

PRESS STATEMENT

To be credible, Israeli Inquiry must be given the capacity to find the facts, says UN expert

11 June 2010:

“Any inquiry set up by Israel to investigate the Gaza flotilla incident must be given a genuine capacity to find the facts”, according to Philip Alston, the UN’s independent expert on extrajudicial executions. “Without that capacity, an inquiry will simply not be considered credible,” he said. Alston noted that, “there are several indispensable requirements for any such commission of inquiry to comply with international standards. First, it must be independent of the government. Second it must be given full legal authority to obtain direct access to all relevant evidence, including the key witnesses. And third, its final report must be made public and not left to the discretion of the Government.” Alston said that if these requirements are met, a domestic commission of inquiry can make an important contribution to resolving the human rights issues raised by the raid on the flotilla.

Alston noted that he was basing his comments on conclusions drawn from his previous detailed study on the international standards for inquiries, and on his investigations and reports to the UN on killings and accountability issues in countries around the world. (See A/HRC/8/3).

“Giving the commission the capacity to find the facts means that it must be able to subpoena and interview all key witnesses, including the military personnel concerned and some of the passengers on the ships,” Alston stated. “It must also have access to all video and other records of the incident, including those confiscated from civilians. Without this information, the available evidence would be clearly one-sided and insufficient to ensure a fair and objective inquiry.”

“I will continue to closely monitor the development and progress of any inquiry,” the expert said. “It is crucial for the credibility of the inquiry that its processes be transparent and open, and that its report is released in full.”

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Philip Alston is John Norton Pomeroy Professor of Law and co-Director of the Center for Human Rights and Global Justice at New York University School of Law. He was appointed UN Special Rapporteur on extrajudicial executions in 2004.