



# General Assembly

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**37**<sup>th</sup> plenary meeting

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Official Records

*President:* Mr. Ali Abdussalam Treki . . . . . (Libyan Arab Jamahiriya)

*The meeting was called to order at 3.20 p.m.*

## Agenda item 64 (continued)

### Report of the Human Rights Council

**Report of the Human Rights Council  
(A/64/53/Add.1)**

**Note by the President of the General Assembly  
(A/64/490)**

**Draft resolution (A/64/L.11)**

**Mr. Al-Jarman** (United Arab Emirates) (*spoke in Arabic*): At the outset, I would like to thank you, Mr. President, for your initiative to convene these meetings to review the report of the Human Rights Council on its twelfth special session (A/64/53/Add.1), held on 15 and 16 October 2009, on the human rights situation in the occupied Palestinian territories and East Jerusalem, and of the United Nations Fact-Finding Mission on the Gaza Conflict, also known as the Goldstone report (A/HRC/12/48).

The United Arab Emirates, which has read with great interest the executive summary of the Mission's report, is deeply concerned and shocked by the information contained therein, which reflects, in one way or another, the gravity of the human rights violations and violence committed by the Israeli forces during the Israeli war against the Gaza Strip. The conclusions and facts contained in the report, which cover only 36 out of hundreds of tragic incidents that occurred there, clearly reflect the serious and systematic human rights violations committed by Israel

against the unarmed civilian population of Gaza. These violations are sufficient to legally convict Israel of committing war crimes and crimes against humanity, as punishable under international criminal law.

The Mission's investigation concluded that the comprehensive military operation launched by Israel against Gaza by air, land and sea under the name of Cast Lead has used excessive force and violence, which is an internationally illegal act. The comprehensive, direct and unprecedented military strikes launched by the Israeli forces far exceeded any military imperative and did not discriminate between civilian and military targets. These strikes — which targeted houses and densely populated civilian areas, including vital facilities such as hospitals — resulted in the killing of more than 1,400 Palestinians and injuring and crippling of thousands of others, mostly children, women and the elderly.

The Israeli military operations deliberately and directly targeted United Nations facilities and buildings in Gaza which were being used to shelter hundreds of fleeing people and refugees during the war. One of the schools of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which was sheltering more than 1,400 people at that time, was hit excessively, resulting in tragic losses of life. Furthermore, the systematic economic and political isolation of Gaza and the imposition of restrictions on the entry of basic humanitarian assistance, including food, medicine and fuel, dramatically affected the humanitarian, social, health and economic situation in the Gaza Strip.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506. Corrections will be issued after the end of the session in a consolidated corrigendum.



The United Arab Emirates renews its condemnation of the serious crimes and violations committed by Israel in Gaza and in other cities and villages of the West Bank and East Jerusalem mentioned in the Goldstone report. These Israeli violations are a new addition to its long record of war crimes and systematic violations of the human rights of the Palestinian people since 1948. We therefore call upon the international community, in particular all bodies and organs of the United Nations, to take urgent action within their respective mandates and in accordance with the recommendations of the Goldstone report. Such action must compel Israel immediately to end its siege of Gaza, in accordance with Security Council resolution 1860 (2009), and its serious violations of the human rights of the Palestinians — violations which are responsible for fuelling violence and instability in the region, undermining international peace and security and impeding the resumption of the Middle East peace process.

We also call for the General Assembly to endorse the report on the twelfth special session of the Human Rights Council and its recommendations (A/HRC/S-12/1), which call upon the Secretary-General to refer the report of the United Nations Fact-Finding Mission on the Gaza Conflict to the Security Council for review and immediate action in accordance with the Charter and with provisions of international law. The report also calls on Israel to urgently initiate effective, independent and impartial investigations within a specified period of time in order to identify those directly responsible for these violations, hold them accountable and ensure that they do not enjoy impunity. We call for the condemnation of all acts of killing, destruction and crimes against humanity committed by Israel, which led to a deplorable state of total economic, social and environmental destruction in Gaza, which continues to this day.

We urge the Government of Switzerland, the depositary of the Fourth Geneva Convention of 1949, to urgently take the necessary steps to hold a conference for the High Contracting Parties of that Convention to consider the measures required for its enforcement in the occupied Palestinian territories, including East Jerusalem, and for Israel's implementation of its obligations as an occupying Power.

We stress the need to keep this matter under continuous consideration in the General Assembly in

the light of the reports to be submitted in this regard by the Secretary-General. We also call upon the international community to step up the economic and humanitarian assistance it provides to the Palestinians in Gaza, including efforts to rebuild basic institutions, and to expand the services provided by the specialized agencies.

In conclusion, we urge all Member States which support international legality to vote in favour of draft resolution A/64/L.11, in order to achieve human justice and promote a culture in which there is no place for impunity, in accordance with relevant international protocols and international law.

**Mr. Loulichki** (Morocco) (*spoke in Arabic*): At the outset, I should like to thank you, Mr. President, for having favourably responded to the request of the Arab Group, supported by the Non-Aligned Movement, to convene this important meeting of the Assembly to consider the resolution adopted by the Human Rights Council regarding the human rights situation in the occupied Palestinian territories, including East Jerusalem. My delegation endorses draft resolution A/64/L.11, which was introduced by the representative of Egypt, on behalf of the Non-Aligned Movement, and endorsed by the representative of Syria, on behalf of the Organization of the Islamic Conference. At the same time, I should like to reiterate several important points.

International reports have underscored in a completely unequivocal manner the seriousness of the acts perpetrated by the occupying Israeli forces in Gaza. The Goldstone report is merely an important one among the many reports dealing with the persecution of the Palestinian people during the war waged against them in the Gaza Strip between December 2008 and January 2009. During this period, the Israeli forces did not respect the most elementary rights protected under international humanitarian law and human rights law, leading to more than 1,400 deaths and more than 5,000 injured, not sparing the elderly, nor women, children, mosques, schools, hospitals nor even the offices of our Organization. The Goldstone report contains an objective assessment of what took place during the military attack on Gaza, which was described by the Mission as serious violations of international humanitarian law and other relevant international instruments. Therefore it is now important to carry out an effective, swift independent and impartial assessment and investigation and that

responsibility for this falls on the parties involved in the conflict.

The report deals with the qualitative difference between these military operations and previous military acts conducted by Israel in the occupied Palestinian territories, which inflicted collective punishment on all inhabitants of Gaza in a way that was totally excessive and disproportionate. Civilian targets were demolished, the means of subsistence for Palestinians were destroyed and, as a result, a decent daily life became almost impossible.

The international community would have hoped that after the adoption of resolution 1860 (2009) the Israeli war machine would have put an end to those practices and begun to pave the way for reconstruction, and that restrictions on the movement of individuals and goods to meet basic needs would be eased. There was also hope that the capacity for a minimum of subsistence would have been granted to the Palestinians to enable them to resume their daily lives as well as to breathe a new spirit into the peace process.

However, Israel continues with the same policy: closing crossing points and blocking humanitarian assistance and reconstruction efforts by the international community. This is in addition to a systematic policy of collective punishment against the Palestinian people. Israel also continues its illegal policy in Al-Quds, as demonstrated by the expropriation of even more land in the Arab sections of the city, thus forcing Arab inhabitants to leave so that Israeli settlements can be joined together. Furthermore, Arab life in the area is being dismantled by the separation wall. That represents an attempt to limit the city's Arab population in order to change its demographic character.

In addition, Israel has continued to target and call into question Islamic and Christian holy sites, using archaeological excavations under and around Al-Aqsa mosque and its neighbourhood as a flimsy pretext, and finally, has attempted to hide the sacrilege committed against the holy places while preventing the faithful from safely reaching those sites for worship. All of that is utterly incompatible with international norms, law and resolutions as well as lacking in respect for the rituals of those practicing other monotheistic religions.

King Mohammed VI, Chairman of the Al-Quds Committee, has expressed his deep concern about, and

has condemned, the hostile and aggressive practices to which the Al-Aqsa mosque and East Jerusalem are subjected, and the settlement activities around them. These pose a real threat to the situation and to the demographic and urban balances in the area.

In the context of his responsibility and due to the pivotal role that Al-Quds plays in the Arab-Israeli conflict, His Majesty has continually underscored the need to have the United Nations, along with influential Powers and spiritual leaders, including the Pope, focus attention on those issues and on the danger that all Israeli illegal and unilateral acts pose for regional peace and security. There is also a need to respect the special nature of Al-Quds, in accordance with the resolutions adopted by the General Assembly and the Security Council and as stated in other commitments undertaken by the parties.

The most recent meeting in Morocco regarding Al-Quds, organized last week by the Treasury of the Al-Quds Committee and the Yasser Arafat Institute, launched an appeal for an immediate halt to all illegal Israeli practices in Al-Quds and its holy sites, while insisting on the need to respect freedom of religion, as Al-Quds is indivisible from the issue of the occupied Palestinian territories. Both the Fourth Geneva Convention and elements of international law apply to Al-Quds and its status. There is thus a need to respect all religions and all places of worship and to promote tolerance and peaceful coexistence.

Based on the Kingdom of Morocco's firm conviction that resorting to the logic of force and faits accomplis can serve only to further aggravate the regional situation, we repeat the call to resume the peace process, as it is the sole option within the terms of reference adopted by the international community, namely, the Road Map, the Arab Peace Initiative and other agreements and understandings among the parties involved. That should be done with the understanding that negotiations are an integral process and must be reconvened where they were halted; otherwise, this will be an absurd process that will never conclude.

Morocco therefore supports the vision of the Quartet, that is, the two-State solution and the need to establish a Palestinian State in accordance with the United States vision. In this context, we also hope that efforts by the United States Administration under President Obama to achieve success in the peace process will continue while further recourse is made to

international efforts, including the endeavours of the European nations.

At the same time, such international efforts will remain limited unless they are accompanied by a change in the parties' attitudes towards each other and towards others in general. The Goldstone report cites the views of an Israeli teacher and a Palestinian psychiatrist. The former, Ofer Shinar, expresses the view that there is a need to understand that both parties share the feeling of being victimized. The concept that the other party is not only violating international humanitarian law, but is also suffering from the violation of its human rights, needs also to be understood.

The Palestinian psychiatrist, Iyad al-Sarraj, was equally eloquent in saying that we have here not only a state of war but also a cultural and psychological situation. He nurtures the hope that the Israelis will

“start to walk on the road of dealing with the consequences of their own victimization and to start dealing with the Palestinian as a human being, a full human being who is equal in rights with the Israeli. And also the other way around: the Palestinian must deal with himself, must respect himself and respect his own differences in order to be able to stand before the Israeli also as a full human being with equal rights and obligations. That is the real road to justice and peace”. (*A/HRC/12/48, para. 1905*)

I reiterate: it is the only way to achieve justice and peace. Mutual awareness of that obvious and important truth only marks the beginning of the just and comprehensive solution to which we all aspire, in order to achieve coexistence and cooperation among all peoples of the region.

