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Palestinian activists urge Hamas to probe own Gaza war crimes

By [Amira Hass](#) and Tomer Zarchin, Haaretz Correspondents

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Eleven Palestinian human rights organizations have called on the Palestinian Authority and the Hamas government in Gaza to endorse the Goldstone report by investigating Palestinian violations of international law allegedly committed during operation Cast Lead.

Acts listed by the report include Palestinian attacks on civilians in Israel and instances of internal repression, such as summary executions in the Gaza Strip and arrests and torture in the West Bank.

The calls were made in identical letters sent to Palestinian Authority chairman Mahmoud Abbas and Hamas prime minister Ismail Haniyeh. The organizations asked the two leaders to launch investigations before the February 5 deadline by which the UN Secretary-General is to report to the General Assembly on compliance by Israel and the Palestinians with the assembly's earlier resolution.

On November 5 the assembly endorsed the conclusions of the report and urged both Palestinian and Israeli authorities to investigate suspected breaches of international law during last year's Gaza fighting.

Two of the 11 organizations that signed the letters, Adallah and the Arab Association for Human Rights, are based in Israel. The others operate in the Gaza Strip and the West Bank, and include groups such as the Al Mezan Center for Human Rights, Al-Haq, the Adameer prisoner's rights group and the Women's Center for Legal Aid

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The letters state that "Whereas the bulk of the (Goldstone) report addressed violations by Israel, the occupying power, it also considered violations by Palestinian armed groups and the Palestinian authorities in Gaza and the West Bank".

The authors say that for PLO efforts to have the report endorsed by the UN to be of lasting value, the Palestinian authorities must take action to implement its recommendations.

"We urge you to immediately take clear and public steps toward holding to account all those who prove to be responsible for the violations detailed in the report," they wrote.

In order not to endorse the de-facto political separation of the West Bank and Gaza the groups sent the letters to Haniyeh and Abbas rather than to Haniyeh and his direct West Bank counterpart, prime minister Salam Fayyad.

Ex-justice Barak urges probe into Cast Lead report claims

Former Supreme Court President Aharon Barak has advised Attorney General Menachem Mazuz to support the setting up of a state investigative committee or a governmental inquiry committee to look into the claims raised against Israel by the Goldstone report.

Barak, whose opinion and international prestige carry considerable weight in the matter, told Mazuz recently that the report must be countered by such a committee, endowed with investigative and subpoena powers.

The chair of a state investigative committee is appointed by the president of the Supreme Court, while a governmental committee is appointed by the relevant minister. The latter body can be given investigative powers if it is chaired by a retired senior judge.

Barak appears to have rejected every other method for investigating the claims brought up by the report, into Israel's conduct during last year's Operation Cast Lead in the Gaza Strip, but Defense Minister Ehud Barak has already said he opposed any outside investigations into the IDF.

The options open to Mazuz include the two types of committee suggested by Aharon Barak, some other investigatory panel without powers of subpoena, or not launching a new investigation at all, making do with internal reviews conducted by the IDF.

A source close to the deliberations told Haaretz that the Justice Ministry, the Foreign Ministry and the Military Prosecutor's office have all shown interest in drafting former Justice Barak to criticize the legal basis of the Goldstone report and to endorse the internal investigations of the IDF without a new inquiry.

Barak, however, is said to believe that nothing but a committee with investigative power would be an appropriate response to the claims of Israeli war crimes made in the report.

The source said either of the committees proposed by Barak would satisfy the Americans and would enable them to veto any proposal to have the events of the Gaza operation submitted for the consideration of the chief prosecutor of the International Criminal Court in the Hague.

However, another option being considered is appointing a team of both local and foreign jurists specializing in constitutional issues and international humanitarian law.

The plan suggests that the experts would examine the internal reviews carried out by the IDF and would issue an opinion on their value. Effectively, this would be an advisory committee tasked with certifying the results of the IDF investigations, without being imbued with investigative powers of its own.

