



General Assembly

Sixty-fourth session

36th plenary meeting

Wednesday, 4 November 2009, 10 a.m.
New York

Official Records

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

The meeting was called to order at 10.20 a.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)

The President (*spoke in Arabic*): Members will recall that, at its 31st plenary meeting, on 30 October 2009, the Assembly held a debate on the report of the Human Rights Council contained in document A/64/53.

Members will also recall that, at its 27th plenary meeting, on 28 October 2009, the Assembly decided, without setting a precedent, to consider directly in plenary meeting the report of the Human Rights Council on its twelfth special session, contained in document A/64/53/Add.1.

In this connection, a note by the President of the General Assembly, transmitting the report of the United Nations Fact-Finding Mission on the Gaza Conflict, in English only, has been issued as document A/64/490.

I shall now make a brief statement in my capacity as President of the General Assembly.

We meet today to consider the report of the Human Rights Council on its twelfth special session (A/64/53/Add.1). In that context, we shall also consider

the report of the United Nations Fact-Finding Mission on the Gaza Conflict. The Mission was headed by the distinguished international jurist Richard Goldstone.

The question before us is simple, despite the political sensitivities associated with it. We have to answer the question of whether or not respect for human rights is universal and whether we should be divided on human rights issues or united in advocating respect for human rights around the world.

The report before the Assembly documents serious violations of international human rights law and humanitarian law perpetuated against civilians. The report calls upon the General Assembly and other United Nations organs to take concrete action to ensure redress for victims, protection of the vulnerable and accountability for all perpetrators. Today, the General Assembly is fulfilling its responsibility and undertaking its role.

On 16 October the Human Rights Council welcomed the report and endorsed its recommendations. The report called on us to help to bring an end to impunity. Let us be clear on what is at stake here. The human rights of nearly 2 million civilians are at stake. Without justice, there can be no progress towards peace.

Let us together commit ourselves to leaving all politics and selectivity at the door and take up the cause of justice based on one universal set of rules. We should protect the rights of the victims. A human being should be treated as a human being regardless of his or her religion — whether a Muslim, a Christian, a Jew or

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a Buddhist — regardless of his or her race — white, black or yellow — and regardless of his or her nationality.

For the sake of human rights, let us stand together in unity. I hope that the outcome of this debate will fully reflect such unity and will meet the expectations of the entire international community.

I now give the floor to the representative of Egypt who will introduce draft resolution A/64/L.11.

Mr. Abdelaziz (Egypt): Before I introduce draft resolution A/64/L.11, I shall, with your permission, Mr. President, make a statement on behalf of the Non-Aligned Movement (NAM).

I have the honour to address the General Assembly on behalf of the Non-Aligned Movement. I would like to start by expressing our appreciation for your rapid response, Sir, in convening this important plenary meeting at the request by the Non-Aligned Movement and the Arab Group to consider the report of the United Nations Fact-Finding Mission on the Gaza Conflict, the Goldstone report (A/HRC/12/48), as recommended by the Human Rights Council in its resolution S-12/1, adopted at its twelfth special session on 16 October 2009.

The Non-Aligned Movement is gravely concerned by the findings of the investigation carried out by the United Nations Fact-Finding Mission on the Gaza Conflict, as contained in the Goldstone report, as well as by conclusions reached by the Secretary-General's Board of Inquiry and the conclusions of the Arab League fact-finding mission. The findings of those investigations confirm that serious human rights violations and grave breaches of international law were committed during the Israeli military operations that were launched on 27 December 2008 on the Gaza Strip. Those operations caused high civilian casualties, especially among children and women, grave humanitarian suffering among the civilian population and widespread destruction of homes, vital civilian infrastructure, public infrastructure, economic and agricultural property and United Nations facilities.

The Movement condemns all targeting of civilians and civilian infrastructure and institutions, including United Nations facilities, and in that regard recalls the prohibition of reprisals against civilians and civilian objects under the Fourth Geneva Convention.

Moreover, the Movement affirms the responsibility of the international community to promote human

rights and calls for serious follow-up action on the recommendations set forth in the report regarding bringing an end to flagrant violation of international law, including international humanitarian law and international human rights law, ending impunity and ensuring justice. All concerned parties, including the relevant United Nations organs and bodies, must make the necessary efforts to ensure accountability for all breaches of international humanitarian law and human rights law, to prevent and deter further violations and to promote justice and peace.

The Non-Aligned Movement stresses that the utmost priority should continue to be given to the promotion of the respect for and observance by all Member States of their obligations assumed under international humanitarian law, including, in particular, the Fourth Geneva Convention. In that regard, the Movement takes into account the magnitude and persistence of the violations and breaches of international law, including international humanitarian law, being committed by Israel, the occupying Power, against the defenceless Palestinian civilian population in the occupied Palestinian territory, including East Jerusalem. In that regard, all available legal remedies should be applied to end impunity and end human rights violations and grave breaches by Israel in the occupied Palestinian territory.

The Non-Aligned Movement urges the General Assembly and other principal and subsidiary organs of the United Nations to seriously consider and act on the report and findings of the United Nations Fact-Finding Mission on the Gaza military action in accordance with Human Rights Council resolution S-12/1. Immediate measures are required to secure the adoption of a resolution calling on the Government of Israel to launch independent investigations, in conformity with international standards, into the serious violations reported by the Mission. At the same time, and in line with the recommendations made, the Palestinian side should also launch independent investigations, in conformity with international standards, into the serious violations reported by the Mission. Moreover, appropriate monitoring and reporting of such investigations must be ensured in order to determine the course of further action, if necessary, including action by the Security Council.

We believe it imperative that the General Assembly demonstrate its unequivocal support for human rights and the protection of civilians on both the

Palestinian and Israeli sides. Credible, independent investigations of the serious violations of human rights law and grave breaches of international humanitarian law, as contained in the Goldstone report, will contribute significantly towards the promotion of accountability for the perpetration of such violations and crimes and ultimately towards bringing an end to the culture of impunity that has prevailed for too long.

The international community must demonstrate resolve on the issue of accountability and ensure that international law is upheld in all circumstances, with a view to strengthening the chances of peace in the region. This must include respect for the Fourth Geneva Convention, which is applicable to the occupied Palestinian territory, including East Jerusalem, as reaffirmed repeatedly in more than two dozen Security Council resolutions and countless General Assembly resolutions. In this regard, we recall the obligation of the High Contracting Parties to the Fourth Geneva Convention to respect and ensure respect of the Convention in accordance with common article 1, and call for the appropriate and necessary measures to be taken to this effect.

The Non-Aligned Movement reiterates its firm conviction that respect for and compliance with international law, including international humanitarian and human rights law, as well as United Nations resolutions, will positively influence and advance efforts for achieving a just, lasting, peaceful and political settlement of the Israeli-Palestinian conflict.

The Non-Aligned Movement reiterates once again its call on Israel, the occupying Power, to end its collective punitive measures imposed on the civilian population in Gaza, which have caused immense suffering among the Palestinian people, amounting to a dire humanitarian crisis, and the continued deterioration of the situation on the ground, including, inter alia, the obstruction of the desperately needed reconstruction of the Gaza Strip. In this regard, the United Nations Fact-Finding Mission found that Israel has been imposing a blockade amounting to collective punishment and carrying out a systematic policy of progressive isolation and deprivation of the Gaza Strip. Further, the Mission states that, as determined in the course of its investigation, the Israeli military operation was directed at the people of Gaza as a whole, in furtherance of an overall and continuing policy aimed at punishing the Gaza population and in a deliberate policy of disproportionate force aimed at the civilian population.

Such alarming findings clearly require the attention of the international community. Serious measures must be taken to ensure the protection of the civilian population in the entire occupied Palestinian territory, including East Jerusalem, and to break the vicious cycle of impunity that has permitted such gross and flagrant breaches of international law to persist unpunished.

Immediate measures are also required to address the pressing humanitarian and economic needs of the Palestinian people in the Gaza Strip. Such measures include the sustained and permanent opening by Israel of Gaza's border crossings in full compliance with the terms and provisions of Security Council resolution 1860 (2009), in order to ensure free access of humanitarian aid and other essential supplies and goods, including commercial supplies and necessary reconstruction materials, and to facilitate people's crossing to and from Gaza.

The Non-Aligned Movement regrets the continued obstruction of the importing of essential construction materials into Gaza as a result of the ongoing Israeli blockade. The Non-Aligned Movement stresses the urgent need for reconstruction to begin in the Gaza Strip, including by implementing the Secretary-General's proposal for the commencement of United Nations-led civilian reconstruction activities and the completion of numerous suspended projects managed by United Nations agencies working on the ground. Immediate and urgent efforts are necessary to address the needs of the Palestinian civilian population in this regard, especially since almost a year has passed since this devastating military operation occurred and winter is rapidly approaching.

The Non-Aligned Movement calls on the parties to take all appropriate steps, within their national legal systems, and within a period of three months, according to the complementarity between national and international jurisdiction, to undertake independent, credible investigations, in conformity with international standards, into the serious violations of international humanitarian and human rights law reported by the Fact-Finding Mission, and to report back to the monitoring mechanism to help ensure accountability and justice.