**Mr. Salam** (Lebanon) (*spoke in Arabic*): Israel has accused Judge Richard Goldstone, head of the United Nations Fact-Finding Mission on the Gaza Conflict, of bias. Yes, indeed — Judge Goldstone is biased. In fact, he has always been biased towards only one thing — finding the truth. He was biased when he investigated acts of terror and violence in his country, South Africa. He was biased when he participated in the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the International Panel of the Commission of Enquiry into the Activities of Nazism in Argentina, the Independent International Commission on Kosovo and

the Volcker report of the Independent Inquiry Committee to investigate the oil-for-food programme in Iraq. In fact, had he not been biased only towards the truth, he would not have been qualified to successfully assume any of these high-level judicial positions.

Israel also accused Judge Goldstone of possessing a one-sided view. This is true. Judge Goldstone viewed the issues solely with a view based on justice as he sees it. He rejected the first mandate of the Human Rights Council for the Fact-Finding Mission because it called for investigation of violations committed only by Israel. He did not accept that assignment until his request to expand the mandate to include all violations of human rights and international humanitarian law which were committed in the context of the military operations conducted in Gaza was granted.

Inside Israel, there are some who attack the conclusions of the Fact-Finding Mission based on the assumption that political objectives were guiding the work of Judge Goldstone. The paradox here is that if we assume, for the sake of argument, that political objectives had influenced Judge Goldstone and were thus behind the Mission's report, those objectives would only serve to save Israel from itself. Richard Goldstone has identified himself first and foremost as “a Jew who has supported Israel and its people all my life”, as he wrote in an article that appeared in *The Jerusalem Post* on 18 October. In fact, in an interview with Israeli army radio on 16 September, his daughter Nicole said that her father was “a Zionist who loves Israel”.

In addition to challenging Judge Goldstone's independence, neutrality and credibility, there were those in Israel who cast doubt on the work methods and professionalism of the Mission. In fact, the Mission pursued a comprehensive approach and scientific method based on the collection of data from original sources, such as interviewing victims and witnesses, making field visits, analysing videotapes and photographs, including satellite images, reviewing medical reports and requesting forensic analysis of the remnants of weapons and munitions, and organizing public hearings in Gaza and Geneva. In this regard, the Mission conducted 188 individual interviews and reviewed over 300 reports and written notes and other documents, all of which amounted to over 10,000 pages and more than 30 videotapes and 1,200 pictures.

In our judgement, the fierce campaign of attacks against Judge Goldstone and the work of the Fact-

Finding Mission have no purpose other than to divert attention from the essence of the matter, namely, the conclusions reached by the Mission. Therefore, we will focus on the most important conclusions.

Primarily, the Mission concluded that the military operation in Gaza cannot be understood or assessed if it is addressed in isolation from prior and subsequent developments. The operation was part of continuous Israeli policies aimed at pursuing Israel's political objectives in Gaza and the entire occupied Palestinian territory. Many of those policies are based on or result from violations of international human rights law and humanitarian law and the most important aspect is immediately evident when considering the blockade policy that preceded the operation and that, according to the Mission, amounts to collective punishment intentionally inflicted by the Israeli Government on the people of the Gaza Strip.

The Mission points to the convergence of the military objectives in Gaza and the numerous Israeli practices in the West Bank, including East Jerusalem, with the aim of strengthening its control over it by taking such measures as increased land expropriation, house demolitions, demolition orders and permits to build homes in settlements and greater and more formalized access and movement restrictions on Palestinians.

With regard to the nature of the Israeli military operations and objectives, first, the Mission concluded that while Israel tried to portray its operations as essentially a response to rocket attacks, in exercise of its right to self-defence, the objective was to further an overall policy aimed at punishing the population of Gaza for their resilience and apparent support for Hamas and possibly with the intention of forcing a change in such support.

Secondly, the repeated failure to distinguish between combatants and civilians appears to the Mission to have resulted from deliberate instructions issued to soldiers, as described by some of them. Thirdly, evidence gathered by the Mission shows that the destruction of food supply installations, water and sanitation systems, cement factories and residential houses was the result of a deliberate and systematic policy of the Israeli armed forces, not because these targets were a military threat, but to make the process of dignified living more difficult for the civilian population. Fourthly, there seems to have been an assault on the people's dignity. This was seen not only

in the use of civilians as human shields and unlawful detention, sometimes in unacceptable conditions, but also in the vandalizing of inhabited houses and the way in which people were treated when their houses were entered. The graffiti on the walls, obscenities and often racist slogans all constituted an overall image of humiliation and dehumanization of the Palestinian population.

Fifthly, what occurred was a deliberately disproportionate attack designed to punish, humiliate and terrorize a civilian population, radically diminish its local economic capacity both to work and to provide for itself and to force upon it an ever-increasing sense of dependency and vulnerability.

With regard to legal consequences, the most important conclusions reached by the Mission were the following.

First, Israel failed to take necessary precautions required by customary law to avoid or minimize collateral loss of civilian life, injury to civilians and damage to civilian objects. Second, the deliberate attacks on civilians and their property were in violation of the fundamental international humanitarian law principle of distinction, resulting in deaths and serious injuries. Third, by deliberately attacking police stations and killing large numbers of policemen during the first minutes of the military operations, Israel clearly failed to respect the principle of proportionality. Fourth, Israel's use of white phosphorus is restricted or even prohibited under international law in most circumstances by virtue of the principles of proportionality and precautions necessary in the attack. Fifth, Israel's use of civilians as human shields is prohibited by international humanitarian law. It further constitutes a violation of the right to life, protected in the International Covenant on Civil and Political Rights. Sixth, the prolonged detention of large groups of civilians under inappropriate circumstances constitutes collective punishment in violation of the Fourth Geneva Convention and the Hague Regulations. Seventh, Israel committed grave breaches of the Fourth Geneva Convention, including wilful killing, torture or inhuman treatment and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly, and individual criminal responsibility attaches to the perpetrators. Eighth — and this is most serious — the series of acts that deprive Palestinians in the Gaza Strip of their means of subsistence, employment, housing

and water and that deny their freedom of movement and their right to leave and enter their own homes could constitute the crime of persecution, which is a crime against humanity. For all those reasons, we cannot accept the argument that calling for accountability could impede the peace process. Quite to the contrary, an end to impunity is a prerequisite for the justice that is required for a comprehensive and lasting peace.

My delegation calls upon all members of the Assembly to vote in favour of the draft resolution now before us, which calls for the adoption of the report of the independent international Fact-Finding Mission on the Gaza Conflict. We have heard the President of the State of Israel claim that that would deprive Israel of its right to defend itself, in particular against terrorism. Therefore, I should like to conclude by quoting from an Israeli opinion piece that appeared in *The Jerusalem Post* on 7 October 2009:

(spoke in English)

“We’re entitled to do whatever the hell we want to the Palestinians because, by definition, whatever we do to them is self-defence. They, however, are not entitled to lift a finger against us because, by definition, whatever they do to us is terrorism.

“That’s the way it’s always been, that’s the way it was in Operation Cast Lead.

“And there are no limits on our right to self-defence. There is no such thing as ‘disproportionate’. We can blockade Gaza, we can answer Kassams with F-16s and Apaches, we can take 100 eyes for an eye.

“We can deliberately destroy thousands of Gazan homes, the Gazan parliament, the Ministry of Justice, the Ministry of Interior, courthouses, the only Gazan flour plant, the main poultry farm, a sewage treatment plant, water wells and God knows what else.

“Deliberately.

“After all, we’re acting in self-defence. By definition.

“And what right do the Palestinians have to defend themselves against this?

“None”.

**Mr. Al-Hinai (Oman)** (*spoke in Arabic*): At the outset, my delegation would like to express its thanks and appreciation to you, Mr. President, for holding this plenary meeting of the General Assembly to consider the report of the Human Rights Council on its twelfth special session (A/64/53/Add.1) and Council resolution S-12/1, as part of the agenda item “Report of the Human Rights Council”. My country is very grateful for your diligent and sincere efforts in convening this meeting at the request of many countries and geographical and political groups.

My country aligns itself with the statements made by the representative of Syria on behalf of the Organization of the Islamic Conference and by the representative of Egypt on behalf of the Non-Aligned Movement.

The General Assembly is meeting today to consider a very important issue related to the violation of human rights, namely, the vicious Israeli aggression against the occupied Palestinian territory, in particular the massacres of civilians in the Gaza Strip carried out by Israel from 27 December 2008 to 18 January 2009. The indescribable atrocities and aggression committed against the Palestinian people by the Israeli occupying forces claimed the lives of more than 1,400 Palestinian martyrs and wounded thousands of others; they also involved the bombing and destruction of houses and United Nations facilities, which enjoy international privileges and immunities. In that regard, the Sultanate of Oman welcomes the findings and recommendations contained in the Independent International Fact-Finding Mission established by the Human Rights Council and led by Judge Richard Goldstone, which were endorsed by the Council in its resolution S-12/1 of 16 October 2009, adopted at its twelfth special session.

More than once, the report confirms the commission by the Israeli authorities of war crimes and crimes against humanity. It also confirms that the Israeli blockade against the Gaza Strip constitutes a policy of collective punishment and a violation by Israel, as the occupying Power, of the Fourth Geneva Convention. The report also cites many crimes, including the use of Palestinian civilians as human shields.

The international community must take a firm stand against Israel’s war crimes and hold it accountable by compelling it to compensate the victims. That is an important issue that must not be

ignored. It should be addressed with all the necessary seriousness. My delegation believes that pursuing perpetrators of violations of international humanitarian law and crimes against humanity will make Israeli officials understand the need to move ahead with the Middle East peace process with a view to establishing just and comprehensive peace.

My delegation also believes that ignoring the conclusions and recommendations contained in the report of the Fact-Finding Mission on the Gaza Conflict would constitute a genuine setback in the area of human rights since the Universal Declaration of Human Rights was adopted. Continued war and military escalation is futile. The only way to ensure Israel's security is by negotiations with the legitimate representative of the Palestinian people in order to achieve just and comprehensive peace, stability and security for all parties.

In conclusion, through the President, my delegation calls on the Security Council to discharge its full responsibilities as the body responsible for the maintenance of international peace and security.

**Mr. Hariprasad (India):** India condemns in the strongest possible terms the violations of international humanitarian law and human rights law committed during the Gaza conflict that took place in December 2008 and January 2009. We are convinced that the unqualified adherence by all the concerned parties to the relevant instruments of international humanitarian law and human rights law is imperative. Furthermore, any refusal by the concerned parties to do so should rightly be the subject of the strongest possible opprobrium from the international community.

