



EUROPEAN UNION

Permanent Delegation to the United Nations Office
and other international organisations in Geneva

HUMAN RIGHTS COUNCIL - 16th Session - 21 March 2011

Interactive Dialogue with the Committee of Experts

The European Union is pleased to welcome Judge Mary McGowan Davis and Judge Lennart Aspegren and wishes to commend the Committee of Experts for its solid report delivered in spite of the lack of access to Israel and the occupied Palestinian territory. The EU praises the Committee for having listened to victims and engaged with Israeli and Palestinian human rights defenders.

More than two years have passed since the military operation in the Gaza Strip from 27 December 2008 to 18 January 2009 and the EU has taken note of the state of play of cases reviewed by the Committee. The EU observes that, in carrying its mandate, the Committee of Experts was – (I quote) "*struck by the testimony of victims on both sides that justice has not been done, and their lack of confidence that it is ever likely to be done*"¹ (End of quote). The EU strongly believes that all victims have the right to justice and accountability.

The EU has repeatedly called for appropriate, credible and independent investigations into alleged violations of international humanitarian and human rights law. During HRC15, the EU reiterated its invitation to all parties to step up the fight against impunity and ensure accountability. The EU wishes to highlight three elements of this new report.

First of all, the European Union continues to be concerned that the functioning of Israel's military justice system does not fully meet the criteria of independence and impartiality. The EU is also concerned that the lack of transparency regarding the different stages of investigations has not allowed all victims to have access to existing judicial mechanisms. The EU is aware that the Turkel Commission will deliver part II of its report and encourages the Government of Israel to ensure that all its investigations comply with international standards.

Secondly, the European Union is concerned that, according to the Committee's report, no investigation has been carried out by the *de facto* authorities in the Gaza Strip into the

¹ Para. 71 of A/HRC/16/24

firing of rockets against Israeli civilians. More generally, the EU regrets that the principle of accountability is not upheld when violations occur in the Gaza Strip.

Finally, the European Union takes note that the Palestinian Independent Investigation Commission established by the **Palestinian Authority** has pursued its efforts to fulfil its mandate. The EU encourages the PA to transfer all cases of Palestinian civilians being tried before military courts to criminal courts, and to activate necessary criminal accountability mechanisms.

Before concluding, I would like to ask **the experts to share their views on ways for this Council to support Israel and the Palestinians so that, in law and in practice, investigations always comply with international standards.**

I thank you for your attention.