Nothing justifies a policy of collective punishment of a people under occupation, destroying their means of living a dignified life, or the vast trauma caused by

the merciless military aggression carried out by the Israeli Government, the so-called "Operation Cast Lead". This contributes to a situation where young people grow up in a culture of hatred and violence, with little hope for change in the future, perpetuating a futile, destructive and hopeless cycle of violence, misery and loss.

The ongoing lack of accountability and justice further undermines the possibilities for a successful peace process aimed at finally bringing an end to this tragic, prolonged conflict by ending the Israeli occupation since 1967 of the Palestinian territory, including East Jerusalem, and ensuring that the Palestinian people realize their inalienable right to freedom and self-determination in their viable independent State. This is essential for achieving peace and stability, not only in the region, but also globally.

The parties, United Nations organs and the international community must seriously and collectively confront the realities highlighted in the Goldstone report and act accordingly and responsibly in accordance with all obligations under the Charter and international law, including international humanitarian and human rights law. In this regard, the Non-Aligned Movement remains ready to actively engage in any possible action to guarantee the investigation and prosecution of all those responsible for crimes against the civilian population in the Gaza Strip. The Non-Aligned Movement stresses that criminal justice must take its course and that the culture of impunity must cease to exist.

Turning now to speak in my national capacity, and on behalf of the sponsors of the draft resolution, which include Senegal and all the States members of the League of Arab States except three, I would like to introduce the draft resolution entitled "Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict", the Goldstone report, contained in document A/64/L.11. The draft resolution affirms the obligation of all parties to respect international humanitarian and human rights law, and to emphasize the importance of the safety and well-being of all civilians and the protection of civilians in armed conflict, as well as preventing impunity and applying justice.

The draft resolution endorses the report of the Human Rights Council adopted at its twelfth special session, on 15 and 16 October (A/64/53/Add.1), and requests the Secretary-General to transmit the report of

the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48) to the Security Council.

The draft resolution calls upon the Government of Israel to take all appropriate steps within a period of three months to undertake investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Goldstone report, towards ensuring accountability and justice.

The draft resolution urges, in line with the recommendation of the United Nations Fact-Finding Mission, the undertaking by the Palestinian side of investigations that are independent, credible and in conformity with international standards, also within a period of three months, into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission.

It further recommends to the Government of Switzerland, in its capacity as depositary of the Fourth Geneva Convention, to undertake the necessary steps as soon as possible to reconvene a Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the occupied Palestinian territory, including East Jerusalem, and to ensure its respect in accordance with common article 1.

Finally, it requests the Secretary-General to report to the General Assembly, within a period of three months, on the implementation of the draft resolution, with a view to considering further action, if necessary, by the relevant United Nations organs and bodies, including the Security Council. Last, but not least, the Assembly decides to remain seized of the matter.

In view of the procedural nature of the draft resolution and its compliance with the rules of international law, international humanitarian law and international human rights law against the waves of impunity, selectivity and double standards, we, the sponsors, believe that all States members of the General Assembly will be in a position to support the draft resolution.

The President (*spoke in Arabic*): I call on the Permanent Observer of Palestine.

Mr. Mansour (Palestine) (*spoke in Arabic*): At the outset and on behalf of Palestine, I extend our gratitude and appreciation to you, Sir, for your wise and effective efforts and guidance of the General

Assembly and for promptly responding to the request to convene this important meeting of the Assembly to consider the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), also known as the Goldstone report. In this regard, I also express our thanks and appreciation to the Arab Group, the Non-Aligned Movement, the Organization of the Islamic Conference, the Al Quds Committee and the Committee on the Exercise of the Inalienable Rights of the Palestinian People for their valuable efforts and support on this issue. We also thank all States that supported Human Rights Council resolution S-12/1 of 16 October 2009, adopted at its twelfth special session in Geneva.

There is no doubt that the Human Rights Council's endorsement of the Goldstone report and its recommendations represented a significant step towards ending the insidious culture of impunity that has prevailed for too long, ensuring accountability for the perpetration of crimes and justice for the Palestinian people, who have suffered too long the grave injustice committed against them.

I stand before the Assembly today to convey the suffering of the Palestinian people, who for more than four decades have languished under Israel's brutal military occupation, deprived of their rights to self-determination and sovereignty and repeatedly subject to forced displacement, injury, death, imprisonment, destruction, oppression and collective punishment, including a suffocating blockade, confiscation of their land and possessions, and incessant settler colonization in violation of their fundamental human rights and freedoms. In addition, more than half of the Palestinian people are stateless and live as refugees, deprived of their property and the right to return for more than six decades.

Over the decades, the Palestinian people and their leadership have appealed to the world to stand on the side of justice and right, to bring an end to the injustice and aggression inflicted upon them, to hold Israel accountable for its crimes and violations and to implement resolutions of international legitimacy. But such appeals have been to no avail. Despite all our efforts, the international community, including the United Nations, has failed to implement its resolutions and thus fostered a culture of impunity that has enabled Israel to continue its crimes against the Palestinian people.

Israel's crimes have been documented in countless reports by various investigative committees,

commissions of inquiry, fact-finding missions and United Nations bodies, yet nothing has been done to seriously follow up these reports and their findings in order to actually bring an end to the occupation and all of the attendant Israeli crimes and violations against our people.

Without fear of being held accountable and with flagrant impunity, Israel has continued its illegal policies and practices throughout the occupied Palestinian territory, including East Jerusalem, in breach of international law and the norms and principles governing the civilized world.

No other country in the world but Israel denies the right to self-determination and the human rights of an entire people, as recognized by the United Nations nearly 62 years ago in its adoption of resolution 181 (II) in 1947 on the partition plan. Moreover, the General Assembly and the Security Council have attempted throughout the years to address this issue through the adoption of hundreds of resolutions, with which Israel has refused to comply. The occupying Power has thus been empowered by the successive failure of institutions, including the Security Council, that are mandated to monitor the implementation of resolutions and to take the necessary measures to ensure compliance with them.

Thus, the situation in the occupied Palestinian territory, including East Jerusalem, and the reality of the illegal practices of the Israeli occupation, the most recent and longest in modern history, continue to test the United Nations and the international community. It is a test to judge the true commitment of the international community to upholding human rights and the relevant instruments of international law.

In this regard, I must reiterate that the situation in occupied East Jerusalem has been sorely aggravated by Israel's illegal and provocative actions and incitement, including its flagrant pursuit of settlement activities and its construction of the separation wall in and around the city, its transfer of more Israeli settlers, its demolition of more Palestinian homes, its further excavations in the city and near holy sites, and the actions of extremist settlers at the Al-Haram Al-Sharif compound, which have inflamed religious sensibilities not only in the holy city but far beyond and throughout the Arab and Islamic world. We have repeatedly drawn the attention of the international community to the escalating Israeli aggression in occupied East Jerusalem and do so once again from this rostrum.

If we fail this test by not demonstrating our full and serious commitment to the human rights of the Palestinian people, then the international human rights movement — which thus far has promoted human rights throughout the world and has proved to be the international community's greatest achievement over the past 60 years — will truly be at risk. Furthermore, as history has taught us, an ongoing lack of accountability and justice only leads to further conflict and violence and dashes hopes for peace and coexistence.

The situation in the Gaza Strip is unacceptable and must be condemned. For more than two years, Israel, the occupying Power, has collectively punished and imprisoned more than 1.5 million Palestinians in the Gaza Strip, depriving them of all their basic rights. Despite repeated international appeals for an end to those illegal measures, the Israeli blockade continues to be imposed, as the occupying Power has no fear of being held accountable for its crimes.

In December 2008, not content with imposing that brutal blockade, Israel launched a brutal war against the besieged and defenceless civilian population. Over the course of three weeks, the Israeli occupying forces killed or injured thousands of civilians, including children and women, and deliberately destroyed homes, infrastructure, public institutions, economic, industrial and agricultural property and United Nations facilities.

From the first day of Israel's military aggression, appeals came from the entire international community calling on Israel to halt its aggression and commit itself to the principles and rules of international humanitarian law. The Security Council adopted resolution 1860 (2009), and the General Assembly adopted resolution ES-10/18, both of which remain unimplemented to this day. The Human Rights Council held an emergency meeting and adopted a resolution establishing a Fact-Finding Mission, which was ultimately composed of prominent jurists and experts, led by Judge Richard Goldstone of South Africa. Shortly after the Mission was established, it faced its first major challenge: the decision by the Government of Israel not to cooperate with it. Yet, the Mission went to the Gaza Strip and conducted a thorough and professional investigation of all alleged violations by all parties.

In that regard, the investigation carried out by Judge Goldstone reached incontrovertible conclusions, emphasizing yet again that Israel, the occupying Power, had committed against the Palestinian people in

the Gaza Strip serious human rights violations and grave breaches of international humanitarian law, including the Fourth Geneva Convention, amounting to war crimes and even crimes against humanity. This includes the wilful killing of civilians, torture and inhuman treatment, wilfully causing great suffering or serious injury to body or soul and extensive destruction of property, not justified by military necessity and carried out unlawfully and wantonly, all of which give rise to Israeli criminal responsibility.

