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Press Release

HUMAN RIGHTS COUNCIL DISCUSSES REPORT OF FACT-FINDING MISSION ON THE GAZA CONFLICT

Human Rights Council
MORNING

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The Human Rights Council this morning discussed the report of the Fact-Finding Mission on the Gaza Conflict, hearing a presentation by the head of the Mission, statements by Israel and Palestine as concerned countries, and then holding an interactive dialogue with the Mission.

Richard Goldstone, Head of the United Nations Fact-Finding Mission on the Gaza Conflict, said that the mandate of the Mission had been to look at all parties: Israel; the Palestinian Authority; Hamas, which governs Gaza; and armed Palestinian groups. Several attacks by Israel that had taken place could not on any basis be justified on military grounds. "These attacks amounted to reprisals and collective punishment and constitute war crimes", he said. The Mission had recommended that the Security Council should require Israel to report to it within six months on the investigations and prosecutions it was carrying out, and that it should set up a body of independent experts to report to it on the progress of the Israeli investigations and prosecutions as well as those undertaken by the relevant authorities in Gaza with regard to crimes committed by the Palestinian armed groups.

Israel, speaking as a concerned country, said that today's debate was a real test of the integrity and purpose of the Human Rights Council. Israel could not support a resolution which only addressed one side of the conflict, and which established four separate mechanisms to condemn Israel, and not even one to examine Hamas. As for the report, this was a report in which the right of self-defense was not mentioned - a report based on pre-screened Palestinian witnesses, a report based on carefully selected incidents, which gave credibility to every allegation or hearsay against Israel, and none to even direct admissions of guilt by Hamas leaders.

Palestine, speaking as a concerned country, said that the report was a professional, unbiased report, and related to facts that could not be denied. This was not a political instrument that supported Palestine or Israel. This report was important because, for the first time, there was monitoring and documentation of the massacres the Palestinian peoples had suffered, indeed

were suffering from genocide. Palestine asked the Council to discharge its responsibility and to implement paragraph 3 and 5 of the resolution. This report should not be another report to simply archive; his people would not forgive if the criminals were left without punishment.

Speakers in the interactive dialogue noted that the Mission's report provided an impartial and most comprehensive account of violations of international human rights law and international humanitarian law throughout the Occupied Palestinian Territory. The report confirmed the worst fears of the international community about Israeli violations that amounted to war crimes and possible crimes against humanity. Despite the neutrality and independence of the Mission, Israel had refused to cooperate and to allow access to the Occupied Palestinian Territories. Serious consideration of the report was of utmost importance to ensuring the credibility of the Council and it was necessary for the Human Rights Council to ensure a follow-up to the recommendations. Some speakers said they disagreed sharply with many of the report's assessments and recommendations and believed it to be deeply flawed. The Human Rights Council should demand that Hamas investigate the allegations against it and stop the deliberate targeting of civilians and the use of Palestinians as human shields. The Council should also ask the Palestinian Authority to carry out its own investigation.

Speaking in the interactive dialogue were Tunisia on behalf of the Arab Group, Pakistan on behalf of the Organization of the Islamic Conference, Egypt on behalf of the Non-Aligned Movement, Sweden on behalf of the European Union, Nigeria on behalf of the African Union, the United States, China, Jordan, Brazil, Cuba, Egypt, Mexico, the Netherlands, Yemen, Chile, the Russian Federation, Indonesia, Venezuela, Syria, Turkey, Algeria, Lebanon, Japan, Malaysia, Bahrain, Sudan, Switzerland, Libya and Iran.

The next meeting of the Council will be today at 3 p.m. when it is scheduled to continue its interactive dialogue with the Fact-Finding Mission on the Gaza Conflict. It will then discuss the report of the High Commissioner for Human Rights on the implementation of Human Rights Council resolutions-9/1, which also deals with the occupied Palestinian territories, before holding a general debate on its agenda item on human rights situations in Palestine and other occupied Arab territories.

Summary of Report of Fact-Finding Mission on the Gaza Conflict

The Council has before it the report of the United Nations Fact Finding Mission on the Gaza Conflict (A/HRC/12/48), based in part on three field visits by the Mission: two to the Gaza Strip – between 30 May and 6 June, and between 25 June and 1 July 2009; and one visit to Amman on 2 and 3 July 2009. Public hearings were also held in Gaza on 28 and 29 June and in Geneva on 6 and 7 July 2009. The Mission failed to obtain the cooperation of Israel, and entered the Gaza Strip, with the cooperation of Egypt, through the Rafah crossing. The Mission conducted 188 individual interviews and reviewed more than 300 reports, submissions and other documentation,

including 30 videos and 1,200 photographs. The report concludes that while the Israeli Government seeks to portray its operations as a response to rocket attacks in the exercise of its right to self defence, the Israeli plan was directed, at least in part, at the people of Gaza as a whole. Deeds by Israeli forces and words of military and political leaders prior to and during the operations indicate that as a whole they were premised on a deliberate policy of disproportionate force aimed not at the enemy but at the "supporting infrastructure", which, in practice, appears to have meant the civilian population. The timing of the first Israeli attack, at 11:30 am on a week day, when children were returning from school and the streets of Gaza were crowded with people going about their daily business, appears to have been calculated to create the greatest disruption and widespread panic among the civilian population. The treatment of many civilians detained or even killed while trying to surrender is one manifestation of the way in which the effective rules of engagement, standard operating procedures and instructions to the troops on the ground appear to have been framed in order to create an environment in which due regard for civilian lives and basic human dignity was replaced with the disregard for basic international humanitarian law and human rights norms. It is clear from evidence gathered by the Mission that the destruction of food supply installations, water sanitation systems, concrete factories and residential houses was the result of a deliberate and systematic policy by the Israeli armed forces and not because those objects presented a military threat. The report also finds that Palestinian armed groups have succeeded in causing terror within Israel's civilian population through the launch of thousands of rockets and mortars into Israel since April 2001. The text of the full report runs to 575 pages and can be accessed at: http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/docs/UNFFMGC_Report.pdf.

