

"Is the Goldstone Report Dead, High Commissioner?"

Joint Open Letter from 13 Palestinian and Israeli Human Rights Organisations to the United Nations High Commissioner for Human Rights, Navanetham Pillay, on her first official visit to the Occupied Palestinian Territory

4 February 2011
Ref.: 38/2011

As Palestinian and Israeli human rights organisations, we welcome your first visit to the region and take this occasion to ask: is the Goldstone report dead? Over two years have passed since the end of the Israeli offensive "Operation Cast Lead" on the Gaza Strip, and justice for victims has yet to be addressed. Should these victims give up on the UN in their search for accountability? Or is there a way out from the prevailing culture of impunity? The opportunity to achieve justice is being hijacked by political interests and we seek your unequivocal support on behalf of the victims. Achieving justice is essential to prevent further violations of international law and to lay the foundations for a just and long lasting peace in the region.

The Goldstone report, published in September 2009, presents strong evidence that war crimes and possibly crimes against humanity were committed during "Operation Cast Lead." The report, endorsed by both the UN Human Rights Council and the General Assembly, provides a clear framework to ensure justice for victims in accordance with international law, including referral to the UN Security Council, the International Criminal Court and the exercise of universal jurisdiction. Over a year later, justice has not been delivered to the victims.

Israeli investigations, conducted by the military, fail to examine the legality of decisions taken by senior military and political leaders who designed, planned and organised the attacks. To date, only one Israeli soldier has been sent to prison for stealing a credit card. The Committee of Independent Experts appointed by the UN Human Rights Council confirmed the lack of cooperation by Israel and its unwillingness, despite its capability, to conduct genuine investigations in accordance with international standards.

On the Palestinian side, the authorities in Gaza have been unsuccessful in carrying out credible and genuine investigations, as confirmed by the UN Committee of Independent Experts. Despite the independent investigations mandated by the Palestinian Authority, no criminal proceedings have been initiated.

Thus far, the international community of States has failed to uphold its responsibility to ensure justice for international crimes. Furthermore, the Palestinian Authority, entrusted to uphold the interests of the Palestinian people before the UN and diplomatic community, has undermined the Goldstone recommendations by capitulating to external political pressures. Palestinian representatives and member States of the UN Human Rights Council persist in prioritising politics over the rights of victims by according more time to continue the façade of domestic investigations.

As the implementation of the Goldstone recommendations is being delayed, Israel's closure policy continues to collectively punish 1.5 million people in the Gaza Strip, where incursions are intensifying and civilians are being killed while trying to make a living. The denial of justice for victims of "Operation Cast Lead" is compounded by Israel's

occupation of Palestinian territory, where violations of international law have gone unpunished for over 43 years. Today, Israel's illegal policies of settlement expansion and forcible transfer of Palestinians from East Jerusalem and other parts of the West Bank, amongst other violations, contribute to frustrate peace efforts and result in the delegitimisation of the international actors involved, while undermining fundamental principles of international law and justice.

As the highest UN official responsible for the promotion and protection of human rights, we urge you to give a voice to the victims of "Operation Cast Lead" and inject momentum into their search for justice. We call upon you to denounce the forfeiture of justice for Palestinian victims of international crimes in the name of politics and to publicly demand the implementation of the Goldstone report, including referral to the General Assembly, without further delay. We also request that you seek immediate clarification from the Office of Legal Affairs of any pending issues regarding the establishment of an escrow fund for Palestinian victims of the offensive to promptly advance its development. Finally, we ask you to firmly condemn Israel's persistent violations of international law, which prevent the Palestinian people from exercising their universally recognised right to self-determination.

The UN must seize this opportunity to demonstrate its declared commitment to justice as stated by the Secretary-General in his address to the General Assembly in January 2011. We trust that you and your Office will use all means at your disposal, including high-profile advocacy, to ensure that the Palestinian people are fully included in the UN-proclaimed "new era of accountability" and that impunity does not prevail once again.

Yours sincerely,

Addameer Prisoners' Support and Human Rights Association

Aldameer Association for Human Rights

Al-Haq

Al Mezan Center for Human Rights

Badil Resource Center for Palestinian Residency and Refugee Rights

The Civic Coalition for Defending Palestinians' Rights in Jerusalem

Defence for Children International – Palestine Section

Ensan Center for Human Rights and Democracy

Jerusalem Center for Legal Aid and Human Rights

Public Committee Against Torture in Israel

Ramallah Center for Human Rights Studies

Women's Centre for Legal Aid and Counselling

The Israeli Committee Against House Demolitions