That shocking finding, which remains undisputed, has been confirmed thousands of times over by the depth of the trauma and anguish still being suffered by the Palestinian people in the Gaza Strip: men, women and children, including refugees, the elderly and the disabled. It is extremely deplorable that these same civilians continue to live in misery and hardship amid the ruins of their homes and communities because of Israel's continuing blockade and its obstruction of all real reconstruction and recovery efforts. That has only increased their humanitarian hardship and further intensified the feelings of grave injustice among the Palestinian population in the region and beyond.

These actions are part and parcel of a succession of policies aimed at achieving Israel's political goals regarding Gaza and the entire occupied Palestinian territory. Those policies have systematically involved Israel's deliberate violation of international human rights law and international humanitarian law, including its obligations as an occupying Power under the Fourth Geneva Convention. In this regard, we believe that the High Contracting Parties must carry out their obligation, including under common article 1, to respect and ensure respect for the Convention in all circumstances, including in the occupied Palestinian territory.

We are aware that the Mission investigated all allegations of violations of international law committed during the Gaza conflict, including allegations against the Palestinian side. From this rostrum, we wish to clearly reaffirm that there is no symmetry or proportionality between the occupying Power and the Palestinian victims living under the yoke of occupation. We take very seriously the allegations set out in the Goldstone report concerning possible Palestinian violations. Furthermore, we reaffirm our utmost respect for and belief in the rule of law and our commitment to international humanitarian law. We also emphasize our commitment to the investigation of this important matter through local legal mechanisms.

Nevertheless, the Goldstone report is yet another damning record of Israeli crimes committed against our people under the occupation. Its recommendations represent a significant contribution to the quest for accountability and justice. In that regard, we believe that serious and responsible follow-up on this matter is vital and urgently needed at all levels so that such crimes will never again be committed against our people.

We must not allow today's discussion to become merely another opportunity to express our sympathies and display our respect for international law and international humanitarian law. We must stand together and united to face the most important test of the credibility, integrity and sustainability of the international order based on the laws that we have promulgated. Words of sympathy will not suffice to compensate for decades of violence, oppression and gross violations of international law carried out with impunity. It is now time to swiftly and decisively put an end to the culture of impunity if justice and international peace and security are to prevail.

Today, on behalf of all Palestinian victims who have suffered from Israeli crimes, we call upon the international community to take a clear stand in support of justice and international law. The occupying Power must know that the international community will no longer tolerate its illegal actions, violations and crimes because the commitment to the principles of international law must surpass any other considerations that flout the international order. A firm stand against such crimes and a principled commitment to the law will help us break that cycle of impunity and to bring an end to crimes that have caused much suffering and prolonged that tragic conflict.

We call on all Member States to join us in our efforts to achieve justice and peace so that we can live up to the principles on which this international Organization was established. We appeal to them to join us in seeking to protect our international political and legal system, prevent its moral collapse and safeguard its substance and credibility.

Today, the peoples of the world are watching us closely, hoping that this Assembly is committed to the rights and lives of all peoples, no matter how vulnerable they may be. Their judgment will make no allowance for the luxury of political rhetoric or the illogical consideration of the issue under discussion. Following this test, the peoples of the world will divide

us into two camps: those who are faithful to the principles of international law and those who are not — not even to the value of human life and equal rights.

The draft resolution before the General Assembly (A/64/L.11) represents a serious, responsible and collective effort to address the serious human rights violations and grave breaches of international humanitarian law committed during the Israeli military operations in the Gaza Strip. In considering it, we appeal to Member States to think of the thousands of Palestinian children who continue to endure the manifold consequences of the practices of terror, death and destruction inflicted upon them by the occupying Power. While representatives prepare to vote, I appeal to them to remember our children, who continue to suffer the devastating injuries, terror and destruction inflicted on them by the occupying Power; to live in panic and fear of the bombardment of their homes and communities; and to suffer the devastating injuries inflicted on them by the use of lethal weaponry, including white phosphorous, that have physically and psychologically maimed or traumatized them. They look to the international community to help them overcome the crisis and to prevent such crimes from being committed against them ever again.

Despite all their suffering under the Israeli violence, criminal attacks and brutality, the Palestinian people are determined to ensure a decent future for their children, free of occupation, violence and pain. Our people will rise like the phoenix to rebuild their lives and construct a future of peace, freedom, stability and security for our children. Thus, we will remain committed to our pursuit of justice and will continue to call for the Assembly's support in that endeavour, because peace cannot be achieved without justice.

In that regard, history has shown that the prosecution of the perpetrators of war crimes and the achievement of justice require perseverance, principled positions and a commitment based on international law and moral principles. We will therefore continue to pursue justice and to reject the impunity that has allowed Israel to commit mass crimes against the Palestinian people for all these years without fear of punishment. We would like to end that culture of impunity, turn the page on that horrific and tragic chapter for Palestine, and cross the threshold into a new era in which our people can live in peace, freedom and dignity in an independent, sovereign and viable State of Palestine, with East Jerusalem as its capital,

exercising the rights to which all human beings are entitled but which have so long been denied them.

To that end, we will act individually, collectively and with the utmost urgency and responsibility to promote respect for human rights and international law, which are essential to making that new era a reality and to achieving genuine peace and coexistence in the region. Unchecked impunity and the absence of justice will only continue to obstruct peace and to prolong that tragic conflict and the suffering of civilians.

In conclusion, we express our hope that Member States will strongly support the draft resolution before us as an important step in that direction. We express Palestine's gratitude to the General Assembly for its support in that effort, confident that it will continue to take principled positions on this serious matter, in particular at this very critical time in history, which, if we succeed, may be a real turning point that will ultimately allow our united efforts for justice and peace to converge, taking us truly over the threshold into a new era for our peoples and the region.

The President (*spoke in Arabic*): I now give the floor to His Excellency Mr. Paul Badji of Senegal, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

Mr. Badji (Senegal), Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People (*spoke in French*): On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I welcome the convening of this debate on the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/64/490, annex), whereby the General Assembly has followed up without delay on a recommendation of the Human Rights Council.

The violent events that took place in Gaza in December 2008 and January 2009 are still very vivid in our minds, particularly since the chaos provoked by the Israeli military operation remains the same. The tragic situation on the ground has barely changed. Almost 10 months after the hostilities ended, there has been no progress on reconstruction or the reopening of borders. On 31 December 2008, immediately after the start of the Israeli offensive on Gaza, our Committee condemned the deadly military attack and the destruction unleashed by the occupying Power in total disregard of its obligations and responsibilities under international humanitarian law.

The international community reacted promptly and responded in a single voice to the violations in the Gaza Strip. Several investigative missions have been dispatched by various international entities over the past several months to establish the facts surrounding the events of December 2008 and January 2009. Our Committee commended the Secretary-General for swiftly establishing a Board of Inquiry into incidents that affected United Nations personnel and property. The League of Arab States also set up an independent fact-finding committee on Gaza.

The results of those enquiries have revealed widespread violations of international humanitarian and human rights law, including the possibility that war crimes had been committed by both sides. Civil society organizations have produced a number of reports, which concur that egregious violations of international law had indeed taken place.

The Committee commended the work of those fact-finding missions and supported calls for accountability. Last July in Geneva, our Committee convened the United Nations International Meeting on the Question of Palestine to look into the initial results of those investigations, with the stated goal of strengthening adherence to the norms of international humanitarian law. The Meeting brought together the expertise of renowned international jurists and representatives of Member States and intergovernmental and civil society organizations. The participants called for the implementation of the recommendations of all United Nations investigative mechanisms and urged all Governments to live up to the legal obligations that they had entered into in ratifying the Geneva Conventions and other legal instruments.

Last September, the United Nations Fact-Finding Mission on the Gaza Conflict established by the Human Rights Council and led by Justice Richard Goldstone, a distinguished and internationally respected South African lawyer, presented its comprehensive, balanced and authoritative account of the events in Gaza (A/64/490, annex).

The scope of the investigation and the quality of legal analysis are impressive. The team has analysed the facts in the light of applicable international standards. We note that Israel refused to cooperate with the Mission, denied it access to its own territory and the West Bank, and failed to respond to a comprehensive list of questions submitted by the team.

Israel has also vigorously condemned the report. Palestinian authorities in both Gaza and the West Bank cooperated with the Mission.

The report concludes that the Israeli military operation was directed at the people of Gaza as a whole, in furtherance of an overall and ongoing policy aimed at punishing the Gaza population, and in a deliberate policy of using disproportionate force against the civilian population. The destruction of food and water supply facilities, water sanitation systems, factories and residential houses was the result of a deliberate and systematic policy that has made daily life for the civilian population even more difficult. The Mission found that the incidents and patterns of events considered were the result of deliberate planning and policy decisions.

The report also covers violations arising from Israeli treatment of Palestinians in the West Bank, including excessive force against Palestinian demonstrators, increased closures, restriction of movement and house demolitions. According to the report, the detention of Palestinian Legislative Council members has paralysed political life in the occupied Palestinian territory, including East Jerusalem.

The Mission also found that the repeated firing of rockets and mortar rounds into southern Israel by Palestinian armed groups constituted war crimes and might amount to crimes against humanity by virtue of a failure to distinguish between military targets and the civilian population. I recall that our Committee has consistently condemned all attacks indiscriminately targeting Israeli civilians and civilian property. The Goldstone report also urges the release of Israeli corporal Gilad Shalit, a demand fully supported by our Committee.

