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*Statement by H.E. Dr. Riyad Mansour, Ambassador, Permanent Observer of Palestine to the United Nations, before the United Nations General Assembly, Agenda Item 64: Report of the Human Rights Council, Follow-up of the Report of the United Nations Fact Finding Mission on the Gaza Conflict (Goldstone Report), New York, 4 November 2009:*

Mr. President,

At the outset, I wish, on behalf of Palestine, to extend our appreciation to you for your wise and effective guidance of the General Assembly and for your prompt response to the request to convene this important meeting of the Assembly to consider the Report of the United Nations Fact-Finding Mission on the Gaza Conflict, also known as the "Goldstone Report".

In this regard, I wish to also express our thanks and appreciation to the Arab Group, the Non-Aligned Movement (NAM), the Organization of the Islamic Conference (OIC) Group, the Al-Quds Committee, and the Committee on the Exercise of the Palestinian People of their Inalienable Rights for their valuable efforts and support on this issue. We extend our thanks as well to all States that supported resolution S-12/1, adopted by the Human Rights Council at its 12<sup>th</sup> special session in Geneva. There is no doubt that the Human Rights Council's endorsement of the Goldstone Report and its recommendations constitutes a significant step towards ending the insidious culture of impunity that has for too long prevailed and towards ensuring accountability for the perpetration of crimes and ensuring justice for the Palestinian people, who have for too long suffered the grave injustice inflicted upon them.

Mr. President,

I stand before you today to convey the suffering and pleas of the Palestinian people, who for more than four decades under Israel's brutal military occupation have been deprived of their rights to self-determination and sovereignty over their land and have repeatedly been subjected to displacement, killing and injury, imprisonment, destruction, oppression, collective punishment, including a suffocating blockade, confiscation of their land and properties, incessant colonization, the violation of their fundamental human rights and freedoms and other constant affronts to their human dignity and security. In addition, more than half of the Palestinian people exist as a stateless people, living as refugees, deprived of their right to return for more than six decades now.

Over the decades, the Palestinian people and their leadership have appealed to the world to stand on the side of justice and to bring an end to the injustice and aggression inflicted upon them and to hold Israel accountable for its crimes and violations and to implement resolutions of international legitimacy. But such appeals have been to no avail. Despite all efforts, the international community, including the United Nations, has failed to implement its resolutions, fostering a culture of impunity that has enabled Israel to persist with its crimes against the Palestinian people. Israel's crimes have been documented in countless UN reports by various committees, commissions of inquiry, fact finding missions and other UN bodies, yet nothing has been done to

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seriously follow-up these reports and their findings to actually bring an end to the occupation and all of its attendant crimes and violations against our people. Without fear of accountability and with flagrant impunity, Israel has thus continued its illegal policies and practices throughout the Occupied Palestinian Territory, including East Jerusalem, breaching international law and of the norms and principles governing the civilized world.

There is no other country in the world - except Israel - that denies the right to self-determination and human rights of our people, as recognized by the UN nearly 62 years ago in its adoption of partition resolution 181 (II) in 1947. Moreover, throughout the years the General Assembly and the Security Council have attempted to address this issue through the adoption of hundreds of resolutions, with which Israel has refused to comply. The occupying Power has been enabled and emboldened in this regard by the successive failure of those institutions mandated to monitor the implementation of resolutions to take the necessary measures to ensure their compliance, including the Security Council.

Thus, the situation in the Occupied Palestinian Territory, including East Jerusalem, and the reality, magnitude and scale of the illegal practices of the Israeli occupation, the last and longest in modern history, continues to constitute a test for the international community, a test that will judge the true commitment to upholding human rights and the relevant instruments of international law. Israel must be compelled to abide by all of its legal obligations and to cease its violations and crimes which it continues to carry out against the Palestinian people in the Occupied Palestinian Territory. In this regard, in addition to the dire situation in the Gaza Strip, I reiterate that the situation in Occupied East Jerusalem is also grave and highly volatile due to Israel's illegal and provocative actions and incitement, including its flagrant pursuit of settlement activities and wall construction in and around the City, transfer of more Israeli settlers, demolition of Palestinian homes, excavations in the City and near holy sites, and acts by extremist settlers at the Al-Haram Al-Sharif compound, inflaming religious sensitivities not only in the Holy City but far beyond, throughout the Arab and Islamic world. We have repeatedly drawn the international community's attention to this escalating Israeli aggression in Occupied East Jerusalem and do so once again today.

