

Justice pour les victimes du conflit de Gaza, une réponse à Richard Goldstone - The Guardian

19 avril 2011



Des ONG palestiniennes de défense des droits de l'Homme expriment leur inquiétude concernant le revirement du juge Goldstone. « La Mission d'établissement des faits (qui a rédigé le rapport Goldstone - NDLA) représente une opportunité unique pour les victimes de contester la culture de l'impunité et pour toutes les parties au conflit de respecter le droit international. Il n'est pas surprenant de voir Israël appeler au retrait du rapport, suite à votre tribune. Néanmoins, les graves accusations pénales soulignées dans le rapport n'ont toujours pas trouvé de réponses, par aucune des parties. L'échec des enquêtes internes rend nécessaire de recourir aux systèmes de justice internationale, notamment que le Conseil de sécurité saisisse la Cour pénale internationale.

Dear Richard Goldstone

As Palestinian human rights organisations, we were surprised by your op-ed, Reconsidering the Goldstone report on Israel and war crimes. Your conclusions that « civilians were not intentionally targeted [by Israel] as a matter of policy" and that Israel has »to a significant degree" sufficiently self-investigated incidents potentially amounting to war crimes in Operation Cast Lead are of particular concern.

The intentional targeting of civilians, which was the central element of your op-ed, is only one among 13 headings dealing with violations of international law perpetrated by Israel during Operation Cast Lead. Even if we were to discount the intentional targeting of civilians, this would not affect the fundamental conclusions of the report. As Hina Jilani, one of the report's co-authors, affirmed, nothing will change the

substance of the original report.

In the immediate aftermath of Operation Cast Lead, a number of reports, including those conducted by the UN fact-finding mission, Human Rights Watch and Amnesty International, concluded that the many civilian casualties and the extensive destruction of civilian infrastructure during Operation Cast Lead cannot be attributed to human error alone.

One very troubling aspect of your revised position is that your amended understanding of Operation Cast Lead is based on evidence provided by investigations published by the Israeli military. However, as confirmed by the UN-appointed committee of experts mandated to assess domestic investigations, Israel failed to conduct effective investigations into serious allegations of international crimes. Therefore, regardless of the number of investigations carried out, their outcome is what should be relevant. Unfortunately, your op-ed diverts attention from this main issue : justice for victims.

As the committee of experts affirmed, the victims of this conflict – who continue to live in difficult and unsafe conditions under an illegal blockade and without any effective remedy – have been completely neglected by Israeli investigations, which lack transparency and effectiveness. Thus far, only three cases have resulted in criminal prosecutions. Of these, one Israeli soldier was sentenced to seven and a half months in prison for stealing a credit card, whereas two other Israeli soldiers convicted of using a nine-year-old Palestinian child as a human shield did not serve a single day in prison. For the victims, these outcomes reinforce their lack of trust in domestic investigations and their sense that accountability and justice will never be achieved.

The fact-finding mission report represents a unique opportunity for victims to challenge the culture of impunity and promote adherence to international law by all the parties to this protracted conflict. Unsurprisingly, following your op-ed, Israel is calling upon the UN Human Rights Council to retract the report. Nevertheless, the grave criminal allegations outlined in the report remain unanswered by all sides. The failure of domestic investigations necessitates recourse to international justice mechanisms, including the referral by the UN security council to the international criminal court.

We, the undersigned organisations, will continue to call upon the international community of states to abide by their obligations under international humanitarian law by moving this legal process forward. On behalf of the victims and survivors, we remain committed to advancing the cause of justice at the UN general assembly in September 2011 in order to finally pursue accountability for the commission of international crimes and redress for the victims.

Yours sincerely,

Addameer Prisoners' Support and Human Rights Association

Al Dameer Association for Human Rights

Al-Haq and Al-Mezan Centre for Human Rights

Badil Resource Centre for Palestinian Residency and Refugee Rights

Defence for Children International – Palestine Section

Ensan Centre for Democracy and Human Rights

Jerusalem Legal Aid and Human Rights Centre

Ramallah Centre for Human Rights Studies

Women's Centre for Legal Aid and Counselling

The Civic Coalition for Defending the Palestinians' Rights in Jerusalem

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