**QUESTIONS AND ANSWERS ON THE REPORT OF THE UNITED NATIONS INDEPENDENT COMMISSION OF INQUIRY ON THE 2014 GAZA CONFLICT**

***19 June 2015***

**1. What is the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict?**

In July 2014 the United Nations Human Rights Council established a commission of Inquiry with a mandate:

 *“…to investigate all violations of international humanitarian law and international human rights law in the occupied Palestinian territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military operations conducted since 13 June 2014, whether before, during or after”.*

The commissioners interpreted their mandate to include investigations of the Israeli military operation in the Gaza Strip and Israeli actions in the West Bank, including East Jerusalem, as well as the activities of Palestinian armed groups in Gaza, including attacks on Israel.

The commission was initially requested to report back to the Human Rights Council in March 2015, but that was deferred to 29 June 2015 after the resignation of Professor William Schabas on 2 February 2015. [Statement on the resignation is available here: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15540&LangID=E> ]

On 16 September 2014, the Human Rights Council appointed three members to the commission: Justice Mary McGowan Davis (United States, current chair of the commission); Dr. Doudou Diene (Senegal); and Professor William Schabas (Canada, initial chair of the commission). Biographies of the commissioners are available here: <http://www.ohchr.org/EN/HRBodies/HRC/CoIGazaConflict/Pages/CommissionOfInquiry.aspx>

The relevant Human Rights Council resolution establishing the commission is S21/1 and is available here: <http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/S-21/1>

The commission is an independent temporary body of a non-judicial nature. It is supported by a Secretariat, established by OHCHR in accordance with standard practice.

**2. Where can the findings of the commission be found?**

The commission’s principal findings are summarized in the commission’s main report to the Human Rights Council (United Nations Document number: A/HRC/29/52). This is supplemented by more detailed findings, including illustrative individual cases, in the Conference Room Paper (United Nations Document number: A/HRC/29/CRP.4). The report also provides recommendations to Israel, the State of Palestine, the authorities in Gaza and Palestinian armed groups, as well as the international community. Both documents can be downloaded from the commission’s webpage: <http://www.ohchr.org/EN/HRBodies/HRC/CoIGazaConflict/Pages/CommissionOfInquiry.aspx>

**3. What’s new about the hostilities in 2014?**

The most important characteristics of the 2014 hostilities, which reflect new patterns, include:

* Attacks by Israel on residential buildings resulting in the deaths of entire families.
* Israel’s ground operations which levelled urban neighbourhoods
* Increased firing of rockets and mortars towards Israel by Palestinian armed groups and their use of attack tunnels.

**4. Accountability**

The commission notes steps taken by Israel to investigate alleged violations; however flaws remain regarding Israel’s adherence to international standards. Impunity prevails across the board for violations of international humanitarian law and human rights law allegedly committed by Israeli forces. Israel must hold wrongdoers accountable in order to ensure justice and non-recurrence.

The commission found the investigations by Palestinian authorities were woefully inadequate. No steps appear to have been taken by the local authorities in Gaza to ensure investigations into actions by Palestinian armed groups, seemingly owing to a lack of political will.

The commission called on all parties to implement credible, transparent, effective and independent accountability mechanisms and ensure the right of all victims to an effective remedy.

**5. What are some of the recommendations of the commission for Israel?**

The commission calls upon Israel to review its policies governing military operations and law enforcement in the context of the occupation to ensure compliance with international humanitarian law and human rights law, specifically but not exclusively with regard to:

* The use of wide-area impact explosive weapons in densely populated areas.
* The definition of military objectives.
* The targeting of residential buildings.
* The effectiveness of precautionary measures.
* Protection of civilians in the context of the “Hannibal directive”.
* The use of live fire ammunition for crowd control.
* Ensuring the distinction between civilians and fighters when neighbourhoods are declared “sterile combat zones”.

Israel should ensure that serious international crimes, where substantiated, are met with indictments, prosecutions and convictions commensurate with the gravity of the crime and that cases are not limited to individual soldiers but encompass those in command positions in the political and military establishments, where appropriate.

Israel should address the structural issues that fuel the conflict and impede respect for human rights. In particular it should lift the blockade on Gaza and cease all settlement-related activity (see Para 86 (d) of the Report).

Israel should accede to the Rome Statute and implement the recommendations of its Turkel Report, among other steps.

