



FRIENDS COMMITTEE ON NATIONAL LEGISLATION

... a Quaker lobby in the public interest

October 2, 2009

Dear President Obama,

The fact finding report presented to the UN Human Rights Council September 29 on violations of the laws of war by Hamas, other Palestinian groups, and Israel in the recent Gaza hostilities offers an unprecedented opportunity to end Israeli-Palestinian violence, move Israelis and Palestinians toward a peace agreement, and strengthen the international criminal justice system. Never before has the UN Human Rights Council received a report related to the Israeli-Palestinian conflict that applies the same standard to the actions of all parties.

We believe the U.S. took a first step to realize the opportunity presented by this report in its statement at the UN Human Rights Council September 29. U.S. Assistant Secretary of State Michael Posner affirmed that Hamas had a responsibility to investigate crimes and end attacks. He also said that the U.S. "encourages Israel to utilize appropriate domestic [judicial] review and meaningful accountability mechanisms to investigate and follow-up on credible allegations." He added, "If undertaken properly and fairly, these [Palestinian and Israeli] reviews can serve as important confidence-building measures that will support the larger essential objective which is a shared quest for justice and lasting peace."

We agree, and we urge you to press Israel to establish an independent judicial inquiry into its conduct of the Gaza war. We note that nine Israeli human rights organizations have also called on the Israeli government to initiate an "independent and impartial" investigation that includes "an international monitoring mechanism that would guarantee both the independence of that investigation and the implementation of its conclusions."

We also urge you, as Egypt and Germany have done, to establish a connection to Hamas and to press Hamas and other Palestinian groups to end their violations of international law and hold those responsible for past violations accountable.

A second important step to realize the opportunity offered by the Goldstone report is, as the report recommends, to ask the UN Security Council to establish a panel of experts to monitor Palestinian and Israeli efforts at self-investigation. We urge you to support such a request by the UN Human Rights Council. In six months time, again as recommended by the report, we urge you to ask the Security Council review the adequacy of Palestinian and Israeli investigations. If those investigations are not deemed to be sufficient, we urge you to ask the Security Council to refer the matter to the International Criminal Court.

The unique credibility of the Goldstone report offers an opportunity that the U.S. should not allow to pass. Judge Goldstone's close relationship to Israel and his past role as chief prosecutor for the war crimes tribunals on Rwanda and the former Yugoslavia places his good faith and

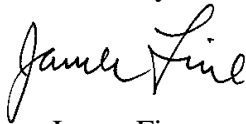
expertise beyond doubt. Assistant Secretary Posner, regrettably implied otherwise, however, in his September 29 statement by terming the Goldstone report “deeply flawed” and reflective of a “double standard.”

In fact, the Goldstone report represents a dramatic reversal of the disproportionate attention to Israel that the UN Human Rights Council has evidenced in the past. Thanks to Judge Goldstone’s insistence and lobbying from international human rights organizations, the Council agreed to instruct the fact finding mission to look into alleged violations of the law of war by all parties to the conflict. This is without precedent, and it is an important development in efforts to press Palestinians and Israelis to end violence and in efforts to establish one universal standard of accountability in the international criminal justice system.

If the U.S. fails to support the thorough and impartial investigation of alleged war crimes by all parties to the Gaza conflict—either through credible domestic investigations or international investigation—it will be promoting a double standard that will do grave harm to the international rule of law.

We urge you to insist that both a U.S. ally and a party that the U.S. now views as an adversary be held to the same standard of justice. Such impartiality is a prerequisite for both Middle East peace and a more peaceful world.

Sincerely,



James Fine
Legislative Secretary for Foreign Policy
Friends Committee on National Legislation

cc: Secretary of State Hillary Clinton;
Assistant Secretary of State Michael Posner;

House Foreign Affairs Committee Chair Howard Berman
House Foreign Affairs Committee Ranking Member Ileana Ros-Lehtinen
Middle East and South Asia Subcommittee Chair Gary Ackerman
Middle East and South Asia Subcommittee Ranking Member Dan Burton
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