*Mr. Mohamad (Sudan), Vice-President, took the Chair.*

We note that the Goldstone report (A/HRC/12/48) was discussed by the United Nations system a number of times prior to our meeting today. The report, which was prepared under the express mandate of the President of the Human Rights Council, was discussed at the Council in a special session in the middle of last month. Let us therefore be clear that what we are discussing is the report of the Human Rights Council at its twelfth special session, which was held in Geneva last month.

While participating in the special session, we noted that the Fact-Finding Mission had produced a comprehensive report that merits careful consideration.

It documented violations of human rights and international humanitarian law by all the sides involved. That is a matter of serious concern. We also pointed out that it was important not to lose sight of the weaknesses of the report, including the fact that the report itself admits that its findings do not necessarily reach the standard of proof applicable in criminal trials and that the Mission should have addressed its recommendations to the Council and not to other institutions in the United Nations and multilateral system.

The report was also among the major issues discussed by the Security Council on 14 October. We carefully watched the discussion in the Security Council, as we had the events that led to the convening of the Council's meeting. We followed that up with a serious analysis of the developments that have since unfolded.

India's deep association with, and continuing commitment to, Palestine is rooted in our modern history going back to our struggle for independence. We believe that the solution to the Palestine issue should be based on the relevant resolutions of the United Nations, the Arab Peace Initiative and the Quartet's Road Map. That should result in a sovereign, independent, viable and united State of Palestine living within secure and recognized borders, side by side at peace with Israel.

India will continue to do all within its capacities to assist Palestine in its endeavours in capacity- and institution-building. That intention has been exemplified, among other things, by the recent enhancement of our contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

The continuing atmosphere of distrust and refusal to talk is fast becoming a major obstacle to peace and security in the West Asia region. Terrorism and the escalating humanitarian crisis are adding obstacles to any resumption of the dialogue process. We are convinced that all the concerned parties involved in the Gaza conflict that took place nearly a year ago need to engage in introspection and take firm action against those responsible for violations of international humanitarian law and human rights law in a credible and speedy manner, as has been recommended by the Goldstone report. The international community, and especially the countries of the region, must play a

positive role in creating an enabling atmosphere for such investigations and follow-up actions.

In conclusion, I wish to emphasize that, while we welcome the various efforts at documenting the injustices and atrocities committed during the Gaza conflict, we have reservations about making an unqualified endorsement of the various recommendations and some of the procedures adopted by the Goldstone report, including on the involvement of the International Criminal Court and the Security Council.

**Mr. Wenawesser** (Liechtenstein): We appreciate this opportunity to address the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48). The substance of the report has been previously discussed, both at the Human Rights Council and in the framework of the last open debate of the Security Council. We were disappointed by the two decisions that the Human Rights Council adopted on the important report before us. We hope that today's debate will result in a responsible and appropriate decision by the only universal organ of the United Nations.

We look at the report before us as part of the larger picture in the area of accountability — a topic with which United Nations organs have been struggling on a regular basis. On the one hand, both the General Assembly and the Security Council have intensified their efforts to enhance the protection of civilian populations in times of armed conflict. One clear expression of that stronger commitment was the agreement reached in the Assembly on the principle of the responsibility to protect civilian populations. That responsibility falls primarily on States, but also on the international community as a whole, in cases where national authorities are manifestly failing to protect civilian populations.

On the other hand, we have witnessed the continuing erosion of respect for international humanitarian law, which is the prime guarantor of such protection in practice. Most important, there has been no consistency in the efforts to ensure accountability. The question can therefore be asked as to why we have such a comprehensive report before us on the military operations in Gaza several months ago, when possible massive violations of international humanitarian law in the context of counterinsurgency operations in other parts of the world have not been subject to any such credible investigations. We are facing a problem of

selectivity, which we are familiar with from the broader human rights discourse. We need to address it. But silence on everything and silence on the information before us cannot of course be our approach.

Over the past decade, the Organization has made very significant progress in the area of accountability and in the fight against impunity. It is generally accepted that there can be no immunity or amnesty for perpetrators of the most serious crimes under international law — genocide, crimes against humanity and war crimes. It is also generally recognized that national judiciaries have the primary responsibility for investigating and prosecuting cases where such crimes have been committed. Where they fail to do so, international law requires that other actors step up to ensure that there is no impunity for the perpetrators of those crimes. This principle is also the conceptual basis of the International Criminal Court, the most important expression of the principle of complementarity.

The findings contained in the report of the Fact-Finding Mission are very serious and very disturbing. By its mandate and its character, the Mission was not a criminal investigation. But clearly there is a need for such an investigation on the basis of the vast material that the Mission has collected. In considering the report, the Assembly is now called upon to act in accordance with the principle of the primary responsibility of the parties to the conflict, which was advocated by the Mission itself. We therefore hope that the draft resolution to be adopted at the end of this debate will focus on the responsibility of the parties to the conflict to investigate and prosecute allegations of serious violations of international humanitarian law.

We believe that that has emerged as a strong common element in the positions taken in a controversial political discussion over the past few weeks. Such investigations should be carried out in accordance with the relevant international standards, and there should be a possibility for the Assembly to consider the issue again, when necessary, with a view to taking further action on the basis of a report by the Secretary-General.

**Mr. Takasu** (Japan): I would like to express my appreciation to the President for arranging this meeting on the report of the Human Rights Council on its twelfth special session (A/64/53/Add.1).



Japan is seriously concerned about the increasing number of civilian fatalities and casualties that are occurring in armed conflict worldwide. The violence being done to civilians by both State and non-State actors is a violation of international humanitarian law and human rights law, and all perpetrators should be held accountable.

Ten months have passed since the Security Council adopted resolution 1860 (2009) and expressed serious concern about the harm done to civilians and United Nations facilities in Gaza. The humanitarian and human rights situation in Gaza, especially the plight of women and children, remains dire and precarious. We must express our deep concern and exhort the concerned parties to make every effort to improve the situation.

The Human Rights Council adopted a resolution on the Fact-Finding Mission on the Gaza Conflict on 16 October (resolution S-12/1) and recommended that the General Assembly consider the Mission's report (A/HRC/12/48). We note that the Fact-Finding Mission took great pains to try to ensure a degree of balance by investigating acts committed by the Palestinian side as well as the Israeli side. We would like to pay tribute to the efforts of the Mission.

The Fact-Finding Mission reported serious violations of international humanitarian law and human rights law by both Israelis and Palestinians. We should never overlook these findings. With this view, we hope that both sides will take appropriate steps in a timely manner to conduct internationally credible investigations.

The recommendations of the Fact-Finding Mission are comprehensive and wide-ranging and require careful examination by the relevant parties and United Nations entities. We strongly believe that it is essential for the General Assembly and other relevant United Nations organs to conduct discussions conducive to the promotion of constructive dialogue on the situation in Gaza and not to hinder the efforts the two sides are making. That is important especially at this juncture, when the parties concerned are making serious efforts to resume peace talks. We believe the General Assembly should encourage both Israel and the Palestinian Authority to engage in constructive dialogue in the hope that that would contribute to achieving a resolution of the situation on the ground.

We are convinced that peace and justice are and must always be mutually reinforcing. In this year of the sixtieth anniversary of the 1949 Geneva Conventions, the international community should do everything in its power to enhance dialogue on how to achieve both peace and justice.

**Mr. Benmehidi** (Algeria) (*spoke in French*): I would like to thank the President of the General Assembly for having responded rapidly to the appeal of the Group of Arab States to place on the agenda of our meeting consideration of the recommendations of the report of the United Nations Fact-Finding Mission on the Israeli aggression against Gaza (A/HRC/12/48). I would also like to pay a well-deserved tribute and express our particular gratitude to the members of this Mission, headed by Justice Richard Goldstone, whose integrity, courage and professional qualities are acknowledged and unanimously appreciated.

The broad participation of Member States in this debate demonstrates, if there were need to do so, the huge resource of solidarity, sympathy and benevolence that this Assembly has always demonstrated with respect to the Palestinian cause. We also see here an outpouring of a spirit of legitimate anger against the continued impunity of Israel, which impunity we condemn with the utmost vigour. For its part, Algeria would like to emphasize the importance it attaches to having our work produce specific decisions and actions.

The concentrated and well-documented report of the United Nations Fact-Finding Mission arouses indignation. In it is a forceful description of the way in which the Israeli aggressor took the civilian population of Gaza hostage, leaving behind a shameful trail of victims and devastation. It indeed does honour to the authors of the report to have placed the civilian victims at the core of their concerns regarding the plethora of blatant violations of international law and international humanitarian law.

It is totally understandable that their investigation dealt less with the status of the perpetrators of the violations than with the nature and the instruments of the crime in determining, to the extent possible, the circumstances of events brought to their attention. However, it would be unjust and morally wrong to put the aggressor and the aggrieved party on an equal footing by dividing equally between them the responsibility for their acts. Algeria is confident that the investigations that the Palestinian side has

unanimously committed itself to conduct will demonstrate the pointlessness of the quibbling argument regarding the right to legitimate self-defence put forward by the Israeli aggressor to justify its serious crimes.

Regarding the bereaved survivors, Algeria refuses to describe the events in Gaza as a conflict. Rather, at issue is brutal military aggression, yet one more time when Israel, boasting sophisticated weaponry, has waged war against civilians and has carried out barbaric acts under the spotlight of the international stage.

Faced with that kind of aggression, advocating a sharing of responsibilities would be to demonstrate a deplorable naïveté. As stated by Mr. Richard Falk, United Nations Special Rapporteur on the situation of human rights in the occupied Palestinian territories, Gaza has provided the ideal framework for the implementation of the responsibility to protect with regard to a civilian population that has been collectively punished by policies that are tantamount to a crime against humanity.

Israel has never concealed its deadly plans and has certainly not committed its last act of aggression. Its history is studded with war crimes and crimes against humanity, knowingly perpetrated in pursuit of an expansionist goal. The most recent crime in Gaza, however, openly committed in the face of the international community and the Security Council in particular, is exceptional in that it threatens the very notion of norms of law. Condemned at the time by the international community, that new act of aggression by the Israeli army is a massive and flagrant violation of human rights without mitigating circumstances, once again demonstrating that in order to achieve its goals Israel is prepared to trample the norms of international law and the principles on which our Organization was founded.

It is, however, regrettable that this condemnation has not been reinforced by decisive action on the part of the Security Council, despite the fact that the Charter grants such power. As far as Israel is concerned, the Council has clearly not adopted the firm, strict attitude necessitated by the seriousness of the situation and the threat it poses to international peace and security, as well as to the peace process.

