

Justice Cannot Be Held Hostage to Politics: PA's decision a betrayal of victims' rights

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As members of the Palestinian Council of Human Rights Organisations, we strongly condemn the decision of the Palestinian Authority (PA) to support a UN Human Rights Council resolution that accords further time for ineffective domestic investigations, thus effectively failing to pursue accountability for crimes committed during the Israeli offensive code-named "Operation Cast Lead."

The death toll of Operation Cast Lead exceeded 1,400 Palestinians, 83 percent of whom were civilians, including 355 children; over 5,000 more were wounded. Nearly two years after the end of the Israeli offensive, the results of domestic investigations are self-explanatory: one conviction for stealing a credit card.

The figures above, coupled with the recent findings of the UN Committee of Experts on domestic investigations, clearly indicate that domestic investigations have failed to result in effective judicial mechanisms for victims due to a lack of genuine commitment to justice. International law, as reflected in the recommendations of the UN Fact-Finding Mission on the Gaza Conflict, is unequivocal: when justice cannot be achieved through domestic mechanisms, recourse must be made to mechanisms of international justice.

Both the General Assembly and the Security Council have already been seized with the matter, therefore no further delay can be allowed and full implementation of the recommendations of the UN Fact-Finding Mission must be pursued. The Human Rights Council must expedite the cause of justice and recommend that the General Assembly urge the Security Council to refer the situation of Palestine to the International Criminal Court.

For decades, the legitimate rights of the Palestinian people have been forfeited in favour of political interests and an illusory peace process. The PA's decision not to pursue international criminal justice perpetuates this practice and gravely frustrates the rights of victims. By holding justice hostage to politics, the PA is extending impunity to Israeli military and political leaders. Justice is a necessary precondition for the achievement of any sustainable peace and must constitute the foundation of any peace negotiations.

Should the Member States of the Human Rights Council support such a politically-motivated resolution that whitewashes the rights of victims of international crimes, they will effectively fail to uphold their legal responsibility to ensure respect for international law and be complicit in the prevailing climate of impunity for violations committed in the Occupied Palestinian Territory.

Once again, we urge the PA to act as a genuine representative of Palestinian victims and not to sacrifice their rights on the altar of political expediency.

Members of the Palestinian Council of Human Rights Organisations:

- Addameer Prisoner Support and Human Rights Association
- Al-Dameer Association for Human Rights - Gaza
- Al-Haq
- Al Mezan Centre for Human Rights
- BADIL Resource Center for Palestinian Residency and Refugee Rights
- Defence for Children International – Palestine Section
- ENSAN Association for Democracy and Human Rights
- Jerusalem Legal Aid and Human Rights Center
- Ramallah Center for Human Rights Studies
- Women's Centre for Legal Aid and Counselling

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