Presentation of Report of Fact-Finding Mission on the Gaza Conflict

RICHARD GOLDSTONE, Head of the United Nations Fact-Finding Mission on the Gaza Conflict, presenting the report of the Mission, said that since the release of the advance version of the report two weeks ago, they had witnessed many attestations of support, but also a barrage of criticism towards their findings, as well as public attacks against the members of the mission. He had to strongly reject one major accusation levelled against the Mission: the one that portrayed their efforts as being politically motivated. He repeated that they had accepted this mission because they believed deeply in the rule of law, humanitarian law, human rights, and the principle that in armed conflict civilians should to the greatest extent possible be protected from harm. They had accepted with the conviction that pursuing justice was essential and that no state or armed group should be above the law. "Failing to pursue justice for serious violations during any conflict will have a deeply corrosive effect on international justice", he said. They had accepted the mission because they believed that the perpetrators of serious violations had to be held to account. They also regretted that the response to date of the Government of Israel avoided dealing with the substance of the report.

Mr. Goldstone said that the mandate of the Mission had been to look at all parties: Israel; the Palestinian Authority; Hamas, which governs Gaza; and armed Palestinian groups. Soon after its establishment the Mission had been faced with one of its major challenges: the decision of Israel not to cooperate with it and its implicit refusal to give them access to Gaza, the West Bank and to southern Israel. The Mission was grateful to Egypt for having facilitated entry into Gaza through the Rafah crossing. They had conducted two visits to the Gaza Strip in June 2009 and had also travelled to Amman, Jordan, in July. In the two rounds of public hearings, 38 witnesses, victims and experts had given testimony. The Mission had also conducted 188 individual interviews, had reviewed over 10,000 pages of documentation and viewed some 1,200 photographs, including satellite imagery and video-tapes. Turning to the report itself he said that it contained an analysis of 36 specific incidents in Gaza as well as a number in the West Bank and in Israel. Some of them related to the use by the Israel Defense Forces of human shields in violation of an earlier ruling by the Israel Supreme Court outlawing such conduct.

The Mission had also investigated in some detail the effects on the civilian population in Southern Israel of the sustained rocket and mortar attacks from Palestinian armed groups in Gaza. The Mission had also found that the attack on the only remaining flour producing factory, the destruction of a large part of the Gaza egg production, the bulldozing of huge tracts of agricultural land, and the bombing of some two hundred industrial facilities, could not on any basis be justified on military grounds. Those attacks had nothing to do with the firing of rockets and mortars at Israel. "These attacks amounted to reprisals and collective punishment and constitute war crimes", he said. The Government of Israel had a duty to protect its citizens, but that in no way justified a policy of collective punishment of a people under effective occupation. The Mission had recommended that the Security Council should require Israel to report to it within six months on the investigations and prosecutions it was carrying out and that it should set up a body of independent experts to report to it on the progress of the Israeli investigations and prosecutions as well as those undertaken by the relevant authorities in Gaza with regard to crimes committed by the Palestinian armed groups. In both cases, if within the six month period there were no good faith investigations conforming to international standards, the Security Council should refer the situation or situations to the International Criminal Court Prosecutor.

"This is the time for action", said Mr. Goldstone. "A culture of impunity in the region has existed for too long. The lack of accountability for war crimes and possible crimes against humanity has reached a crisis point; the ongoing lack of justice is undermining any hope for a successful peace process and reinforcing an environment that fosters violence".

Statements by Concerned Countries

AHARON LESHNO-YAAR (Israel), speaking as a concerned country, said today's debate was a real test of the integrity and purpose of the Human Rights Council, and the response to the challenge presented today would

have a clear effect on the ability, collectively and individually, to face some of the greatest challenges in the year ahead. Five years ago, in a remarkable gesture reaching out for peace, Israel removed every one of its soldiers and over 8,000 civilians from the Gaza Strip. The States of the Council applauded this unprecedented measure, saying that in the nightmare scenario that terror would take root, the Council would back Israel in its inherent right to self-defence. Five years later, rockets and mortars had been fired on Israeli towns, and an unceasing supply of weaponry was being smuggled through tunnels into Gaza from terror-sponsoring States like Iran. Israel's urgent appeals to the international community were to no avail. The decision to launch a military operation was never an easy one. In grappling with these dilemmas, Israel sought the guidance of other States. In complex urban warfare, civilian casualties are tragically inevitable. There also may have been incidents in which soldiers did not always maintain the standards that we expected from them. The true test of a genuine democracy was how it dealt with such cases, and how it examined its own failings. Following the Gaza Operation, Israel had opened over 100 separate investigations into fundamental operational questions, like damage to United Nations centres and medical facilities, as well as specific allegations of misconduct. Of these investigations, 23 had already resulted in criminal proceedings.

