

MIDDLE EAST: Tutu joins call for Gaza 'war crimes' inquiry

By Judith Sudilovsky, March 17, 2009

[Ecumenical News International] Nobel Peace Prize laureate [Desmond Tutu](#) is among the signatories of a letter calling on the United Nations to open a war crimes inquiry into alleged abuses of international law during the recent Gaza conflict.

"We have seen at first hand the importance of investigating the truth and delivering justice for the victims of conflict and believe it is a precondition to move forward and achieve peace in the Middle East," Tutu and 15 other international investigators and judges said in the letter released on March 16.

They included former Irish president and U.N. High Commissioner for Human Rights [Mary Robinson](#), and the chief prosecutor of the International Criminal Tribunals for the former Yugoslavia and for Rwanda, [Richard Goldstone](#).

Israel launched a three-week military offensive in Gaza at the end of 2008, saying that it was necessary to halt eight years of rocket attacks into Israeli civilian populations by Hamas, the Islamic Resistance Movement that controls the Gaza strip.

In their letter the investigators and judges said they were "shocked to the core" by events during the conflict and stressed the need for an investigation into "all serious violations of international humanitarian law committed by all parties to the conflict."

Tutu, the former Anglican archbishop of Cape Town, had been mandated by the U.N. Human Rights Council in 2008 to conduct an independent investigation into the deaths of 19 Palestinians belonging to a single family, who were killed by Israeli artillery shells in Beit Hanoun, Gaza, in November 2006.

Presenting his report on that incident to the U.N. council in Geneva in September 2008, Tutu had stated that "the West ... is feeling contrite, penitent for its awful compliance with the Holocaust ... the penance is being paid by the Palestinians." Tutu's report said that "one of the most effective and immediate means of protecting Palestinian civilians against any further Israeli assaults is to insist on respect for the rule of law and accountability."

Tutu also condemned rocket fire by Palestinian militants based in Gaza against Israeli civilians and said the Hamas movement in power in the coastal strip was responsible for ensuring it ceased. "Those in positions of authority in Gaza have not only an international humanitarian law obligation to respect international humanitarian law norms relating to the protection of civilians, but also a responsibility to ensure that these norms are respected by others," the report said.

A U.N. board of inquiry is soon expected to report to the U.N. secretary general on its initial findings regarding attacks on United Nations facilities during the most recent Gaza conflict, and the signatories to the March 16 letter have asked that the investigation "not be limited only to attacks on U.N. facilities."

"Without setting the record straight in a credible and impartial manner, it will be difficult for those communities that have borne the heavy cost of violence to move beyond the terrible aftermath of conflict and help build a better peace," they stated.

Don Radlauer, an associate at the International Policy Institute for Counter Terrorism and an Israeli expert on causality statistics in asymmetric conflicts, said that the Geneva Convention, on which charges of war crimes are based, was written with mainly state-to-state conflicts in mind and does not deal with the issue of terrorism.

"International law is very ambiguous in regards to situations like the one in Gaza. When you try to apply laws based on different assumptions, you can get strange conclusions," he said.

Radlauer stated, "In theory, if you have an inquiry that was neutral and unbiased I would not have any problem with it, but my main hesitancy with something like that is that people who care enough to be active about these things generally already have their own opinion in advance."