Algeria welcomes the President's important statement at the beginning of this meeting. We fully

support the desire of the majority of delegations to see the General Assembly and the Security Council demonstrate their responsibility and coherence in order to put an end once and for all to Israel's policy of aggression and threats, which would never have been possible without the impunity that Israel knows it can be sure of. It is exactly that impunity and the blocking of any political decision by the United Nations system that weakens our Organization's very credibility.

It is thus perfectly natural that the Security Council be called on to finally shoulder its responsibilities and exercise its prerogatives at a moment when Israel's murderous aggression is handing over the entire Middle East to a dangerous revival of the spirit of confrontation, to the detriment of the dynamic of the peace process that all parties are committed to promoting and that the international community is duty bound to protect.

My delegation would like to urge the members of the Assembly to adopt by an overwhelming majority the draft resolution (A/64/L.11) that the Arab Group has submitted on the basis of the recommendations in the Goldstone Report. In so doing, they will be ending the paralysis that has for too long characterized the attitude of our Organization towards Israel and thus helping to put an end to the culture of impunity.

**Mr. Maurer** (Switzerland) (*spoke in French*): Switzerland has already stated its position in the Human Rights Council and the Security Council on the report (A/HRC/12/48) of the Independent United Nations Fact-Finding Mission on the Gaza Conflict of December 2008 to January 2009. My delegation would therefore like simply to reiterate the following points.

The Mission investigated the allegations of violations committed by all parties, not just one. It is thanks to that balanced approach that the report has a high level of credibility. It examines the events in an objective, comprehensive manner.

Switzerland is concerned about the Mission's finding that very serious crimes were committed by the various parties and that it would be irresponsible not to follow up on that. Accordingly, the report proposes a number of recommendations to ensure that justice can be done.

It is crucial at this stage that the parties to the conflict conduct their own independent investigations, in conformity with international standards. The responsibility is, first and foremost, their own. If,

however, the parties to the conflict lack the will or capacity to conduct the necessary investigations and legal proceedings, it will be up to the international community to ensure that the violations do not go unpunished.

The Human Rights Council has endorsed the report's recommendations and called on the various actors, including the General Assembly, to ensure that they carry out those recommendations in accordance with their respective mandates. If need be, the Assembly should consider the creation of an independent committee of experts in international humanitarian law and human rights to oversee all the relevant proceedings of all parties.

In the interests of the victims, Israeli as well as Palestinian, we must ensure that this report does not fall into oblivion or indifference. Combating impunity is an indispensable condition for achieving a lasting peace and preventing future crimes. Those objectives are mutually reinforcing and should be pursued simultaneously.

The need for a negotiated solution to the Israeli-Palestinian conflict is obvious, and it is in that spirit that we call on all parties to respect their obligations in that regard under international humanitarian law and as a matter of human rights.

**Mr. Kleib** (Indonesia): Let me begin by extending my delegation's appreciation to the President, for convening this pertinent and timely meeting on such an important subject.

My delegation wishes to associate itself with the statements delivered at the 36th meeting by the representatives of Egypt on behalf of the Non-Aligned Movement, and of Syria on behalf of the Organization of the Islamic Conference.

We remain profoundly distressed by the depth of the human rights and humanitarian crisis that continues in the Gaza Strip, a crisis that will challenge our pledge to uphold the values of humanity if we continue to fail the Palestinian people. Civilians in Gaza have been suffering for far too long, and our efforts to come to their rescue in times of danger are far too weak.

The illegal blockade and closure of the Gaza crossings by Israeli authorities persist. Israel's extensive economic blockade and restriction of movement has not only weakened the Palestinians, it has inflicted long-term damage on them. Not least, it is

having destructive consequences by further sowing seeds of animosity and driving the cycle of violence in the region. And there is no doubt that the Israeli military operations in Gaza from 27 December 2008 to 18 January 2009 worsened the already dire humanitarian situation there.

Indonesia appreciates the thorough, analytical and comprehensive report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/64/490, annex). The report not only accurately captures what actually transpired during the military campaign, it also reveals many disturbing stories of atrocities. The international community must not ignore that. We must embrace the report. It is these solid facts that have Indonesia gravely concerned and dismayed over the investigation's findings. We are in full agreement with the report's observations.

The Israeli offensive was a deliberate assault aimed at punishing, humiliating and terrorizing a civilian population, and radically diminishing its local economic capacity. The effect has been to force upon them an ever-increasing sense of dependency and vulnerability. The excessive and disproportionate use of force, and a policy of collective punishment, were intentionally inflicted on the people of the Gaza Strip.

This is plainly a policy of humiliation at its worst. Indonesia, as a nation that emerged from the ashes of colonialism, knows very well that humiliation can never be a source of strength. Such a policy will only cause any oppressed society to grow stronger and eventually prevail over its oppressor. Israel should and must learn from history.

Yet there is no guarantee that Israel will not use that policy again. Israel has committed a variety of crimes: war crimes and violations of international law, international humanitarian law and the Fourth Geneva Convention, to name a few. In that context, my delegation would like to reaffirm, in the clearest manner possible, its outrage and strong condemnation of the military onslaught by Israel in the Gaza Strip.

We therefore commend the United Nations Fact-Finding Mission for their recommendations. We urge all parties concerned to pay their utmost attention to the conclusions and to follow up on those recommendations accordingly.

Today offers the opportunity for the wider membership of the United Nations to express its views on the grave situation in the Gaza Strip. Many

countries will passionately support the report as it is; others might question some parts of it. This is the United Nations, where issues are incessantly debated, but that should never be an excuse not to seek justice for the Palestinian people. Let us not make this yet another missed opportunity. It is high time for the General Assembly to consider the substance and the recommendations of the report of the United Nations Fact-Finding Mission and to take a decision on the way forward.

The conflict in the Middle East has been going on for far too long. For 60 years the illegal Israeli occupation has made the region a theatre of tension and violence. On the Palestinian side, the nation has been facing hardship and surviving without a State. On the Israeli-Palestinian track alone, the core issues — the status of East Jerusalem, the borders of a Palestinian State, settlements in the West Bank, Palestinian refugees, security and water resources — remain unresolved. For many years, Indonesia has joined the international community in drawing attention to the consequences of continued illegal Israeli activity in the occupied Arab territories. Israel should cease its continuous policy of playing the game of being deaf. Too many years have passed, too many lives have been lost, and too many dreams have been shattered.

Finally, there is perhaps no international issue more important to Indonesia and closer to our hearts than the effort to find a peaceful, just, lasting and comprehensive settlement for any protracted conflict, be it in Asia or elsewhere. The Israeli-Palestinian conflict draws our attention and compassion, and we desire an end to the illegal occupation that began in 1967.

We have therefore consistently supported efforts to achieve such a settlement, based on all relevant Security Council resolutions, including resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003). Our commitment to an independent, viable and democratic Palestine, living side by side in peace and security with its neighbour, is absolute. It will be a tragedy for the Palestinians, the Israelis, other nations in the region and all humankind if peace in the region is persistently rejected.

**Mrs. Viotti** (Brazil): The consideration by the General Assembly of the report of the independent fact-finding mission headed by Justice Richard Goldstone (A/HRC/12/48) is both timely and appropriate. The Goldstone report is an important and

serious document. Brazil commends the effective and professional work of the members of the mission. They have investigated potential violations of international humanitarian and human rights law on both sides of the Gaza conflict in a rigorous and balanced manner. Their conclusions merit careful study.

Pursuant to the principle of complementarity, Brazil is convinced that the report should, for the moment, be implemented primarily by the concerned parties, with the full support of the international community. The Israeli Government and the relevant authorities in Gaza must establish full, independent and credible investigations, in conformity with international standards, into the serious violations of international humanitarian and human rights law reported by the mission. Such investigations should be time-bound.

Given the responsibility of the international community to ensure accountability for infringements of international law, Brazil believes that international monitoring of those investigations is needed. That can be done in a number of ways.

In devising the most appropriate way, we should be guided by the need to seek justice and truth, while laying down solid foundations for reconciliation among Israelis and Palestinians. The ultimate political justification for investigating the alleged violations is that putting an end to the prevailing culture of impunity in the region will help deter further violence and encourage the parties to find a peaceful solution to their differences. There must be room not for vengeance, which only brings more violence, but for accountability, which brings reparation and, therefore, peace.

It is important to respond to the concerns of those who believe that an effective follow-up to the recommendations of the Goldstone report might jeopardize Israel's right to self-defence and, consequently, the support within that country for credible peace negotiations. Brazil fully recognizes the right of Israel to defend its people and territory against all kinds of aggression. It is a Charter-based right that no one can deny. We have also indicated time and again that public support in Israel for the peace process will erode if the population, especially in the south, feels threatened.

At the same time, in defending itself, Israel is bound by international law. Although often

challenging, the observance of international humanitarian law is an imperative, especially in situations of asymmetric warfare in densely populated areas, where civilians are likely to be much more exposed to the effects of military action. Those in control of Gaza are also bound by international humanitarian law and therefore must be held accountable for violations.

Some say that it is unrealistic or naïve to expect the parties to conduct independent investigations. We will speculate on the future action or inaction of no one. It is clear, however, that the possibility of a refusal by any of the parties to launch such investigations, or of a half-hearted engagement in them, if initiated, should not be a cause for the international community to give up on the need for justice. It would fall on those who deny accountability to bear the onus of their decisions.

The Goldstone report is particularly eloquent proof of the urgency of putting an end to the Israeli-Palestinian conflict and the violations of international humanitarian law that it has brought about. The only lasting solution is to cease the occupation of the Palestinian territories and to create an independent, geographically united, democratic and economically viable Palestinian State, living side by side with Israel in peace and security within internationally recognized borders.

Brazil renews its strong and unwavering support for the peace process, based on the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative, the Quartet road map to peace and the Annapolis process. We reiterate our call for the parties to take the measures needed to restart and sustain credible negotiations. The momentum that existed earlier this year seems to be fading away. We must ensure that peacemakers on both sides of the conflict quickly regain terrain.

**Mr. Al-Allaf** (Jordan) (*spoke in Arabic*): First of all, I wish to thank the President of the Assembly for his quick response in convening this important meeting to discuss the report of the United Nations Fact-Finding Mission on the Gaza Conflict, the Goldstone report (A/HRC/12/48).

The report of Justice Goldstone before us today is yet further evidence of the failure of military solutions to conflict in Palestine and the Middle East. My

country time and again has emphasized the failure and unsustainability of the Israeli military approach to dealing with the question of Palestine. From this rostrum, we wish to reiterate and emphasize that the future of the Israeli State and its existence in the region and its enjoyment of peace and stability cannot be obtained except through the peace process, the resumption of serious peace negotiations on all tracks and the return of Arab territories occupied since 1967.