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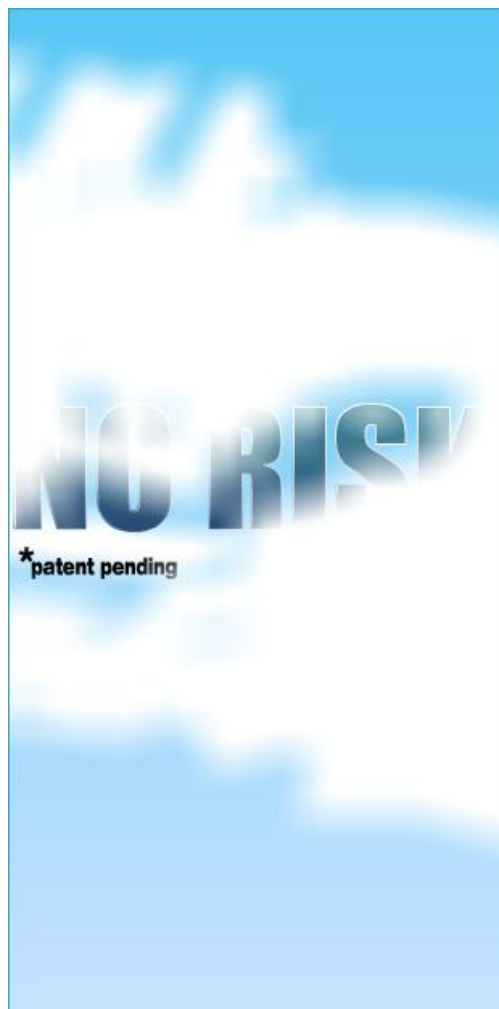
13:06 Fatah men charged with attempted murder of Israel cops, soldiers

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13:45 Elbit to provide laser system to IDF, North America in \$50 million deal

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Talkback

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1. Nothing to Probe	02:07 Fish	18/01/10
2. Gaza probe	02:17 David R.	18/01/10
3. Of Course Hamas Should	02:56 Mark of Lewiston	18/01/10
4. Hamas should probe	03:48 Paul	18/01/10
5. 7 killed versus 1300 killed	04:06 Javier Lobo	18/01/10
6. Israeli Vampires	04:28 Mark Maho	18/01/10
7. Since their war crimes are all deliberate...	04:30 McQueen	18/01/10
8. To Javier Lobo Your math doesn't add up	04:35 David LG	18/01/10
9. Javier Lobo- too simple	04:42 Arnold	18/01/10
10. Good - It should be done	05:15 Mark Lincoln	18/01/10
11. Go ahead and probe, but you may be pushed from a building roof	05:26 Dan	18/01/10
12. Hamas will investigate itself for mass-murders?	05:28 I am not dreaming?	18/01/10
13. "Hamas to probe own Gaza war crimes"	06:32 Cipora Julianna Kohn	18/01/10
14. ICC Prosecutor may decide to investigate PA Complaint Anyway	06:47 Legal Eagle	18/01/10
15. Hamas already did and found no violations by terrorists	06:53 Case Closed	18/01/10
16. Goldstone Report Was Amateurish Because It Lacked The ...	07:17 Lavi	18/01/10
17. #11 - Dan	07:28 Oz Person	18/01/10
18. #5 1300 killed ?	07:58 DT	18/01/10
19. Absolutely Palestinian officials should investigate themselves	08:34 Palestinian Prince	18/01/10
20. Both sides need to examine themselves	08:56 Palestinian Brit	18/01/10
21. David LG	09:22 Stephen	18/01/10
22. Stephen, you're wrong	09:37 Niv	18/01/10
23. # 15 Stephen	09:43 Joseph .E	18/01/10
24. #14, ICC has no jurisdiction	09:47 Cipora Julianna Kohn	18/01/10
	10:00 Hirz	18/01/10

