



The Palestinian Centre for Human Rights

Update on the Progress made in the Implementation of the Recommendations of the Fact-Finding Mission on the Gaza Conflict

Mr. President,

Excellencies, Distinguished Delegates,

Ladies and Gentlemen,

The Palestinian Centre for Human Rights, based in Gaza, appreciates this opportunity to address Israel's systematic violation of the right to an effective remedy for the people of the occupied Palestinian territories.

As a consequence of Israel's 27 December 2008 – 18 January 2009 offensive on the Gaza Strip codenamed 'Operation Cast Lead,' thousands of civilians in the Gaza Strip require compensation for the death and injury of their loved ones and compensation for their destroyed property. The Palestinian Centre for Human Rights' mandate includes legal assistance for victims of 'Operation Cast Lead.'

The Palestinian Centre for Human Rights has submitted 490 criminal complaints, on behalf of 1,046 victims, to the Israeli Military Prosecutor requesting the opening of a criminal investigation. Thus far, only one of the Centre's criminal complaints has resulted in a soldier being charged. In this instance, a soldier was charged for stealing a credit card, for which he served seven and a half months in prison. Two cases have been closed, including the attack on the Samouni family, in which 27 civilians were killed and 35 more were injured.

In the rare instances that soldiers are indicted, they are not charged with crimes that reflect or are proportionate to their actions. The most recent case involving the killing of Raya Abu Hajaj and

her daughter Majda, where an Israeli soldier plea bargained a manslaughter charge down to 'illegal use of weapons' and served only 45 days in jail, despite ample evidence, is indicative of this.

With regards to civil complaints, the Palestinian Centre for Human Rights has submitted 1,046 requests for reparation on behalf of 1,046 victims of 'Operation Cast Lead' to the Compensation Officer of the Israeli Ministry of Defense. To-date, only 17 responses have been received and only two civil complaints have resulted in a remedy: a settlement of 430,000 NIS for the family of Kassab and Ibrahim Shurrab; and a settlement of 500,000 NIS (approximately 147,000 USD) that was paid for the killing of Raya and Majda Abu Hajaj. Although the settlement for the Abu Hajaj family is significant, the fact that the criminal complaint was pled down to such an insignificant charge means that justice has not really been achieved.

The responses from the Israeli justice system are not proportionate to the illegal actions that Israeli soldiers committed against Palestinian civilians in the Gaza Strip during 'Operation Cast Lead.' It is unequivocally clear that the recommendations of the UN Fact-Finding Mission on the Gaza Conflict to the Security Council have not been implemented.

Mr. President,

Distinguished Delegates, Ladies and Gentlemen,

One of the principal recommendations made by the Fact-Finding Mission on the Gaza Conflict focused on the pursuit of accountability with respect to alleged violations of international law committed in Gaza. A central component in the pursuit of accountability is the creation of an atmosphere that prevents impunity. To-date, and as documented by the two Commissions of Experts mandated by the Council, Israel has systematically failed to fulfill its obligations in this regard. The Palestinian Centre for Human Rights asks for a Chapter VII Security Council referral of the situation in Israel and Palestine to the International Criminal Court, as all means of domestic remedies have been exhausted and diplomatic pressure has not resulted in positive outcomes. There is a clear denial of justice for the people of the Gaza Strip by Israel.

I thank you for your attention Mr. President