The work of the Fact-Finding Mission has been performed within the mandate entrusted to it by the Human Rights Council. Its work was characterized by a professionalism that reflected the integrity and impartiality of its members. The Goldstone report is yet another addition to the many international reports chronicling the conflict and destruction in the Middle East. In general, all of them have condemned the Israeli military operations against civilian population areas, houses of worship and other targets prohibited under international humanitarian law, especially the Geneva Conventions, regarding the protection of civilians in times of war.

Furthermore, actions by Israel during the recent war against Gaza, as outlined in the Goldstone report, represent a legal and moral violation of its responsibility as an occupying Power under international humanitarian law. Here, I would like to register our profound sorrow for the lack of cooperation on the part of the Israeli Government with the Fact-Finding Mission, and we demand that Israel comply with the will of the international community to investigate the number of victims who lost their lives and the massive destruction caused by its military operations in Gaza, which included attacks on United Nations relief organizations, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

My country and all other peoples in the region have suffered the scourges of conflict and occupation. Through too many years of conflict, it has been proven that violence and killing lead only to more violence and deepen the sense of frustration and despair among all peoples of the region. The time has indeed come for the international community to enact criminal justice and protect future generations from the recurrence of the human tragedies that we have recently seen in Gaza and before that throughout the course of the ongoing Israeli-Palestinian conflict, which constitutes one of the longest running conflicts in modern human history.

Therefore, this Organization has a grave responsibility to ensure that the efforts of Judge Goldstone and his colleagues will not be mothballed. It is imperative therefore that the recommendations of the report be pursued in order to achieve justice and ensure the maintenance of international peace and security. In that regard, it is the duty of the Security Council, by virtue of its responsibilities, to consider the findings and recommendations contained in the Goldstone report.

In Jordan, it has been our long-standing policy to respect international humanitarian law and human rights. Jordan has worked tirelessly to establish the International Criminal Court in order to preserve the interests of humankind and to establish a bulwark against impunity. Here, redressing the culture of impunity is a collective responsibility of all Member States of the United Nations, and criminal responsibility cannot in any way be in contravention with peace efforts.

We demand that Israel, with which my country has a peace treaty, pledge itself to peace and to peaceful coexistence with the peoples of the region and to cease all practices contravening international law, namely, settlement activities, excavations, displacement of Palestinians, demolition of houses in Jerusalem, constant siege of the Palestinian people in the West Bank and the Gaza Strip, partition and the seizing by force of Palestinian land by building the separation wall.

Here, we would like to caution that Israeli practices in Jerusalem will touch off yet another spiral of violence and be a new and severe setback to peace efforts, given the special religious and historical status of Jerusalem to both Muslim and Christian peoples. We would like to stress that the Israeli practices in Jerusalem and other occupied Arab territories cannot be reconciled with a peace approach and do not serve the security and future of Israel in the region.

**Mr. Núñez Mosquera (Cuba)** (*spoke in Spanish*): Cuba attaches great importance to consideration by the General Assembly of the report of the United Nations Fact-Finding Mission on the Gaza Conflict, known as the Goldstone report (A/HRC/12/48). The report of the Fact-Finding Mission is an objective document of the utmost juridical rigour drafted with professionalism and impartiality. Israel's rejection of its conclusions and reluctance to cooperate in their application underline that Government's disregard for the will of

the overwhelming majority of the international community and its refusal yet again to comply with the resolutions of the General Assembly and the Security Council relating to the Israeli-Palestinian conflict.

Israel's position as the occupying Power has been made clear by the criminal blockade and the policy of closures of border crossings that it continues to impose on the population of Gaza, compounding the difficulty of the living conditions of the long-suffering people of Palestine. With its military aggression of last December and January, Israel not only flagrantly violated international law, including its legal obligations as occupying Power, but also committed war crimes and crimes against humanity.

Those responsible for such acts of barbarism have not been prosecuted. They continue to enjoy impunity. That is possible only because of the protection enjoyed by Israel from the super-Power that continues to provide the financial resources and weapons with which Israel can continue its aggressive policy of occupation of the occupied territories and of extermination of the Palestinian people. Cuba firmly believes that the impunity enjoyed by the Government of Israel is precisely what has made it possible to continue its illegal policies in clear contravention of international laws and what has permitted the escalation of its aggressive policies.

The Fact-Finding Mission has confirmed that both the earlier blockade and the aggression against the Gaza Strip are forms of collective punishment against the Palestinian population in Gaza and that they were formulated to that end by the Israeli authorities. The report not only documents and confirms the numerous violations of international humanitarian law committed by Israel, including the principles of discrimination and proportionality, but is also evidence that there was a clear intention of attacking civilian targets. The order given to the troops to not distinguish between civilians and troops confirms this.

Cuba energetically condemns these acts and urges the international community to ensure that those responsible are judged with all the harshness warranted by the crimes committed. We call upon the General Assembly to act without delay and adopt a resolution that guarantees that appropriate measures will be taken to avoid a repetition of such situations in the future. Impunity cannot be allowed to continue.

Moreover, we repeat our request to the Government of Israel to put an end to all violations of the rights of the Palestinian people in the occupied Palestinian territories, including the settlement policy in East Jerusalem, and to scrupulously comply with its obligations under international law, in particular international humanitarian law and human rights standards.

The facts highlighted in the report present a new opportunity for the international community to consider the Palestinian question in greater depth. We believe that the outcome of this report will contribute to the international community's efforts encouraging Israel to end its occupation of Palestinian territory and ensuring respect for the sovereignty of an independent Palestinian State, and its exercise of that sovereignty within the 1967 borders, with East Jerusalem as its capital.

**Mr. Morejón** (Ecuador) (*spoke in Spanish*): My delegation aligns itself with the statement made by the representative of Egypt on behalf of the Non-Aligned Movement. I would like to add the following in my national capacity.

Ecuador reiterates its position regarding the conflict in the Middle East, which is full respect for the standards and principles of international law, in particular as regards the peaceful settlement of disputes. We condemn the use or threat of use of violence and urge compliance with international treaties and agreements and full compliance with the resolutions of the United Nations and its related bodies.

My delegation again condemns the acts of violence in the Middle East, which are in clear violation of international law and which prevent the achievement of a global and comprehensive solution to the Palestinian/Israeli conflict and, by extension, the Arab/Israeli conflict in the context of United Nations resolutions and in keeping with the standards and principles of international law.

We also condemn the military operations in the Gaza Strip, which have caused tremendous loss of human life, particularly among women and children, and extensive material damage. In addition to the military action, the blockade imposed on the Palestinian territories heightens the suffering and devastation of a people who are struggling to achieve a sovereign and independent State. It was such actions

that led the President of the Human Rights Council to establish a United Nations Fact-Finding Mission on the Gaza Conflict.

Ecuador takes into account the recommendations appearing in the Mission's objective report, the Goldstone report (A/HRC/12/48), including the recommendations to various United Nations bodies, Israel, the competent Palestinian authorities and the international community. These recommendations concern accountability for violations of international humanitarian law, reparations, grave violations of human rights standards, the blockade and reconstruction efforts, the use of weapons and military procedures, protection of human rights organizations and human rights defenders and follow-up on the Mission's recommendations.

Ecuador also takes note with concern of the scant support forthcoming from Israel to the Fact-Finding Mission, as stated in the Goldstone report. There can be no doubt that there are signs of grave violations of the standards and principles of international law, human rights and international humanitarian law. The United Nations therefore was not only a victim of the attacks that caused the death of 18 of its staff members, but also has an obligation to open an investigation into war crimes and crimes against humanity committed in the area in order to prevent impunity for those presumed responsible, especially taking into account, as stated in the Goldstone report, that Israel is increasingly less prepared to undertake criminal investigations that meet international requirements.

Lastly, Ecuador endorses the demands by the international community that this conflict be settled, respecting the rights of the Palestinian and the Israeli peoples to live in peace and security, as sovereign and independent States, within safe and recognized borders. We urge the parties to make the efforts that will contribute to restoring dialogue, which will lead, through strict and effective compliance with its commitments, to a just, lasting and comprehensive peace.

**Mr. Al-Nasser** (Qatar) (*spoke in Arabic*): We thank the President of the Assembly for responding to the request of the Arab Group and the Non-Aligned Movement to convene a meeting of the General Assembly to consider the report of the United Nations Fact-Finding Mission on the Conflict in Gaza (A/HRC/12/48), also known as the Goldstone report.

We would like to express our appreciation for the efforts undertaken by the members of the Mission — Justice Richard Goldstone, Professor Christine Chinkin, Ms. Hina Jilani and Colonel Desmond Travers — who are prominent legal personalities known for their integrity, professionalism and impeccable records. They conducted a thorough and comprehensive investigation under unfavourable conditions, including Israel's refusal to cooperate with the Mission just as it refused to cooperate with many previous missions, because of its belief that it is above the law and because it rejects international legitimacy.

I would like to echo the statement made by the representative of Egypt on behalf of the Non-Aligned Movement.

We all witnessed the tragic consequences of the military aggression launched by Israel on 27 December 2008 against the defenceless Palestinian civilian population trapped in the Gaza Strip, which resulted in the death of more than 1,300 innocent Palestinians, including hundreds of women and children. The Israeli occupation forces used all sorts of deadly heavy weapons in total disregard for human life and international laws and norms, continuing its aggression even after the adoption of Security Council resolution 1860 (2009) last January.

The Goldstone report pointed to the crimes committed by the Israeli army and the Israeli Government against the Palestinian people, which amounted to war crimes, even crimes against humanity, and included murder, torture, inhuman treatment, the infliction of serious physical and psychological damage on civilians and the destruction of property on a large scale, including educational facilities, hospitals and houses of worship, without any justifiable military necessity.

The report also pointed to a number of incidents that demonstrate a systematic policy of collective punishment, including the systematic destruction of the only flour mill that provides flour to the residents of the Gaza Strip, the destruction of water wells and the shelling of the al-Fakhura school of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which was a safe haven for Gazan children and their families. Those crimes constitute a violation of international humanitarian law and international human rights law, the Geneva Conventions, in particular the Fourth Geneva Convention, which includes provisions for the

protection of civilians under foreign occupation, and other relevant international conventions.

At its twelfth special session, held two weeks ago, the Human Rights Council endorsed the report of the Independent International Fact-Finding Mission and presented it to the General Assembly as recommended by the report.

The Goldstone report was not the first report that referred to the Israeli violations of international law, but was preceded by numerous inquiries into the most recent war in Gaza. These included the United Nations Headquarters Board of Inquiry into certain incidents in the Gaza Strip between 27 December 2008 and 19 January 2009, which was set up by the Secretary-General, the Independent Fact-Finding Committee on Gaza, which was formed by the League of Arab States, and the reports of the International Committee of the Red Cross, Amnesty International and Human Rights Watch.

