



# General Assembly

Sixty-fourth session

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

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Official Records

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

*The meeting was called to order at 3.10 p.m.*

## Agenda item 64 (continued)

### Report of the Human Rights Council

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

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

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

**Mr. Momen** (Bangladesh): For more than six decades we have been debating about the peace process in the Middle East. Despite our continuous efforts, we are still far from a lasting peace in the region.

The Bangladesh delegation aligns itself with the statements made by the representative of Egypt on behalf of the Non-Aligned Movement and by the representative of the Syrian Arab Republic on behalf of the Organization of the Islamic Conference. We would, however, like to highlight some points of interest to us.

In that connection, my delegation thanks the United Nations Fact-Finding Mission on the Gaza Conflict for its investigation into documented allegations of criminal activities and for presenting a comprehensive and objective report (A/HRC/12/48) addressing all alleged violations. Our conscience is shaken by the serious violations of international human rights and humanitarian law committed by Israel, as reported in the context of its military operations in Gaza from 27 December 2008 to 18 January 2009.

We believe that the findings and conclusions set out in Judge Goldstone's report will help create an opportunity to put an end to impunity for violations of international law in Israel and in the occupied Palestinian territory and thus to eventually address the dispossession experienced by the people of Gaza. My delegation endorses the findings and recommendations of the Goldstone report and expresses its appreciation for their objectivity and fairness.

The Goldstone report clearly confirms that Israel, whose people themselves had suffered oppression in Europe, committed serious human rights violations and violations of humanitarian law amounting to war crimes and crimes against humanity, while using disproportionate force and deliberately targeting civilian buildings and installations, causing unspeakable losses in terms of property and the lives of civilians, many of them women and children. According to the Goldstone report, all inhabitants of Gaza were targeted, without distinction between military personnel and civilians. The scale of the crimes described in the report should be a wake-up call for the international community. If its findings were to be disregarded, the promotion of human rights would take a step backwards and criticism of others for human rights violations would be a mockery.

The report of the United Nations Fact-Finding Mission on the Gaza Conflict, headed by Judge Richard Goldstone, made a number of recommendations aimed at ensuring accountability for perpetrators and redress for victims. It called on the Government of Israel to resolve to conduct independent and credible

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investigations into the many allegations of serious violations of international humanitarian and human rights law that had taken place during the Gaza conflict at the beginning of the year. The report also called on Hamas to initiate genuine and effective inquiries into and proceedings to deal with the many allegations of violations. In addition, the report called for the cases to be referred to the International Criminal Court in The Hague if Israel and Hamas do not investigate the war crimes allegations against them within six months.

We urge Israel and Hamas to conduct full, neutral and credible investigations into the allegations contained in the report. We call upon the General Assembly to discharge its Charter-mandated responsibilities with respect to the issue. We also look forward to the results of the consideration of the report by the Human Rights Council.

Serious follow-up to the report at all levels is imperative in order to bring an end to this immoral and repugnant impunity and to prevent the recurrence of such crimes against the Palestinians. Israel should allow access to humanitarian goods and freeze settlements. We express our deep concern over the precarious humanitarian situation, and we urge Israel to lift its embargo against the Palestinians and immediately open all border crossings to allow for the free movement of goods, persons and humanitarian aid. Humanitarian access to Gaza must be allowed in order to avoid a humanitarian disaster. An international monitoring mechanism must be established to ensure a ceasefire.

We urge Israel to immediately end settlement activities, including so-called natural growth. If we are to achieve a lasting settlement, it is very important to address the root cause, which is the Israeli occupation of the Arab territories. The solution, therefore, requires Israel's complete withdrawal from the occupied Palestinian territories, including East Jerusalem, and all other occupied Arab lands. We reiterate that the creation of a Palestinian State, coexisting peacefully alongside Israel on the basis of the 1967 borders, with East Jerusalem as its capital, is the only sustainable solution to the conflict. The Road Map, the Arab Peace Initiative and relevant resolutions are the best parameters for achieving a two-State solution. Thus, Israelis and Palestinians could live in peace and harmony. I am hopeful that that dream will come true.

We would like to restate that it is only through negotiations that a fair and lasting peace can be established in the Middle East. Intensive and sincere work is needed to ensure a resumption of negotiations.

Let me conclude by echoing the words of Judge Goldstone:

“Now is the time for action. A culture of impunity in the region has existed for too long. The lack of accountability for war crimes and possible crimes against humanity has reached a crisis point; the ongoing lack of justice is undermining any hope for a successful peace process and reinforcing an environment that fosters violence. Time and again, experience has taught us that overlooking justice only leads to increased conflict and violence.”

**Mr. Al Nafisee** (Saudi Arabia) (*spoke in Arabic*): On behalf of the Kingdom of Saudi Arabia, Mr. President, I have the honour to thank you for your efforts in convening this urgent meeting to discuss the Goldstone report (A/HRC/12/48), prepared for the Human Rights Council by the United Nations Fact-Finding Mission on the Gaza Conflict, which investigated violations perpetrated during the Israeli war against Gaza last December and the human rights situation in Palestine and the occupied Arab territories.

My country associates itself with the statements made, respectively, by the representative of the Arab Republic of Egypt on behalf of the Non-Aligned Movement, the representative of the Syrian Arab Republic on behalf of the Arab Group, and the representative of the Republic of Sudan on behalf of the Group of 77 and China.

In the view of the Kingdom of Saudi Arabia, the Goldstone report is clear and transparent and demands appropriate action by the General Assembly, in view of its condemnation of Israel for war crimes committed during its recent aggression in Gaza. The Assembly is now in the process of discussing the report and will soon be voting on endorsing it.

The investigation conducted in Gaza by Judge Goldstone and his international team shows that Israel committed war crimes and crimes against humanity in a war that caused the death of more than 1,400 Palestinians, most of them civilian women and children, and the wounding of thousands more. Furthermore, Israel committed deliberate acts of

aggression against United Nations facilities in Gaza and used bombs and rockets that increased the toll of death or injury of unarmed Palestinians who had sought shelter there.

On 12 January the Human Rights Council adopted its resolution S-9/1, condemning Israel for its attacks on Gaza and its serious violations of human rights, and requesting that a fact-finding mission be established to investigate violations against unarmed civilians in the area. We support the Mission's findings in Gaza and the occupied territories, and its condemnation of the violations of human rights and international humanitarian law.

Judge Goldstone described fairly and objectively the scale of destruction committed by Israel in a war in which it used weapons of every kind. He met with injured and displaced Palestinians, was shown pictures of the burned bodies of dead women, children and old people and saw for himself how Israel had deliberately targeted them. At a press conference Judge Goldstone said,

“The aim of holding these public hearings ... was to show the human side of the suffering; to give a voice to the victims so they are not lost among statistics. No written words can by themselves convey human stories the way people can do it in their own voice and words”.

He has also said that the Mission wanted to show the effect of violence on communities, especially the psychological effects on children.

We endorse Judge Goldstone's words when he presented the report to the Human Rights Council:

“A culture of impunity in the region has existed for too long ... the ongoing lack of justice is undermining any hope for a successful peace process and reinforcing an environment that fosters violence.”

We reiterate that the Goldstone report aims to strengthen a culture of accountability and to draw attention to disturbing violations of international principles of human rights and international humanitarian law. With the publication of the report, a growing culture of accountability is becoming more apparent.

The international community must shoulder its responsibility and take action to achieve justice, for no

country or military organization should be above the law. A failure to achieve justice in the face of the serious violations committed in the war on Gaza would have disastrous consequences for international justice.

The Arab world, including the State of Palestine, has made every possible effort to achieve a genuine and lasting peace. The Arab Peace Initiative is still on the table; it offers a comprehensive route to ending the Arab-Israeli conflict and reaching an agreement on reciprocal recognition, normal relations and peaceful coexistence for all States in the region. It is completely in line with the peace process and embodies the commitment of the Arab side to peace as a strategic option, in accordance with the Charter of the United Nations.

If everyone recognizes such a solution, they should also recognize why peace has still not been achieved. That is because of Israel's perpetration of massacres, arbitrary bombardments and attacks against the Palestinians in the occupied territories. Israel has deliberately prevaricated and procrastinated in order to avoid any commitment to peace. Peace cannot be achieved by imposing punishment and preconditions on a people whose country has been occupied and whose rights have been violated in contravention of all the principles and norms of international law. No conditions should be imposed before a peace settlement is reached. The aggressor cannot be rewarded before negotiations even begin. All the international initiatives and efforts in this context have consistently faced a blank refusal from the Israeli side, embodied in its unilateral measures. This is contrary to international law and Security Council resolutions.

Instead of seeking genuine peace, Israel continues its daily humiliation of the Palestinian people and its building of settlements, the separation wall and bypass roads. These are all actions that violate international law and attempt to change reality on the ground, to change the geographic and demographic makeup of Palestinian land, especially in Jerusalem and its environs, in grave violation of international law and the relevant Security Council resolutions. Settlements encircle most Palestinian cities in the West Bank, and also use more than half of its water resources.

Saudi Arabia is deeply concerned about the ongoing Israeli blockade of Gaza, resulting in the continued deterioration of Palestinian living conditions in the face of restricted access to services, goods, food,

fuel and building materials. In addition, Israel has blockaded East Jerusalem and prevented people from getting to their homes and houses of worship. Israeli acts against Islamic sites represent daily aggression against unarmed Palestinians, provoking distress among Muslims all over the world. Israel's grave assaults on the Al-Aqsa mosque can only have a direct and serious impact on international peace and security.