25. Arnold		
26. I endorse a probe	10:06 Bandar Michaels	18/01/10
27. # 23 Cipora Julianna Kohn	10:22 Joseph .E	18/01/10
28. to 7 and 8 rong logic	11:14 CM	18/01/10
29. I am impressed	11:36 CM	18/01/10
30. EXCELLENT	12:12 Kaska	18/01/10
31. #14 legal eagle crashes to earth !!	12:22 vhardman	18/01/10
32. Niv - Israel was recognized by the MAJORITY of the Inter	12:33 CJ	18/01/10
33. Israel and Hamas	12:37 Murray	18/01/10
34. vhardman - Care to quote Goldstone???	13:14 CJ	18/01/10
35. to #5 Lobo	13:42 YU	18/01/10
36. What the UN wanted of both sides.	13:46 a wandering Jew	18/01/10
37. #32 - So is Palestine	13:57 Kaska	18/01/10
38. CJK's explanations	14:57 sh	18/01/10
39. As in so many things, Israel has set the standard of behavior	15:11 Natalie Durson	18/01/10
40. No mention of Hamas' use of human shields	15:12 Realist	18/01/10
41. #34 the complete jerk agrees that the goldstone report is not jud	15:29 vhardman	18/01/10
42. Hirz # 25	15:37 Arnold	18/01/10
43. On the nail, #1 (Fish)!	15:58 Devasahayam	18/01/10
44. Hamas should	15:58 Mark Lincoln	18/01/10
45. #3, #4	16:00 Devasahayam	18/01/10
46. remember resistance to the occupation is legal	16:26 and	18/01/10
47. another legal consideration: sderot is part of gaza legally	16:28 and	18/01/10
48. Like Goldstone Judge Barak aspires to be King of the Jews!	16:30 MARK KLEIN, M.D.	18/01/10
49. As usual, Israel sets the behavior standard	16:35 Natalie Durson	18/01/10
50. javier lobo	16:36 yerushalmi	18/01/10
51. @ 5 Javier	16:36 Fernando	18/01/10
52. mark maho	16:41 yerushalmi	18/01/10
53. WWII	16:42 Mr Mel	18/01/10
54. What's good for the Goose, is good for the Gander	16:48 Tom	18/01/10
55. Kaska - Palestine has never been recognized as a SOVEREIGN	16:50 CJ	18/01/10
56. probe	16:52 oz	18/01/10
57. and - It was NEVER annexed	16:56 CJ	18/01/10
58. Hamas	17:01 Eran	18/01/10
59. #42 what occupation? gaza is part of israel	17:02 vhardman	18/01/10
60. Pals Human rights group,...sounds very strange !!	17:17 maurice	18/01/10
61. CJ it says it was never legally anexed...so it is part of gaza	17:25 check you link	18/01/10
62. STEPHEN	17:30 Yaron	18/01/10
63. hirz	17:38 Yaron	18/01/10
	17:52 Markos Souza	18/01/10

64. #Stephen		
65. shouldn't this article be in the funnies?	17:55 jon	18/01/10
66. No wonder Gaza is a big prison, most are criminals and...	18:10 Jean	18/01/10
67. Stop the Siege of Gaza	18:26 CulturesofResistance	18/01/10
68. #25 Hirz	18:28 Maurice	18/01/10
69. to Fish, of California	18:32 Pablo Luis	18/01/10
70. It is good that both sides investigate their actions.	18:35 Pablo Luis	18/01/10
71. to David R, of California...	18:37 Pablo Luis	18/01/10
72. probe	18:47 LH	18/01/10
73. What is there to investigate?	18:55 Robert	18/01/10
74. Agree with CM	18:57 utagawa	18/01/10
75. Disagree with Kaska # 30	19:01 utagawa	18/01/10
76. now that is a real laugh!	19:07 jon	18/01/10
77. Sderot and Askelon are Israel	19:09 arik	18/01/10
78. LH	19:39 Yaron	18/01/10
79. palestinian activists.....	20:23 sjoerd van der velde	18/01/10
80. Both sides could be at fault...	20:41 Silviene	18/01/10
81. #yerushalmi, irrelevant to this debate...	20:49 Silviene	18/01/10
82. silviene	21:35 Yaron	18/01/10
83. Silviene now contrite	22:10 utagawa	18/01/10
84. utagawa	22:19 Daniela	18/01/10
85. #77 arik - care to prove your assertions	06:34 CJ	19/01/10
86. #84, utagawa, overestimating my influence....	16:32 Silviene	19/01/10
87. #82, Yaron, you may not have noticed it, but...	16:34 Silviene	19/01/10
88. #83, utagawa, overestimating my influence!	17:17 Silviene	19/01/10
89. Hamas to probe own nGaza war crimes	17:03 Doria	21/01/10



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