Israel struggled to deal with these tough questions, raised by terrorists acting within civilian centres. These questions also occupied many democratic countries - but these questions, apparently, did not occupy the authors of the shameful report which had been presented to the Council. Like many of the States in the Council, Israel could not support a resolution which only addressed one side of the conflict, and which established four separate mechanisms to condemn Israel, and not even one to examine Hamas. This was a report in which the right of self-defence was not mentioned - a report based on pre-screened Palestinian witnesses, a report based on carefully selected incidents, which gave credibility to every allegation or hearsay against Israel, and none to even direct admissions of guilt by Hamas leaders. The authors of this fact-finding report had little concern with finding facts. The report was instigated as part of a political campaign, and it represented a political assault directed against Israel and against every State forced to confront terrorist acts. It could only weaken the standing of international law in future conflicts, broadcasting a troubling message to States everywhere confronting terrorist threats, that international law had no effective response to offer them, and so served to undermine willingness to comply with its provisions. At the same time, it signalled an even more troubling message to terrorist groups, that the cynical tactics of seeking to exploit civilian suffering for political ends actually paid dividends.

IBRAHIM KHRAISHI ([Palestine](#)), speaking as a concerned country, said that this was a professional and unbiased report, which related to facts that could not be denied. At the same time, it was a report that contained elements of violations of all parties based on the mandate given to this Mission by the former President of the Council. The result was an objective result. Palestine did not intend, unlike others, to use this forum to make a political statement. The main mission of the Human Rights Council was to promote and protect

human rights and to defend them all over the world. This report was important; what bothered some parties was that the report simply monitored international law, international humanitarian law and all relevant international instruments. This was not a political instrument that supported Palestine or Israel. Palestine would like to thank Egypt which facilitated the work of this Fact-Finding Mission, as well as Jordan.

Palestine would also like to put on record the continuing lack of cooperation of the occupying powers with this Mission. This report was important because for the first time there was monitoring and documentation of the massacres the Palestinian peoples had suffered, indeed were suffering from genocide. Whilst there was not enough time to recall all the massacres, he mentioned but some, among them one that alone led to the killing of 3,500 Palestinian people. As for the last massacre that had taken place at the end of the last year and the beginning of this year, the Human Rights Council had decided to send a Fact-Finding Mission with regard to this. When saying massacres, he meant killings, killings of civilians, and not of combatants or armed groups. He asked the Council to discharge its responsibility and to implement paragraphs 3 and 5 of the resolution. This report should not be another report to simply archive; his people would not forgive if the criminals were left without punishment.

Interactive Dialogue

ABDELWAHEB JEMAL (Tunisia), speaking on behalf of the Arab Group, said that the Arab Group welcomed Mr. Goldstone and thanked the Mission for their enormous efforts to prepare this very important, objective and neutral report. The Arab Group recalled that the resolution of the Special Session of last December had included a request to the President of the Council to establish an international Fact-Finding mission and thanked the President for his efforts that had led to the establishment of this international and professional group of experts that were specialists in their fields. Despite their neutrality and independence, Israel, as customary, had refused to cooperate, as well as to allow access to the Occupied Palestinian Territories. Consequently, the Arab Group condemned the fact that Israel continued to refuse to cooperate with fact finding missions and Special Procedures, such as the Special Rapporteur Richard Falk, and called on Israel to comply with Human Rights Council and Security Council resolutions. The Arab Group also thanked Egypt for allowing access to Gaza to the mission, through the Rafah crossing. The Arab Group reiterated the right of the Palestinian people to self-determination and the right to return of refugees to their countries. International humanitarian law and human rights law must be applied to the Occupied Palestinian Territories. The Arab Group supported and commended the report. It was necessary for the Human Rights Council to work to protect all human rights and for it to ensure follow-up to the recommendations in the report, which were far from any politicization. The Arab Group insisted that it was necessary to bring to an end the Israeli occupation and that Israel had to respect international law. Nobody was above the law.

ZAMIR AKRAM (Pakistan), speaking on behalf of the Organization of the

Islamic Conference, said the Organization of the Islamic Conference welcomed the fact-finding mission, and thanked them for presenting an objective, impartial and most comprehensive account of violations of international human rights law and international humanitarian law throughout the Occupied Palestinian Territory including East Jerusalem. The Special Session rightly asked for a series of reports, which confirmed fears and concerns expressed during this session on the violation of the human rights of defenceless Palestinians, in complete disregard of all international human rights and humanitarian norms. An important facet of the report was its findings on the casual effects of the conflict, and it also confirmed the worst fears of the international community about Israeli violations that amounted to war crimes and possible crimes against humanity. Objective and apt recommendations made in the report not only addressed the human rights concerns but also made valuable contributions towards resolving the conflict in a comprehensive manner. The non-cooperation by Israel was regretted - such an attitude was a reflection of an above the law mentality, and clearly a refusal to acknowledge the international community's human rights concerns. The Organization of the Islamic Conference wished to remind the Council members of the pledges and promises made by all to make this body a truly impartial and objective on that strive to protect and promote the universal human rights for all in a non-politicised manner. It was now the time for action; words needed to be converted into deeds.