In this regard, my Government calls upon the international community, through the General Assembly, to take a stand against this wanton aggression, act together and vote to adopt the draft resolution (A/64/L.11) concerning the Goldstone report in order to prevent any future repetition of these crimes.

**Mr. Pálsson** (Iceland): The comprehensive report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48) has concluded that there is evidence indicating serious violations of international human rights and humanitarian law, committed both by Israel during Operation Cast Lead and in the West Bank, as well as by Palestinian armed groups and their repeated launching of rockets into southern Israel. The report deserves serious consideration and follow-up. The conclusions drawn require concrete action, including the establishment of a credible system of investigation into the alleged violations. We reiterate our shared principle that every Member State must commit itself to full cooperation with the United Nations.

My delegation fully recognizes Israel's legitimate security concerns, including concerns over weapons smuggling and the unacceptable firing of rockets from Gaza, which destroy and endanger the lives of innocent civilians. At the same time, we take the view that such violations do not justify the disproportionate use of force or the breaching of international humanitarian and human rights law. The conflict continues to threaten stability far beyond the region and the situation in the occupied Palestinian territory remains of grave concern. The people of Gaza continue to be besieged through limited freedom of movement, import and export restrictions and the worsening economic situation. The situation remains unacceptable by international standards.

Meanwhile, the closure regime is still operating in the West Bank. Here also the situation, including violence and evictions in East Jerusalem, gives cause

for deep concern. Settlement activities must be ended. The prolonged climate of impunity has created a crisis of justice in the occupied Palestinian territory that needs to be addressed. In that regard, the system of investigation recommended by the report of the Fact-Finding Mission would be a welcome step in the right direction.

In line with the report, my delegation urges both the Israeli and the Palestinian parties to launch independent investigations, in conformity with international standards, into the allegations of serious violations of international human rights and humanitarian law. We also support the requests to the High Commissioner for Human Rights to report to the next session of the Human Rights Council on the situation in the occupied Territory and to the Secretary-General to report to the Assembly on further developments.

**Mr. Heller** (Mexico) (*spoke in Spanish*): We welcome the convening of this meeting on the report of the Human Rights Council pertaining to the United Nations Fact-Finding Mission on the Gaza Conflict (A/64/53/Add.1). The information contained in that report deserves the General Assembly's full attention given not only the seriousness and the implications of the conflict in Gaza, but also on the grounds that respect for international law and international humanitarian law should be upheld at all times and under any circumstance.

The report of the Fact-Finding Mission (A/HRC/12/48), headed by Judge Richard Goldstone, is a document that cannot be disregarded and whose recommendations should be responsibly and seriously considered by all parties, since impartial and credible investigations in conformity with international standards were carried out with regard to the accusations of serious violations of international humanitarian law and human rights committed during the conflict in Gaza. Its greatest merit is that it seeks a balanced approach, taking into account the actions of all parties involved.

The civilian populations affected by that conflict, both Palestinians and Israelis, deserve to know that those kinds of acts will not go unpunished and that their rights will be respected under any circumstance, in accordance with international humanitarian law. That guarantees them a better future.

Justice should always go hand in hand with the pursuit of peace. Furthermore, justice, accountability and the fight against impunity are essential elements in any settlement of conflict, since they facilitate the end of hostilities and, at the same time, lay the foundations for stability and reconciliation.

The main conclusion of the report of the Fact-Finding Mission is that both the Government of Israel and the Palestinian factions should establish investigation mechanisms that will make it possible to obtain a better understanding of the alleged serious violations of international law and international humanitarian law committed during that conflict. We are not going to debate the composition of the Fact-Finding Mission. Rather, we wish to focus on the fact that those acts should be investigated and, if need be, duly punished.

The Government of Israel, like any democratic State, has the resources and the institutional and legal means to act in conformity with its international obligations. Mexico recognizes the right of legitimate self-defence of Member States of the United Nations, in accordance with Article 51 of the United Nations Charter. However, that right does not in any circumstance exempt the parties to a conflict from fulfilling their obligations under international humanitarian law. Israel has the right and the obligation to protect its population. However, it also has the obligation to comply with international humanitarian law.

With respect to the Palestinian side, taking into account the responsibility of the factions involved in that conflict as non-State entities, we believe that innovative mechanisms should be put in place that provide an institutional approach ensuring credibility and trust in accountability and in establishing responsibilities, with the active contribution of the international community.

In any case, the investigations of both sides should begin as soon as possible and should have a set deadline for submitting their results in order to bring about the necessary trust to overcome that tragic chapter of the conflict in the Middle East. Mexico believes that the international community should ensure that that process takes place in the best possible conditions and, for that, considerable effort and commitment on the part of the sides involved is needed.

Consideration of the Mission's report reminds us that Middle East peace talks must not be postponed yet again, nor should they be subject to preconditions. The goal, as everyone knows, is clear: to achieve a comprehensive and definitive solution to the Middle East conflict that reasserts the recognition of Israel's right to exist and allows the establishment of an economically and politically viable Palestinian State, living side by side in peace with Israel, within secure, internationally recognized borders, in compliance with the relevant Security Council resolutions, the Road Map, the Madrid Principles and the Arab Peace Initiative.

Today we have an opportunity to serve both peace and international justice. Let us not let this unique opportunity pass.

**Mr. Ould Hadrami** (Mauritania) (*spoke in Arabic*): Mr. President, I would like at the outset to thank you for organizing this important meeting so quickly at the request of the Group of Arab States to study the war of 27 December 2008 to 18 January 2009 and the report on that war. The report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48) that was prepared pursuant to Human Rights Council resolution S-12/1 is our topic today. That report consists of more than 450 pages and it looks at the impact of the catastrophic Israeli war on the Gaza Strip that took place over a three-week period.

The international community must organize a comprehensive inquiry into the suffering of the Palestinian people over the past 60 years. The report has shown some conclusive facts and findings that have demonstrated the terrible nature of the Israeli crimes. More than 1,400 people died in a three-week period. The initial act of aggression took place at 11.30 in the morning. That shows that it was a deliberate attack, as it targeted children who were going to school — because children have to go to school — and came at a time when the streets are crowded with people. The Israeli army killed Palestinians, not distinguishing between civilians and combatants. There is proof that shows that United Nations facilities were also the victims of that aggression. The report shows the terrible impact of the unfair blockade of the Gaza Strip that is still in place today and that has a direct impact on the vulnerable segments of society, be they elderly people, women or children. The report also shows that at the end of this past June — that is, six

months after the end of the war — the catastrophic consequences were still clearly in evidence. We could see the destruction of buildings, industries, wells, schools, hospitals, police stations and the only flour mill in Gaza. International assistance and construction materials are not reaching civilians, because of the closure of crossing points. That is extremely important because winter is coming and the suffering will only continue.

Since the United Nations was founded, resolutions and legislation have been adopted to promote international law and international humanitarian law. Unfortunately we are facing various sorts of difficulties in implementing those resolutions, which requires more political resolve. The last Israeli war against Gaza, which also caused a great deal of killing and destruction, proved the existence of a climate of legal impunity and the lack of legal responsibility. The suffering of the Palestinian people is as old as the United Nations itself — 60 years. The Palestinian people are still suffering from injustice, unfair treatment and displacement. We call on the international community to put an end to their suffering and tragedy.

The State of Israel, which is the occupying Power, must accept the Arab Peace Initiative, which is based on the principles of land for peace and an independent, sovereign and secure Palestinian State, with East Jerusalem as its capital, peacefully coexisting with the Israeli State. The State of Israel must withdraw from all occupied Arab land, including the Golan Heights and the Lebanese Shab'a farms. The Goldstone report is extremely comprehensive and objective and gives new hope for implementing its recommendations. We call on all relevant United Nations bodies, in particular the Security Council, to take the measures necessary to implement those recommendations and enforce justice in order to promote accountability and to punish the perpetrators of the crimes.

Finally, my delegation supports draft resolution A/64/L.11 and calls on the General Assembly to adopt it. It will promote peace, strengthen the purposes and principles of the United Nations and promote international justice. Such crimes and their origins must not be repeated in the future. Furthermore, those crimes are not subject to any statute of limitations.

**Mr. Ali** (Malaysia): My delegation wishes to align itself with the statements delivered by the representatives of Egypt and Syria on behalf of the Non-Aligned Movement and the Organization of the Islamic Conference, respectively. We would like to thank the Human Rights Council and the United Nations Fact-Finding Mission on the Gaza Conflict for their reports (A/64/53/Add.1 and A/HRC/12/48).

The report of the United Nations Fact-Finding Mission on the Gaza Conflict, also known as the Goldstone report, has clearly shown the brutality of Israeli actions in the execution of Operation Cast Lead, unleashed in Gaza for more than three weeks, from 27 December 2008 until 18 January 2009. Therefore, while the purpose of our meeting is ostensibly to discuss and take action on the two reports before us, its real purpose is much greater. It is to ensure that Israel can no longer shed Palestinian blood with impunity.

I say this because the Goldstone report makes for grim reading. The report, which speaks for itself, highlights Israel's record of unbridled barbarity towards the people in Gaza. Due to the paucity of time, I would like to point out just some of its most salient points. First, the military operation in question is not an aberration. Rather, it fits into a continuum of policies, based on or resulting in violations of international human rights and humanitarian law.

Secondly, Operation Cast Lead was qualitatively different from any previous military action by Israel in the occupied Palestinian territory by dint of its unprecedented severity and its long-lasting consequences. The visible destruction of houses, factories, wells, schools, hospitals, police stations and other public buildings proves that it was the deliberate aim of Israel to inflict as much damage and suffering as possible.

