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**BY RECORDED VOTE, GENERAL ASSEMBLY URGES ISRAEL, PALESTINIANS TO
CONDUCT**

CREDIBLE, INDEPENDENT INVESTIGATIONS INTO ALLEGED WAR CRIMES IN GAZA

The United Nations General Assembly today, by a recorded vote of 114 in favour to 18 against, with 44 abstentions, adopted a resolution giving Israel and the Palestinians three months to undertake “independent, credible investigations” into serious violations of international humanitarian and human rights law committed during the conflict in Gaza that broke in late December 2008. (For vote details, see Annex.)

By its decision, the 192-member Assembly endorsed the report of the world body’s Geneva-based Human Rights Council on its twelfth special session, which had considered, on 15 and 16 October 2009, the output of the United Nations Fact Finding Mission on the Gaza Conflict. That Mission was led by renowned South African Jurist Richard Goldstone, and its report, widely known as the “Goldstone Report”, concluded that both Israel and Hamas had committed possible war crimes during the conflict.

The Assembly requested Secretary-General Ban Ki-moon to send the Goldstone Report to the Security Council. It further recommended that the Swiss Government, as depositary of the Geneva Convention relating to the Protection of Civilian Persons in Time of War, take steps to convene “as soon as possible” a Conference of High Contracting Parties to the Fourth Geneva Convention, on measures to enforce that Convention in the Occupied Palestinian Territory, including East Jerusalem.

Finally, the text, drafted by Arab League and Non-Aligned Movement delegations, asked the Secretary-General to report back within three months on the implementation of the resolution, with a view to considering further action by relevant United Nations bodies, including the Security Council. In doing so, they decided to remain “seized” of the issue.

“Tonight is a very important night in the history of the General Assembly; in the history of fighting impunity and seeking accountability”, the Permanent Observer for Palestine said after the vote. He thanked the Assembly for its consideration of the Goldstone Report, and to those States that had submitted, co-sponsored and voted in favour of today’s resolution.

“This journey of fighting impunity is a long one,” he said, adding that, in light of the Assembly’s request that the Secretary-General send the Goldstone Report to the Security Council, he would keep knocking on the Council’s door to ensure that body shouldered its responsibility. His delegation was preparing for the Conference of High Contracting Parties and would work closely with the High Commissioner on Human Rights to address the issue of compensation and establishment of a compensation fund. “International law is on our side,” he said.

Speaking before the vote, Israel's delegate said the text disregarded Israel's inherent right to defend its citizens and provided yet another pretext to bash Israel at the United Nations. Israel had been conducting credible and thorough investigations, irrespective of any United Nations report.

He said today's resolution mocked the reality faced by democratic States, like Israel, that confronted terrorist threats. It endorsed a one-sided, prejudiced report of a discredited Human Rights Council. He also demanded to know who would conduct a Palestinian side of the investigation -- the Palestinian Authority that was "ousted from power in Gaza", or Hamas, which had violently seized control of the Strip. All that being the case, he said Israel would vote against the resolution, and he urged others to do the same.

Also speaking before the vote, the representative of the United States said he had real concerns about the resolution and would vote against it. The text's move to press the Security Council to consider the Report was unconstructive, as the Council was already seized of the situation in the Middle East and held monthly meetings on the topic, the only subject discussed with such frequency. The appropriate discussion forum for the Report was the Human Rights Council.

The request for the meeting of the high contracting parties was also unnecessary, he said. Convening a conference for the purpose of spotlighting one issue could heighten division and set back the talks. The failure to mention Hamas by name was another example of an unbalanced handling of Arab-Israeli issues.

Explaining his abstention after the vote, New Zealand's representative said his delegation would have preferred the issue to have been considered by the Human Rights Council, as originally agreed. He also objected to the continued bias against Israel in that Council's handling of the matter.

In a similar vein, Costa Rica's delegate said the upshot of the resolution might create another process that would repeat, year after year, and lead nowhere. Was that the way to combat impunity? Such behaviour was an attempt to use instruments and institutions that deserved more respect. He could not agree with the voting, which was why he had abstained.

[...]

ANNEX

Vote on Report of Fact Mission on Gaza Conflict

The draft resolution on follow-up to the Report of the United Nations Fact Finding Mission on the Gaza Conflict (document A/64/L.11) was adopted by a recorded vote of 114 in favour to 18 against, with 44 abstentions, as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Cambodia, Central African Republic, Chad, Chile, China, Comoros, Congo, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran, Iraq, Ireland, Jamaica, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Portugal, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovenia, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Switzerland, Syria, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey,

United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Australia, Canada, Czech Republic, Germany, Hungary, Israel, Italy, Marshall Islands, Micronesia (Federated States of), Nauru, Netherlands, Palau, Panama, Poland, Slovakia, The former Yugoslav Republic of Macedonia, Ukraine, United States.

Abstain: Andorra, Austria, Belgium, Bulgaria, Burkina Faso, Burundi, Cameroon, Colombia, Costa Rica, Croatia, Denmark, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Greece, Iceland, Japan, Kenya, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Monaco, Montenegro, New Zealand, Norway, Papua New Guinea, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Spain, Swaziland, Sweden, Tonga, Uganda, United Kingdom, Uruguay.

Absent: Bhutan, Cape Verde, Côte d'Ivoire, Equatorial Guinea, Honduras, Kiribati, Kyrgyzstan, Madagascar, Rwanda, Saint Kitts and Nevis, Sao Tome and Principe, Seychelles, Togo, Turkmenistan, Tuvalu, Vanuatu.

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