Moreover, before the recent war in Gaza, there were a series of international reports and inquiries that revealed other atrocities committed by Israel, the occupying Power, in the occupied Palestinian territory, including the United Nations fact-finding mission on the massacre of Jenin, led by Martti Ahtisaari, and the report of Archbishop Desmond Tutu on the massacre of Beit Hanoun. However, the international community's failure to implement the recommendations of those reports and the immunity continually granted to Israel have contributed to an ongoing culture of impunity in successive Israeli Governments, reinforced Israel's sense of being above the law and encouraged it to continue to commit its crimes.

In this regard, we cannot help but question the fate of the report of the Board of Inquiry established by the Secretary-General, of which only the executive summary has been published. That Board of Inquiry recommended that an independent investigation be conducted and stressed that the Israeli armed forces had directly and deliberately carried out strikes against United Nations headquarters, wounding and killing refugees who had sought safe haven in those headquarters, in breach of the immunity granted to the Organization and its staff under the relevant international conventions.

United Nations organs, including the General Assembly and the Security Council, must take serious action to follow up on the recommendations contained



in the report of the United Nations Fact-Finding Mission on the Gaza Conflict and the other reports that we have mentioned, and must shoulder their responsibility with regard to these alarming actions and crimes, which constitute a blatant threat to international peace and security. To neglect the Goldstone report would be to send the wrong message, especially given the magnitude of the crimes detailed in the report and the legitimacy derived from the mandate given to the Mission by the Human Rights Council.

The Israeli Government has accused the Goldstone report of being biased, as it has accused many previous reports and internationally legitimate resolutions, but the Fact-Finding Mission did not limit itself to violations by the Israeli side. It also considered the allegations against the Palestinian side. Yet, the Mission did not find any evidence to support the Israeli Government's claims that the Palestinian groups had used hospitals, schools and mosques as bases for military activity. Those facilities were in fact used as safe havens.

We reiterate today the need for all parties to adhere to international law and we believe that it is entirely unfair to the Palestinian people, who languish under occupation and are deprived of heavy or modern weapons, to compare their legitimate self-defence efforts with the aggression and crimes committed by the occupying Power through the use of excessive military force and internationally banned weapons. Accordingly, we emphasize the absence of any symmetry or balance whatsoever between the two parties. The right to struggle for liberation from foreign occupation cannot be equated with military aggression by occupying forces.

Although the subject of today's meeting is war crimes, crimes against humanity and violations of international law committed by Israel during its recent military aggression against Gaza, Israeli violations of international law and international norms are still ongoing against the Palestinian people in the occupied Palestinian territory, including East Jerusalem, as the unjust siege imposed on Gaza is considered a policy of collective punishment aimed at isolating the Gaza Strip and starving and terrorizing its inhabitants.

In East Jerusalem too, the provocative and illegal acts committed, permitted or protected by the Israeli Government are a continuation of its clear breach of international law. Therefore, there must be an

immediate cessation of all settlement activities, even so-called natural growth. Acts of terrorism committed by extremist settlers in the courtyard of Haram al-Sharif and against unarmed Palestinians and those committed by the Israeli authorities must come to an end, acts such as the closure and siege of Al-Aqsa Mosque, which prevents worshippers' access to prayer. The threat of the use of force must also come to an end.

We strongly condemn the Israeli actions aimed at changing the demographic composition of the Holy City, the capital of the Palestinian State, encroaching on its geographical nature, characteristics and legal status, and determining its fate illegally and unilaterally. We consider these attempts to be null and void, as confirmed in relevant United Nations resolutions.

Contrary to what some claim, to hold Israel accountable for violations of international law does not create obstacles to the resumption of the peace process. On the contrary, turning a blind eye to those crimes, to the exacerbated humanitarian crisis that resulted from the military aggression, to the blockade imposed on the Gaza Strip, to continued Israeli settlement policies and to the recent escalation in East Jerusalem, all constitute the biggest impediment to the tireless efforts for peace undertaken by the Quartet, the countries of the region and other interested parties. It is the greatest threat to the prospects of achieving a just, lasting and comprehensive peace in the Middle East. The failure of Israel to comprehend the culture of dialogue and peace sets its conduct apart from that of the civilized world.

Finally, the draft resolution that is before the General Assembly would endorse the report of the Human Rights Council (A/64/53/Add.1) and request the Secretary-General to refer the Goldstone report to the Security Council in line with the recommendations of the report.

The State of Qatar has joined the sponsors of the draft resolution, pursuant to our policy regarding the purposes and principles of the Charter of the United Nations. Adopting the draft resolution will be the first step towards ending impunity, achieving justice for victims and upholding criminal justice, which is not subject to the statute of limitations and remains a responsibility of the international community. Moreover, the adoption of the draft resolution will contribute to establishing an atmosphere conducive to the relaunching of the peace process in the Middle East.

**Mr. Wetland** (Norway): Deplorably, in recent years we have seen too many instances of the lack of effective protection for vulnerable groups in armed conflict. We have seen too many victims, including children, women and innocent bystanders. We have seen parties to armed conflicts acting in ways that we cannot accept and that are unlawful under international humanitarian law. That is why Norway believes that we have an obligation to act. We can and must restore the role of international humanitarian law and full respect for the fundamental principles that are at the heart of the United Nations.

The role of humanitarian agencies and workers is increasingly under threat. There are clear cases where impartial agencies that are protected under international humanitarian law have been denied access to victims in need. It is imperative that international humanitarian law be protected, defended and expanded. All parties to a conflict must respect international humanitarian and human rights law.

Since the outbreak of the Gaza conflict, Norway has emphasized that the parties to the conflict bear the primary responsibility to investigate and prosecute possible violations of humanitarian law committed by forces under their command. That is necessary in societies based on the rule of law. It is necessary to prevent a culture of impunity. It is also necessary for the long-term prospects of peace and prosperity in the region and for reconciliation between its people.

We welcome the fact that the Goldstone report (A/HRC/12/48) is comprehensive, well documented and generally well prepared. The Fact-Finding Mission has interpreted its mandate to include any action by all parties that might have constituted violations of international human rights law or international humanitarian law. That is important. The value of the report extends far beyond the conflict in question as the international community continues to study the limits of permissible action and the extent of proportionality in modern warfare. Those are existential questions here at the United Nations.

The report raises allegations of the most serious nature. It alleges that Israeli and Palestinian groups alike may have been responsible for grave violations of international human rights and humanitarian law. We are therefore obliged to deal with it in a meaningful and credible manner here in the United Nations.

The report contains a number of recommendations to the parties. National implementation of those recommendations must comply with relevant international standards. International monitoring of implementation by the parties is therefore crucial. In that context, we believe that both the Secretary-General and the Human Rights Council have key roles to play. Complex challenges will have to be addressed in the follow-up to the recommendations in the report, among them the fact that the recommendations are directed towards State and non-State actors alike.

It is our firm view that the General Assembly should send a clear and unambiguous message on the follow-up to the report. In order for that message to be effective, it is important that it enjoy the broadest possible support. We must ensure a coordinated approach by the relevant United Nations organs and avoid competing processes. It is essential to ensure that the decision of the General Assembly complements the ongoing process in the Human Rights Council.

We believe that the focus of the draft resolution on the obligation of the parties to undertake independent and credible investigations in conformity with international standards (A/64/L.11) is relevant and constructive. In order for that message to get through, we encourage the main sponsors of the draft resolution to take fully into consideration proposals that would allow for the broadest possible support.

Norway is determined to contribute to a meaningful and credible process on the Goldstone report both in the General Assembly and in the Human Rights Council. We hope to see the same commitment from all other members.

**Mrs. Rubiales de Chamorro** (Nicaragua) (*spoke in Spanish*): Nicaragua believes that, as called for by the Human Rights Council, of which we are a member, in the draft resolution (S-12/1) it adopted at its twelfth special session, this plenary debate of the Goldstone report (A/HRC/12/48) is crucial. We thank Libya for once again acting with great speed to convene the Assembly. We especially thank Mr. Ali Treki, President of the General Assembly, on whom we know we can always rely.

My country associates itself fully with the statements delivered by the representative of Egypt on behalf of the Non-Aligned Movement and the representative of Senegal on behalf of the Committee

on the Exercise of the Inalienable Rights of the Palestinian People.

Nicaragua cannot continue to tolerate the repeated violations of Israel — the occupying Power — of international human rights norms and international humanitarian law. Those violations bring terrible suffering to the Palestinian people living through a serious humanitarian crisis and contribute to the ongoing deterioration of the situation. As noted in the report of the investigating Mission before us today, that includes the deliberate obstruction of urgently needed reconstruction efforts in the Gaza Strip.

The report once again serves to remind us of the atrocities committed by Israel, which used disproportionate force against the civilian population of the Gaza Strip to bomb food warehouses, schools, residential areas, hospitals, factories and water purification equipment. Between December 2008 and January 2009, Israel caused the deaths of more than 1,400 Palestinians, most of them civilians and more than 20 per cent of them minors.

It is important to stress the difference in attitude between Israel, the occupying Power, and Palestinian authorities. At all times, the latter supported and cooperated with the Mission. By contrast, the Government of Israel repeatedly refused to cooperate with the Mission in any way.

It is shameful that the international community continues to allow Israel to ignore repeated calls and demands for an end to the historic barbarity committed against the Palestinian people, which has deprived them of their right to self-determination and to establish an independent sovereign State, with East Jerusalem as its capital, within the borders that were internationally recognized in 1967.

We urge the General Assembly and the other organs of the United Nations to consider seriously and act on the report and conclusions of the Mission. Not to act is to become an accomplice to those Israeli practices and policies. The international community should, in order to enhance the possibilities for peace in the region, demonstrate resolve on the issue of Israel's accountability and ensure that international law is observed in all circumstances. That must include respect for and compliance with the Fourth Geneva Convention, applicable to the occupied Palestinian territory, including East Jerusalem, as has been

reaffirmed in over two dozen Security Council and countless Assembly resolutions.

Nicaragua agrees with the views of the United Nations Fact-Finding Mission on the Gaza Conflict that some actions of the Government of Israel could provide the basis for a competent tribunal to conclude that crimes against humanity had been committed. Among those acts, the report refers to the blockade, the deprivation of the Palestinians in the Gaza Strip of their means of livelihood, employment, housing and water, denial of their freedom of movement and their right to enter and leave their own country and restriction of their access to courts and effective redress.

Concrete measures must be taken to guarantee the protection of the civilian population in the occupied Palestinian territory, including East Jerusalem, and to break the vicious circle of Israel's impunity over the past 60 years, which has made such massive and flagrant violations of international law possible.

Here, we also wish to refer to the report of Mr. Kevin Cahill, Chief Adviser for Humanitarian Affairs and International Health to the Office of the President of the General Assembly at the sixty-third and sixty-fourth sessions, entitled "Gaza — Destruction and Hope". The report, based on his visit to Gaza after the invasion, describes the deplorable situation that thousands of Palestinians have been experiencing, which Mr. Cahill described by saying that the level of destruction conjured up images of Dresden or Hiroshima at the end of the Second World War.

