

His Excellency Prime Minister Ismail Haniyeh

RE. Calling for immediate commencement of internal investigations in compliance with UN GA Resolution A/RES/64/10

Your Excellency,

On 25 September 2009, the UN Fact-Finding Mission on the Gaza Conflict released its comprehensive, contextual, professional and impartial report. The Report detailed violations of human rights and of the laws and norms of war, which amounted to war crimes and possible crimes against humanity, committed during last winter's 23-day aerial and ground offensive in the Gaza Strip by the Israeli Occupation Forces. Whereas the bulk of the Report addressed violations by Israel, the Occupying Power, it also considered violations by Palestinian armed groups and the Palestinian authorities in Gaza and the West Bank.

The responsible Palestinian authorities have endorsed the Report by the Fact-Finding Mission, and have furthermore successfully tabled draft resolutions before the UN Human Rights Council and the UN General Assembly with the full support of the Palestinian people. On 5 November 2009, the General Assembly adopted Resolution A/RES/64/10 urging the Palestinian side to undertake internal, independent and credible investigations in conformity with international standards into the serious violations of international human rights and humanitarian law in the occupied Palestinian territory in order to ensure justice and accountability for civilian victims to the conflict, and hold accountable those who perpetrated the violations. Similarly, it called upon Israel to also carry out its own internal investigations.

As Palestinian non-governmental human rights organisations, we recognize the efforts already made by the Palestinian side in seeking to achieve justice for the Palestinian people. In order to ensure that the work of the PLO on guaranteeing endorsement of the Report at the UN level, is of lasting value further steps must now be taken to implement its recommendations and the above mentioned GA Resolution.

On 5 February 2010, the UN Secretary-General is expected to submit his report on the implementation of the General Assembly Resolution. As Palestinian and international non-governmental organisations, we urge both the Palestinian authorities in the West Bank and Gaza to immediately commence credible internal investigations in compliance with international standards and in accordance with the Report by the Fact-Finding Mission on the Gaza Conflict.

It is imperative to assert that the responsible domestic authorities are under an obligation to implement the recommendations of the Fact Finding Mission's Report in their entirety and without delay. Each of the responsible Palestinian authorities have already indicated its intention and willingness to satisfy the international community's demand that the conflict parties initiate credible internal investigations. As the deadline for the submission of the UN Secretary-General's report approaches, we urge you to immediately take clear and public steps toward holding all those who prove to be responsible for the violations detailed in the Report to account.

International law relating to armed conflict makes a clear distinction between justifiable criteria for initiating an armed conflict, and the limits to acceptable conduct of hostilities during armed conflict. In the immediate case, we wish to assert that we are concerned only with the conduct of hostilities during armed conflict.

Israel has continued to reject the rule of law and their international humanitarian and human rights obligations by continuing its illegal practices, including the blockade of the Gaza Strip, and by condemning the Report of the Fact Finding Mission and rejecting its well-based findings on Israel's violations. For the Palestinians to continue to effectively struggle for their legitimate rights as a people, it is crucial that their leaders and representatives adopt an approach, centered on the rule of law and respect for human rights.

We look forward to learning of your positive steps to take the necessary domestic measures to investigate violations of international human rights and humanitarian law and, where appropriate, to hold accountable those who prove to have committed these violations and to prosecute and punish them as recommended by the UN Fact Finding Mission.

We wish to direct your attention to that a similar letter has been sent to President Mahmoud Abbas.

Sincerely,

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Adalah

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