



## UN mission finds evidence of war crimes by both sides in Gaza conflict

15 September 2009 –The United Nations fact-finding mission on the Gaza conflict at the start of this year has found evidence that both Israeli forces and Palestinian militants committed serious war crimes and breaches of humanitarian law, which may amount to crimes against humanity.

"We came to the conclusion, on the basis of the facts we found, that there was strong evidence to establish that numerous serious violations of international law, both humanitarian law and human rights law, were committed by Israel during the military operations in Gaza," the head of the mission, Justice Richard Goldstone, told a press briefing today.

"The mission [concluded](#) that actions amounting to war crimes and possibly, in some respects, crimes against humanity, were committed by the Israel Defense Force (IDF)."

"There's no question that the firing of rockets and mortars [by armed groups from Gaza] was deliberate and calculated to cause loss of life and injury to civilians and damage to civilian structures. The mission found that these actions also amount to serious war crimes and also possibly crimes against humanity," he said.

The 575-page [report](#) by the four-person mission was released today, ahead of its presentation to the UN's Human Rights Council in Geneva on 29 September.

"The mission finds that the conduct of the Israeli armed forces constitute grave breaches of the Fourth Geneva Convention in respect of wilful killings and wilfully causing great suffering to protected persons and as such give rise to individual criminal responsibility," the report's executive summary said. "It also finds that the direct targeting and arbitrary killing of Palestinian civilians is a violation of the right to life."

It went on to criticize the "deliberate and systematic policy on the part of the Israeli armed forces to target industrial sites and water installations," and the use of Palestinian civilians as human shields.

On the objectives and strategy of Israel's military operation, the mission concluded that military planners deliberately followed a doctrine which involved "the application of disproportionate force and the causing of great damage and destruction to civilian property and infrastructure, and suffering to civilian populations."

On the firing of mortars from Gaza, the mission concluded that they were indiscriminate and deliberate attacks against a civilian population and "would constitute war crimes and may amount to crimes against humanity." It added that their apparent intention of spreading terror among the Israeli civilian population was a violation of international law.

The report recommended that the Security Council should require Israel to take steps to launch appropriate independent investigations into the alleged crimes committed, in conformity with international standards, and report back on these investigations within six months.

It further called on the Security Council to appoint a committee of experts to monitor the proceedings taken by the Israeli Government. If these did not take place, or were not independent and in conformity with international standards, the report called for the Security Council to refer the situation in Gaza to the Prosecutor of the International Criminal Court (ICC).

It also called on the Security Council to require the committee of experts to perform a similar role with regard to the relevant Palestinian authorities.

At today's briefing, Justice Goldstone said the mission had investigated 36 incidents that took place during the Israeli operation in Gaza, which he said did not relate to decisions taken in the heat of battle, but to deliberate policies that were adopted and decisions that were taken.

As an example, he described one such incident: a mortar attack on a mosque in Gaza during a religious service, which killed 15 members of the congregation and injured many others. Justice Goldstone said that even if allegations that the mosque was used as sanctuary by military groups and that weapons were stored there were true, there was still "no justification under international humanitarian law to mortar the mosque during a service," because it could have been attacked during the night, when it was not being used by civilians.

Justice Goldstone added that the report reflected the unanimous view of the mission's four members.

The other members of the team are Christine Chinkin, Professor of International Law at the London School of Economics and Political Science at the University of London; Hina Jilani, Advocate of the Supreme Court of Pakistan and former Special Representative of the Secretary-General on Human Rights Defenders; and retired Colonel Desmond Travers, member of the Board of Directors of the Institute for International Criminal

Investigations (IICI).