

Amnesty International

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Note to Mr. Nambiar

LETTER TO AMNESTY INTERNATIONAL ✓

Please find attached a letter for the Secretary-General's signature responding to a letter from Amnesty International concerning the Gaza crisis. This letter has been consulted with OHCHR. //

B. Lynn Pascoe
B. Lynn Pascoe
20 January 2009

1699399



H.E. the Permanent Representative

Ref: TIGO 40/2009/23
22 January 2009

Open letter to the Security Council

Dear Ambassador,

Now that the fighting between Israel and Hamas has largely ceased after their declaration of separate ceasefires, the true scale of devastation wrought on civilians in Gaza and southern Israel is becoming increasingly evident. Our researchers in Gaza have this week found prima facie evidence of war crimes and other serious violations of international law by the parties to the conflict, including possible crimes against humanity, as well as abuses of human rights.

Amnesty International believes that long-term peace and security cannot be found in the Middle East unless accountability is established for crimes under international law. The Secretary General has already called for an urgent, impartial investigation into the shelling of UNWRA schools and other attacks on UN buildings and personnel in Gaza. Yesterday he briefed the Council on his return from Gaza and emphasized: "where civilians have been killed and there are allegations of violations of international humanitarian law, there should be thorough investigations, full explanations and, where it is required, accountability." In adopting resolution 1860 (2009), the Council called for a ceasefire, for the unimpeded provision of humanitarian assistance and the re-opening of crossing points into Gaza. These important questions are now being addressed, but the question of accountability is not.

Considering the mutual recriminations that may affect the impartiality of national investigations, and the poor record of investigations by Israel into violations by its forces, Amnesty International urges the UN, preferably the Security Council, to establish, without delay, a comprehensive independent international inquiry into all allegations of violations of international humanitarian and human rights law by Israel, Hamas and other Palestinian armed groups participating in the conflict. An international fact-finding team of qualified experts should carry out its investigations on the basis of the highest international standards. It must have powers to gain access to all relevant documents, other evidence and persons, and its report and findings must be public. The Council must not fail to respond to worldwide expressions of concern that international humanitarian and human rights law must be upheld in Gaza, that accountability for violations be established and that the perpetrators are brought to justice.

This letter will also be sent to you by mail with a copy of our latest report: The conflict in Gaza: A briefing on applicable law, investigations and accountability, which we hope you will find helpful in your further consideration of the grave situation in Gaza.

Yours sincerely

Yvonne Terlingen
Head of Amnesty International Office at the United Nations

AMNESTY INTERNATIONAL

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they fail to be fully legible, please call us on (212)
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FACSIMILE TRANSMISSION COVER SHEET

TO: Mr. Vijay Nambiar, Chef de Cabinet

FROM: Yvonne Terlingen, Head of Amnesty International Office at the United Nations

DATE: 23 January 2009

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET: 4

COMMENTS/MESSAGE

Kindly convey the enclosed letter to Mr. Nambiar. It has also been sent to him by em-mail.

Your cooperation is appreciated.