

ENGLISH ONLY
HUMAN RIGHTS COUNCIL
Eighteenth Session, Item no. 7
12-30 September 2011

Accountability still outstanding and necessary in Gaza

BADIL welcomes the Council's observations and findings in Resolution 16/32 and emphasizes the outstanding need for accountability for Israel's 2008/09 aerial and ground offensive against Gaza.

Although the Palestinian statehood bid at the UN has consumed a tremendous amount of time and energy within the UN and among its diplomatic missions, BADIL would like to remind members of the Human Rights Council that these efforts are not mutually exclusive with accountability for alleged war crimes and crimes against humanity meted out by Israeli military forces against the population of Gaza. In fact, as captured by the Council in its April 2011 resolution, such accountability is necessary to both deter future violations and to establish a just and lasting peace in the region.

As noted by the Council, the occupying power has been non-cooperative and dismissive of this process rendering justice still elusive for Gaza's population and the risk of further violations by Israel very high. Notably, since the Human Rights Council began its Fact-Finding Mission and its efforts to achieve accountability, the situation in Gaza has deteriorated significantly.

Of greatest concern is the fact that Israel's blockade remains in tact thereby preventing Palestinians in Gaza from rebuilding their lives. Consider that:

- As of June 2011, Israeli Occupation Forces have imposed a total ban on exportation of Gaza's products;
- Israel continues to restrict access to medical care outside Gaza while also restricting importing medical equipment and medicines into Gaza, compounding the humanitarian crisis and endangering the health and lives of the people of Gaza;
- At 45.2 percent, Gaza's unemployment rate ranks among the highest in the world in the second half of 2010 underlying systemic poverty;
- The lack of construction materials allowed into Gaza has led to an overcrowding crisis in schools. UNRWA reports that 90 percent of its school building must function on a double-shift basis and that has led to the gutting of all after-school activities in the winter.

Pursuant to the recommendations of the Fact-Finding Mission, the Council has overseen domestic investigations of the alleged violations. The Independent Committee of Experts has found that these investigations are not prompt, effective, independent or in conformity with international law. This indicates that the process must be proceed to the next set of recommendations enumerated within the Report of the Fact-Finding Mission.

BADIL recommends that the Human Rights Council:

1. Remind the UN member states of their responsibility to ensure accountability by referring the FFM Report to the Security Council and urge it to refer the Report to the International Criminal Court for a credible investigation;
2. Encourage UN member states to support Switzerland, as the depositary of the Geneva Conventions, to convene a meeting of the High Contracting Parties to affirm the applicability of the Conventions to the Occupied Palestinian Territory;
3. Continue its encouragement of the General Assembly to discuss the future legality of the use of certain munitions during armed conflict;
4. Continue its support for the establishment of an escrow fund to compensate Palestinian victims and survivors; and
5. To underscore that a just and viable peace can only be achieved based on justice and accountability.