Thirdly, Israeli military actions, premised on a deliberate policy of disproportionate force, were aimed not at a specific enemy, but at the supporting infrastructure. In practice, that meant the civilian population in Gaza.

Fourthly, this operation, which led to killings and destruction, was carefully planned and executed. That also indicated that all aspects of the operation were deliberate. Therefore, all killings must have been conducted in cold blood.

However, despite the gruesome situation, we were struck by the courage of the Palestinian people. The assiduous work of Palestinian non-governmental and civil society organizations in providing support to the population in such extreme circumstances, and in giving voice to the suffering and expectations of victims of violations, deserves to be fully acknowledged.

We note with interest that there were also dissenting voices in Israel against the operation, expressed through demonstrations and protests, as well as public reporting on Israel's conduct. Those voices understood that Israel could not purchase peace and security for itself with the blood and suffering of the Palestinian people.

We, the international community, have thus far failed to act to ensure the protection of the civilian population in the Gaza Strip and the occupied Palestinian territory. Hence, we must break this inertia by undertaking concrete actions in order to ensure that justice for the people of Palestine is neither delayed nor denied.

The Goldstone report provides us with two options: either take action to achieve justice for the Palestinians or allow the abhorrent, illegal actions of Israel to remain unpunished. In that regard, as a responsible member of the international community, we choose the former. Accordingly, we urge all Member States to work together in implementing all the recommendations stipulated in the report of the United Nations Fact-Finding Mission on the Gaza Conflict.

**Mr. Sial** (Pakistan): My delegation would like to thank you, Mr. President, for convening today's meeting to consider the report of the United Nations Fact-Finding Mission on the Gaza Conflict, also known as the Goldstone report (A/HRC/12/48).

Early this year, the international community was horrified by the events surrounding three weeks of Israeli aggression in the occupied Gaza Strip. The report of the Human Rights Council on its twelfth special session (A/64/53/Add.1) and periodic reports of the High Commissioner for Human Rights corroborated other independent reports on those events. The Goldstone report only authenticated those reports with evidence.

The Human Rights Council, after detailed discussions at its twelfth special session, referred the Goldstone report to the General Assembly. The Council also requested the Secretary-General to submit at its thirteenth session a report on the status of the implementation of the Goldstone recommendations. I believe that, against that backdrop, the present session of the General Assembly has three-faceted significance.

First, the General Assembly must actively and constructively consider the Goldstone report, in terms of implications and future follow-up action. It is our hope that the Assembly will discharge that responsibility in an efficient and just manner.

Secondly, pursuant to the request of the Human Rights Council, the Secretary-General has been asked to submit a report on the status of the implementation of the Goldstone recommendations to the Council. We may rightfully expect him to keep the General Assembly informed on the subject. Therefore, the Assembly's present session can give him requisite inputs and guidelines for the preparation of his report.

Thirdly, the General Assembly, through this session, has an opportunity to position itself behind the growing concern of the international community at the stalled peace process in the Middle East. In the absence of a meaningful and durable peace process, violence will continue and respect for human rights will remain a distant dream. We sincerely believe that our meaningful deliberations on the issue will help to revive the peace process.

From the discussions in the Human Rights Council, it is evident that many Member States have greatly appreciated the Goldstone report for being objective, impartial and comprehensive. We see the deliberations on the report as an opportunity for the international community to address the suffering of the Palestinian people and for Israel to rectify its past actions and policies.

Achieving lasting peace in the Middle East is a long-held common objective of the international community. This meeting should bring us closer to that objective. Thus, the overarching message of the need for a revival of the peace process with firm commitment to a two-State solution must resonate from our deliberations.

During last month's debate in the Security Council, Pakistan outlined four parameters for international engagement with a view to achieving a sustained peace process in the Middle East. We called upon the Security Council and the Middle East Quartet to utilize their full potential in support of the peace process through transparent and objective engagement. They must prevail upon Israel to cease all settlement activity and illegal excavation in East Jerusalem, as the two actions have so far proved the largest stumbling blocks on the road to peace. We will reiterate that message. There is also a pressing need to address the plight and suffering of the Palestinian population and to rebuild Palestinian institutions battered by conflict and violence.

The foregoing measures must be supplemented by addressing the root cause of all trouble — that is, by ending the Israeli occupation of Arab territories. Such a framework for peace is not new. It has already been determined in the relevant resolutions of the Security Council, as well as in the Madrid terms of reference, the Road Map, the Arab Peace Initiative and the understanding reached in Annapolis in 2007.

I wish to conclude by expressing Pakistan's sincere hope that the Goldstone report will ultimately strengthen the initiative for peace in the region and that the General Assembly will be able to utilize that important document to find a meaningful basis for lasting peace and security in the Middle East.

**Mr. Mohamed** (Maldives): The Maldives would like to welcome the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), headed by Judge Richard Goldstone, that was presented to the Assembly today. It is regrettable that the Government of Israel, as the occupying Power, decided not to cooperate with the Fact-Finding Mission in its compilation of the report.

As a firm believer in the principles enshrined in the Charter of the United Nations, the Maldives is disheartened by the continued suffering of the people of Palestine, who have been denied their very basic right to self-determination and the right to live in peace and freedom in their own State, their own homeland. The Maldives also supports the inalienable right of the people of Israel to live in peace and security alongside a sovereign and independent State of Palestine.

The protection of civilians, especially women and children, is one of the most sacred obligations resting

upon the parties to a conflict under international law. Thus, the onus rests with us, as responsible members of the international community, to ensure that we uphold the legal standards and norms that we have prescribed for ourselves. For any hope of peace and stability in the Middle East, it is crucial that accountability be established for the clear and manifest violations of human rights and humanitarian law that have been highlighted in the report. Justice must be pursued independently for the violations by both sides to the conflict. It is also essential that such investigations and subsequent prosecutions be monitored by the Security Council.

The Maldives strongly believes that a negotiated outcome based on the relevant Security Council resolutions is the only way to ensure long-term peace, security and stability in the region. To this end, we support the current efforts by the United States to revive the peace talks between the two parties. The Maldives therefore calls for a final, just and comprehensive settlement with the realization of two States, Israel and Palestine, living side by side in peace and within secure and recognized borders.

**Mr. Valero Briceño** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The Government of Israel must be brought to justice for crimes committed against the Palestinian people. Those responsible for that operation of terror and death, known as Cast Lead, and for the criminal blockade against the people of Gaza, must not go unpunished. How many more genocides will be necessary before the United Nations decides to act? How long will the occupying Power continue to flout the resolutions adopted by this forum?

We have heard the answers from the representative of Israel. In her speech, she lashed out against the findings and recommendations of the Goldstone report, claiming that it was "conceived in hate and executed in sin" (A/64/PV.36), and that its consideration by the General Assembly was in response to cynical political manoeuvres and not principles.

The Human Rights Council is clear and unambiguous in its resolution when it strongly condemns all policies adopted by Israel, the occupying Power. It also condemns the recent violations of human rights committed by Israel in East Jerusalem. For Venezuela, the report of the United Nations Fact-Finding Mission on the Gaza Conflict and the Human Rights Council resolution are worthy of recognition.



The recommendation of the Goldstone report is commendable in that it seeks to create a fund to guarantee compensation to the Palestinian victims of Israel's criminal acts, with the understanding that the funding should come entirely from the Government of that country.

The aforementioned report conclusively demonstrates the organization, planning and implementation of the policy of extermination carried out by the Israeli State against the Palestinian nation. According to the report, these acts of violence generate individual criminal responsibility. Those on the Israeli side responsible for the thousands of dead and wounded should be brought to justice.

In its conclusion, the report emphasizes the multiple and massive violations of the Fourth Geneva Convention, which are considered to be war crimes committed by the Israeli occupying forces. The report concludes that the prolonged blockade of Gaza by the Israeli Government, which includes the deprivation of the basic means of sustenance, could be considered crimes against humanity.

Israel's military operations in Gaza are a lamentable example of the disastrous Dahiya doctrine, put into practice by Israel during its invasion of Lebanon in 2006 and which is characterized by the use of disproportionate force, the mass destruction of civilian property and infrastructure and the suffering inflicted on civilians. Indeed, the Israel Government itself has declared that the Gaza invasion was planned in a comprehensive manner and on a large scale.

The international community must acknowledge the willingness of the Palestinian authorities to cooperate with the work of the Fact-Finding Mission, which is in stark contrast to the position of the Israeli leaders, who repeatedly have ignored all resolutions of the main organs of the United Nations on the Palestinian issue. They have also refused to cooperate with the 23 United Nations-appointed fact-finding missions since 1947. That clearly demonstrates the gross violation of international law by the Israeli regime.

The report we are discussing today reinforces the need for the General Assembly to continue to review regularly all those topics in the area of international peace and security that the Security Council cannot or will not resolve.

The complicit tolerance shown by some members of the Security Council with respect to the systematic aggression and crimes under international law committed by Israel against the Palestinian people, nation and State is alarming.

Venezuela is concerned that some members of the Security Council, in exercising their right of veto, could block an initiative that could be conducive to prosecuting Israeli genocide. Our concern further increases when a super-Power and permanent member of the Security Council is the main ally of the country responsible for genocide and is the chief architect of the irrational and disproportionate arms build-up developed by Israel and which has turned this nation into a nuclear Power.