With its report, the Fact-Finding Mission submitted ample and unbiased evidence that Israel and Palestinian armed groups alike had committed serious violations of international human rights and humanitarian law during the fighting, including some that should be prosecuted as war crimes. Our Committee supports the Mission's pre-eminent recommendation that Israel and the Palestinians conduct impartial investigations and prosecute those found responsible.

Most importantly, the report calls for follow-up action by various parties, including the United Nations. Specifically, it requests the Security Council to create a committee of experts to monitor those domestic investigations. If — and only if — the parties do not

undertake credible inquiries within six months, the report recommends pursuing accountability through international judicial action.

The report challenges the international community to break with past practice and take bold steps to uphold international law for the ultimate benefit of achieving peace. It provides the international community with the opportunity to demand, in the context of the Israeli-Palestinian conflict, the same degree of accountability that is applied to other conflicts. Failure to demand justice would be to betray the rights of Israeli and Palestinian victims and to undermine the broader international legal principles supported by the vast majority of Member States. The report also represents a significant moral and ethical challenge to the parties.

Our Committee is of the view that the perpetrators of serious crimes on either side must be brought to justice and held accountable for their actions. It encourages principled action by the international community to ensure respect of and adherence to the norms of international humanitarian law. In particular, the Committee appeals to all high contracting parties to the Fourth Geneva Convention to fulfil their obligations under common article 1 to respect and ensure respect for the Convention in all circumstances.

The General Assembly may wish to consider adopting a resolution requesting the convening of a conference of the high contracting parties to consider ways to implement article 1 of the Convention. The United Nations, and the General Assembly, the Security Council and the Human Rights Council in particular, should be invited to consider how to deal effectively with breaches of international law.

A negotiated solution to the Israeli-Palestinian conflict must be firmly rooted in the principles of international law, which must be applied scrupulously. It is only by respecting and ensuring respect for international law, including international humanitarian and human rights law, that the international legal system can attain its goal. International justice can be restored only through the commitment of all actors of the international community to uphold the principle of accountability for breaches of international law and to put an end to impunity. Sixty years after the entry into force of the Geneva Conventions, the international community is challenged to take concrete steps to revalidate them as norms of international law to be adhered to by all of its members.

I would like to make the following statement on behalf of my country, Senegal.

In response to the call of the General Assembly, my delegation welcomes the convening of this crucially important debate on the report of the United Nations Fact-Finding Mission on the Gaza Conflict from December 2008 to January 2009, following the recommendation of the Human Rights Council.

Indeed, the United Nations was founded, in the words of its Charter, on a real “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women”. Taking up that challenge is one of its most important duties, and it is to a large extent the criterion by which it is often judged by the peoples in whose service it labours. While our global Organization has sometimes failed to rise to that challenge, the recommendations of the Goldstone report place it squarely face to face with its responsibilities.

I take this opportunity to express the utmost appreciation of the delegation of Senegal for the members of the Mission led by Justice Richard Goldstone of South Africa. The choice of those luminaries, whose life experience is highly valued in national and international legal circles, serves to validate the objectivity and balance of the report, which, we can all agree, defends the principles of justice, responsibility and the fight against impunity by shedding light on violations committed in the course of Operation Cast Lead in the Gaza Strip.

Israel’s deadly and disproportionate bombing of the Gaza Strip from December 2008 to January 2009, in the guise of defending its citizens from rocket attacks by Palestinian groups, have laid bare unacceptable violations on Israel’s part of the most elementary rules of international humanitarian and human rights law. Those bombings are unacceptable also because numerous corroborating indications lead to the conclusion that the military invasion of Gaza by the Israeli army exacerbated breaches of international law by reason, among others, of the blockade of the Gaza Strip, which has taken on the dimensions of collective punishment, and of the increased illegal settlement in the occupied Palestinian territory, notably in the West Bank and East Jerusalem.

Today these and other Israeli policies and measures, which are as brutal as they are illegal, are perpetuated and even intensified in direct contradiction to the provisions of international law, in particular the

Fourth Geneva Convention of 1949, which, need I recall, applies to the occupied Palestinian territory. The State of Israel, as the occupying Power, must strictly abide by the provisions of international humanitarian law.

In responding to these repeated violations in Gaza, several international and civil society organizations promptly dispatched fact-finding missions with a view to establishing the facts surrounding the Israeli military operation. The conclusions of those inquiries have revealed the commission of many breaches of international humanitarian and human rights law, and even of war crimes, on the part of the two parties to the conflict.

Unable to stand idly by in the face of such huge violations, the United Nations created, through the Human Rights Council, the Fact-Finding Mission on the Gaza Conflict. The Mission’s report, presented 15 September 2009, contains a set of recommendations on steps to be taken by the parties to the conflict and the international community. In that regard, we note the obligation of the parties promptly to undertake impartial and in-depth inquiries into the violations.

The immediate implementation of those recommendations by the parties concerned should under no pretext be delayed. It is important in this context to uphold and, as much as possible, bolster the efforts of the United Nations, especially the General Assembly, the Security Council and the Human Rights Council, to ensure full adherence to and respect for the standards of international humanitarian law. We also recall once again that the high contracting parties to the Fourth Geneva Convention must meet their obligations in accordance with common article 1 of the 1949 Convention, which requires them to respect the Convention in all circumstances.

In that connection, and aware of the importance of the fight against impunity in the context of promoting the rule of law, Senegal appeals for appropriate measures to be taken to ensure strict observance of the rules of international law. Moreover, the fight against impunity should in no way affect our resolve to make progress in settling the Israeli-Palestinian conflict. Rather, it should encourage us to strive alongside the parties to the conflict to find a just, lasting and comprehensive solution to that protracted conflict of modern history.

It is now time to change course. We are at a turning point in the history of humankind. The

Goldstone report offers the best hope for justice and redress for the victims. On the basis of that conclusion, my country here and now launches a solemn appeal to the international community to join the effort to lay the groundwork for a just and lasting peace in the Middle East.

Mr. Lidén (Sweden): I have the honour to speak on behalf of the European Union (EU). Turkey, Croatia, the former Yugoslav Republic of Macedonia, Albania, Montenegro, Serbia, Ukraine, the Republic of Moldova and Armenia align themselves with this statement.

The European Union is deeply concerned over the deteriorating humanitarian and human rights situation in the occupied Palestinian territories. The EU again urges the Palestinian Authority and the Government of Israel to enter into serious peace negotiations as soon as possible and to respect previous agreements and international law, including all Road Map commitments. We reiterate the need to ensure a political solution, with two States — Israel and an independent, democratic, contiguous and viable Palestinian State — living side by side in peace and security. If there is to be genuine peace, a way must be found to share Jerusalem as the future capital of two States. The European Union will not recognize any changes to the pre-1967 borders other than those agreed by both parties.

We call upon both parties to fully adhere to international humanitarian and human rights law. All allegations of human rights violations and of violations of international humanitarian law must be thoroughly investigated, and those responsible must be held accountable.

A durable solution to the Gaza crisis has to be achieved through the full implementation of Security Council resolution 1860 (2009). The European Union remains gravely concerned at the humanitarian situation in Gaza and calls for the sustained, immediate and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from Gaza. The EU reaffirms its support for the proposed United Nations-led civilian reconstruction activities in Gaza. The European Union calls for a complete stop to all violence, including a sustained halt of rocket attacks on Israel. We reiterate our call for the immediate release of Israeli soldier Gilad Shalit. Palestinian prisoners should be released in greater numbers, with priority given to the minors.

The United Nations Fact-Finding Mission on the Gaza Conflict reports, in document A/HRC/12/48, grave violations of international humanitarian law, including deliberate attacks on civilians. It is a serious report. The EU is committed to assessing it seriously. The European Union takes note of the recommendations of the Mission and emphasizes the obligation of all parties to the conflict to respect international humanitarian law and international human rights law. The EU deeply deplores the loss of life during the Gaza conflict, particularly the civilian casualties. We also condemn all targeting of civilians and United Nations facilities during the conflict.

The European Union has consistently reminded all parties to the conflict of the urgent need to ensure accountability for all violations of international human rights law and international humanitarian law in order to deter further violations. An overarching human rights priority for the EU is to combat impunity. The EU urges the parties to launch appropriate, credible and independent investigations into possible violations of international human rights law and international humanitarian law, in accordance with international standards. In that regard, the European Union believes that appropriate follow-up will be necessary.

Mr. Ja'afari (Syrian Arab Republic): I have the honour to make this statement on behalf of the Organization of the Islamic Conference (OIC) member States. Let me begin by expressing the appreciation of the OIC group to the President of the General Assembly for bringing this urgent matter to the Assembly for its consideration, in response to Human Rights Council resolution S-12/1.

The international community has witnessed illegal and intensified Israeli colonization measures in the occupied Palestinian territory, ongoing settlement activities, persistent aggression against Islamic and Christian holy sites in Al-Quds Al-Sharif, the transfer of more Israeli settlers, the continued construction of the separation wall in and around the holy city, changes to the city's demographic and geographic character, restrictions on the freedom of movement of Palestinian citizens, their unlawful detention, and the demolition of Palestinian houses. Here, I would like to recall what happened in recent days, when illegal Israeli settlers entered Palestinian houses in Al-Quds Al-Sharif early in the morning and threw their inhabitants out into the streets under the eyes of the Israeli forces of occupation. We have also seen continued digging and

excavation work in and around Al-Aqsa mosque and its vicinity.

