



LPHR welcomes the establishment by the United Nations of an independent Commission of Inquiry into the use of force against protesters in Gaza – and urges the UK to reconsider its position of non-support

London, 18 May 2018 – LPHR welcomes the establishment today by the UN Human Rights Council of an independent Commission of Inquiry into all violations of international humanitarian law and international human rights law in the occupied Palestinian territory, particularly in the occupied Gaza Strip, in the context of the excessive use of force against large scale civilian protests that began on 30 March 2018. The resolution to establish the Commission of Inquiry was passed by 29 votes in favour, 14 abstentions, and two against (US and Australia).

The UK abstained on the resolution citing concerns about the partial nature of the resolution. The [UK's statement](#) clearly expresses that it will not support the UN Commission of Inquiry - but rather urges a transparently independent Israeli investigation. To this end, it has called on Israel to demonstrate how their investigation will achieve a sufficient level of independence, and that the investigation should include international members. LPHR urges the UK to reconsider its position of not supporting the UN Commission of Inquiry given the substantial empirical evidence that Israel's investigation system does not provide justice and falls short of meeting international standards, as we outlined in a [recent letter](#) to the UK Government.

Notwithstanding the UK's deeply problematic and concerning position, the establishment by the United Nations of an independent Commission of Inquiry is a significant step towards ensuring that the commission of any serious crimes and human rights violations against protesters is properly met with legal accountability and justice, rather than dangerous impunity. Since the protests began, 87 Palestinians have been killed by Israeli forces in the context of the demonstrations, including 12 children. A further 29, including three children, were killed in other circumstances. And over 12,000 people have been injured, more than 3,500 of them by live ammunition.

A comprehensive and independent investigation by the United Nations can importantly assist the examination being carried out by the Prosecutor of the International Criminal Court. The Prosecutor's significant [statement of 8 April](#) noted that her Office is closely monitoring the protests in Gaza and will scrutinise any new alleged crimes, as part of an ongoing preliminary examination that it is conducting into the situation in Palestine.

The crimes the International Criminal Court can prosecute include grave breaches of the Fourth Geneva Convention. As noted previously by LPHR, there are strong indications that the deliberate and widespread use of force against protesters in Gaza since 30 March may amount to the grave breaches of wilful killing and wilfully causing serious injury, which incur individual criminal responsibility for soldiers and superiors.



Ultimately, it is imperative that legal accountability and justice is pursued for the victims, survivors and their families of the Gaza protests, and that effective deterrence is secured to minimise the recurrence of atrocities perpetrated in the last six weeks. The establishment of a UN Commission of Inquiry is an important development to support the realisation of these twin crucial objectives.

[LPHR Legal Q&A on the use of force against Gaza protesters](#)

[LPHR Urgent Action letters to the UK Government dated 3 April and 2 May](#)

[LPHR Statement on the use of force against protesters in Gaza dated 15 May](#)

[Enough is Enough: 95 civil society organisations call on the UN Human Rights Council to urgently launch a 'Commission of Inquiry' to investigate violence against protesters in Palestine dated 17 May](#)