The financial and military resources provided by the United States to the Government of Israel, as well as the protection that is afforded it in international forums, further support the genocide against the Palestinian people. The ineffectiveness of the United Nations in the face of a history of Israeli aggressiveness must cease. Those responsible for the genocide of the Palestinian people should be promptly punished for their crimes and brought before the International Criminal Court.

The policies and practices of the Israeli Government violate the inalienable right of the Palestinians to self-determination. It is unjust and absurd to place on the same level the genocidal Government of Israel and the Palestinian forces which, under the protection of their inalienable historical rights and in the exercise of legitimate self-defence, resist the criminal aggression against their nation and their people.

We wish to recall that the revolutionary Government of President Hugo Chávez Frías suspended diplomatic relations with the Government of Israel as a result of the brutal invasion of Gaza by its armed forces, and is not willing to resume its relations until the inhuman treatment of the Palestinian people ceases.

The Bolivarian Republic of Venezuela reaffirms its unequivocal support for the Palestinian people's right to self-determination. We support their struggle against the occupying Power, as well as their historical claims. The Palestinian people have a right to resist the occupying Power. Their heroism is worthy of admiration and respect. This is why we wish to recall

the words of the great poet of the Palestinian resistance, Ali Ahmad Said, better known as Adonis, who wrote that darkness is born kneeling whereas, light is born standing up.

Venezuela hopes that the resolution that we adopt will reflect the expectations of the Palestinian people who demand justice, without delay, for the perpetrators of war crimes and crimes against humanity who repeatedly violate international law, in particular, international humanitarian law.

Israel does not deserve another opportunity to continue flouting United Nations resolutions. It should be brought without delay before the International Criminal Court. Israel has committed enough crimes. It is time for it to be held accountable under international law. The resolution to be adopted by the General Assembly, therefore, must accept the spirit of the resolution of the Human Rights Council. It is time for this Assembly to be the official voice of the Palestinian State.

**The President** (*spoke in Arabic*): In accordance with General Assembly resolution 477 (V) of 1 November 1950, I now give the floor to the observer of the League of Arab States.

**Mr. Mahmassani** (League of Arab States) (*spoke in Arabic*): I would like to thank you, Mr. President, for affording us the opportunity to participate in the General Assembly's debate on the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48).

The seriousness of the military campaign against Gaza, the blockade imposed by Israel against its inhabitants and the deprivation of their most basic needs has prompted the international community to dispatch a Fact-Finding Mission, under the leadership of Justice Richard Goldstone, to look into alleged war crimes and crimes against humanity perpetrated by Israel during its military campaign in the Gaza Strip from 27 December, 2008 to 18 January 2009. The conclusions reached by the Mission were identical with those reached by the independent fact-finding mission of the League of Arab States.

In the preparation of its report, the Mission took into account the provisions of international humanitarian law and human rights law, as well as the responsibility and obligations of States, particularly of occupying Powers, towards civilian inhabitants. It

reached certain factual and legal conclusions to the effect that Israel, in its aggression against Gaza, deliberately killed civilians and used them as human shields.

Israel's use of disproportionate force and its attacks against civilian inhabitants, as well as its destruction of civilian property and infrastructure, are all illegitimate means to realize military and political objectives. Such actions undermine international law and run counter to the United Nations Charter. Israel continues to act as if it were above the law; not holding it accountable or responsible encourages impunity and casts a shadow over the credibility of the United Nations and that of international law.

The time has come for the international community to put an end to the culture of impunity and to Israel's immunity to the consequences of its aggression against the region. The time has also come to hold the perpetrators of violations of international law and human rights law accountable and to implement the machinery of international justice.

The objective of the Goldstone report is to salvage justice and to hold those accused of perpetuating war crimes accountable for those crimes. Respect for international humanitarian law and its application does not impede the peace process; peace does not run counter to respect of the rights of the Palestinian people in the occupied territories.

The draft resolution before us (A/64/L.11) was prepared in a balanced and objective manner and represents the absolute acceptable minimum for the implementation of the recommendations of the Goldstone report. We would like to urge all Member States to vote in favour of the draft resolution for the sake of accountability and justice.

We express our deep concern over the serious humanitarian crisis faced by the Palestinian people in the Gaza Strip and the other occupied Palestinian territories due to the Israeli blockade and aggression, as well as over the continued closing of crossing points and the prevention of access to humanitarian assistance. We therefore call upon the international community to compel Israel to lift its blockade and to ensure access of humanitarian assistance to the Gaza Strip.

Israel continues its actions in East Jerusalem in an attempt to Judaize the city and confiscate its land

and to isolate it from the remaining Palestinian territories through intensified settlement activities within and outside the city. Its blockade, the policy of house demolitions and its attempts to bring down Al-Aqsa mosque through continued excavations and tunnel-digging, all seek to change the features of the Arab and Islamic Old City.

We would like to call attention to the fact that Jerusalem and the Al-Aqsa mosque are in imminent danger. We call upon the international community to put an end to Israel's flouting of the heritage of the city and its desecration of the city's sanctity. We call upon the international community to oblige Israel to respect international law, international resolutions and the Fourth Geneva Convention.

The Israeli occupation of Palestinian and Arab territories is the root cause of the suffering in our region and of so many wars and tragedies. All attempts and negotiations to put an end to that occupation have failed due to Israel's intransigence and its continued building of settlements in the occupied Palestinian territories.

At present, the Middle East question is going through an extremely delicate stage and current efforts to establish peace through negotiations seem to have regressed in an alarming way. The continued faltering of those efforts will only lead to further deterioration and instability in the region. The international community considers Israeli settlements in the occupied Palestinian territories illegitimate and an obstacle to negotiations, as stated by the United Kingdom's Minister for Foreign Affairs, Mr. Miliband, a few days ago.

Working to put an end to the building of settlements — all settlements — and ensuring the re-launching of negotiations on a clear and sound basis in a serious and credible manner is the only way to find a permanent and just solution to the Palestinian question and to establishing peace in the region.

**The President** (*spoke in Arabic*): We shall now proceed to consider draft resolution A/64/L.11.

(*spoke in English*)

I call on the representative of Israel who wishes to speak on a point of order.

**Mr. Carmon** (Israel): I would like to take this opportunity before the Assembly proceeds to the vote

to seek clarification on an element contained in operative paragraph 4 of draft resolution A/64/L.11, which is a matter of concern to us and I suspect to other delegations as well.

More specifically, we would like to ask, who exactly would be the accountable "Palestinian side", that would be responsible for undertaking investigations that are independent, credible and in conformity with international standards? Would it be the Palestinian Authority that was ousted from Gaza in a violent coup and is not effectively present there? Or would it be the Hamas terrorist organization, terrorist entity, which violates every international standard, promotes terrorism, rejects the recognition of Israel and tries to derail the region from the track of the peace process?

Israel, through you, Sir, would like to ask the sponsors of the draft resolution to clarify this critical aspect so that Member States of the General Assembly will know better what they will be voting for.

**The President:** I give the floor to the representative of Egypt, who presented the draft resolution on behalf of the Arab Group and the Non-Aligned Movement.

**Mr. Abdelaziz** (Egypt): With regard to operative paragraph 4 of the draft resolution, the Palestinian Authority itself declared that it is going to conduct its own investigation which is independent, credible and in conformity with international standards. And Hamas, which may be considered in Israel as a terrorist organization but is considered the legitimately elected representative of the Palestinian people, has already expressed its willingness to cooperate and to investigate and to prosecute those that are responsible for such crimes.

We would like to hear the same from the representative of Israel. If he can confirm today that Israel is willing to undertake investigations that are independent, credible and in conformity with international standards, international law and international humanitarian law, I think this would be very happy news to the General Assembly before voting on this draft resolution.

**The President:** I give the floor to the representative of Israel.

**Mr. Carmon** (Israel): I thank the representative of Egypt and will refer to his question later in my explanation of vote before the vote.

**The President** (*spoke in Arabic*): The Assembly will now proceed to take action on draft resolution A/64/L.11. Before giving the floor to those representatives who wish to speak in explanation of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Mr. Wolff** (United States of America): The United States remains deeply concerned about the human suffering of the Palestinian and Israeli peoples that results from the ongoing Arab-Israeli conflict. The best way to end that suffering is to bring about a comprehensive peace in the region, including two States, Israel and Palestine, living side by side in peace and security. The United States is firmly committed to pursuing that goal.

As we urge the parties to restart permanent status negotiations leading to the creation of a Palestinian State, we should all be seeking to advance the cause of peace, and doing nothing to hinder it. The United States strongly supports accountability for human rights and humanitarian law violations in relation to the Gaza conflict. Our goal is to achieve genuine accountability in a way that respects internal processes and the ongoing efforts to restart permanent status negotiations between Israel and the Palestinians.

As the United States made clear in Geneva, we believe that the Goldstone report is deeply flawed, including its unbalanced focus on Israel, its sweeping conclusions of law, the excessively negative inferences it draws about Israel's intentions and actions, its failure to deal adequately with the asymmetrical nature of the Gaza conflict, its failure to assign appropriate responsibility to Hamas for its decision to base itself and its operations in heavily civilian-populated urban areas and its many overreaching recommendations.

First, let me point out that we appreciate that the draft resolution under consideration calls on both Israel and the Palestinians, although it does not name Hamas, to pursue investigations of the allegations that pertain to each of them in the report. This is an advance over the original one-sided mandate provided by the Human Rights Council to the Goldstone Commission.

We will continue to call for all parties to meet their responsibilities and pursue credible, domestic investigations. Nevertheless, we also have real concerns about this draft resolution. Given the far-reaching legal conclusions and recommendations of

the 575-page Goldstone report, including findings that have serious implications for conflicts in other parts of the world, we do not think it appropriate to endorse the report in its entirety.