The OIC strongly condemns those violations, and expresses its serious concerns about the grave situation in the occupied Palestinian territory, especially the continuing inhuman Israeli blockade and the dire humanitarian crisis being imposed on the Palestine civilian population in the Gaza Strip.

Early this year, the international community witnessed with horror the events in the occupied Gaza Strip. All independent reporting on the 23-day Israeli aggression pointed to the commission of serious violations of international human rights and humanitarian law by Israel, the occupying Power. Reports following the Human Rights Council's special session on the human rights situation in the occupied Palestinian territories, particularly in the occupied Gaza Strip, including the High Commissioner's periodic report (A/HRC/12/37) and the combined report of special procedures, have all confirmed significant *prima facie* evidence revealing serious violations of international humanitarian law, as well as gross human rights violations, during that Israeli military aggression.

The Goldstone report (A/64/490, annex) has authenticated and confirmed these violations with evidence. Most importantly, the report confirmed the international community's worst fears — war crimes and crimes against humanity had been committed, including wilful killings, deliberate attacks on civilian objects, wanton destruction of civilian property, indiscriminate attacks, the use of human shields, and collective punishment against Gaza's civilian population in the form of a continuing blockade by Israel during its occupation of the Gaza Strip. In short, Israel has committed a variety of crimes, including war crimes, in violation of international law and international humanitarian law, as well as of the Fourth Geneva Convention.

The Human Rights Council, in operative paragraph 3 of part B of its resolution S-12/1, endorses the recommendations contained in the Goldstone report, and calls upon the "United Nations ... bodies to ensure their implementation". The recommendations made in that report were addressed not only to the Human Rights Council, but also to the Security Council, as stated in paragraph 169 of the Goldstone report, whereby the report makes an inevitable request

to the Security Council to shoulder its responsibilities. Therefore, the Security Council must fulfil its responsibilities as mandated in the Charter, take all necessary actions to bring the Israeli perpetrators of these war crimes to justice and put an end to the Israeli mindset of inhumanity.

The OIC once again expresses its regret at the continued non-cooperation on the part of Israel, the occupying Power, with all the independent and international missions that have been mandated to investigate violations of the human rights of the occupied Palestinian people. Such an attitude reflects an above-the-law mentality and constitutes a clear refusal to acknowledge the international community's human rights concerns.

To mention only some among the incalculable number of cases, I should like to recall the Israeli refusal to deal with the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, established in 19 December 1968 to monitor the human rights of the people under occupation in the occupied territories; the Israeli denial of access to the United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967, established in 1993; Israel's non-compliance with a Security Council call to cooperate with a fact-finding mission sent to Jenin, established pursuant to Security Council resolution 1405 (2002), adopted 19 April 2002; the Israeli refusal to deal with the High-Level Fact-Finding Mission to Beit Hanoun, established 1 September 2008; and many other missions. Since 1947, Israel has refused to cooperate with 23 United Nations fact-finding and other missions.

Israel has left behind much more than dead and injured Palestinians in the bloodstained Gaza Strip. Israeli jets, tanks and battleships could see only one target on their radar screens — civilians — and yet they fired. This was documented by a United Nations team. Israel has thus left the United Nations in a situation in which the Organization must either react or tell us why it has not.

The inability of the United Nations to bring Israel under the umbrella of international law has unfortunately harmed the image of the United Nations throughout the world, especially as we watch the daily desecration of our holy places in Al-Quds Al-Sharif.

The continuing Israeli non-compliance with United Nations resolutions and non-cooperation with dozens of United Nations fact-finding missions put the credibility of the United Nations itself at stake.

The humanitarian and human rights situation is getting worse for the Palestinian people living under illegitimate occupation. They live in terror and fear. The OIC has repeatedly cautioned that Israel's illegal measures undermine the contiguity, unity and integrity of the Palestinian territory and imperil the establishment of an independent, sovereign and viable State of Palestine, with Al-Quds Al-Sharif as its capital, on the basis of the two-State solution in accordance with international law and relevant United Nations resolutions.

We reiterate our call for the urgent intensification of efforts by the international community, and by the Security Council in particular, to address the continuing political and humanitarian crises and to lend crucial support to the resumption and early conclusion of a credible, sustained and results-oriented peace process, to the satisfaction of the Palestinian people.

Ms. Shalev (Israel): At the outset, I wish to convey the condolences of the Government and people of Israel to the most recent victims of terrorism. Our thoughts are with the more than 150 innocent men, women and children slaughtered in Baghdad by suicide terrorists. Our sorrow is with the more than 100 victims of the brutal terrorist attacks in Peshawar and Rawalpindi, Pakistan. Our grief is with the families of the six United Nations employees, working in the name of peace, who were murdered by terrorists in Kabul. We will not forget the victims of terrorism in New York, Washington, D.C., London, Madrid, Bali, Lockerbie, Riyadh, Amman, Mindanao, Istanbul, Nairobi, Jerusalem, Tel Aviv, Buenos Aires, Mumbai, Beslan, Islamabad and Algiers, and so many others who have endured the evil of terrorism.

Terrorism deprives people of their most basic human right: the right to life. States have not only the right, but indeed the duty to pursue those who engage in the barbaric tactics of terrorism. States sponsoring terrorism — Members of this Organization that actively engage in activities such as the smuggling of weapons, ammunition and terrorists by sea, air and land — must be held accountable before the international community. Yet today, rather than confront terrorism, the General Assembly has chosen once again to detach itself from reality.

Today's debate is anything but genuine and candid. Rather than discuss how better to stop terrorist groups that deliberately target civilians, this body launches yet another campaign against the victims of terrorism — the people of Israel.

The report before the Assembly (A/HRC/12/48) was conceived in hate and executed in sin. From its inception in a one-sided mandate, the Gaza Fact-Finding Mission was a politicized body with predetermined conclusions. It is the product of the Human Rights Council in Geneva, a body whose obsession with Israel has led it to adopt more resolutions against Israel than on all other United Nations Member States put together. This same Human Rights Council rejected any investigation regarding the constant firing of 12,000 rockets and mortars by Hamas, over eight years, on towns and villages in Israel. The basic human rights of nearly 1 million Israeli citizens did not matter then. Are we now to believe that the Council's latest incarnation is honest, objective and fair?

Cynical political manoeuvres, not principles, have brought the Human Rights Council to export this report to New York. But the flaws of the report before the Assembly are not merely procedural. It is irreparably tainted. It bends both fact and law.

Justice Goldstone himself publicly conceded that if his Fact-Finding Mission had been a judicial inquiry, a member of his team would have been disqualified for outright bias against Israel. Nevertheless, the report makes sweeping judicial determinations of criminal wrongdoing in the absence of crucial information. It makes explosive charges against Israel, yet the evidence provided to support such accusations is at best uncorroborated, and at worst false. In certain cases, the report comes to conclusions based upon the absence of evidence to the contrary. In others, the authors' mere opinions serve as the evidence. Time and again, the report inverts Israel's unprecedented extensive efforts to save civilian lives as proof that any civilian casualties were therefore deliberate. This is not honest fact-finding. But that is not all.

Justice Goldstone himself admitted that the Mission deliberately selected incidents so as to evade the complex dilemmas of confronting threats in civilian areas. The report ignores the reality of terrorist activity and the complexity of military challenges in fighting terrorists in urban warfare. It ignores overwhelming

evidence that Hamas intentionally operated from densely populated areas and from within hospitals and mosques, and that it booby-trapped civilian structures. The report makes no reference to the recruitment and exploitation of civilians by Hamas, or to its use of human shields. It undermines every democracy defending itself against terrorist attacks. It concedes that the rule of law will be replaced by the rule of terrorism. But that is not all.

The report dismisses Israel's independent legal system, of which I am a proud member. It disregards Israel's extensive criminal investigation process of allegations of misconduct by Israeli armed forces. In so doing, it effectively calls into question the internal investigation procedures of the armed forces of most democratic States.

Israel is committed to acting in accordance with international law. The rules of armed conflict are part of the training of every Israeli soldier. Israel is committed to investigating every allegation of misconduct by its forces. These commitments are derived from our timeless values and our longing for peace.

Israel believes in a vision of peace. We believe in the vision established by the United Nations of two States for two peoples. But the Goldstone report and this debate do not promote peace. They damage any effort to revitalize negotiations in our region. They deny Israel's right to self-defence. If Israel is asked to make concessions for peace, we must be assured of our right to defend ourselves. We must know that terrorists will not have impunity as they turn our gestures of peace into weapons of war.

Mr. Mohamad (Sudan) (*spoke in Arabic*): The barbaric Israeli war against Gaza was no secret. It was watched by people near and far. Millions of people around the world followed it through various mass media. That the Israeli forces terrorized and murdered innocent Palestinian civilians is not in question. The Israeli occupying Power waged a destructive war against Gaza that killed thousands of civilians and destroyed infrastructure and civilian property. Major and widespread violations of international law, international humanitarian law and human rights law, as well as of the Geneva Conventions of 1949, were committed.

