

Medical Association for Prevention of War (Australia)



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The Hon Stephen Smith, MP
Minister for Foreign Affairs
Parliament House
Canberra, ACT 2600

Dear Minister

Re: Goldstone Report on alleged war crimes in Gaza War

I write on behalf of the Medical Association for Prevention of War, an organisation of doctors and other health professionals working to prevent war by addressing its causes and consequences.

MAPW wishes to express deep concern regarding, and seek further information on, Australia's recent vote at the UN on the adoption of the Goldstone Report on alleged war crimes committed during the Gaza war last December-January. You will be aware that the UN overwhelmingly approved the adoption of the report.

The report's author was South African jurist Richard Goldstone, a long time supporter of Israel, with a reputation for fairness and objectivity. He previously led the war crimes prosecutions for Yugoslavia and Rwanda. His report included the recommendation that both Hamas and the Israeli government bring to justice those responsible for war crimes. If they fail to do so, the cases should be referred to the International Criminal Court for possible prosecution.

The Report cited in detail alleged crimes committed by Hamas, including rocket attacks into civilian-populated areas of Israel, and the use of torture. It also concluded that Israel's military assault on Gaza was "a deliberately disproportionate attack designed to punish, humiliate and terrorise a civilian population". The latter conclusion was consistent with reports from Amnesty International, Human Rights Watch and others.

Given Judge Goldstone's impeccable credentials, the report's impartial attention to alleged crimes committed by both sides in the war, and its recommendations that those responsible for war crimes be held accountable, Australia's failure to support the report is deeply disturbing.

The report has been attacked by some because it focuses much more on Israeli actions than those committed by Hamas. Presumably this is because Israel is believed to have committed more crimes than Hamas. A quick look at the numbers of dead and injured on each side (Palestinian casualties numbering almost 100% of the total) would support this interpretation.

Some have argued that both sides in the war should use internal processes to prosecute those held responsible for the alleged crimes. The Goldstone report recommends reference to the ICC if justice is not achieved by internal processes. As we know from history that such internal processes will not necessarily take place, to reject this step is to encourage impunity.



Referral of the Goldstone Report to the UN Security Council, as the Goldstone Commission recommended, rather than relying solely on the UN's Human Rights Council to deal with this matter, would mean that enforcement of the recommendations is possible. The need for enforcement of recommendations relating to alleged crimes of the highest order would seem self-evident. It is, after all, what we expect for far lesser crimes in civilian society.

We note also the comment by the US Ambassador to the UN, Susan Rice, that ". . . we need to be focused on the future". Such a comment in relation to alleged grave violations of international law undermines the role of international law in preventing such crimes in the future. It is also diametrically opposed to the US Government's response to the crimes committed against their own people on 11 September, 2001.

In summary, Australia's opposition to the UN's adoption of the Goldstone Report gives the strong appearance that impunity for war crimes is allowable for some. This sets a dangerous precedent that undermines the security of all the people of the Middle East, and ultimately all of us.

MAPW seeks the Australian Government's explanation of its vote on this matter.

Thank you for your attention to these matters.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bill Williams', with a long horizontal flourish extending to the right.

Dr Bill Williams
President

CC

The Hon Kevin Rudd, MP; Prime Minister of Australia,

The Hon Tony Abbott, MP; Leader of the Opposition

The Hon Julie Bishop, MP; Shadow Minister for Foreign Affairs