All available legal measures must be applied in order to put an end to the impunity and the violations of human rights by Israel in the occupied Palestinian territory. That will be possible to the extent that Israel's main supporter, the United States, ceases to support the occupying Power. If that backing did not exist, the occupation of the occupied Arab and Palestinian territories and the consecutive invasions and massacres of the Palestinian people would not continue.

We heard mention here of the need to release one Israeli prisoner, one soldier. The need to free thousands of Palestinian prisoners was also mentioned. My country also calls for the liberation of an entire people, the Palestinian people, to whom the occupying Power denies freedom and their most fundamental and inalienable rights.

**Mr. Olhaye** (Djibouti): We thank the President of the General Assembly for convening this plenary meeting at the request of the Non-Aligned Movement and the Arab Group to consider the report of the United Nations Fact-Finding Mission on the Gaza Conflict, also known as the Goldstone report (A/HRC/12/48), following the recommendation of the Human Rights Council in its resolution S-12/1 of 16 October.

In a rare display of balance and fairness, the report assigns blame both to Israel and to the Palestinians, citing serious violations of international humanitarian law, including war crimes, committed by each side. As underscored by Amnesty International, the Rome Statute of the International Criminal Court holds domestic authorities and institutions primarily responsible to investigate and prosecute violation of those laws. Where there is no effort to follow through on those requirements by the country or party in question, or it is unable to do so, an international justice mechanism can be activated.

The mandate of the Fact-Finding Mission could not be clearer:

“to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after”. (A/HRC/12/48, para. 1)

In that context, Israel’s military assault on Gaza has much wider legal and moral implications that extend beyond the immediate confines of Palestine and Israel, as Palestinians seek redress through international law for the war crimes committed in Gaza. Despite the massive efforts deployed by Israel to minimize the damage to its reputation, it is becoming increasingly evident that it will be hard, this time, for Israel to effectively counter the report’s international credibility. An Israeli professor, Moshe Ma’oz of the Hebrew University of Jerusalem, agrees:

“The damage has been done. The news is all over the world. Even if Israel comes up with a credible counter-report and an independent inquiry, all this will do is reduce the fallout.”

Israel, in fact, has repudiated the report as biased, one-sided, false and distorted, and seeks to shield its soldiers from any independent investigation. We understand Hamas is exploring the creation of a

committee to present its case with regard to firing unguided rockets into civilian areas of southern Israel.

It may be recalled that the Fact-Finding Mission interpreted its mandate as requiring it to place the civilian population of the region at the centre of its concerns regarding violations of international law. While Israel complains about the abuse coming from Hamas, such as the rockets targeting civilians or the suicide bombings, which it has denounced as terrorism, it ignores the hundreds of powerful guided missiles and rockets fired from the ground, air and sea into densely populated Palestinian cities and urban centres that caused hundreds of deaths.

Much of Israel’s activity is collective punishment. As the Goldstone report noted, while Israel attempted to portray its actions as a response to Palestinian rocket attacks, Israel’s real target was the people of Gaza as a whole. The treatment of many Palestinian civilians in various ways — many were even killed while trying to surrender, mass detentions and further crimes — underscored the vicious nature of Israel’s actions. Food supply installations were destroyed, as were water sanitation systems, residential houses, schools, buildings and roads. There was often no military threat. Clearly, that issue must and should command the attention of the General Assembly and the Security Council.

The daily life of Palestinians is very precarious, dangerous and uncertain, at best. Israel could do much more to ease the pervasive hardships inflicted on the ordinary civilian population, such as opening the restricted Gaza borders to permit the inflow of desperately needed humanitarian aid and goods. The illegal demolition of homes and evictions must cease. Widespread demands have been made for a halt or freeze — not a mere restraint — on settlement activities, including the infamous natural growth. Much the same can be said about the occupation of the Golan Heights, where settlement activities and building have been taking place on an ongoing basis. Over all, Israeli policy and actions appear deliberately aimed at creating facts on the ground and a situation in which confiscation, division, settlements, control and uneconomic entities will eventually preclude the emergence of a viable two-State solution. Israel has been condemned many times over the past decades for its inhumane treatment of Palestinians, but action by the world community seldom takes decisive shape.

Something must be said as well with the regard to the holy city of Jerusalem, which Israel is attempting to confiscate each day through the never-ending expansion of settlements and excavation work around the city, particularly near the Al-Aqsa mosque and other religious sites. Much has also been said with regard to the famous wall under construction by Israel around the West Bank, which of course sequesters much Palestinian land while separating once-adjointing areas and farmlands.

Let us hope that Israel will heed the voice of reason and international justice for the sake of its own peace and stability and for the sake of peace in the region as a whole.

**Mr. Sangqu** (South Africa): South Africa welcomes the opportunity to participate in this meeting and to share our views on the report of the Independent International Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48).

At the outset, we wish to commend the members of the Fact-Finding Mission team — Justice Richard Goldstone, Ms. Christine Chinkin, Ms. Hina Jilani and Colonel Desmond Travers — who, in spite all odds and under difficult circumstances, undertook the mission to Gaza as mandated by the Human Rights Council. We commend them on their insistence that the mandate be impartial and objective and that it call for investigations of all violations, regardless of the identity of the perpetrators. We believe that this approach enhanced the credibility of the mandate and the resulting report.

My delegation also acknowledges with appreciation the outstanding manner in which they discharged their responsibility and the commitment and courage they have shown in promoting and protecting human rights in the affected region and upholding the rule of law.

We regret that, despite numerous approaches, no cooperation was afforded to the Mission by the Government of Israel, which also implicitly refused to give the Mission access to Gaza, the West Bank and southern Israel.

It is the clear understanding of the South African Government that this was a fact-finding mission and not a judicial inquiry, and we unequivocally endorse all the recommendations contained in its report. The South African Government reiterates its full confidence in Justice Goldstone, recalling the prominent role that he

played in our country's transition to democracy and the integrity he has shown when working on many international issues, including the International Criminal Tribunals for the Former Yugoslavia and Rwanda.

We condemn in the strongest terms the acts of sheer aggression, as well as the gross and systematic violations of human rights carried out by the Israel Defense Forces during their incursion into occupied Gaza in the latter part of December 2008 and earlier this year.

In an act of sheer and utter disregard of their obligations under international humanitarian law and international human rights law, the Israel Defense Forces launched direct attacks against civilians with lethal consequences. They used human shields in violation of an earlier ruling by the Israeli Supreme Court outlawing such conduct. They attacked school facilities administered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East, destroyed the only remaining flour-producing factory, bulldozed huge tracts of agricultural land, bombed some 200 industrial facilities and destroyed Palestinian infrastructure. All of these atrocities led to the massive loss of innocent lives, the displacement of thousands of Palestinians, unacceptable and unnecessary human suffering, and environmental damage.

The current situation in the Middle East should be understood in the context of the ongoing Israeli military occupation of the Palestinian territory and other Arab territories, which dates back to 1967, and the associated denial of the right to self-determination of the Palestinian people. Israel's track record of disregarding international law and the failure of the Security Council to take any meaningful action in response to that record are the key factors contributing to the lack of progress in the peace process.

In this regard, the South African Government strongly believes that the full implementation of the report and its recommendations is crucial to addressing the pernicious acts of impunity and will greatly contribute towards ensuring accountability.

We call upon the Government of Israel to fully comply with the recommendations contained in the report, including the recommendation that Israel set up an independent, credible body to carry out the investigations and prosecutions to address the

violations of international humanitarian and international human rights law, failing which the Security Council should take up the matter, including referring the situation to the International Criminal Court.

We also call upon the Security Council to accept the report and adopt its recommendations. The Security Council would be mistaken in presuming that this important report, based on an analysis of dozens of incidents, interviews with hundreds of people and the review of thousands of documents, can be treated lightly. For this reason, we call upon the Security Council to discharge its Charter-mandated responsibilities with respect to the situation in the Middle East, including the Palestinian question.

My delegation is encouraged by the commitment of the Palestinians to address the violations of international humanitarian and international human rights law, and we believe their undertaking to comply with the recommendations in the report, including the setting up of a credible independent body to carry out investigations towards ensuring accountability and justice.

The international community stands at a crossroads in history and is being called upon to act decisively to address the long-standing gross and systematic violations of the human rights of the Palestinian people by adopting the recommendations of the Fact-Finding Mission on the Gaza Conflict, and ensuring the implementation thereof. This course of action will ensure that the international community's efforts to combat impunity are reinforced, that the protection regime of international human rights law is strengthened, and that confidence in the international community, particularly that of the affected communities, is restored.

South Africa has consistently demonstrated its unwavering support for the rights of the Palestinian people to a viable State of their own. We believe that a vision of peaceful coexistence between Israelis and Palestinians, based on the creation of a Palestinian State living peacefully side by side with Israel on the basis of the 1967 borders and with East Jerusalem as its capital, is the only sustainable solution to the conflict.

Accordingly, it is our conviction that the faithful implementation of the recommendations contained in the Fact-Finding Mission's report will contribute

immensely to the quest for peace in Israel and Palestine, as well as to the promotion of stability and development in the region.

**Mr. Jomaa** (Tunisia) (*spoke in Arabic*): The General Assembly is meeting today to consider the report of the Independent International Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48) adopted by the Human Rights Council in Geneva.

Our delegation agrees with the conclusions of this report, which are intended to guarantee the implementation of international law, international humanitarian law and human rights law, in particular regarding peoples subjugated under foreign occupation. The situation of the Palestinian people is the most glaring example of this because of the daily violations of its rights over the many wars of the last six decades.

Our Organization and its principal organs, namely the General Assembly and the Security Council, are first and foremost concerned with the maintenance of international peace and security and the protection of civilians during war and crisis. One of the responsibilities of the Organization, however, is to promote respect for the rights of civilians and the equal and just application of international resolutions and conventions. Today, that responsibility has gained international prominence in the light of the importance of the subject under consideration.

The Israeli aggression against Gaza, indeed, was a genuine setback in the region. At the same time, it points to the need to give impetus to the peace process and to create appropriate conditions for it. There was a huge loss of life, especially among women and children, along with the destruction of homes, civilian sites, infrastructure and United Nations facilities. Military escalation, excessive use of force and the use of internationally prohibited weapons can only exacerbate the situation and fuel anger and violence. That runs counter to the efforts of the international community and cannot serve the cause of peace in the world, let alone in the Middle East. The Goldstone report reflects, in an impartial and objective manner, the aggressions and atrocities against the Palestinian people, despite repeated appeals by the international community, including by Tunisia. We insist on halting that escalation and on preventing a humanitarian catastrophe with regard to a people which has already suffered so much.