HISHAM BADR, (Egypt), speaking on behalf of the Non-Aligned Movement, said at their last Summit in Sharm El-Sheikh in July 2009, the Heads of State and Government of the Non-Aligned Movement condemned Israel's military occupation of the Palestinian Territory in breach of international law and UN resolutions. They also condemned the continuing brutal Israeli military campaign against the Palestinian people, particularly in the Gaza Strip, by which the occupying Power had continued to commit grave human rights violations and reported war crimes. The Heads of State and Government condemned in the strongest terms the Israeli military aggression against the Palestinian civilian population in the Gaza Strip, which resulted in the killing of more than 1,400 Palestinians, including hundreds of children and women, and the injury of more than 5,500 Palestinians and the wanton destruction of infrastructure. In light of the above-mentioned clear position, the Non-Aligned Movement welcomed the report submitted today, and would actively engage in the discussion in this regard, and the draft resolution submitted concerning the implementation of the recommendations contained therein. Serious consideration of the report was of the utmost importance to ensuring the credibility of the Council through taking concrete follow-up steps aiming at holding accountable the perpetrators of such crimes, and bringing an end to the persistent situation of impunity and defiance of the law.

HANS DAHLGREN (Sweden), speaking on behalf of the European Union, said that the European Union underlined the importance it attached in all contexts to ensure accountability and counter impunity for violations of international law, including investigations into possible violations. In the view of the European Union, the Mission had produced a serious report, which merited serious consideration and follow-up by the Council. Could Mr.

Goldstone specify how further investigations could be conducted by both sides to the Gaza conflict, given the situation on the ground? How had the Mission taken into account the lack of input from Israel into the investigation, and how did they consider that this impacted on the Mission's methodology, legal analysis and conclusions drawn? The recommendations in the report were elaborate and inter-connected. There had been articulated fears that the report in some way could negatively impact the ongoing peace talk, could Mr. Goldstone comment on these views? How could the Human Rights Council itself, best deal with the Mission's recommendations?

MARTIN IHOEGHIAN UHOMOIBHI (Nigeria), speaking on behalf of the African Group, said the African Group commended the leader of the Fact-Finding Mission, and members of his team, who, in spite of all odds, undertook the mission requested by the Council. The report was comprehensive and balanced. Although their work was difficult, and their mandate complex, they had discharged their responsibility with tremendous courage and commitment, which should encourage the international community to work further to resolve the situation in the affected regions. The African Group welcomed the report, and commended in particular the transparent and impartial manner in which the Fact-Finding Mission undertook its work, expending effort to obtain the cooperation of both sides, list the concerns of all, and undertake public consultations. Similar enquiries requested by the Council in future should follow this exemplary lead. The impartiality and balance demonstrated in the findings of the report were welcomed, as it listed all violations of international humanitarian law and international law that occurred during the period. The violations were comprehensively reflected in the report. This Council would be mistaken if it presumed that this important report could be treated lightly. The Group believed that the issues were grave, the report credible, and the moment to act auspicious, with a positive commitment to resolve the long-standing human rights situation in the affected region. The Council should not dilute its efforts by vilifying the Fact-Finding Mission members and parts of the report - no useful purpose would be served by compounding the human rights situation in the region through sheer rhetoric or failure to act. The implementation of the report was crucial to addressing the pernicious issues of impunity and accountability which were critical to the improvement of global human rights standards. Faithful implementation of the recommendations would contribute immensely to the quest for peace in the entire region.

MICHAEL POSNER (United States) said that the United States continued to take issue with the grossly disproportionate attention the Council paid to Israel. When it decided to join the Council, the United States had made clear its intention to address this lack of balance. The United States urged their fellow members to join them in rejecting this double standard. The United States disagreed sharply with many of the report's assessments and its recommendations and believed it to be deeply flawed. The United States was also guided by its commitment to the universal application of international law, but this should not be understood to imply a moral equivalence between Israel, a democratic State with the right of self-defense, and Hamas, which had responded to Israel's pull-out of Gaza by terrorizing civilians in southern

Israel. The United States encouraged Israel to utilize appropriate domestic review and meaningful accountability mechanisms to investigate and follow-up on credible allegations. The Human Rights Council should demand that Hamas investigate the allegations and stop the deliberate targeting of civilians and the use of Palestinians as human shields. The Council should ask the Palestinian Authority to carry out its own investigation. The commitment to truth should also compel the Council to discuss weaknesses in the report. The United States urged members of this Council to commit with it to passing a consensus resolution that encouraged Israel to investigate and address allegations through credible domestic processes and called on the Palestinians to launch credible investigations to address allegations of Hamas abuses.

QIAN BO ([China](#)) welcomed the report and expressed their concern over the situation in the Occupied Palestinian Territories, especially in Gaza. China called on all parties to effectively implement the relevant resolutions and condemned the acts against innocent civilians. China further hoped that all parties would effectively implement the resolution implemented by the Special Session on 12 January. The various organs of the United Nations should work along their mandates and the independence of the Security Council should be respected. The international community should promote the current peace process. The issue of Palestine was faced with new challenges and opportunities. The opportunities should be seized.

SHEHAB A. MADI ([Jordan](#)) said there was no military solution to the conflict in the Middle East and all parties concerned, notably Israel, must abide by their obligations under international law, particularly international humanitarian law and human rights law, to ensure the protection of civilians and the unhindered provision of humanitarian assistance. The right of the Palestinian people to self-determination was a well-established principle in international law and had been reaffirmed not only as a rule of customary international law but also as an *erga omnes* obligation, and therefore all States had an obligation to promote and facilitate its realisation. The construction of Israeli settlements and their expansion in the Occupied Palestinian Territories and other Arab territories was a breach of international law and had no legal validity. It also ran contrary to the efforts to reach a just and lasting peace in the Middle East. Member States should accord all the Special Procedures mandate-holders, mechanisms and missions of the Human Rights Council the necessary cooperation and facilitation so that they could effectively discharge their mandates. The report challenged the international community to ensure effective protection of civilian populations, accountability and the prevention of the recurrence of serious violations of international law. The report of the Fact-Finding Mission represented an objective, fact-based and impartial investigation. The cause of peace, security and stability in the Middle East would be best served by reaching a negotiated solution that led to the Israeli withdrawal to the pre June 4 1967 boundary and the establishment of an independent, viable and contiguous Palestinian State in accordance with relevant United Nations resolutions.

