



Israel & Occupied Palestinian Territories

Israel/OPT

1 June 2010

NGOs gathered in Kampala Call for End to Impunity Crisis Following Israeli Attack on Aid Convoy

We, the undersigned organisations gathered in Kampala at the International Criminal Court (ICC) Review Conference, are shocked by Israel's killing and injury of civilians carrying humanitarian supplies to Gaza. We wish to express our sorrow regarding the loss of life and call on the international community to immediately take all appropriate measures in response to this unacceptable violence.

On 31 May 2010 Israeli forces opened fire against an international aid convoy seeking to bring humanitarian supplies into the Gaza Strip; more than 700 unarmed activists from over 40 countries were on board the 8-ship flotilla. The attack occurred in international waters and resulted in the killing of at least 9 persons and the injury of a further 60.

The entire population of the Gaza Strip is subjected to an illegal closure imposed by Israel as a form of collective punishment, resulting in a scandalous, wholly preventable humanitarian crisis. As noted by the United Nations, Israel currently allows only one-quarter of the necessary supplies into Gaza. The aid convoy was carrying 10,000 tonnes of humanitarian goods, including medicines, basic education and reconstruction materials.

This tragedy is the result of the prolonged impunity granted to Israel by the international community, despite Israel's documented, persistent disregard for international and humanitarian law in the Occupied Palestinian Territory (OPT) and its violation of fundamental human rights, including the right to life. Many of these violations also entail criminal responsibility; however, so far no concrete action has been taken and impunity is a long standing feature of Israel's illegal occupation policy.

As noted by the UN Fact Finding Mission on the Gaza Conflict, the "prolonged situation of impunity has created a justice crisis in the Occupied Palestinian Territory that warrants action." It is a self evident truth that law becomes meaningless if not enforced.

The conflict in Israel-Palestine extends beyond its territorial boundaries and must be regarded as a matter of concern to the entire international community. The consequences of continued impunity, occurring under the glare of the world's media, have widespread global implications, undermining faith in international justice and its ability to protect civilians. No State should be allowed to act above the law.

While this tragedy takes place, the first Review Conference of the International Criminal Court (ICC) opens in Kampala, Uganda. On this historic occasion the entire international community, at the presence of UN higher authorities, is celebrating international justice's most important achievement. The Court is the result of over 50 years of struggle to enforce international law through accountability; it was celebrated as the means to uphold the rule of

law, to move from war to law.

Through the ICC the international community aims to put an end to impunity for the gravest crimes. Speaking at the opening of the ICC Review Conference, UN Secretary-General Ban Ki-Moon and ICC Prosecutor Luis Moreno Ocampo, stated that 'no one is beyond reach': perpetrators of international crimes must be held to account, regardless of their rank or nationality. International crimes must not go unpunished.

Speaking from the venue of the Conference in Kampala the UN Secretary General strongly condemned Israel's attack on the humanitarian flotilla to Gaza. States delegates declared themselves shocked and outraged by the killings. Everybody urged for a strong reaction at the international level. The UN Security Council immediately called an emergency session on the incident.

Our international legal order has all the instruments at disposal to ensure that these declarations do not remain - once again - dead words sadly condemned to fade on paper.

For more than one and a half year, following Israel's military attack on Gaza of December 2008-January 2009, the ICC Prosecutor has been closely monitoring the events in the OPT and examining the possibility of opening an investigation into the situation. The UN Security Council can accelerate the process and refer the situation to the Court, triggering its jurisdiction regardless of the territoriality and nationality links. The ICC Review Conference is a unique opportunity for the international community to take a concrete step towards upholding the rule of law. We want Kampala to be remembered as the place where justice triumphed over politics.

Therefore, the undersigned organizations call for the illegal closure of the Gaza Strip to be immediately lifted and urge:

- The ICC Prosecutor to make an urgent determination regarding the opening of an investigation into the situation in the OPT.
- The UN Secretary General: to urgently address the UN Security Council with respect to the ongoing impunity crisis in Israel and the OPT in order to engage all appropriate international mechanisms.
- The UN Security Council: to refer the situation to the ICC.
- All States Parties to the ICC: to take all appropriate measure, at the diplomatic and legal levels, to uphold the rule of law in the OPT
- The UN High Commissioner for Human Rights: to urgently visit the Gaza Strip.
- Israel to comply with their international legal obligation and cooperate with investigative authority.

Post-scriptum :

Signatories:

Palestinian Centre for Human Rights (PCHR)

International Federation of Human Rights (FIDH)

Centre for Constitutional Rights (CCR, USA)

Turkish Coalition for the ICC

Track Impunity Always (TRIAL)

Kenyan Section of the International Commission of Jurists

Gender Justice Initiative

Fondazione Internazionale Lelio Basso (Italy)

Cairo Institute for Human Rights

University College Dublin, (Ireland)

Africa Freedom of Information Centre

Uganda Joint Christian Council

Human Rights Network - Uganda

Uganda Women and Children Organisation (UWCO)

Hope After Rape (HAR, Uganda)

Disabled Women's Network & Resource Organisation in Uganda (DWMRO)

Cameroon Coalition for Human Rights

Iranian Islamic Human Rights Commission

Kituo Cha Sheria (Kenya)

Coalition for Justice and Accountability (Sierra Leone)

Colombian Commission of Jurists

Network Movement for Democracy Human Rights (NMDHR, Sierra Leone)

Mexican Commission for the Defense and Promotion of Human Rights

Indonesian Civil Society Coalition for the ICC (ICSLCC)

Ligue pour la Paix et les Droits de l'Homme (LIPADHO, DRC)

Synergie des ONG's Congolaise pour les Victimes (SYCOVI, DRC)

Femme pour la Paix, le Developpement et les Droit de l'Homme (DRC)

Sierra Leone Coalition for the ICC

Association Espanola De Derecho International De Derechos Humanos (AEDIDH)

Justice Without Frontiers

Lebanese Centre for International Law and Human Rights

La Coalition Marocaine Pour La Cour Pénale Internationale

Institute for Justice and Reconciliation

<http://www.fidh.org/NGOs-gathered-in-Kampala-Call-for-End-to-Impunity>