If we fail this test when it comes to the human rights of the Palestinian people, then the international human rights movement that has thus far championed human rights throughout the world, which it can also claim as the greatest achievement of the international community in the past sixty years, will truly be at risk. Moreover, history has taught us that a perpetual lack of accountability and justice only leads to further conflict and violence and the dashing of hopes for the achievement of peace and coexistence.

Mr. President,

The situation in the Gaza Strip is untenable, unacceptable and wholly deplorable. For more than two years, Israel, the occupying Power, has collectively punished, imprisoned and deprived more than 1.5 million Palestinians in the Gaza Strip from all of their basic rights. Despite repeated international appeals to end such unlawful measures, the Israeli blockade continues to be imposed as the occupying Power has no fear of being held accountable for its crimes. Not sufficing with this brutal blockade, Israel launched a brutal war in December 2008, against the besieged and defenseless civilian population. Over the course of three weeks, the Israeli occupying forces caused thousands of deaths and injuries among the civilian population, including among children and women, and wanton destruction of homes, vital civilian infrastructure, public institutions, economic, industrial and agricultural properties and UN facilities.

Since the first day of the launch of Israel's military aggression, appeals came from all around the international community, calling on Israel to stop its aggression and to commit itself to the principles and rules of international humanitarian law. The Security Council adopted resolution 1860 (2009) and the General Assembly adopted resolution ES-10/18, both of which remain unimplemented. The Human Rights Council held an emergency meeting and adopted a resolution to form a fact-finding mission, which was ultimately composed of prominent jurists and experts, led by Justice Richard Goldstone of South Africa. The UN Fact Finding Mission on the Gaza Conflict was established in April of this year with the mandate to investigate *"all violations of international human rights law and international humanitarian law that may have been committed at any time in the context of military operations in Gaza in the period from 27 December 2008 and til 18 January 2009, either before or during or after."* Shortly after the Mission's founding it confronted its first major challenge - the decision by the Government of Israel not to cooperate with the Mission. Yet, the team went to the Gaza Strip and undertook a thorough, professional investigation of all violations committed by all parties.

Since the issuance of the report of the United Nations Fact-Finding Mission on the Gaza Conflict - the Goldstone Report, it has received wide support, but it has also been subjected to criticism by a minority and attacks have even been hurled against the Mission's members. Here, we must repeat what was said by Judge Goldstone in this regard: that the answer to these questions exists in the findings of the report, the preparation of which was exclusively guided by international law, including international human rights law and international humanitarian law and the obligations incumbent on States therein. Here we add: if such criticism and attacks are aimed at evading responsibility for the serious violations and grave breaches committed by the occupying Power as a result of its aggression on the Gaza Strip, we assure them that their efforts will fail because we are determined to follow up this report and its recommendations in all relevant international forums, including the Security Council and the International Criminal Court, until the realization of justice with the accountability of the perpetrators of these crimes and violations.

In this regard, the investigation carried out by the Mission led to findings that clearly confirm that Israel, the occupying Power, committed serious human rights violations and grave breaches of international humanitarian law, including the 4<sup>th</sup> Geneva Convention - amounting to war crimes and even crimes against humanity - against the Palestinian people. This includes the willful killing of civilians, torture and inhuman treatment, willfully causing great suffering or serious injury to body or health, and extensive destruction of property not justified by military necessity and carried out unlawfully and wantonly, all of which give rise to Israeli criminal responsibility.

Moreover, some of the most important aspects of the report confirm that Israel's aggressive intentions have no relation to what it publicly declares and especially its constant declaration of the issue of "right of self-defense" mentioned in Article (51) of the UN Charter. Of the 36 specific incidents in the Gaza Strip investigated by the Mission, with only one exception, the facts prove that there were no military targets that could justify such attacks by the Israeli occupying forces.

In this regard, the investigation concluded that Israel failed to take the precautions required by international law to avoid or minimize loss of civilian life, injury to civilians and damage to civilian property, flagrantly violating the principle of distinction. Moreover, it concluded that that Israeli military campaign was planned in all of its phases as a deliberately disproportionate and systematic attack aimed at punishing, humiliating and terrorizing the Palestinian civilian population, radically diminishing its domestic economic capacity to sustain itself and forcing upon it a

heightened sense of dependency and vulnerability. That shocking finding is confirmed thousands of times over by the depth of the trauma and anguish suffered by the Palestinian people in the Gaza Strip – children, women, men, elderly and disabled – to this day. In this regard, it is highly deplorable that this same civilian population continues to live in misery and hardship in the ruins of their homes and communities because of Israel's continuing blockade and its obstruction of any reconstruction and real recovery efforts, which has only deepened their humanitarian hardship and further intensified the prevailing feelings of injustice among the population and beyond.