Attempting as this draft resolution does to press the Security Council to take this matter up is equally unconstructive. The Security Council is already seized of the situation in the Middle East and holds monthly meetings on the topic — the only subject on the Council's entire agenda that is discussed with such frequency. As many Member States have made clear, the appropriate forum for discussion of this report is the Human Rights Council.

The draft resolution also unhelpfully introduces international supervision of the investigations to be undertaken by the parties that would interfere with the parties' ability to conduct their own processes. The proposed convocation of the High Contracting Parties to the Fourth Geneva Convention is also unnecessary and unproductive. Convening a conference of the Contracting Parties to the Geneva Convention for the purpose of spotlighting one country would only heighten divisions and could set back the process of restarting permanent status negotiations. That and other imbalanced references to the parties throughout the text, including the failure to mention Hamas by name, convey the impression that the Assembly is once again handling Arab-Israeli issues in an unbalanced manner.

For those reasons, we will vote against the draft resolution, but we believe that life-saving progress can be made if we can lift our sights and look towards a more hopeful future. The United States will continue to work resolutely in pursuit of a just and lasting peace.

**Mr. Carmon** (Israel): Two days after the revelation of Hamas's newly improved Iranian-made rockets and one day after the interception of a ship, the *Francop*, loaded with hundreds of tons of rockets and ammunition destined to be launched at Israeli population centres, which is a grave event — we have just submitted our complaint an hour ago to the Security Council — this draft resolution (A/64/L.11) mocks the reality faced by democratic States, such as Israel, that face relentless terrorist threats.

The draft resolution before us endorses and legitimizes a deeply flawed, one-sided and prejudiced report of the discredited Human Rights Council and its politicized work that bends both facts and the law. It disregards Israel's inherent right to defend its citizens

in the face of ongoing terrorist attacks. It represents yet another pretext to bash Israel at the United Nations and is detrimental to any positive diplomatic engagement in the region. It attempts to export from Geneva to New York a campaign of de-legitimization.

While Israel has been conducting professional, credible and thorough investigations, as part of its standard operating procedures and irrespective of any United Nations report, the report before the Assembly (A/64/53/Add.1) attempts to draw an implausible equivalence between Israel, a democracy exercising its inherent right to defend itself from terrorist attacks, and those who target Israeli civilians and operate from behind Palestinian mosques, hospitals, schools and human shields or, alternatively, those who effectively are absent from Gaza at this point.

The draft resolution, in paragraph 4, refers to the “Palestinian side”. Yet, although we have received some clarification that does not resolve the issue, I will still put the question before the Assembly as to who precisely that accountable Palestinian side is. Is that the Palestinian Authority that was ousted from power in the Gaza Strip in a bloody coup? Is it the Hamas terrorist organization that violently seized control of Gaza, an organization that rejects the recognition of Israel and any peaceful solution of the conflict?

For those and other reasons, Israel has called for a recorded vote on this draft resolution and will vote against the draft resolution. And we urge all other Member States to do the same.

**The President** (*spoke in Arabic*): We have thus heard the last speaker in explanation of vote before the vote.

The Assembly will now take action on draft resolution A/64/L.11, entitled “Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict”. A recorded vote has been requested.

Before proceeding to take action on the draft resolution, I should like to announce that, since the introduction of draft resolution A/64/L.11, the following countries have become sponsors: Algeria, Senegal, Somalia, South Africa and the Sudan.

*A recorded vote was taken.*

*In favour:*

Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan,

Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Cambodia, Central African Republic, Chad, Chile, China, Comoros, Congo, Cuba, Cyprus, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Jordan, Kazakhstan, Kuwait, Lao People’s Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Portugal, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovenia, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

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

*Abstaining:*

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

Argentina wishes to point out that in general it agrees with the report produced by Judge Goldstone and the Fact-Finding Mission (A/HRC/12/48), as well as with the first periodic report of the United Nations High Commissioner for Human Rights (A/HRC/S-12/1), especially the emphasis on the need to combat impunity through the investigation of the facts and the trial of the perpetrators.

That said, Argentina wishes to highlight that it continues to believe that the recommendations contained in the report of the United Nations Fact-Finding Mission require a level-headed analysis in the light of their implications and the complexity and difficulty of implementing some of them.

**Mr. Gatan** (Philippines): The Philippines has always been unwavering in its strong support for the Middle East peace process based on a two-State solution, with Israel and Palestine living side by side in peace, harmony and prosperity. It firmly believes that the promotion and protection of the human rights of both Israeli and Palestinian civilians represent a critical and crucial element for establishing a just and lasting peace in the region.

In that regard, the Philippines welcomes the submission of the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48) and its information on the human rights situation in Gaza. However, in the higher interest of truth, justice and due process, the report should be considered and studied seriously and carefully by the appropriate United Nations bodies acting within their respective mandates, as well as by all parties concerned.

The Philippines supports resolution 64/10 on the Mission's report. In no case, however, should it be considered as a precedent. It should only apply to the Gaza situation as part of the Middle East conflict, which has long been on the agenda of the Security Council under Chapter VI of the United Nations Charter.

**Mr. Hoxha** (Albania): Albania voted in favour of resolution 64/10 believing firmly that its call would bring the international community one step closer to ensuring full respect for human life and dignity and to the fulfilment of justice for those who lost their lives in the tragic events of Gaza and for those who are genuinely striving to build a peaceful future.

This resolution is not and should not be seen as a condemnation of anyone. To the contrary, we indeed see in this resolution an opportunity to strengthen peace by justice, in the hope that the events of 2008 will not be repeated and will serve as a reminder of the vital need to respect each other's fundamental rights to peaceful existence and prosperity.

We cannot remain silent observers when a United Nations fact-finding mission has reported grave violations of international humanitarian law, independent of the question of which party committed them. Both parties involved need to pursue a thorough, independent investigation, which will serve first and foremost themselves, will serve all of us and, most importantly, will serve reconciliation and peace, a goal the world has been pursuing for decades, unfortunately without concrete results. Albania voted based on the principle that the pursuit of justice and truth, respect for international humanitarian law and the need to end impunity are fundamental to the development of healthy democracy and the process of peace-building within and among societies, countries and regions of the world.

**Mr. Wetland** (Norway): The significance of the decision we have just debated goes far beyond the Gaza conflict. It is about our responsibility to protect vulnerable groups in armed conflict. It is about restoring the role of international humanitarian law and the importance of full respect for fundamental principles that are at the foundation of the United Nations — nothing less.

We believe the main focus of draft resolution A/64/L.11 was relevant and constructive. The investigations by the parties should be independent and credible and comply with international standards. The United Nations Secretary-General and the Human Rights Council should be mandated to secure the international monitoring of the national investigations.

In order for that message to come through, we presented a very limited proposal that would have allowed for much broader support. Now we strongly regret that the main sponsors did not incorporate our suggestion into the draft resolution. We believe that the failure to do so demonstrates that the decision was not only about protecting victims of armed conflict in Gaza, in southern Israel or indeed elsewhere. We cannot interpret it as anything but a wish to preserve the politicization of the Middle East issues, which we

see far too often. Yet again we at the United Nations are turning what is an existential question into a highly politicized debate. That is not in the interest of the victims we all claim to speak for. For that reason, Norway abstained.

**Mr. Churkin** (Russian Federation) (*spoke in Russian*): The Russian Federation was forced to abstain in the General Assembly vote on draft resolution A/64/L.11 on the discussion of the report of the Human Rights Council (A/64/53/Add.1). The main topic of that document is the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), headed by Judge Richard Goldstone, detailing human rights violations committed during that winter conflict.

When the Goldstone report first came out, we immediately deemed it to contain some conclusions we could agree with. At the same time, the document contained assessments that we could not agree with and that required further work. However, the Goldstone report was published and submitted to the Human Rights Council, where work began on a resolution on the report.

Our delegation, along with a number of other Missions in Geneva, played an important role in ensuring that the resolution was political in nature and that it would support the idea of national investigations but would not seek to continue a discussion on the matter in the Security Council. We remain convinced that that would only complicate establishing conditions to achieve a comprehensive settlement in the Middle East.

That draft resolution was agreed to but, as we all know, it was then withdrawn and replaced with a new text that did not take into consideration the amendments made by the Russian delegation that would have kept the discussion of the matter within the political sphere in the Human Rights Council.

In an emotionally charged atmosphere in Geneva, apart from the topics addressed in the Goldstone report, the draft included other important issues for the peace process, including the need to cease archaeological excavations in Jerusalem, which risk damaging the holy sites, and the importance of taking specific steps to alleviate the blockade of Gaza and to satisfy the basic needs of the Palestinian people, who are in an extremely difficult situation. In that regard, guided by its fundamental stance on those issues, Russia supported the Human Rights Council draft resolution,

but at the same time it made a statement that it did not agree with a part of the draft resolution that called for sending the Goldstone report to the Security Council for consideration and possible future action. Unfortunately, despite the arguments of many delegations, mentions of the Security Council were kept in the General Assembly draft resolution. That is not conducive to a level-headed, professional analysis of the Goldstone report's recommendations, which should continue primarily in the Human Rights Council, including the importance of both Israel and the Palestinians conducting their own investigations.

Russia, as a permanent member of the Security Council and a participant in the Quartet, continues to be unwaveringly guided by the international legal basis for a Middle East settlement that has been reaffirmed in all recent Security Council resolutions as well as by the four leading mediators and the League of Arab States. The basis of this is the relevant Security Council resolutions, the Road Map and the Arab Peace Initiative.