Israel's actions represent simply the latest episode in a criminal record that has continued since its

heinous occupation of Palestinian and Arab territories began. This episode is an expression of Israel's ultimate defiance and contempt for the United Nations and its resolutions. It is yet another episode in a series of killing and destruction — destruction of life and property — in a war of genocide against the Palestinian people. In this war, Israel has been unable to kill the will and resolve of the Palestinian people. Its wall of separation has been unable to separate the Palestinian people from their aspiration to live in dignity.

The discussion of this report (A/HRC/12/48) by the General Assembly has the added importance of restoring the required credibility to our international Organization, in particular the General Assembly as the pulse of the international community, in expressing its hope of deterring Israel and putting an end to the suffering of the Palestinian people.

The Fact-Finding Mission established by the Human Rights Council, as explained in the report before us, came to many legal and documentary conclusions of great importance and impact. The report clearly details the war crimes and crimes against humanity committed by Israel and demonstrates that the conduct of the Israeli occupying forces constituted a grave violation of the Fourth Geneva Convention, due both to wilful killings and to the infliction of wanton suffering on civilians. The report also states that the Palestinians were directly and intentionally targeted, which is a violation of the right to life. The report also lists acts of oppression against the blockaded people of Gaza and designates such acts as crimes against humanity.

The Fact-Finding Mission investigated many reports of the destruction of manufacturing infrastructure by Israel, including food production facilities, water and sanitation installations, houses, and even flour mills. The report concludes that, in addition to the excessive illegal destruction, Israel's grave violations of the Fourth Geneva Convention and other laws indisputably amounted to war crimes. With regard to the destruction of Government buildings and infrastructure, the report states that attacks against such facilities were deliberate, as were attacks against civilian targets, in violation of the norms of international humanitarian law.

The report also indicates that the Israeli occupying authority has a systematic policy of targeting civilian sites. The Fact-Finding Mission also

found that, in addition to the widespread destruction of homes during the incursion, Israeli forces undertook another deliberate campaign of destruction of houses before withdrawing, in violation of families' right to life and their right to pursue a living.

With regard to violations of the rights of civilians, the Goldstone report states that the conduct of Israeli occupying forces amounted to a grave violation of the Fourth Geneva Convention and constitutes a war crime. The report also concludes that the targeting of Palestinian civilians with the aim of killing, humiliating, terrorizing, collectively punishing and using them as human shields, also constituted a war crime. The report further states that Israel's strikes against mosques and hospitals were direct and deliberate acts that violated the rights of the Palestinian people.

The Commission concludes that Israeli occupying authorities were responsible for war crimes and crimes against humanity, and that

"Israel's continuing occupation of the Gaza Strip and the West Bank emerged as the fundamental factor underlying violations of international humanitarian and human rights law against the protected population and undermining prospects for development and peace. Israel's failure to acknowledge and exercise its responsibilities as the occupying Power further exacerbated the effects of occupation on the Palestinian people, and continue[s] to do so. Furthermore, the harsh and unlawful practices of occupation, far from quelling resistance, breed it, including its violent manifestations. The Mission is of the view that ending occupation is a prerequisite for the return of a dignified life for Palestinians ..." (A/HRC/12/48, para. 1897)

Occupation is the basic cause of suffering for the Palestinian people and thus this occupation should end. Under no circumstance should we equate the victim with the perpetrator.

The conclusions of the Goldstone report amount to an ongoing challenge to this international Organization to meet its international responsibilities and address the report's recommendations. The Organization must support the resolve of the Palestinian people referred to by the Mission, and uphold that people's legitimate rights, including its right to self-determination, to establish its own State

and to achieve a just and comprehensive peace by ensuring Israel's withdrawal from all Arab territories occupied in 1967 and on the basis of the relevant resolutions of the United Nations.

The defence of the occupying forces mounted by some in the international community has sent an erroneous message to Israel, which not only did not stop its destructive war against Gaza, but recently launched another war against Al-Quds Al-Sharif, in which it has demolished homes, Judaized the holy city and continued to build settlements. Israel has also continued to excavate beneath the Al-Aqsa Mosque and to prevent worshipers from fulfilling their religious duties. That presages another disaster for the Palestinian people.

The General Assembly must condemn Israel's actions in Al-Quds Al-Sharif. It must also declare null and void any Israeli effort or action to change the legal, material, demographic and institutional character of the occupied Syrian Golan. Israel's steps to impose its legal and administrative authority there are null and void. That includes the construction and expansion of Israeli settlements, which are both in defiance of the will of the international community and a grave violation of international law, including the Fourth Geneva Convention and the resolutions and Charter of the United Nations, including Security Council resolution 497 (1981). We must also ensure Israel's full withdrawal from Lebanese territory, including the Shaba'a farmlands, Kfar Shuba and the village of Al-Ghajar.

I take this opportunity to pay tribute to the steadfastness of the thousands of Palestinian prisoners languishing in the prisons of the Israeli occupying authorities.

The Goldstone report has not only exposed Israel's crimes and war of genocide against the defenceless Palestinian people, it has also brought to light the double standards employed by those who pay lip service to justice and the need to end impunity. The report highlights that hypocrisy and illustrates Israel's selectivity and dual approach to credibility and justice. Those who behave in a like manner are harming the reputation of the international Organization. Our peoples aspire to the justice and wisdom that the Organization is supposed to pursue.

In conclusion, we would like to commend the efforts of the Human Rights Council. We call upon the General Assembly to endorse the Goldstone report and

its recommendations and to implement them and adopt a resolution in connection with the report. The Assembly should also remain seized of this matter.

Mr. Khazaei (Islamic Republic of Iran): The Islamic Republic of Iran welcomes today's meeting of the General Assembly to consider the report of the twelfth special session of the Human Rights Council (A/64/53/Add.1), which was held on 15 and 16 October.

We are grateful to you, Mr. President, for convening this meeting. We would also like to thank the Human Rights Council for holding its twelfth special session, as well as for adopting its resolution S/12-1 on 16 October. Among other things, the resolution endorsed recommendations contained in the report of the Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), also known as the Goldstone report, whose implementation requires the General Assembly to take concrete actions.

The Goldstone report has authenticated and confirmed serious violations of international humanitarian law, as well as gross violations of human rights, during the military aggression by the occupying regime. Most important, the report confirms that war crimes and crimes against humanity were indeed committed by that regime. During that aggression, some 1,400 Palestinians were killed and 500 injured, and many maimed for life. Hundreds of those killed, including some 300 children and more than 115 women, were defenceless civilians. Much of the destruction was wilful and resulted from direct and indiscriminate attacks on civilian targets. Such attacks violated not only basic human rights but also fundamental provisions of international humanitarian law, in particular the prohibition of direct attacks on civilians and civilian objects, the prohibition of indiscriminate or disproportionate attacks, and the prohibition of collective punishment.

In the course of its investigation, the Fact-Finding Mission examined an attack in which a mosque was targeted with a missile during the early-evening prayer, resulting in the death of 15, as well as an attack in which flechette munitions were launched against a crowd of family members and neighbours in a condolence tent, killing five. The Mission found that both attacks constituted intentional attacks against the civilian population and civilian objects.

Moreover, during the Gaza conflict, the Zionist regime used weapons that included white phosphorous

and flechette missiles. Israeli forces also coerced Palestinian civilians at gunpoint to take part in house searches during military operations. Palestinian men were blindfolded, handcuffed and forced to enter houses ahead of Israeli soldiers. According to the Fact-Finding Mission, that practice amounts to the use of Palestinian civilians as human shields and is therefore prohibited by international humanitarian law.

The military aggression against Gaza, together with the protracted blockade of its population, blatantly and grossly violated every human right of the Palestinian people. The economy, employment opportunities and family livelihoods had already been severely affected by the blockade when the Israeli offensive began. The insufficient supply of fuel for electricity generation has had a negative impact on industrial activity, the operation of hospitals and the supply of water to households.

From the facts ascertained in all these cases, the Fact-Finding Mission found that the conduct of the Israeli armed forces constituted grave breaches of the Fourth Geneva Convention in respect of wilful killings and wilfully causing great suffering to protected persons. As such, they give rise to individual criminal responsibility. It also found that the direct targeting and arbitrary killing of Palestinian civilians was a violation of the right to life.

The resolution adopted at the twelfth special session of the Human Rights Council provides a crucial opportunity for the United Nations to hold the Israeli regime accountable for the crimes it committed against the innocent people of Palestine, in particular in Gaza, and to end the culture of impunity that has long denied justice to the victims of Israel's war crimes and gross violations of human rights. It is only by holding that regime accountable for its actions and by launching a genuine independent criminal investigation that the United Nations can bring an end to the prolonged situation of de facto impunity that the occupying Power has long enjoyed.

We support the recommendations of the report to the General Assembly, including on taking measures with regard to ensuring accountability for serious violations of international humanitarian law and human rights committed by the Israeli regime. We also support having the General Assembly remain seized of the matter until it is satisfied that appropriate action has been taken in order to ensure justice for victims and accountability for perpetrators.

The General Assembly should be able to consider whether additional action within its powers is required in the interests of justice. We are supportive of the Fact-Finding Mission's recommendation that the General Assembly should ask for the convening of a conference of the high contracting parties to the Fourth Geneva Convention of 1949 on measures to enforce the Convention's related articles, in particular article 1, in the occupied Palestinian territories.