VERA L. BARROUIN CRIVADO MACHADO ([Brazil](#)) said that Brazil

commended the work of the Fact-Finding Mission which had discharged its mandate in an effective and professional manner, producing a document that was already being considered historic. The findings presented by the Mission were disturbingly serious and its recommendations must be taken into due consideration by the Human Rights Council. The task assigned to the Mission was completed and it was now up to the members of the Council to adopt decisions that were just and effective. A high degree of consensus, balance and legitimacy of the Council's decisions was required. Peace was crucial to the promotion and protection of human rights in Israel and Palestine, and it could only be achieved through dialogue and mutual trust. Brazil reiterated its support to the establishment of a viable Palestinian State, living side by side and in peace with the State of Israel. Serious obstacles to the two-States solution should be immediately stopped – the enjoyment of human rights in the region could not wait for peace. Brazil reiterated the view that humanitarian aid must flow freely to Gaza, and that border restriction on the movement of persons must be brought to a minimum.

RODOLFO REYES RODRIGUEZ (Cuba) thanked Mr. Goldstone for presenting a report which was clearly objective and impartial. Israel's rejection of the conclusions of the report was behaviour Cuba condemned in the strongest term. With its military aggression, Israel had violated international law and had perpetrated war crimes and crimes against humanity, as reported in the report. Those responsible for these barbarous acts had not been prosecuted and continued to enjoy the protection of the superpower that was supplying Israel with weapons. The types of crimes committed constituted a collective punishment. The military steamroller had destroyed everything in its path. Cuba resolutely condemned these acts and urged the international community to ensure that those responsible be prosecuted accordingly. Unfortunately they would also listen today to statements about the politicization and the one-sidedness of the debate. The cynicism of some implied complicity with Israel.

HISHAM BADR (Egypt) said the Fact-Finding Mission had succeeded, despite the many obstacles, in producing a sterling report providing a thorough, accurate, impartial and honest portrayal of the events preceding and accompanying the Israeli aggression in Gaza and the crimes against humanity perpetrated during its course. Egypt had since the start been fully supportive of the imperative task before the Fact-Finding Mission. There were those who questioned the credibility of the Mission before its report was issued, accusing it of being prejudiced against Israel. It seemed to be the case of a party knowing well the gravity of the crimes they had committed, thus rushing to point their finger at others before the expected worldwide condemnations arrived. Represented by the Council, the world had entrusted the Mission with one task: to find the truth. And today, this truth lay clearly before the Council, in page after page of facts, evidence, sufferings and violations. The report was the first of its kind among United Nations reports, as it documented comprehensively and objectively what happened during the Israeli aggression in Gaza. It was the responsibility of the Council to fully grasp all the painful facts laid bare, and the Council owed it to itself, to humanity, but above all to the victims of the aggression to do their duty in

addressing these war crimes. The report forcefully stated that the prime responsibility for what happened fell on Israel's shoulders, and this final testimony placed the Council, the General Assembly, the whole United Nations organization and the entire international community before an arduous trial. The outcome would decide whether they were genuinely intent on dealing without prejudice with human rights violations worldwide, and providing victims with remedies and reparations, above all considerations.

JUAN JOSE IGNACIO GOMEZ CAMACHO (Mexico) said that Mexico would like to thank the Fact-Finding Mission for their presentation and their report which reflected a serious, objective and broad-based investigation of the situation in Gaza. Mexico would also like to reiterate that it condemned that the Israeli military interventions of last January made use of disproportionate force, also condemning the violations that had been committed by Hamas and other armed Palestinian groups. Mexico especially regretted the loss of civilian lives. Hamas and other armed Palestinian groups had the same obligations regarding the respect of international humanitarian law, and Mexico called on all parties to respect this law. Mexico was deeply concerned at the information of the violation of international humanitarian law and human rights, and urged all parties to undertake or continue expeditious, impartial and speedy investigations. All States without exception should cooperate with the Council's human rights mechanisms. Further, Mexico reaffirmed its commitment to peace in the Middle East; this process must be based on international law. Finally, Mexico hoped that the Council would enable a constructive dialogue to follow-up the recommendations made in the report.

BOUDEWIJN J. VAN EENENNAAM (Netherlands) said that some delegations, like themselves, had expressed their serious concern regarding the original mandate of the Mission. They had felt and still felt that it had been unbalanced. However, when Mr. Goldstone had been appointed, he had expressed the will to restore that balance as much as possible. The Netherlands appreciated this. To what extent did Mr. Goldstone feel that the Mission had been able to do so? Further, the report was 574 pages long and contained a wealth of information. There were different interpretations of the facts and it seemed to him that the Council had to agree on the facts before it could come to a sound assessment on which to base its follow-up to the report. This might take more time for reflection than they had today.