An important element that is now necessary in order to re-launch negotiations is the first part of the Road Map, which requires the parties to refrain from any steps that could prejudice the outcome of final status issue discussions, namely, the future of Jerusalem, borders, refugees and settlements. There is a need to continue our collective work, in particular within the United Nations, to achieve those goals in the context of a comprehensive Middle East settlement.

**Mr. Ja'afari** (Syrian Arab Republic) (*spoke in Arabic*): The delegation of the Syrian Arab Republic voted in favour of resolution A/64/10, which the Assembly adopted a short while ago regarding holding Israel, as the occupying Power, accountable for the crimes it committed during the aggression against Gaza. We did this based on our belief in the justice of the cause of the Palestinian people and their struggle for liberation, although the resolution does not meet our minimum expectations.

My delegation thanks you, Mr. President, for responding quickly to the Human Rights Council's resolution and for affording the international community the opportunity to condemn the war crimes and crimes of genocide perpetrated by Israel in full view of the States and peoples of the world.

Syria emphasizes that it views the votes of the Member States on today's General Assembly resolution

as an indicator of the credibility of those States vis-à-vis one of the important aspects of the work of our international Organization. We do not believe that there is any justification whatsoever for not voting in favour of this modest resolution. The humanitarian duty and responsibility required of our Organization in standing up to Israel's crimes make it plain that States that allow Israel to continue its violations of international humanitarian law and human rights law have simply shirked their responsibilities. Indeed, they have gone so far in adhering to double standards that we may be disinclined henceforth to sit together with them to discuss issues of human rights or international humanitarian law.

We must all realize that the picture before us has become more clear than ever before, as issues of human rights and, frequently, of international humanitarian law have become mere tools in the hands of some, who used them to put pressure on and to blackmail States with whose political positions, economic interests and types of rule and authority they disagree.

For all these reasons, my delegation would like to register its rejection of any suggestion in the just-adopted resolution implying that aggressor and victim may be equated. Israel is the Power occupying Palestinian land. It was Israel that used internationally prohibited weapons to murder women, children, the elderly and other innocents in Palestine. The distortion of the facts is a denial of the right of an occupied people to resist their occupiers. Syria, along with numerous others who share our conviction, will not allow the truth to be transformed into falsehood or to let injustice and murder triumph over justice and the rule of law.

Finally, my delegation urges all Member States, as well as the Security Council, to take the content of this resolution to its logical conclusion and to mete out punishment to the Israelis, who perpetrated war crimes and crimes against humanity in Gaza.

**Mr. Heller** (Mexico) (*spoke in Spanish*): Mexico voted in favour of resolution 64/10 because we acknowledge the need to conduct credible and independent investigations by all the parties involved in the Gaza conflict. We would like to stress how important it is to prevent impunity, guarantee justice, promote peace and prevent new violations. We would, however, have preferred language different from the

word "endorses" that is used in the report of the Human Rights Council (A/HRC/12/48), and which is repeated in operative paragraph 1 of the Assembly's resolution, in order to obtain the support of a larger number of Member States.

Mexico reiterates its conviction that we need to support United Nations efforts to guarantee accountability with respect to violations of human rights and international humanitarian law. Our vote was in favour of accountability and not of all the recommendations contained in this report.

**Mr. Muñoz** (Chile) (*spoke in Spanish*): Chile would like to thank you, Mr. President, for organizing this meeting to discuss the report on the Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), established by the Human Rights Council and chaired by Justice Richard Goldstone. The report describes and analyses, in an international framework, the allegations of the violations of human rights that took place during Operation Cast Lead. This period saw the undermining of fundamental principles of international humanitarian law, such as proportionality in the use of force, distinguishing between civilians and armed forces, and precautions against harming civilians.

Chile supports the establishment of a Palestinian State, as well as the right of Israel to live within secure borders, as recognized by the relevant resolutions of the United Nations. We also recognize the right to legitimate self-defence, in form and principle, as articulated in Article 51 of the Charter, especially the principle of proportionality as established in international law. In this context, Chile supports the resolution of the Human Rights Council and endorses the recommendations of the Fact-Finding Mission.

We understand that the purpose of the recommendations contained in the report should be to investigate the allegations of serious violations committed by the Israeli forces and Palestinian factions. We reiterate that in our opinion, what is most important is upholding international humanitarian law and respect for human rights. It is essential that, first, independent and credible investigations be conducted into the alleged violations; secondly, that those responsible be sent to trial; and thirdly, that reparations be made to the victims. Chile calls on all parties concerned to comply with their obligations.

Chile would like to take this opportunity to state that we supported the Assembly's newly adopted



resolution. We would like to emphasize the role that the Human Rights Council should play in ensuring the monitoring of compliance with the recommendations of the Fact-Finding Mission. The Human Rights Council should be the body that continues to examine the results of investigations before referring them to other organs of the United Nations system.

Finally, Chile would like to appeal for an end to all the obstacles of provocation and incitement to violence, wherever they stem from, in order to establish conditions of trust and to renew the negotiations that all of us desire and have desired for so long.

**Mr. Rosenthal** (Guatemala) (*spoke in Spanish*): Guatemala voted in favour of resolution 64/10. It was a decision we had to consider very carefully, because, like other delegations in this chamber, we noted certain flaws in the report of the Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48) that the authors of the report acknowledge themselves.

That having been said, we value the fact that the Mission acknowledged the complexity of the situation and condemned both sides for serious violations of human rights of civilians in both Gaza and Israel. Through our vote, we would like to reiterate our total rejection of impunity, as well as our unswerving commitment to reaching a lasting peace in the Middle East which culminates in the creation of a sovereign, independent and viable Palestinian State within secure and recognized borders, like its neighbour, the State of Israel.

**Mr. Ali** (Malaysia): Malaysia voted in favour of resolution 64/10 because we strongly feel that Israel, the main perpetrator in the Gaza conflict, should be held accountable for the war crimes and grave violations of human rights and international humanitarian law which it had committed during the conflict. In fact, we would have wanted stronger language in the resolution to reflect this view so as not to equate the victims with the perpetrator.

**Mr. Quinlan** (Australia): Australia was deeply saddened by the conflict in the Gaza Strip and southern Israel last December and January, and we are very disturbed at the loss of momentum in recent efforts to restart the peace process. We ask the parties to do more.

We voted against resolution 64/10 because of a number of genuine concerns arising from the language of the text and from the flawed nature of the report it is based on, which we simply cannot endorse. However, this vote in no way reduces our fundamental concern about the humanitarian situation of the people of Gaza.

Consistently before, during and after the Gaza conflict, we called on all the parties to take all necessary steps to minimize harm to civilians, and we call on the parties now to act to prevent the continuing humanitarian crisis in Gaza, a situation that is unacceptable.

During the conflict itself, Australia said clearly that it supported a proper investigation of any allegations of breaches of human rights and international humanitarian law. That is a position we maintain and one which we convey firmly in our recent statements to the Human Rights Council and to the Security Council.

It is crucial that these serious matters be dealt with properly, and today we join the call on the parties to credibly investigate all allegations that have been made of violations of human rights and international humanitarian law and to inform the international community of the results of those investigations.

**Mr. Normandin** (Canada): Canada was concerned about the unbalanced nature of the mandate of the United Nations Fact-Finding Mission on the Gaza Conflict when it was first considered in that it did not clearly call for investigation of both sides and did not recognize that rocket fire on Israel led to the crisis. In commissioning this study, the Human Rights Council pre-emptively assumed Israel's culpability. While recognizing that the report that was released does address issues relating to both parties, we are nevertheless concerned about its overall unbalanced nature.

We were further concerned about the decision to proceed with the twelfth special session of the Human Rights Council, as we believe that the situation in the Middle East must be addressed in a balanced and non-politicized manner — one that promotes a negotiated solution rather than one that further antagonizes the parties.

For these reasons, Canada voted no on resolution 64/10. That said, Canada continues to call on all parties to respect their obligations under human rights and

international humanitarian law. We expect all credible reports of wrongdoing by armed forces — regular or irregular — to be investigated by the relevant authorities, and we note that Israel is carrying out investigations and we look forward to their full disclosure when concluded.

**Mr. Schaper** (Netherlands): The Netherlands has just voted no on resolution 64/10, adopted just now. As we stated in our explanation of vote in Geneva three weeks ago, we welcomed the work of the Goldstone mission, but we have difficulty in welcoming the report and endorsing all of its recommendations without further restrictions. The Netherlands therefore voted against the resolution at the Human Rights Council in Geneva. We cannot now support a resolution — the one before us — which endorses a resolution we voted against only a few weeks ago.

The Netherlands supports the elements in the resolution that call for independent investigations by the parties. We are convinced that concerned parties should pursue their own in-depth investigations into accusations of violations of human rights and international humanitarian law, and some of these investigations have already been initiated by Israel, including into the strategic considerations of parties during the conflict and into the humanitarian aspects of access to Gaza as addressed by the Goldstone report. Where relevant, the concerned parties must bring to justice those suspected of violations of human rights and international humanitarian law.

While we are supportive of these elements, other parts of the resolution before us are a source of concern for the Netherlands. The Human Rights Council commissioned the Goldstone report, and, in our view, the Human Rights Council should remain the primary organ to deal with the report, not the General Assembly, and certainly not the Security Council, as the resolution before us implies.

Also, the resolution gives the parties three months' time to investigate possible violations of human rights and humanitarian law. We are puzzled as to why the Secretary-General has to report on the implementation of this resolution in the same three months. In any case, we do not think the Secretary-General should be given a central role in the implementation of this resolution.