Mr. Apakan (Turkey): Turkey aligns itself with the statement delivered by the representative of Sweden on behalf of the European Union. I shall therefore keep my remarks brief.

We started this year in the Middle East with the trauma of intense fighting in Gaza. A large-scale Israeli operation in a densely populated area inevitably resulted in huge numbers of civilian casualties and a true humanitarian tragedy. From the very start of the operations, we condemned the disproportionate use of force and the punitive measures that harmed the well-being of the entire population of Gaza. As a result of such acts and policies, the people of Gaza were left without civic infrastructure, livelihoods or proper means to lead a dignified life.

Although a ceasefire has been declared, the suffering of the Palestinians in Gaza has not come to an end. Security Council resolution 1860 (2009) has not been implemented. The people of Gaza continue to live under siege. Tight restrictions at the crossings hinder efforts to redress the deep wounds caused by the Israeli operation and the return to normal life. Basic infrastructure, schools and clinics are still in ruins. Reconstruction is at a standstill. Public health is in jeopardy. There is no economic or trade activity to speak of.

The report of the Fact-Finding Mission led by Justice Goldstone (A/HRC/12/48) vividly depicts the scene in Gaza and gives us a very detailed account of the events that took place at the start of this year. Some say that the report is a threat to the peace process. We prefer to see it as an opportunity — an opportunity for Israel to rectify the situation in Gaza and an opportunity for the international community to address the deprivation and hardship of the Palestinian people and not look the other way. We need to seize that opportunity and follow up on the recommendations of the report. In fact, credible investigations into alleged violations could help to build confidence between the

parties, thereby contributing to peace efforts in the region.

Turkey believes in lasting peace in the Middle East. We firmly support the efforts to reactivate the peace process in all its tracks within the framework of the relevant Security Council resolutions, the Madrid principles, the Arab Peace Initiative and the Road Map obligations. However, we also believe that it is no longer possible to remain indifferent to the situation in Gaza, which long ago became a matter of humanity and integrity. The burden of responsibility is building up on the shoulders of the international community. It is therefore time for the United Nations to combat impunity, uphold accountability and act in concert. After all, justice and peace are two sides of the same coin. Peace cannot be achieved without delivering justice.

Mr. Dabbashi (Libyan Arab Jamahiriya) (*spoke in Arabic*): There is no doubt that this meeting is of particular importance, as it constitutes the first serious attempt to make the Zionist occupiers face their responsibilities. For more than 60 years, those occupiers have employed every method to inflict terror and oppression upon the Palestinian people. This meeting is also an effort to restore the credibility of the United Nations and international law. The Zionists disregard and trample upon the international law, and it is our hope that the outcome of this meeting will not again be a disappointment to the peoples of the world and to human rights organizations, which do their utmost to uphold right and justice and to prosecute criminals.

Zionist crimes in Palestine are nothing new. In fact, they began with the arrival of the first Zionist settlers and became systematic with the establishment of what is referred to as Israel. As we are all aware, that established State was based on genocide, ethnic cleansing and the collective expulsion of Palestinians from their land and preventing them from returning to their homes. Those crimes continue to this day and include land confiscations, the building of new settlements, the demolition of Palestinian homes, the razing of agricultural land and the categorical refusal to allow Palestinian refugees to return to their land.

Moreover, we should mention briefly some of the numerous massacres to which the Palestinian people have been subjected. We must not forget the victims of Zionist terrorism. The Palestinian people have been the

victims of several massacres since 1947, beginning with the 1947 Baldat al-Sheikh massacre and, subsequently, the 1948 massacres at Deir Yassin, Bushusha and Tantura, the 1953 massacre at Qibya, the 1956 massacre at Khan Younis, the 1990 massacre at the Al-Aqsa mosque, the 1994 massacre at the Al-Brahimi Mosque, the 2002 massacre at the Jenin refugee camp, the Beit Hanoun massacre in 2006, the 1982 massacres at the Sabra and Shatila refugee camps and the two massacres at Qana, in 1996 and 2006, with the massacre at Gaza being the latest example.

Modern information and communications technology has made it possible for the entire world to witness the crimes of the Zionist entity. All of us have seen how children have been directly targeted. We all witnessed live the killing of Mohammed Al-Durra, a small boy. Unfortunately, there were no television cameras present during hundreds of similar incidents. We have also seen how Israeli soldiers intentionally break the limbs of Palestinian civilians. We saw the crimes committed at Sabra, Shatila, Qana, Beit Hanoun, Jenin and, most recently, Gaza. All those crimes have been documented in reports published by neutral parties. Unfortunately, however, where is justice? Where is the conscience of the world? Where are those countries that have for many decades claimed to uphold human rights?

Unfortunately, what we call Israel has always been above the law and beyond all criticism. In that regard, there is a history of evidence and proof. Allow me merely to mention that Boutros Boutros-Ghali was sacked at the end of his first term as Secretary-General because he insisted on publishing proof of the first massacre at Qana, when Israeli troops intentionally bombed United Nations facilities there with full knowledge of the fact that hundreds of civilians had taken refuge in them from artillery bombardments.

The comprehensive approach followed in establishing the facts and evidence with regard to what took place in Gaza leaves no room for doubt when it comes to the credibility of the report and the conclusions reached by the Fact-Finding Mission (see A/HRC/12/48). Nor is there any doubt as to the integrity and professionalism of the members of the Mission or its leader. The report before us reflects justly all the facts and draws its conclusions impartially and fairly. It is an important document that seeks to uphold justice and bring the perpetrators to justice. The report enumerates the crimes committed by

the Israeli occupation army against the Palestinian people. It concludes that a very modern and well-equipped army with tremendous capacity for destruction committed war crimes against a hungry people under siege and occupation, who are being deprived of basic necessities for living and who have at their disposal only the will to resist and crude mortars and home-made missiles to defend themselves.

The report also recalls that resisting foreign occupation is the inalienable right of every people. One therefore cannot draw parallels between the oppressor and the oppressed. The Fact-Finding Mission examined a number of incidents, including, first of all, the destruction of the sole flour mill that provides Gaza with flour. In that regard, the Mission concluded that that was done in an effort to deprive the civilian population of food, which may constitute a war crime and is a violation of international law and norms.

Secondly, with regard to the systematic destruction of poultry farms by armed Israeli troops, the Mission determined that that was a premeditated act of excessive destruction, which was a war crime and unjustified by any military objective.

Thirdly, there is the matter of the destruction of wells. The report noted that the Fact-Finding Mission found no reason that could justify any military advantage from the destruction of the wells. The Fact-Finding Mission also mentioned that there is no proof that armed Palestinian groups were using the wells for any particular aggressive purpose. The Mission also concluded that drinking water is a fundamental right for civilian populations and the destruction of the wells is a war crime.

Fourthly, there were four incidents when the Israeli army threatened Palestinian civilians and forced them to take part in the search of houses in the course of their military operations. The victims were threatened and forced to enter the houses, they were blindfolded and their hands were tied. In this case the Fact-Finding Mission again concluded that the use of civilians as human shields in such an operation constitutes a war crime.

Fifthly, it is important to emphasize that it became clear from a number of incidents that are discussed in various parts of the report that humiliation and horrible treatment of Palestinians took place that contravenes international humanitarian law and the principles of human rights. The occupying forces

treated Palestinians in an inhumane way, and measures taken to terrorize and intimidate the civilian population represent collective punishment against civilians. That is a serious breach of the Geneva Convention and also constitutes a war crime.

It is also worth noting that the Fact-Finding Mission found no proof that confirms allegations that point to the authorities in Gaza or armed Palestinian groups using mosques, hospitals or ambulances to transfer armed combatants or to engage in military activities. So, according to United Nations reports and those of the Mission, it is not possible that Palestinians launched military activities from civilian facilities such as United Nations buildings, which were only used for shelter.

Furthermore, the Fact-Finding Mission points to 11 incidents in which the Israeli army launched direct attacks against civilians, causing considerable injury and loss of life. Facts have confirmed those allegations, and in every case the attacks had not targeted military installations. So the conclusion that can be drawn is that Israel violated the Fourth Geneva Convention by wilful killing, torture, inhuman treatment and suffering, with no justification whatsoever. Israel also used civilians as human shields, which constitutes a war crime, according to the Rome Statute. Also, the report concludes that the blockade of Gaza is a form of persecution and constitutes a crime against humanity.

The Mission also concludes that there are serious doubts about whether Israel is serious about conducting an independent, fair, swift and effective inquiry, in accordance with the requirements of international law. The Mission concludes that the Israeli regime is based on discrimination, which means that the justice system will not provide satisfaction when Palestinian victims seek redress. The Mission further considers that in those circumstances there is no way for the perpetrators to be held accountable for their crimes, according to humanitarian law and international human rights law in Israel itself. The Mission considers the grave violations of international humanitarian law documented in the report to fall within the competence of the International Criminal Court. This matter should be referred to the Court if the international community is serious and sincere about dealing with these violations.

We will hear people say that the Israeli-Palestinian peace process is important. They are

speaking about a peace that does not exist. The peace process for the entity we call Israel has already begun and finished. Israel obtained everything it wanted without exchanging anything for it. Israel obtained the recognition by Palestinians of its existence on Palestinian land. It obtained guarantees for its security without any restrictions or limits. That security is guaranteed by major Powers even if Israel were to occupy all the countries in the region, because those who say that they guarantee Israel's security do not mention any specific borders, even though Israel continues to occupy Palestinian land, build more settlements and change the demographic situation in the occupied territories.

