

Amnesty International Statement to the United Nations about the fact-finding team to inquire into the events in Jenin

22 April 2002

Amnesty International welcomes the speed with which the UN Secretary-General has created a fact-finding team, to be headed by Martti Ahtisaari, the former President of Finland, to establish what happened in Jenin refugee camp. The organization is concerned, however, that unless the team has a clear mandate, powers and all necessary resources to thoroughly investigate alleged abuses of human rights and international humanitarian law, it will be extremely difficult to conduct an authoritative inquiry.

Amnesty International's delegates have just returned from Jenin, and found credible evidence of serious breaches of human rights and humanitarian law. These include unlawful killings, excessive use of lethal force, and failure to give civilians warning before attacks by helicopters. They found extensive destruction of property without apparent absolute military necessity, denial of medical and humanitarian assistance and ill-treatment of detainees. Since many people remain detained, Amnesty International urges that the UN fact-finding team should also establish the legality of their detention and investigate their treatment during arrest and detention.

Given the conflicting claims about the numbers and nature of killings, the circumstances in which a range of human rights abuses occurred and the complexity of legal issues involved, the team should be provided with additional expert assistance to enable it to conduct an authoritative and thorough inquiry.

Amnesty International calls on the UN to ensure that the fact-finding team will be supported by:

- sufficient numbers of criminal justice investigators, ballistic experts, as well as forensic experts able to carry out post-mortem examinations;
- experts in both international humanitarian and human rights law;
- experts in protection of victims and witnesses, including women and children;
- all necessary expertise and assistance from the High Commissioner for Human Rights.

The fact-finding team should carry out its investigations on the basis of relevant international humanitarian law and human rights standards. These include UN standards for investigation, notably the UN Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary

and Summary Executions, the 1991 UN Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions and the 1995 Guidelines for the conduct of UN Inquiries into Allegations of Massacres.

Furthermore, the team should be permitted to speak to anyone in private including to all necessary Israeli and Palestinian officials, members of the Israeli Defence Force, as well as detainees, and have powers to gain access to all necessary documentary and other evidence.

Amnesty International calls on the international community to assist the team by providing all necessary resources, material and technical equipment enabling it to conduct a full-scale expert investigation.

Amnesty International calls on all parties concerned to ensure the safety and security of the investigative team and to fully cooperate with its members. They should take all necessary steps to ensure that the fact-finding team has unimpeded access to all places.

Amnesty International welcomes that the fact-finding team will be deployed immediately, and urges that their reports to the Secretary-General should be made public as soon as possible.

In the event that the fact-finding team is not provided with a clear mandate, additional expertise and adequate resources to effectively investigate the alleged abuses of human rights and international humanitarian law in Jenin since 3 April 2002, the team should only be considered as a first step towards the prompt creation of a full scale independent, international commission of inquiry which the gravity of the allegations clearly calls for. Eventually those responsible for violations of international law must be brought to justice in trials meeting international standards.

In view of the continuing reports of abuses of human rights and humanitarian law received by Amnesty International, the organization welcomes that the Security Council, in adopting resolution 1405, stressed the need for all concerned to ensure the safety of civilians and to respect international humanitarian law.