Lastly, and in a general sense, it is our overall feeling that the resolution will not be conducive to the aim of relaunching the Middle East peace process.

**Mrs. Viotti** (Brazil): Brazil voted in favour of resolution 64/10. We reiterate our sincere concern for the violations of international humanitarian and human rights law reported to have occurred in Gaza and southern Israel last December and January. The Goldstone report represents a serious and important account of those violations as it addresses crimes allegedly committed by both sides. These violations should be fully investigated so as to ensure accountability and justice, prevent impunity from leading to more violence and encourage the parties to find a solution to their differences through peaceful means.

At this stage, we believe that the report should be primarily implemented by the concerned parties with the full support of the international community. Israel and the Palestinians must fully commit to the establishment of transparent and serious investigations according to international standards. The parties should be given adequate time to conduct appropriate independent investigations. The seriousness and credibility of such investigations and their conclusions, or absence thereof, should guide the consideration of possible involvement of other United Nations bodies according to their respective functions and powers.

Brazil is a friend of peace and a firm supporter of the establishment of an independent, geographically united, democratic and economically viable Palestinian State living side by side with Israel in peace and security within internationally recognized borders. We are confident that today's decision will help us to achieve this goal.

**Ms. Blum** (Colombia) (*spoke in Spanish*): Colombia abstained in the vote on resolution 64/10. At this meeting, my country would like to reiterate its support for achieving a negotiated and peaceful solution to the question of Palestine and thus values all efforts aimed at achieving an agreement between the parties and reaching peace between Israel and Palestine. We reiterate the importance of direct dialogue as the best choice for continuing to move closer to peace and for ensuring positive results for the peoples of Israel and Palestine. My country will continue to provide its support to all initiatives aimed at attaining a result that is satisfactory to the parties —

guided by Colombia's commitment to multilateralism and the peaceful resolution of disputes. At the same time, Colombia regrets the acts of violence produced by attacks that could affect the civilian population, regardless of their origin. My delegation reiterates its commitment to achieving full defence of human rights, and we invite all countries to move forward constructively in strengthening their institutional capacities to ensure implementation of the Universal Declaration of Human Rights.

**Mr. McLay** (New Zealand): New Zealand takes this opportunity to explain its abstention in the vote on resolution 64/10. That position must be seen in the wider context of the Middle East peace process and our long-standing support for international justice. Our position is based on a number of principles.

New Zealand seeks a just, enduring, comprehensive peace settlement based on the two-State solution, with Israel and Palestine living side by side in peace and security, and we call on all parties to resume negotiations to that end. New Zealand has consistently called for investigations into alleged violations of human rights and humanitarian law arising from the conflict. There should be no impunity. Perpetrators of any such violations must be brought to justice.

We would have preferred that this issue be considered by the Human Rights Council in Geneva in March next year, as originally agreed, as this could have created a better climate for the required investigations. We object to the continued bias against Israel in the handling of this important question in the Human Rights Council.

While we appreciate its position, we regret that Israel did not present its version of events to the Fact-Finding Mission, in particular after the Mission's original biased mandate was changed by agreement between the President of the Human Rights Council and Justice Goldstone. All that having been said, the report is here, and we must deal with it.

We strongly support Israel's right to defend itself and its people from attack of any kind and from whatever quarter, in a way that avoids harm to civilians and is consistent with international law. Equally, we strongly support the right of the Palestinian people to self-determination, consistent with international law. We call for an end to Israel's settlement building, which we regard as a serious impediment to the peace process. We are deeply concerned at the severe

humanitarian crisis in Gaza, including the impact of border movement restrictions, and repeat our calls for these restrictions to be eased. We welcome the fact that nearly 80 truckloads of goods entered Gaza from Israel through the Kerem Shalom crossing, and we call for such openings to continue. We condemn Hamas's indiscriminate rocket attacks against Israeli citizens and the use of civilian-populated urban sites as rocket-launch sites.

Any jurist who accepted the Fact-Finding Mission's brief would have fully understood the legal and political path ahead. It is to the credit of Justice Goldstone and his colleagues that they did not flinch from that task. We consider that serious allegations are raised by the Goldstone report, and we call for all parties to begin credible independent domestic investigations into those allegations, conducted in line with internationally accepted standards. We will not prejudge the integrity or the outcome of those investigations. We agree that this was a fact-finding mission and not a judicial inquiry. The allegations in the Goldstone report have not yet been subjected to the independent investigation recommended in that report, and we should not pass judgment as though they had: they must be properly and independently investigated.

Although we call on Israel and the Palestinians to investigate the alleged violations, we cannot support a resolution that, in its first operative paragraph, endorses a Human Rights Council report on a special session that includes a biased, one-sided resolution. Against that background, an abstention was, for us, the appropriate course.

**Mr. Al Habib** (Islamic Republic of Iran): My delegation voted in favour of resolution 64/10, adopted under the agenda item on the report of the Human Rights Council, on the follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict. However, I should like to state the following. With regard to this resolution, my delegation believes that there is imbalance to putting the occupying Power that has committed so many abhorrent crimes against the people in Gaza with that of the Palestinian side on the same and equal footing. Moreover, the report itself reflected only partial and minimal dimensions of the war crimes committed by the Israeli regime in Gaza.

In response to the baseless allegation made by the representative of the regime in the occupied territory, my delegation should like to point out that the

illegitimate regime of the occupied Palestinian territories tries to distort the facts and intends, through the dissemination of disinformation and issues that are irrelevant to the subject under consideration in this body, to evade the very important dilemma facing that regime — that is a lack of legitimacy emanating from more than 60 years of occupation and brutality in the occupied Palestinian territories.

**Mr. Manjeev Singh Puri** (India): India has a deep association with and continuing commitment to Palestine. We voted in favour of resolution 64/10. We believe that the recommendation of the report of the Fact-Finding Mission on the Gaza conflict that both sides should undertake investigations that are independent, credible and in conformity with international standards must be implemented forthwith. Our vote should, however, not be construed as endorsing referrals to the International Criminal Court and the Security Council.

**Mr. Hernández-Milian** (Costa Rica) (*spoke in Spanish*): Costa Rica's actions in the international arena are guided by the conviction that peace between nations can only be achieved through respect for international law, international humanitarian law and human rights law. We believe that the international community must respond to all instances in which those norms are broken. Accountability and the fight against impunity are fundamental pillars needed to strengthen international humanitarian law and human rights. In forums and thematic discussions on accountability and the fight against impunity, Costa Rica has made its position clear, namely, that there are crimes whose nature evokes the international community's duty to intervene and impose sanctions under the standards of internationally recognized justice. We have stated this more than once, as members of the International Criminal Court and also in debates on the responsibility to protect and on universal jurisdiction.

It is the responsibility of all of us to strengthen those institutions that promote accountability and make the fight against impunity possible, and to refrain from using or manipulating those institutions to political ends. Reactionary and unjustified recourse to those instruments and institutions can only weaken them.

We believe that the parties must initiate internal investigative proceedings in order to establish who was responsible for the violations of human rights and of

international humanitarian law. Those investigations should be conducted within a reasonable time frame and should lead to concrete results. Judge Richard Goldstone has a background that is worthy of respect and that Costa Rica holds in high regard. The report of the United Nations Fact-Finding Mission on the Gaza Conflict that he headed (A/HRC/12/48) is an admirable attempt to establish the facts in an objective way. However, that effort was made under particularly difficult circumstances, given the lack of cooperation on the part of one of the sides involved. That could explain some of the limitations that have been noted in the report. Our delegation considers that there is no continuity between the recommendations in the report and the operative paragraphs of resolution 64/10.

Costa Rica would have liked to have seen in the resolution a follow-up mechanism whereby the High Commissioner for Human Rights and the Secretary-General, with the cooperation of the parties, could submit reports to the Human Rights Council and the General Assembly. The outcome of what has been initiated by the resolution's sponsors will most likely be yet another of the never-ending proceedings whereby the General Assembly votes year after year on a proposal about the Middle East that has no effect on the ground. For that reason we ask: Will that strengthen accountability as a tool to implement the rule of law internationally? Is that the way to fight the impunity with which all the many acts violating international standards were committed in Gaza during the hostile actions last December and January?

Finally, will what the sponsors of the resolution have initiated work to enforce international standards, promote accountability and fight impunity? We honestly do not think that it will. What all this amounts to is an attempt to put to frivolous use instruments and institutions that deserve a weightier respect. The loss of consistency, undermining the principle of accountability and weakening the fight against impunity are not causes that Costa Rica can endorse. Recognizing the merits of the Fact-Finding Mission's report, even with the limitations that we are all aware of, Costa Rica is opposed to its banalization and could not add its vote to a decision that reflects the many errors committed along the way that has led us to where we are. That is the reason for our abstention.

**Mr. Maurer** (Switzerland) (*spoke in French*): Switzerland voted in favour of resolution 64/10 for three main reasons. First, we consider the nature of the

conclusions contained in the report of the Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48) require monitoring by the international community. The resolution is an important step in that direction.

Secondly, combating impunity is crucial because what is at stake is a precondition for sustainable peace and preventing future violations of international law. Thirdly, the resolution calls in a balanced way for both parties to carry out independent inquiries in line with international standards. Thus it gives a clear signal that this responsibility rests first and foremost with them. Finally, Switzerland has taken due note of the request that necessary measures should be taken to convene a conference of High Contracting Parties of the Fourth Geneva Convention of 1949 and Switzerland is available to the High Contracting Parties.

