

The following interview on Israeli war crimes and crimes against humanity allegations in Gaza is with Phyllis Bennis, the director of the New Internationalism Project at the Institute for Policy Studies.

() In an interview with U.N. Bureau Chief Thalif Deen, she pointed out that calls for such an investigation have come not only from high-ranking U.N. officials and the International Committee of the Red Cross (ICRC) but also from virtually every international human rights organisation operating in the area.

"Individual accountability for war crimes or crimes against humanity is always difficult, and for officials (civilian or military) of a government with such close ties to and such a strong history of impunity guarantees from the most powerful country in the world, it is even more difficult," said Bennis, author of several publications both on the Middle East and the United Nations, including 'Challenging Empire: How People, Governments and the U.N. Defy the U.S.'.

That said, the extreme lawlessness of Israel's attack on Gaza, the shocking human devastation that it caused for Gaza's 1.5 million civilians, the direct attacks on U.N. facilities and personnel, and the wide range of prima facie Israeli violations of international law all elevate the possibility of real accountability, she added. ()

IPS: What are the specific war crimes Israel is accused of committing?

PB: The Geneva Convention's prohibitions against collective punishment, targeting civilians, and disproportionate military force were all violated, as was Geneva's requirement that Israel provide medical care for the wounded. The use of sometimes-legal white phosphorous and DIME weapons was made illegal under the Convention on Certain Conventional Weapons by Israel's decision to use them in densely-populated civilian neighbourhoods. Israel's (and Egypt's) denial of the Palestinian civilians' right to flee to find refuge over Gaza's borders may represent a newly-defined war crime. ()

IPS: What are the alternatives to a war crimes tribunal specifically to try Israel?

PB: There are today far more choices for venue and jurisdiction for imposing legal accountability for war crimes. Despite the limited jurisdiction of the International Criminal Court, for instance, (since Israel is not a signatory and an inevitable U.S. veto makes a Security Council referral to the ICC prosecutor virtually impossible), there is the possibility of challenging the ICC to take jurisdiction based on the rights of Palestinians in Gaza who live under a belligerent occupation and therefore should still have access to the Court.

The General Assembly could empanel its own investigative tribunal (under Article 22 of the Charter) to convene legal, military and human rights experts to investigate the entire range of war crimes allegations made (against both sides) during the Gaza war. ()

IPS: The destruction of Gaza and the killings of over 1,300 Palestinians, mostly women and children, took place for more than three weeks while the United Nations remained helpless. Was there anything that the Security Council, the General Assembly or the secretary-general

could have done otherwise to stop the carnage?

PB: The United Nations was not able to stop the Israeli assault, but it would be a mistake to say it did nothing. For days the U.S. prevented the Security Council from responding at all. When the Council finally passed a resolution, its goal was not to stop the Israeli onslaught but only to undermine the potential for a much stronger General Assembly resolution; the Assembly meeting was already scheduled to meet just minutes after the suddenly-announced Council meeting. ()

A stronger General Assembly resolution would have set the stage for follow-up enforceable resolutions, possibly including mechanisms for holding Israeli officials accountable, an arms embargo, or even deploying a ceasefire-enforcement or protection force, perhaps based on the Assembly's own embrace of the doctrine known as the **responsibility to protect**. ()

Full Interview: <http://www.ipsnews.net/news.asp?idnews=45643>