Based on our dedication to the respect of international law and the principles of right and justice, and so that such attacks do not recur, my delegation believes that there is a need to give the conclusions and findings of the Goldstone report the full attention they require and for serious follow-up to adopt decisive and concrete measures.

My delegation is convinced that the peace process is the only way to avoid another crisis and danger to security in the Middle East. It is also the best guarantee of the lives of innocent civilians and of the establishment of security and stability on the region. Here, we reiterate our principled position regarding the brotherly Palestinian people and the just Palestinian cause. The Palestinian people must recover its legitimate rights and establish its independent State on its territory, so the long-running tragedy can come to an end.

In addition, Tunisia reiterates its appeal to the international community and, above all, to the sponsors of the peace process, to step up efforts to oblige Israel to renounce its settlement policy and its policy of provocation. It must lift the blockades and closings imposed on the Palestinian people and do so unconditionally so that negotiations between the two parties can be resumed on the basis of international resolutions, the peace process terms of reference and the Arab Peace Initiative.

Lastly, my delegation wishes once again to insist on the need to pool all international efforts to put an end to Palestinian suffering and to assist them in overcoming the impact of the Gaza war and the siege and closures, and by providing humanitarian assistance and basic needs in response to appeals by the United Nations and its specialized agencies, and to implement United Nations resolutions, particularly Security Council resolution 1860 (2009).

**Mr. Bu Dhhair** (Kuwait) (*spoke in Arabic*): The General Assembly is discussing an important item today, relating to the report referred to it by the Human Rights Council at its twelfth special session: the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48).

After reading this important report, the State of Kuwait wishes to extend its profound appreciation and gratitude to Judge Richard Goldstone and his panel for presenting a professional and factual report, which clearly shows the brutal Israeli practices against the

inhabitants of Gaza, who endured a frightful nightmare for a period of three weeks from 27 December 2008 to 18 January 2009, taking the lives of 1,400 martyrs and leaving nearly 5,000 injured. This represented a serious violation by a professional army against unarmed civilians, whose right to life was usurped by the Israel Defense Forces, which violated all laws and norms.

Israel has pursued a policy of obscuring the facts from the media and concealing the evidence. However, Judge Goldstone and his team have courageously exposed Israel and the war crimes it has perpetrated, which are tantamount to crimes against humanity. For this, Judge Goldstone endured libel in the media as well as doubts about the impartiality of his report. If this indicates anything, it is how damaging this report is to Israel. The report is a special historical document in the history of the Middle East conflict, in that Israel is directly condemned and held responsible for violating international humanitarian and human rights law.

Israel has tried various means to impede the work of the United Nations Fact-Finding Mission. It prevented its members from entering the Palestinian territories, and banned them from contacting witnesses or having access to the locations and buildings it had destroyed to inspect them on the ground. Had it not been for the cooperation of Egypt in opening the Rafah crossing, as well as the cooperation of the Palestinian Authority, the Mission would have never been able to carry out its duty in uncovering the painful truth, which affected every peace-loving person in the world. In addition, the Mission would have not been able to rally behind it unprecedented public support, even inside Israel itself.

The unjust blockade that Israel imposes on the Gaza Strip, in addition to the policy of collective punishment it pursues on the pretext of putting an end to the launching of rockets on its territories, do not justify nor do they grant Israel the right to use excessive power in response. The brutal Israeli military operation, which damaged the entire infrastructure in the Gaza Strip and destroyed Government buildings, mosques, hospitals and houses, and during which all kinds of exemplary punishment and torture took place, is a clear demonstration of Israel's arrogance and tyranny.

Israel used internationally prohibited weapons, such as white phosphorous, rockets and cluster and fission bombs. Such fatal weapons maim and disable

the injured. What system of international law accepts such aggressive practices or overlooks them without addressing them firmly and decisively?

Israel did not respect the inviolability of United Nations buildings. It bombed the office complex of the United Nations Relief and Works Agency for Palestine Refugees in the Near East with highly explosive and white phosphorous bombs. That in and of itself is another flagrant violation of international instruments and treaties which can be added to Israel's record of crimes which are replete with violations of human rights law and international humanitarian law.

Israel also used civilians as human shields. After blindfolding them and tying their hands, it sent them into houses suspected of harbouring militants, which violates all humanitarian laws and is considered a war crime. Israel also transferred hundreds of Palestinians to be detained unjustly in Israeli jails, without trials and without having committed any offence. Those are obvious examples of Israel's persistent perpetration of brutal and hostile acts.

The report also states that Israel used depleted and non-depleted uranium munitions. While that is an issue that needs further study and investigation, it is clear that Israel has systematically violated international laws and United Nations resolutions, including Security Council resolution 1860 (2009), calling for a ceasefire during the Israeli aggression on Gaza.

From the many eyewitness accounts of Palestinian citizens detailed in Judge Goldstone's report, it is clear that his must be the last report the United Nations prepares on the subject: any further report that is not followed by strong international preventive action will only make Israel bolder, more arrogant and more convinced that it is immune and cannot be touched. That situation fosters a culture of impunity and taints the credibility of the United Nations and of the international community. Are Member States ready to lose the credibility of the United Nations and its maintenance of international peace and security because of Israel's intransigence and tyranny?

In this context, my delegation emphasizes its support for all the recommendations contained in the report and referred to the General Assembly, the Secretary-General, the Security Council, the Human Rights Council, the International Criminal Court and

the international community. We also demand the High Contracting Parties to the Geneva Conventions to take all necessary measures to convene an urgent meeting to consider human rights violations that fall under the Geneva Conventions. We also stress the importance of pressuring Israel to implement the recommendations of the Goldstone report by establishing credible national courts and investigative commissions to prosecute the perpetrators of war crimes.

Israel's feverish settlement activity in Jerusalem, its zeal to erase the Arab identity of that city, its continued aggression against Islamic holy sites, its banning of prayer by the faithful in the Al-Aqsa mosque and its protection of extremist Jews who practice their religious rites in Islamic houses of worship together represent a flagrant affront to the sentiments of 1.5 billion Muslims. Those aberrant Israeli actions, which the international community condemns, inflame sensibilities, lead to violence and extremism and open the door wide for reactions at all levels.

In that connection, we warn and appeal to the international community, the United Nations and its principal organs — the General Assembly and the Security Council — and in particular the influential countries which directly bear the responsibility of maintaining international peace and security, as well as to all peace-loving nations, civil society institutions of all kinds and religious institutions of all denominations in every corner of the world to stand firm and strong in preventing the flagrant encroachments on the Al-Aqsa mosque and its surroundings, which have reached a dangerous level that certainly threatens the destruction of the mosque itself, which would gravely jeopardize international peace and security, affecting everyone without exception, and would threaten world peace and stability.

The State of Kuwait, like all other peace-loving nations, commits itself to the fulfilment of its international responsibilities and obligations, to work tirelessly so that the Goldstone report will remain alive in the conscience of the international community until the principle of no impunity is applied, in accordance with the purposes of the United Nations Charter, which calls for respect for human rights and dignity, which Israel has violated in a manner that in today's world is incredible, unacceptable and unprecedented, by waging its unjust war against the civilian Palestinian population in the Gaza Strip.



Kuwait calls upon Member States to work together to implement the recommendations contained in the report of the United Nations Fact-Finding Mission on the Gaza Conflict and to support the Arab draft resolution before us in document A/64/L.11, which we consider to be a step in the right direction to counter injustice and aggression.

**Mr. Zhang Yesui** (China) (*spoke in Chinese*): The Chinese delegation wishes to thank the President of the Assembly for convening these meetings on the recommendations of the twelfth special session of the Human Rights Council. We hope our meetings will help draw the attention of the international community to the human rights and humanitarian situation in the occupied Palestinian territory, especially the Gaza Strip, contribute to an early ending of the suffering of the Palestinian people and move forward the peace process in the Middle East.

The Chinese Government expresses its serious concern about the humanitarian situation in the occupied Palestinian territory, especially Gaza. The blockade imposed on the Gaza Strip over the years, particularly the military action at the end of last year and early this year, has led to a serious humanitarian crisis for the Palestinian people and has caused enormous casualties among innocent civilians. Our hearts go out to the Palestinian people in their plight.

On the other hand, we understand Israel's security concerns and are equally saddened by Israeli civilian casualties. Such concerns, however, must not be a reason for excessive use of force that brings damage to innocent civilians. Both the Palestinians and the Israelis should enjoy equal rights to survival and personal security. We oppose any violence against civilians and urge the parties concerned to comply with international humanitarian law and human rights conventions. To truly improve the humanitarian situation in the occupied Palestinian territory, we hope Israel will heed the call of the international community, open the border crossings into Gaza, ensure unfettered access of humanitarian and reconstruction supplies to Gaza, stop the construction of settlements and the separation wall and halt the forced demolition of Palestinian houses and restrictions on the normal activities and freedom of movement of the Palestinian people.

We hope the international community will render continued political and moral support to the Palestinian people and intensify its economic, financial and technical assistance to ease the hardship still

confronted by the Palestinian people. The parties concerned should immediately deliver on the assistance commitments they made during the donors conference held in Sharm el-Sheik, Egypt, in March, and help the Palestinian people resume a normal and dignified life.

The Middle East peace process is now at a critical juncture. The humanitarian and human rights situation in the occupied Palestinian territory still presents a major challenge to efforts to resume the Middle East peace process. The international community should remain focused on the situation and provide real assistance.

We have taken note of the report and recommendations of the independent international Fact-Finding Mission of the Human Rights Council (A/HRC/12/48), which include a host of targeted and operational steps. We call on all parties concerned to remain engaged, in cooperation with the relevant organs and agencies of the United Nations, carry out independent and reliable investigations into all activities that violate international humanitarian law and human rights conventions and hold the perpetrators accountable. In the mean time, United Nations organs and agencies should perform their respective functions and operate in strict accordance with their mandates.

Political negotiation is the only way out. The cycle of violence leads nowhere. The parties concerned should continue to exercise restraint and refrain from any move that may aggravate tensions. We hope that both Palestine and Israel will remain firmly committed to peace talks and work on the basis of the relevant resolutions of the United Nations, the Arab Peace Initiative and the principle of land for peace in order to strive towards the goal of two States living side by side in peace.

The Chinese Government remains committed to supporting the Middle East peace process. We have taken an active part in promoting peace, stability and development in the Middle East. We have worked vigorously to provide humanitarian assistance to the Palestinian people. We also support the positive role played by the Human Rights Council and other relevant United Nations organs and agencies. China will continue to work with the rest of the international community to make unremitting efforts towards the achievement of a comprehensive, just and lasting peace in the Middle East.

*The meeting rose at 6.05 p.m.*