**Mr. Wenaweser** (Liechtenstein): My delegation supports the main thrust of the resolution just adopted. In particular, we endorse the call for independent and credible investigations carried out in accordance with international standards by both parties.

As we expressed in our statement during the debate, we were disappointed by the manner in which the Human Rights Council had dealt with the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48). Our abstention, which we have cast with much regret, is therefore due solely to the manner in which the text refers to the report of the Human Rights Council (A/64/53/Add.1).

We hope that this resolution will make a genuine contribution to ensuring accountability and to addressing violations of international humanitarian law documented in the Goldstone report. We look forward to the future consideration of this important topic by this Assembly.

**Mr. Thalassinós** (Panama) (*spoke in Spanish*): The resolution we have just adopted urges the Government of Israel and the Palestinian Authority to conduct credible, independent investigations, in line with international standards, on the alleged violations within a time frame of three months. The Republic of Panama has always respected the principles of the United Nations Charter and we support all multilateral efforts aimed at achieving a lasting solution to the Israeli-Palestinian conflict.

Panama joins the international call for renewing a peace process that builds on previous accords and

international law and that respects the right of both peoples to live in peace, justice and security as sovereign, independent States. However, Panama has some serious concerns about the objectivity of the language used in the text of the resolution, because in fact it prejudices the outcome of the investigations that have to be carried out both by the Government of Israel and the Palestinian authority, and refers the outcome of those investigations to the Security Council.

The international community knows Panama's long history of respect for human rights. However, while it is important for perpetrators of violations to be held accountable and face justice, that cannot be done on the basis of a resolution that prejudices the results of investigations. The investigative process should be just, objective and credible. That is why the Republic of Panama voted against the resolution.

**Mr. Álvarez** (Uruguay) (*spoke in Spanish*): Uruguay rejects and condemns all violations of international humanitarian law and human rights without exception and we hope that in all situations where the international community considers such violations they are given equal treatment and that the fight continues against impunity and the perpetrators of such violations.

Uruguay has an unshakeable commitment to international humanitarian law and accords a high priority to the protection of civilians in armed conflict. Protection of civilians is a legal obligation under international humanitarian law, but it is also an ethical imperative that reflects the long evolution of humankind towards civilizing standards that place respect for life, integrity and human dignity at the centre of their values.

Uruguay values the work of the United Nations Fact-Finding Mission on the Gaza Conflict, headed by Judge Richard Goldstone, and we endorse its report (A/HRC/12/48). It is a serious document that sought to investigate the grave events that occurred during Operation Cast Lead, regardless of who the perpetrators might be. In that spirit, we deem the report to require a careful study and follow-up of all the elements that it contains. In particular, we think that its recommendations should be the subject of a level-headed and thorough examination bearing in mind the complexity of its proposals as well as their possible ramifications, which may include profound consequences that are difficult to predict.

Uruguay considers it essential that the sides involved conduct their respective investigations on the facts that are described and avoid impunity, especially with respect to the most serious violations of human rights and international humanitarian law. We appeal to the General Assembly not to politicize a topic as serious as this one, and especially not to affect negotiations currently under way, to remain focused on achieving a lasting solution to the Middle East conflict and to have a balanced, equitable approach that calls on all parties involved to live up to their commitments and obligations.

**Mr. Zinsou** (Benin) (*spoke in French*): Benin voted in favour of the resolution to demonstrate its systematic rejection of human rights violations, regardless of their origin. Benin's vote proceeds from its consistent foreign policy and is directed against no particular country.

No one, under any circumstances, must exempt themselves from the obligation to meticulously respect human rights and ensure the protection of civilians. The principles of humanity are inviolable and must remain so under all circumstances.

Benin believes that the authority of the Geneva Conventions, trampled underfoot in Gaza, must prevail in all conflict situations. The military operations carried out in December 2008 and January 2009 led to intolerable abuses that gravely undermined international norms and the principles of humanity. Such actions are attributable to radicalism, which we cannot support.

It is important that in-depth investigations be conducted outside the framework of any political party in order to identify and punish those responsible for proven human rights violations. That would make it possible to avoid laying the groundwork for impunity and to prevent a renewed and indefinite spiral of violence. Both parties must conduct such investigations with full transparency. That said, Benin does not approve of any use of force to settle international disputes, without prejudice to people's right to use all means recognized in international law to exercise their right to self-determination.

Benin advocates dialogue and negotiation to seek the path of peace and calls upon States that are able to influence the situation in the Middle East to do their utmost to achieve a swift settlement of the Israeli-Palestinian conflict, which has lasted too long. We urge

a relaunching of the Israeli-Palestinian peace process in order to achieve, as soon as possible, the solution of two sovereign States living in peace with each other and their neighbours within secure and internationally recognized borders. We appeal urgently to the parties to the conflict to resume negotiations in good faith with a view to achieving peace as soon as possible.

**Mr. Kelly** (Ireland): My delegation wishes to make clear our position on the resolution that we have adopted here today. Ireland supported the resolution because of our support for the Fact-Finding Mission led by Judge Goldstone and for its report (A/HRC/12/48).

That document is a serious and very important contribution to our understanding of what took place in Gaza and southern Israel. It forms part of the pursuit of appropriate accountability for actions which occurred and is supportive of the efforts to ensure that such tragedies are not repeated.

In voting for the resolution, Ireland wishes to make clear that this does not mean that we necessarily support each and every recommendation contained in the Goldstone report. Ireland shares the concern of a number of delegations that it was not helpful or appropriate for the General Assembly to be requested at this time to endorse the report and its recommendations in their entirety. The report is a complex and detailed document, and its recommendations cover extremely wide-ranging actions in many national and international forums, with wide and far-reaching political and legal implications. Like many other delegations, we will need time to consider those implications carefully before agreeing on the best way forward on these crucial issues.

We do fully support the recommendations which call, in the first instance, on the parties to the conflict in Gaza to respond seriously and comprehensively to the findings of the report by launching appropriate investigations into all the allegations of possible breaches of international law that are independent and in conformity with international standards.

For that reason, we decided to vote in favour of the resolution just adopted.

**The President:** We have heard the last speaker in explanation of vote.

I now call on the observer of Palestine.

**Mr. Mansour** (Palestine): I wish to express the gratitude of Palestine, Mr. President, for your outstanding efforts in facilitating this meeting to consider the report of the Human Rights Council (A/64/53/Add.1) and to discuss and consider the Goldstone report (A/HRC/12/48). Palestine would also like to express its gratitude to all our Arab brothers who submitted the draft resolution, along with those who sponsored it. We are grateful to all of them for their united stand in submitting the resolution that has been adopted.

We would also like to express our thanks to all those countries that voted in favour of the resolution. I must add that we interpret all the abstentions in the voting as supportive of the essence of the resolution, and we take note of some of the problems that those who abstained had on the procedural side.

In addition, I do not wish to demean myself by responding to the comments and questions by the representative of Israel, because the Palestinian side cooperated fully with the members of the Goldstone team in their investigation. The Israeli side did not; it obstructed the efforts of the Goldstone Mission. Therefore, our actions speak louder than our words, in terms of not being afraid of international law, but rather of honouring, respecting and cooperating with it. Those who claim that theirs is a democratic country are afraid to subject themselves to investigation by such a mission.

Be that as it may, let me just say that tonight is a very important night in the history of the General Assembly. It is also a very important night in the history of the fight against impunity and in seeking accountability. We are not done with this exercise. Tonight, congratulations go to all Members of the Assembly, because they have allowed the process set out in the Goldstone report to begin. We are preparing ourselves for the High Contracting Parties to the Geneva Convention to be convened in Switzerland. In that connection, we express particular gratitude to the delegation of Switzerland for that country's courage and its defence of international law, international humanitarian law and the issue of accountability.

Therefore, we will be ready for the unfolding of that segment of the recommendations contained in the Goldstone report. We will also be ready to come back

to the General Assembly in three months' time to consider the report of the Secretary-General. We will do so with a view to further action in all the relevant organs of the United Nations, including the Security Council. This journey of fighting impunity and seeking accountability is a long one. We are proud that the General Assembly has been so responsible as to instruct the Secretary-General to forward the Goldstone report (A/HRC/12/48) to the Security Council, so that it will be an official document before the Council. We will continue to knock on the door of the Security Council to ask it to shoulder its responsibilities.

While we are investigating all the allegations contained in the Goldstone report, we will work very closely with the High Commissioner for Human Rights to find modalities and ways of dealing with the issue of reparations and the establishment of a compensation fund. We will come back to that issue once we have obtained all the expertise and suggestions available from the Office of the High Commissioner.

We will continue to work with the Red Cross, and with appropriate bodies of the United Nations, to see how we can address the issue of dealing with the weapons and ammunition that were used during the Gaza conflict, another recommendation contained in the Goldstone report. Once we have that expert information, we will come back to the issue. We have therefore started the journey today. It is a process, and we will continue that process until we can ensure that the Israeli criminals who committed war crimes against Palestinian civilians are brought to justice and receive the punishment they deserve.

As for us, on the Palestinian side, we will continue to uphold international law. We are not afraid of international law, which is on our side. We will never accept that there is any kind of symmetry between the occupiers and the victims — the Palestinian people under occupation. International law is on our side and represents the solution we have to impose on Israel sooner or later.

I would like to thank everyone in this Hall and to say goodnight and that tomorrow will be another day.

**The President:** The Assembly has thus concluded this stage of its consideration of agenda item 64.

*The meeting rose at 5.45 p.m.*