FADHL AL-MAGHAFI (Yemen) said the Council's effort to uphold human rights and the role it played in establishing the Fact-Finding Mission was applauded. The report submitted by the Fact-Finding Mission was a landmark achievement, affirming that where there was an international will, the Council and the international community would uphold justice and stand by the victims. The report gave categories of all forms of Israeli violations of human rights, considering their barbaric attacks as extreme forms of human rights violations. With pre-made plans for the Gaza holocaust, Israel committed crimes amounting to crimes against humanity and war crimes. All the submissions by Israel on the aggression were not related to substance. This was nothing but small detail. The Operation Cast Lead had destroyed everything, causing deaths and destruction, turning Gaza into the largest

collective prison. The occupation of Palestinian and Syrian territories continued to be the main obstruction for the peace efforts, and the reason for suffering. The test of the credibility of the Council and the international community lay in the implementation of the recommendations of the Fact-Finding Mission. The Council could uphold justice and reparations. Yemen hoped the recommendations would not remain mere ink on paper.

CARLOS PORTALES (Chile) said that last January Chile had strongly condemned the attacks perpetrated by Israel in the Gaza Strip, which had caused the death of hundreds of civilian victims. Chile attached great importance to the work of the Fact-Finding Mission. The report took an approach which was based on a legal framework and a human rights-based approach, and provided a description and analysis of the violations that took place. Chile understood that the recommendations of the report sought an investigation of the serious violations that had been committed during the intervention. Further, Chile was convinced that military action was not the response to this conflict, and it affirmed its commitment to bilateral and multilateral efforts to ensure peace in the region. This Council should take into account the need for a clarification of the serious events that took place, the bringing to trial of those that were responsible, and the reparation of the victims. The Council should also call on the authorities of Israel and the Gaza Strip to immediately carry out the recommendations that the report had asked for, and should also continue the discussion on this issue in the next session.

VALERY LOSHCHININ (Russian Federation) said that the Russian Federation commended the considerable and excellent work carried out by the Fact-Finding Mission on the Gaza Conflict. It was a pity that Israel's position was such that it had ignored the request for cooperation by the Mission. In the report, one saw that it was very serious and far-reaching in its nature. This work needed a continued, balanced and careful analysis. Russia believed that the human rights cases should be considered within the context of the Human Rights Council. Russia advocated for the full compliance with international humanitarian law and international human rights by all parties to the conflict. They supported the condemnation, in the report, of the perpetration by Israel, during the conflict in the Gaza, of violations of international humanitarian law. It was particularly tragic that a large number of innocent people had died. Russia also condemned the rocket attacks into Israel by Palestinian armed groups.

Response by the Fact-Finding Mission on the Gaza Conflict

HINA JILANI, Member of the United Nations Fact-Finding Mission on the Gaza Conflict, said she thanked all for the opportunity to make this dialogue constructive. She thanked the European Union for acknowledging that it was a serious report, and merited serious consideration. Its seriousness came from efforts to ensure that facts were evaluated according to standards created by the Council and upheld by that body. These standards were important and critical in understanding the facts and applying the law relevant to the task that this Mission was given. The mandate of the Mission was to investigate violations, and the focus was therefore on these and the

consequential sufferings of the victims. The findings remained unaffected by the nature of the conflict or the status of those responsible for violations affecting civilian lives. Future investigations should build on these findings, calling into question any conduct that was in violation of international humanitarian law and human rights law. The Mission members were completely committed to not allow lack of cooperation to affect the work, and therefore adopted a methodology allowing it to draw conclusions based on substantive information. There had been input, albeit indirect, by the Israeli Government, and public statements and detailed reports in the public sphere that had been put out by the Israeli Government had been taken into account. Very credible persons had been spoken to. This position had not changed since January 2009, and every piece of information that had been considered had remained in the field for a long time.

The work was thus undertaken with the seriousness acknowledged, and the Mission conducted public hearings so that all could speak out and bring information to the fore. Contrary to any thinking that imagined that this report could have a negative impact on the peace process, the Fact-Finding Mission was convinced and believed that its findings would give a sounder basis for any building of peace in the region. Human rights violations were at the centre of the conflict in the Middle East, and understanding these human rights violations, ensuring that the responsibility was appropriately identified and also ensuring that there would be accountability for this and that the international justice system would act as a partner to the peace process and not be an element detracting therefrom, were the first steps towards peace.

RICHARD GOLDSTONE, Head of the United Nations Fact-Finding Mission on the Gaza Conflict, said that he would like to thank the members of this Council for their seriousness in examining the report. With regard to the question from the European Union, relating to how the Mission took into account the lack of input from Israel, Mr. Goldstone said that he would like to add to what had been said already that, on more than one occasion, he had requested in writing input from the Israeli Government on how to approach the Mission's mandate, and on what issues were important to be addressed by the Mission. Obviously that input would have been relevant to the conclusions reached, but it was impossible to answer the question because it was impossible to know what information could have been obtained. Mr. Goldstone further said that Colonel Kemp did not have the advantage to see with his own eyes the impact the Israeli military interventions had had. As for the destruction of food production plants and factories also, not a single response was heard in this regard from Israel. Regarding the question on how the Human Rights Council could best deal with the recommendations, Mr. Goldstone said that this was a question that fell outside their remit.

Mr. Goldstone further said that the Mission had to choose the incidents that they were to investigate. Whilst they had to make choices, they had tried to do so along the incidents that most called for enquiry, and they did so in the interest of Israel, and not against Israel, as it would have been difficult to second-guess observations made by Israeli military on the ground. On the question asked by the Netherlands regarding the Mission's mandate, Mr.