It is also important to add that Palestinians are besieged by everyone, and they are denied the right to resist the occupation. They have to justify every bullet they fire against the occupiers and the Arab States unfortunately have declared that peace is their strategic choice. That means that those Arab States will no longer fight. Does the Zionist entity need any better guarantees than that for its security? Given all those factors, is there anything that would encourage Israel to withdraw from the occupied territories and stop its crimes? I do not believe so.

A rational and realistic analysis of what is happening in the Middle East since the Oslo Agreement proves without a shadow of a doubt that there is no peace process. What does exist is a political process that aims at chiselling away Palestinian and Arab land and deceiving Palestinians and Arabs while Israel tightens its control over historical Palestinian land. Israel is well on its way to achieving that goal.

We are aware that tremendous pressure has been applied and continues to be applied on Member States to undermine the initiative under way to implement the recommendations of the Fact-Finding Mission — recommendations that aim to uphold justice, prosecute criminals and put a stop to the horrors imposed on the Palestinian people. However, we warn all those who seek to undermine the recommendations of the Fact-Finding Mission headed by Justice Goldstone, because a failure to implement those recommendations would send a message to the Arabs and the Palestinians that so-called Israel is above the law — a situation that absolutely must not continue. If the United Nations does not play its proper role, then its motto should be that the powerful are never held accountable and it should enshrine that principle in its Charter.

Those who think that Israel has absolute power are wrong, because Israel draws its power from the weakness of its adversaries and from the absolute support it receives from a certain super-Power. However, this will not last forever. There is no doubt that the result of the vote on the draft resolution submitted to us (A/64/L.11) will give us an idea of who is working for the cause of peace, justice and security, and who is seeking to obstruct it. We therefore hope that the vote in favour of the draft resolution will be unanimous.

Mr. Bui The Giang (Viet Nam): I would like to thank you, Mr. President, on behalf of the Vietnamese delegation, for convening this meeting to discuss the report of the Independent International Fact-Finding Mission, also known as the Goldstone report (A/HRC/12/48).

My delegation associates itself with the statement delivered by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

Despite tireless international efforts geared towards regional peace, this year started, regrettably, with Israeli forces' military incursions into Gaza, leaving thousands of Palestinians killed or injured amid the wanton ruins of their homes, hospitals, schools, mosques and other vital infrastructure facilities. Even United Nations premises and personnel fell victim to Israel's heavy and lethal weaponry. The continued Israeli blockade and collective punishment against Gaza has deepened the Palestinian people's trauma and plight to this day. And just tens of miles away, the civilian population in southern Israel have been living under constant threat of rocket and mortar attacks.

In this context, following the report of the Secretary-General's Board of Inquiry and the conclusions of the Independent Fact-Finding Committee on Gaza to the League of Arab States, we welcome the timely release of the Goldstone report, the related investigations and the ensuing decision by the Human Rights Council to transmit a resolution and the report to the present session of the General Assembly.

In this regard, we commend the great efforts of the Fact-Finding Mission under difficult circumstances, particularly in the absence of Israel's cooperation, to gather the testimony of witnesses and establish facts to ensure the balanced, comprehensive and objective nature of the report and its recommendations. We remain concerned by the report's findings regarding

Israeli failure to take the precautionary measures required by international law to avoid or minimize loss of civilian life, injury to civilians and damage to civilian property — a flagrant violation of the principle of proportionality and distinction. Similarly, we share the report's concerns that the rocket and mortar attacks presented a threat to southern Israeli communities.

We support the report's call for respect for and compliance with international law, including humanitarian and human rights law, and its emphasis on the need to end impunity and establish justice and responsibility through accountability machinery. All these are not only necessary but also urgently needed to help avoid a recurrence of reprehensible violations and contribute to efforts aimed at a peaceful settlement of the Israeli-Palestinian conflict. We recognize the pledges made by both Palestine and Israel to investigate the reported violations and we look forward to their subsequent proper prosecution.

The current explosive nature of the regional situation makes it all the more imperative for the parties concerned to renounce the use of force and acts of violence, and take the necessary steps to ensure the utmost safety and security for civilians, diplomatic and United Nations premises and personnel, as well as humanitarian workers. Good-faith dialogue and peaceful negotiations remain the only viable framework to help the parties put aside military options and abandon confrontation. We urge Israel to respond to the international community's appeals by freezing its illegal activities related to settlements and the separation wall, opening all crossing points into Gaza and ensuring the unimpeded delivery to Gaza of humanitarian assistance and reconstruction materials. We also urge the Palestinian factions to proceed with efforts for reconciliation and the formation of a Government of national unity in the interests of future statehood and the Middle East peace process as a whole.

Finally, Viet Nam reaffirms its steadfast support for achieving a two-State solution and stands ready to further contribute to a just and lasting peace in the Middle East on the basis of the Road Map, the Arab Peace Initiative, the Madrid terms of reference and the relevant Security Council resolutions, including resolutions 1850 (2008) and 1860 (2009).

Mr. Almansoor (Bahrain) (*spoke in Arabic*): At the outset, Mr. President, I wish to express my sincere

gratitude and appreciation to you for holding this special meeting, at the request of the Arab Group, concerning the follow-up report of the United Nations Fact-Finding Mission in the Gaza Strip. My delegation associates itself with the statements of the Chairman of the Non-Aligned Movement and the Head of the Organization of the Islamic Conference.

The Kingdom of Bahrain welcomes the adoption by the Human Rights Council of the report of the United Nations Fact-Finding Mission on the Gaza Conflict, also known as the Goldstone report (A/HRC/12/48). We hope that this will bring more momentum to serious action aimed at serving justice and dealing with the Israeli crimes, which violate human rights and all international norms, principles and laws. We affirm the report's call to the international community to take the appropriate action to protect Palestinian civilians, especially in the Gaza Strip.

The report is a significant milestone in the quest for accountability and justice, as well as a wake-up call to the international community that cannot be ignored. On 27 December last year, the whole world watched as Israel's three-week military act of aggression against the Gaza Strip led to the murder of more than 1,400 innocent Palestinians, most of them women, children and the elderly. It also led to the injury of more than 5,500 Palestinian civilian victims of this unjustifiable and unjustified act of aggression, in which Israel used advanced, sophisticated and indeed internationally prohibited weapons against defenceless and totally vulnerable civilians. The destruction caused by this act of aggression is still proof of what Israel is still doing to impede the reconstruction of destroyed houses, schools, hospitals, mosques, infrastructure and basic services in the Gaza Strip. Not even the facilities of the United Nations — most notably the school of the United Nations Relief and Works Agency for Palestine Refugees in the Near East — escaped this brutal act of aggression.

This wanton act of aggression has been widely condemned by the international community and the United Nations. The Human Rights Council established the Fact-Finding Mission, chaired by Justice Goldstone, to gather facts and information on what had happened in Gaza. Through this Mission, Justice Goldstone was able to present a comprehensive report, unprecedented in many aspects, as well as for its courage. There are certain significant points that are

irrefutable; in discussing them, I shall endeavour to quote verbatim as much as possible from the report.

The operations in Gaza came as part of a series of policies aimed at implementing Israeli political goals vis-à-vis Gaza and the occupied Palestinian territories as a whole. The Mission concluded that what took place in the three-week period at the end of 2008 and the beginning of 2009, were in fact wilful and disproportionate acts of aggression meant to punish, humiliate and intimidate the Palestinian civilian population and to undermine their economic opportunities to work and meet their needs in such a way as to deepen their increasing feelings of dependence and vulnerability.

The Mission was fully convinced that justice and respect for the rule of law are indispensable for the achievement of peace. Long-established impunity has created a crisis of justice in the occupied Palestinian territories — a matter which would require taking action.

The Mission maintains that the serious violations of international humanitarian law, as stated in the report, fall within the jurisdiction of the International Criminal Court. The report is an irrefutable record of the crimes perpetrated by Israel against civilians in the Gaza Strip, especially war crimes and crimes against humanity. This matter is of paramount importance: it cannot be condoned or ignored. The international community is required to stress the immediate need to prosecute the perpetrators of these violations and crimes.

The report rightly maintains that prosecuting the persons responsible for the gross violations of international humanitarian law would help to end the violence and contribute to the protection of civilians and to the restoration and maintenance of peace. In this respect, we wish to refer to the recommendation contained in the Mission report that the Security Council consider the situation upon receiving the report of the Mission and refer the situation in Gaza to the Prosecutor of the International Criminal Court, in accordance with article 13 of the Rome Statute. If, within six months of the adoption of the resolution, Israel did not carry out an independent investigation in good faith and in conformity with international standards, the Security Council would act on the basis of Chapter VII of the Charter.

We believe that the quest for accountability for war crimes serves the cause of peace, which cannot be realized until justice is done. The highly credible Goldstone report places before us a stringent test, especially for the Security Council. Compelled to answer the urgent question posed by international instruments and norms, will we rise to our responsibilities? Will we also enjoy a similar credibility?

The meeting rose at 12.55 p.m.