

FIDH

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The International Federation for Human Rights (FIDH) reiterates its gravest concern and its horror at the worsening situation in the Gaza Strip. ()

FIDH welcomed UN Security Council Resolution 1860 (2009) adopted on January 8, 2009, expressing grave concern at the escalation of violence and the deterioration of the situation, in particular the resulting heavy civilian casualties and condemn[ing] all violence and hostilities directed against civilians.

Unfortunately, the resolution failed to include any operational aspect, in particular the deployment of an international commission of investigation. The situation nevertheless requires action, not just words.

In view of the increasing number of civilian victims, especially children and women, and the widespread and systematic attacks that the civilian population is suffering from the Israeli army in the Gaza strip, these attacks constitute grave breaches of international humanitarian law, and shall be qualified as war crimes, if not crimes against humanity under international criminal law.

As the only international organ in charge of maintaining international peace and security, the UN Security Council has the responsibility to decide on concrete actions aiming at preventing the repetition of these crimes, in particular through the deployment of independent judicial proceedings, prosecution and condemnation, at least of those who bear the highest responsibility in the crimes.

Considering that the crimes perpetrated by the Israeli army in the Gaza strip obviously fall within the material jurisdiction of the International Criminal Court (ICC), noting that Israel has not ratified the Statute of the ICC, activating the ICC jurisdiction for these crimes implies for the UN Security Council to refer the situation to the ICC.

Accordingly, the FIDH urges the UN Security Council to refer the situation to the ICC Prosecutor in compliance with Article 13(b) of the ICC Statute in order for the Prosecutor to initiate an investigation into crimes within its jurisdiction and to bring the perpetrators to justice.

Source: <http://www.fidh.org/spip.php?article6240>

To see the FIDH letter sent to the Security Council prior to Resolution 1860, see http://www.fidh.org/IMG/pdf/opt_unsc_fidh2009e.pdf.