



Mission permanente d'Israël
auprès de l'Office des Nations Unies
et des Organisations Internationales à Genève

משלחת ישראל
ליד משרד האומות המאוחדות
והארגונים הבינלאומיים בג'נבה

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Mr. President,

Yesterday, on Yom Kippur, Jews all over the world - in Jerusalem, Sderot, here in Geneva - commemorated Yom Kippur, the most holy day of the Jewish calendar. It is the day when, according to Jewish tradition, our fate is determined for the coming year: "Who will live and who will die, who will be raised up and who brought low". Not only for individuals but also for States, this is a decisive time. In the words of our prayers: "Which for war and which for peace, which for famine and which for plenty".

For the States in this Council this is indeed a fateful time. Today's debate is a real test of the integrity and purpose of this body. But more than that, the response to the challenge presented today will have a clear effect on our ability - collectively and individually - to face some of the greatest challenges in the year ahead.

Five years ago, in a remarkable gesture reaching out for peace, Israel removed every one of its soldiers and over 8000 civilians from the Gaza Strip. We withdrew hospitals and kindergartens, synagogues and cemeteries, leaving only the greenhouses we had struggled to build in the hope that these would be the start of a productive Palestinian society. And you, the States of this Council, applauded this unprecedented measure. You told us in no uncertain terms that in the nightmare scenario that terror would take root, you would back us in our inherent right to self-defense.

Five years later, the greenhouses had been ransacked by Hamas thugs, over 8000 rockets and mortars had been fired on schools and kindergartens in Sderot

and other Israeli towns, and an unceasing supply of weaponry was being smuggled through tunnels into Gaza from terror-sponsoring states like Iran. Israel's urgent appeals to the international community were to no avail, and our attempts to extend a fragile cease-fire were met with new, increased barrages of missiles from Hamas. And all the while the range of the attacks was increasing. Now Ashkelon and Beer Sheva were within reach. One million Israeli children, women and men had to live every moment of their lives within seconds of a bomb shelter.

The decision to launch a military operation is never an easy one. It is even more challenging when we have to face an enemy that intentionally deploys its forces in densely populated areas, stores its explosives in private homes, and launches rockets from crowded school yards and mosques. These are new and horrendous challenges, and we sought to deal with them responsibly and with humanity. Yet when we dropped millions of leaflets and made tens of thousands of phone calls to warn civilians in advance of operations, we were witness to the callous and deliberate Hamas tactic of sending women and children onto the roofs of terrorist headquarters and weapons factories. In such cases, again and again missions were aborted, letting the Hamas terrorists escape, Israel protected Palestinian civilians that Hamas had put at risk.

In grappling with these dilemmas we seek the guidance of other states. We may not have all the right answers but we struggle to ask the right questions. And in discussions between officials charged with securing the lives of their civilians we hear genuine admiration for our restraint. For example, when Colonel Richard Kemp, Commander of British forces in Afghanistan was asked about Israel's conduct in Gaza, he replied: "I don't think there has ever been a time in the history of warfare when any army has made more efforts to reduce civilian casualties and deaths of innocent people than the IDF in Gaza".

In complex urban warfare, though, civilian casualties are tragically inevitable. There also may have been incidents in which soldiers did not always maintain the standards that we expected of them. The true test of a genuine democracy is how it deals with such cases, and how it examines its own failings. Following the Gaza Operation, Israel has opened over 100 separate investigations into fundamental operational questions, like damage to UN centers and medical facilities, as well as specific allegations of misconduct. Of these investigations 23 have already resulted in criminal proceedings. And this process continues. Any decision regarding whether to open criminal proceedings can be appealed by any Israeli or Palestinian to Israel's Supreme Court – a court which has been cited with respect and admiration throughout the democratic world.

Israel struggles to deal with these tough questions, raised by terrorists acting within civilian centers. Sadly, these are questions which also occupy many other democratic countries and which they and we will have to continue to grapple with.

But these questions, apparently, do not occupy the authors of the shameful Report which has been presented to this Council.

Like many of the States in this Council, we could not support a resolution which only addressed one side of the conflict, and which established **four** separate mechanisms to condemn Israel and not even one to examine Hamas.

Like many of the distinguished individuals who rejected invitations to head the fact finding mission with its one-sided mandate, we objected to a mission which, in the words of Mary Robinson, was "guided by politics not human rights". While Israel has cooperated with dozens of inquiries and investigations from international organizations and NGO's into the events in Gaza it refused to

cooperate with this Mission. And the Report presented today fully justifies that decision.

Even prior to the start of any investigation one member of the Mission went on public record stating that Israel's defense of its civilians against Hamas' attacks was "aggression not self-defense". The document submitted today simply reiterates that prejudice.

Mr. President

This is a report – 575 pages – in which the right of self defense is not mentioned, in which the smuggling of weapons into Gaza through hundreds of tunnels deserves not a word.

A report based on pre-screened Palestinian witnesses, not one of whom was asked about Hamas terrorist activity or the abuse of civilians, hospitals and mosques for terrorist attacks.

A report which is based on carefully selected incidents, cherry picked for political effect. As Justice Goldstone revealed in an open correspondence: "We did not deal with the problems of conducting military operations in civilian areas. We avoided having to do so in the incidents we decided to investigate".

A report which gives credibility to every allegation or hearsay against Israel, and none to even direct admissions of guilt by Hamas leaders. Indeed which sometimes accepts the same source as authoritative as against Israel, but somehow unreliable vis-à-vis Hamas.

Mr. President

The authors of this "Fact-finding Report" had little concern with finding facts. The Report was instigated as part of a political campaign, and it represents a political assault directed against Israel and against every state forced to confront terrorist threats. Its recommendations are fully in line with its one-sided agenda and seek to harness the Security Council, the General Assembly, the International Criminal Court, the Human Rights Council, and the entire international community in its political campaign. In so doing it seeks to inject these bodies with the same political poison that has so undermined the integrity of this Council.

M. President,

Unlike the Hamas terrorists who rejoice with every civilian death, Israel regards every civilian casualty as a tragedy, Israel is committed to fully examining every allegation of wrongdoing. Not because of this Report but despite it.

For let there be no doubt. This Report will do nothing to ease the lives of those in Sderot and Gaza City, Kiryat Shemona and Jenin. In providing support and vindication for terrorist tactics, it is a betrayal of Israelis and moderate Palestinians alike.

In the final analysis, the true test of such a Report can only be whether in future armed conflicts it will have the effect of increasing or decreasing respect for the rule of law by the parties. Regrettably this one-sided report, claiming to represent international law but in fact perverting it to serve a political agenda, can only weaken the standing of international law in future conflicts. This report broadcasts a troubling – and legally unfounded -- message to States everywhere confronting terrorist threats, that international law has no effective response to

offer them, and so serves to undermine willingness to comply with its provisions. At the same time, it signals an even more troubling message to terrorist groups, wherever they are, that the cynical tactics of seeking to exploit civilian suffering for political ends actually pays dividends.

Finally, and perhaps most importantly, we want to find a way to live in peace with our neighbors. This is the ultimate question that Prime Minister Netanyahu asked the General Assembly in New York last week-

*"The same UN that cheered Israel as it left Gaza and promised to back our right of self-defense now accuses **us** ... of war crimes? And for what? For acting responsibly in self-defense? [...] Israel justly defended itself against terror. This biased and unjust report is a clear-cut test for all governments. Will you stand with Israel or will you stand with the terrorists? Because if Israel is again asked to take more risks for peace, we must know today that you will stand with us tomorrow. Only if we have the confidence that we can defend ourselves can we take further risks for peace."*

Thank you very much.