the international community to stop condoning pervasive impunity, and prepare the ground for the investigation and possible prosecution of all those suspected of serious violations of international law.

The Fact-Finding Mission’s report and its recommendations must yet be endorsed by this council which is requested to establish a collective expert mechanism to seek information on and review the implementation of the recommendations by all parties within 6-month time from this special session. The Security Council under chapter VII of the UN Charter or under the Rome Statue of the International Court has the sufficient legal tools to take action to ensure that alleged perpetrators of war crimes and crimes against humanity are investigated and held accountable in order to break impunity, I thank you.