Goldstone said that the Mission was able to adopt an even-handed outlook in their investigation without interference. They did speak to as many Israeli officials as they could; they met personally with a number of former Israeli officials and Israeli witnesses; and they conducted tens of telephone interviews with people living in Israel when face-to-face interviews had not been possible. Therefore, the Mission had certainly not been inhibited by any factor obstructing an even-handed approach. As for another question that had been asked, Mr. Goldstone made it clear that they did not apply a criminal standard; their undertaking was an informal investigation in the legal sense. For that reason, the first recommendation was that both Israel and the authorities in Gaza should in good faith open investigations on the violation of international law and international humanitarian law, which were consistent with the modern approach of complementarity.

Interactive Dialogue

DESRA PERCAYA ([Indonesia](#)) said the members of the Fact-Finding Mission should be commended for the scrupulously even-handed, balanced and objective manner with which they had carried out their investigations. Such a comprehensive and high-quality document would certainly add weight to the quality and credibility of the work done in the Council. Indonesia deplored the lack of cooperation of the Occupying Power, notwithstanding this, the Mission was able to build an exceptionally authoritative and accurate picture of the various aspects of the conflict. The Occupying Power should allow the necessary and sufficient passage of goods in order that the needs of the population could be met in accordance with the recommendations of the Mission. The Mission was able to establish serious violations of international human rights law and international humanitarian law which had taken place in Gaza. The report presented the Council with all the facts that it requested - however, it would entirely miss its point if the Council now failed to act upon its conclusions. The Council should therefore support the recommendations and ensure their immediate implementation in accordance with their respective mandates. It was of paramount importance to maintain the credibility of the Council by ensuring that a complete follow-up of the report's recommendations was undertaken through firm and appropriate action to hold the perpetrators of such crimes accountable and bring an end to occupation.

GERMAN MUNDARAIN HERNANDEZ ([Venezuela](#)) thanked the Fact-Finding Mission for the presentation of their report and for the work they had carried out. At the ninth Special Session, Venezuela had already stated its profound indignation over the violations of international humanitarian law that had been carried out by the Israeli army against the civilian population in Gaza. Venezuela believed that the report was a document with scientific rigour and that it was historic. The Mission had shown, once again, the Israeli crimes over the years using Palestinian civilians as military targets. This was genocide. Israel had committed crimes that could not go unpunished. The Council should send a clear message; it could no longer be a spectator of the non-compliance of Israel to all resolutions. The recommendations contained in the report should not remain on paper.

FAYSAL KHABBAZ HAMOUI (Syria) said Israel had never accepted a single United Nations mandate, or any report or resolution, whether issued by the Security Council, the General Assembly, or the Human Rights Council. Israel had rejected all fact-finding missions, all United Nations envoys since 1948 when it rejected the Count Bernadotte report before assassinating the latter. The reports of the Tutu mission and all Special Rapporteurs such as John Dugard, Richard Falk and others had been rejected. The same pretexts were always used: bias, lack of credibility. The crimes and massacres were escalating every day, each worse than the preceding. The international community stood watching - some States supported Israel's crimes and found pretexts for them. Everybody had confirmed that what Israel did in Gaza was a war crime, tantamount to a crime against humanity. Today, Gaza was the biggest concentration camp in the world, with over a million and a half detainees. Political and military officials in Israel who planned and implemented the attack on Gaza should be detained and brought to justice. Israel should not be allowed to get away scot-free.

ASLIGUL UGDUL (Turkey) said that the Israeli-Palestinian conflict remained one of the most pressing challenges of the global agenda. They were all aware that a durable peace in the Middle East would not be possible without solving this conflict. Expectations were high for a renewed peace process. The determination of the international community to establish peace and stability in the region had to be translated into concrete progress. The report of the Fact-Finding Mission was a comprehensive document which deserved full attention. Addressing the findings of the report had to be the priority of the Council.

BOUALEM CHEBIHI (Algeria) said Algeria had carefully studied the contents of the report and wished to applaud its objectivity. Algeria deplored Israel's refusal to cooperate with the Mission, despite its mandate putting on equal footing the aggressor and the victim. Israel did not spare the hospitals or United Nations buildings, using lethal war machinery and banned missiles. There was disproportionate use of force by the Israeli army. There were violations of international humanitarian law rules, in blatant violation of Israel's commitment to international treaties. The report was a good basis to really apprehend and know what happened in the Gaza Strip and the other occupied Palestinian territories. The draft resolution submitted by the African Group and others should be adopted and supported.

NAJLA RIACHI ASSAKER (Lebanon) said that Lebanon welcomed the great effort that had been made by the Fact-Finding Mission, headed by Mr. Goldstone, in preparing this report. Lebanon regretted the fact that Israel did not cooperate with Mission, which was considered yet another proof that Israel flouted the will of the international community. The report reflected clearly the extent of the Israeli violations of human rights: United Nations facilities were attacked, humanitarian organizations were obstructed from bringing relief to the wounded and cluster bombs and heavy metal weapons were used. These were but some of the perpetrated violations; there was not enough time to list all of them here. There were clearly violations of international humanitarian law. In light of the painful facts, there was a need

for international responsibility and accountability.

