

International Federation for Human Rights
Euro-Mediterranean Human Rights Network
International Commission of Jurists

Gaza/Operation cast lead
Final statement of a mission of prominent lawyers and activists

Paris, Geneva, Copenhagen, January 21st 2009

We are appalled at the horror of the war launched in the Gaza strip, the major loss of civilian lives and the wide scale destruction of civilian property and infrastructure in the context of the operation « Cast Lead, » as well as by the failure of the international community to prevent this tragedy.

Based upon the information our delegation received from Israeli and Palestinian human rights organisations, who have been monitoring the armed conflict, we have strong reasons to believe that Israel has grossly violated international humanitarian law, including the IVth Geneva Convention on the Protection of Civilian Populations in Times of Conflict and customary international law governing the conduct of hostilities. Some of these violations constitute crimes under international law. In particular, the Israeli army has engaged in indiscriminate or disproportionate attacks and has failed in its legal obligation to spare civilians and civilian infrastructure from such attacks.

The operations have also gravely impaired the civil, cultural, economic, political, and social rights of the people of Gaza.

No violation of International Humanitarian Law – as perpetrated by Palestinian combatants – can ever legitimise similar or aggravated violations committed by Israel.

Therefore, the members of the mission call for the urgent establishment of an independent commission of investigation into all the alleged violations of international human rights and humanitarian law, which would bring to light the individual responsibilities involved and pave the way for mechanisms of accountability and redress. All parties to the IVth Geneva Convention have a legal obligation to deploy such investigation

The members of the mission also condemn the inability of the United States and of the European Union, partners of the Israeli government, to take strong measures aimed at preventing or stopping the war.

We urge the European Union and the United States to give their immediate and full support to the independent investigation that should be organised immediately.

We urge the international community to exert pressure on Israel to lift the siege of Gaza and end its occupation of all Palestinian Territory.

We call upon the Israeli and Egyptian authorities to ensure prompt access of human rights observers into the Gaza strip.

Background

In the context of the operation « Cast Lead », the International Federation for Human Rights (FIDH), the Euro-Mediterranean Human Rights Network (EMHRN) and the International Commission of Jurists (ICJ) deployed a joint mission in Israel, the Occupied Palestinian Territories and Egypt, from January 17th to 21th, 2009.

The mission was composed of prominent and renowned human rights defenders and activists from European countries and the United States of America.

The objective of the mission was to call the parties to the conflict authorities to an immediate cease fire, in application of UN Security Council resolution 1860,

enable access of NGOs and Journalists to the Occupied Territories,
lift immediately, unconditionally and permanently the siege on the Gaza strip
deploy an international fact-finding mission under UN auspices, documenting the grave violations
perpetrated in the context of the conflict,
prosecute the authors of the international crimes.

The mission also aimed at addressing support and solidarity with the civil society organizations, in particular human rights organisations, operating in Israel and the Occupied Territories at this time.

Biographies of the members of the mission

Yves Aubin de la Messuzière:

France. French diplomat, former ambassador to Tunisia and Iraq. As a researcher associated with the Institute of political Science in Paris, he has visited Gaza several times in the last year to meet with Representatives of Hamas.

Jules Lobel

United States. Professor of Law, University of Pittsburgh Law School - International and Constitutional Law. Vice President, Center for Constitutional Rights.

He has represented members of Congress and human rights victims in numerous cases in United States Courts, including the United States Supreme Court. Currently represents Maher Arar in his case in US Courts against US officials for sending him illegally to Syria where he was arbitrarily detained and tortured. He has testified before various committees of Congress on Constitutional and International Law issues.

Author of *Less Safe, Less! Free, Why America is Losing the War on Terror* (New Press, 2007)(co-authored with David Cole); *Success Without Victory, Losing Legal Battles and the Long Road to Justice in America* (New York University Press, 2003)

Peter Nobel

Sweden. Former Secretary General for the Swedish Red Cross. He was the first ombudsman against ethnic discrimination in Sweden and he used to be an expert in UN CERD committee.

Claes Sandgren

Sweden. Chairman of the Board of Juridisk Tidkrift (Law Journal) and of the Swedish Institute for Legal Development (SILD). He is a Professor of Law and former Dean of the Faculty of Law at the University of Stockholm. During his diplomatic career, Dr. Sandgren served as Ambassador and Head of the Secretariat for Analysis of Swedish Development Assistance from 1993 to 1994.

Marc Schade-Poulsen

Denmark. Executive director of the Euro-Mediterranean Human Rights Network. Before joining the EMHRN. He worked as at the Danish Institute for Human Rights, researcher at the Danish Centre for Development Research, researcher at the University of Copenhagen and lecturer at the Copenhagen Business School.

Simone Susskind

Belgium. Former counsellor of the Belgian Deputy Prime Minister (2003-2007). She is an activist deeply involved in numerous initiatives aiming at in particular, consolidating dialog between Israeli and Palestinian people ("Give Peace a Chance"(1988), "Give Peace a Chance-Women speak out" (1989)" followed by "Jerusalem Link – a Women's joint venture for peace"(1992)). In May 2007, she organized an Israeli-Palestinian conference on the reinforcement of the role of the European Union in the resolution of the Israel-Palestinian conflict.

Petr Uhl

Czech Republic. Renowned Czech journalist, dissident and signatory of the Charter 77.

Tanya Ward

Ireland. Tanya Ward, BA (Hons)., M.Phil, LL.M (Human Rights) joined the Irish Council for Civil Liberties (ICCL) in 2003 as its Senior Research and Policy Officer and was promoted to Deputy

Director in October 2007. Tanya has appeared before many international human rights bodies and lectured and written widely on the topics of human rights, asylum, immigration, adult education, language rights, women's rights and race/ethnicity. Tanya is currently pursuing a PhD at the School of Social Justice, University College Dublin on the topic of law and race and is a Vice-President of the International Federation of Human Rights (FIDH).

About usThe Euro-Mediterranean Human Rights Network (EMHRN) is a network gathering more than 80 human rights organisations from 30 countries in the Euro-Mediterranean region.www.euromedrights.net **Contact: Marc Degli-Esposti** Communication Officer - Chargé de communication Tel: +45 32 64 17 16 mdm@euromedrights.net