**6. What are some of the Recommendations of the commission for the State of Palestine?**

The commission calls upon the State of Palestine to

* Ensure accountability for all violations of international humanitarian law and human rights law by the Palestinian Authority, the authorities in Gaza and the Palestinian armed groups.
* To intensify efforts to ensure human rights protection and accountability.

**7. What are some of the recommendations for the local authorities in Gaza and the Palestinian armed groups?**

The commission calls upon the local authorities in Gaza and the Palestinian armed groups to:

* End all attacks on Israeli civilians and civilian objects and stop all rocket attacks and other actions that may spread terror among Israeli civilians.
* put measures in place to prevent extrajudicial executions and eradicate torture and cruel and inhuman and degrading treatment.
* Cooperate with national investigations aimed at bringing to justice those responsible for violations of international law.
* Combat stigma faced by the families of alleged “collaborators”.

**8. What are some of the recommendations for the international community?**

- Take steps to limit the use of explosive weapons with wide area effects in populated areas.

- Actively support the work of the ICC with relation to the Occupied Palestinian Territory.

- Exercise universal jurisdiction to try international crimes in national courts and comply with extradition requests where suspects would face a fair trial.

- The Human Rights Council should consider a comprehensive review of the implementation of previous recommendations made to the parties by past fact finding missions and commissions of inquiry.

**9. Have the Government of Israel, the Palestinian Authority and the authorities in Gaza cooperated with the commission?**

The commission repeatedly asked Israel for its cooperation but learned only from a press release that Israel was not going to cooperate.

The commission received full cooperation from the State of Palestine, both through its Permanent Observer Mission in Geneva and from representatives who travelled to meet the commission in Amman, Jordan.

The commission spoke to members of the authorities in Gaza and received several written reports from them.

A list of questions relating to specific incidents and legal and policy issues was sent to the Government of Israel, the Government of the State of Palestine and a comparable list to Hamas. Only the State of Palestine responded to this request for information.

**10. What is the basis for the findings of the commission?**

In the absence of access to the Occupied Palestinian Territory and Israel, the commission obtained first hand testimony by means of Skype, VTC and telephone interviews. It also conducted face-to-face interviews with victims and witnesses from the West Bank in Jordan (November 2014 and January 2015) and with victims and witnesses from Israel in Geneva (January 2015).

The commission also reviewed satellite images, publicly available information including from official Israeli websites, documents, videos, photographs and written materials, including more than 500 submissions from various sources.

The commission was deeply moved by the immense suffering of victims subjected to repeated rounds of violence. It conducted more than 280 confidential interviews with witnesses and victims, many of whom had suffered enormous trauma.

**11. What standard of proof did the commission of inquiry apply to make its findings?**

In line with the practice followed by other United Nations commissions of inquiry, the commission bases its findings on a “reasonable grounds” standard of proof. It concluded that there are reasonable grounds establishing that an incident or pattern of conduct had occurred whenever it was satisfied that it had obtained a reliable body of information, consistent with other material, based on which a reasonable and ordinarily prudent person would have reason to believe that such an incident or pattern of conduct had occurred.

The commission is neither a judicial body, nor a prosecutor. It cannot make final determinations of individual responsibility for alleged violations of international humanitarian law and human rights law.

**12. What casualty figures did the commission use in the report?**

(a) The figures used in the report come from the UN Protection Cluster, led by OHCHR in the OPT, and the methodology is explained in the report.

Palestinians Killed: 2,251

Of which were 1,462 civilians – and of those 299 were women and 551 children.

Palestinians Injured: 11,231

Of which 3,540 were women and 3,436 were children.

(b)

Israelis Killed: 67

Of which 6 were civilians in Israel.

The Israeli Ministry of Foreign Affairs said 1,620 civilians were injured.

**13. What will happen after the commission presents its report?**

The commission will present its findings to the United Nations Human Rights Council in Geneva (Switzerland). The presentation of the report is scheduled for 29 June 2015, followed by a debate by member states and the adoption of a resolution. The commission of inquiry hopes that parties will seriously study the findings of its report and implement its recommendations.

**14. To whom should media inquiries relating to the commission be directed?**

Media enquiries should be directed to: Frances Harrison at mediacoigaza@ohchr.org or +41 798719824 and Rolando Gómez: +41 22 917 9711, rgomez@ohchr.org