SHINICHI KITAJIMA (Japan) said that the Government of Japan wanted to pay tribute to the efforts by the United Nations Fact-Finding Mission. Japan had had to abstain from voting on the resolution S9/1 due to concerns over the scope of the mandate, however once the Human Rights Council had decided to dispatch the Mission, Japan had been of the view that it should conduct its work in an objective manner. By reading through the report, Japan understood that the Mission had taken great pains to ensure a certain degree of balance. Each of the issues indicated in the report should be seriously and carefully dealt with in the most appropriate forum and the Council should consider the report, based strictly on its mandate: human rights. Japan also strongly urged both Israel and Palestine to make their utmost efforts towards the promotion of the peace process.

HASHIM OTHMAN (Malaysia) said the Fact-Finding Mission had discharged its highly sensitive mandate in a thorough and conscientious manner, and had presented their findings in an objective and comprehensive manner. When the Fact-Finding Mission was established, concerns were raised at the seeming imbalance in its mandate, which had since been clarified. Despite this, Israel had yet again failed to cooperate with a United Nations mandated mission and had even resorted to dismissing and discrediting the Mission's valuable findings instead of engaging with it. The report was not only critical to inform the Council's deliberations and further action aimed at addressing the grave human rights and humanitarian situation in Gaza, but also for the moral and ethical arguments it made against the continued illegal occupation of the Palestinian and other Arab territories. Malaysia agreed with and supported the findings of the Mission, particularly those regarding the issue of impunity leading to material breaches of international law, international humanitarian law, and international human rights law. The report was an invaluable document which provided compelling evidence of lack of adherence to and respect for the fundamental international humanitarian law principles of proportionality, necessity and distinction during the course of Operation Cast Lead. The Council should find consensus and act on the findings and recommendations of the report.

MUNA ABBAS RADHI. (Bahrain) said that Bahrain would like to thank the Fact-Finding Mission, headed by Mr. Goldstone, for the efforts deployed in preparing the report. The report documented grave violations of human rights by Israel, as well as other crimes that amounted to war crimes. The Israeli violations included the use of white phosphorous in civilian areas, shooting at civilians carrying white flags and other acts. The report also provided an accurate and impartial description of the situation, and Bahrain therefore called on Israel to welcome the report and implement its recommendations.

ABDAL DAEIM MOHAMDIEN (Sudan) expressed Sudan's appreciation for the efforts made by the Fact-Finding Mission. It had worked in a transparent manner to investigate the violations of international law, international humanitarian law and human rights caused by Israel's actions in the Gaza Strip. Sudan appreciated the courageous steps that had been taken by the

Council to create this Mission. This showed that they were on the right track and that nobody was above the law. The Sudanese delegation however regretted the lack of cooperation of Israel. Sudan fully supported the recommendations made by the Mission and its approach that everybody should be held accountable. Impunity only led to the repeating of crimes. The credibility of the Council would be put to test if all these massive crimes were to be ignored.

DANTE MARTINELLI (Switzerland) said since the beginning, Switzerland had asked for light to be cast on the allegations of violations of human rights and of international humanitarian law committed by all parties to the conflict. Switzerland welcomed that the Fact-Finding Mission had investigated allegations of violations committed by all parties. Israel cooperated with the High Commissioner, but not with the Fact-Finding Mission, despite the efforts of the latter. During the deliberations in the Council, the highest priority should be given to the fate and situation of the victims and the Palestinian and Israeli victims. Fighting against impunity was an indispensable prerequisite for lasting peace and prevention of future crimes. If parties to the conflict did not have the will or ability to bring to trial those suspected of committing violations of international humanitarian law and human rights law, then it was the responsibility of the international community to ensure that these did not go unpunished, and the report contained measures to ensure this. The Council should establish an independent Committee of Experts in international humanitarian law and human rights to supervise any judicial procedure taken up by the parties to the conflict. There should be follow-up to the report, a follow-up at the level of the work accomplished and at the size of the legitimate expectations of all victims to the conflict.

ADEL SHALTUT (Libya) said that the Libyan delegation had examined the report. The report stated that Israeli forces had not respected the rights of the inhabitants of Gaza, and thus perpetrated war crimes. Further, 50 United Nations institutions were destroyed, as were 50 facilities of non-governmental organizations. The report also clearly indicated that the occupying authorities had not cooperated with the Mission, which was not surprising. Further, the blockade imposed during the massacre of Gaza, and the use of white phosphorous, were clear violations of international humanitarian law. Libya called on the Human Rights Council to live up to its responsibility and to take serious steps, according to its mandate, for the Fact-Finding Mission to work with the Security Council so as to bring to court the perpetrators of the crimes that had been perpetrated.

ASADOLLAH ESHRAGH JAHROMI (Iran) said that following the 22-day-long military aggression against the defenceless people of the Gaza Strip by the Israeli regime, which had resulted in the brutal massacre of more than 1,400 civilians, the Human Rights Council had adopted a resolution deciding to dispatch an urgent international Fact-Finding Mission. Iran was pleased that the Mission had been able to present its findings. The pattern of non-cooperation by Israel was not new. The report had extensively elaborated and substantiated in detail numerous cases of gross and systematic violations of international human rights and humanitarian law by the Israeli regime. Iran

strongly believed that the atrocities committed against the civilian Palestinians during the aggression on Gaza and the relevant recommendations should be seriously taken on board and followed-up resolutely by the international community with a view to holding accountable the perpetrators of such heinous crimes. Also, putting the aggressors and the victims in the same position would be non-constructive and therefore unacceptable. The root causes of all these violations committed lay within the occupation.

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