The Mission's report also affirmed that the Israeli military operations carried out in Gaza between 27 December 2008 and 18 January 2009 and its impact can not be understood or assessed in isolation from previous and subsequent developments. According to the report, these actions fall within the framework of a succession of policies aimed at advancing Israel's political goals towards Gaza and the Occupied Palestinian Territory as a whole, which have systematically involved the deliberate violation of international human rights law and international humanitarian law, including its obligations under as an occupying Power under the 4<sup>th</sup> Geneva Convention. In this regard, we believe it is incumbent on the High Contracting Parties to uphold their obligations, including under common article 1 to respect and ensure respect for the Convention in all circumstances, including in the Occupied Palestinian Territory. These laws must be upheld and cannot continue to be trampled, and it is the duty of the High Contracting Parties to determine the means to uphold and enforce them.

Mr. President,

We are aware that the Mission investigated all allegations of violations of international law in the course of the Gaza conflict, including the allegations against the Palestinian side. While we reject any equation of the occupying Power's aggression and crimes with actions committed in response by the Palestinian side, we wish to clearly reaffirm that there is absolutely no symmetry or proportionality between the occupier and the occupied. We take very seriously the allegations contained in the Goldstone report regarding possible Palestinian violations. Furthermore, in affirmation of our utmost respect for and conviction in the rule of law, we reiterate the commitment, as publicly stated, to the pursuit of domestic legal investigations to address that crucial matter.

Yet what the Goldstone report essentially constitutes is another damning record of the Israeli crimes committed against our people under occupation. Its recommendations represent a significant contribution to the pursuit of accountability and justice. In this regard, while significant deterrent power is presented by this report, along with other relevant investigations that preceded it - including, inter alia, the report of the Secretary-General's Board of Inquiry and investigations by the League of Arab States Independent Fact-Finding Committee on Gaza - it is clear that serious and responsible follow-up at all levels is imperative. This is very important to prevent the recurrence of such Israeli crimes against our people. As stated by Justice Goldstone before the Human Rights Council, *"a culture of impunity in the region has lasted for too long...The mission is convinced that the international community must confront the realities highlighted in this report and that by doing so find a meaningful basis for the pursuit of peace and security for all the people of the region. Only in that way will the human dignity and security of these people be realized."*

Mr. President,

We must not allow our discussion today to become just another opportunity to express our sympathies and display respect for international law. We must stand together and united to face the most important test of credibility, integrity, and sustainability of the international system based upon these laws. Words of sympathy will not suffice to compensate for the decades of violence, oppression

and gross violations of international law with impunity. It is now time to put an end to the culture of impunity, quickly and decisively, for justice and international peace and security to prevail.

Today, we call upon the international community, on behalf of all the Palestinian victims who have suffered from the Israeli crimes, to take a clear stand for upholding justice and international law. The occupying Power must know that the international community will no longer tolerate its illegal actions, violations and crimes because the commitment to the principles of international law must be above any other considerations that may make a mockery of our international system. Such firm intolerance and a principled commitment to the law are what will help us to break this cycle of impunity and bring an end to the crimes that have caused so much suffering and prolonged this tragic conflict.

Mr. President,

We call upon all Member States to join us in our efforts to achieve justice and peace and to live up to the principles upon which this international organization was established. We appeal to join us in seeking to protect our political and international legal system, preventing its moral collapse and safeguarding its substance and credibility. The peoples of the world watch us today closely, hoping that this Assembly is committed to the rights and lives of all peoples, no matter how vulnerable they are. Their judgment does not allow the luxury of political rhetoric and illogical consideration of the issue under discussion. After this experience, the peoples of the world will categorize us into those who are faithful to the principles of international law, and those who are not, not even to the value of human life and equal rights. There is no other choice, crimes must be punished, and perpetrators of these crimes, no matter how strong they are, must be held accountable.

The draft resolution before the General Assembly represents a serious, responsible, collective effort to address the serious human rights violations and grave breaches of international humanitarian law committed during the Israeli military operations in the Gaza Strip. Upon consideration, we appeal to Member States to think of the thousands of Palestinian children, who are still suffering the manifold consequences of the practices of terror, death and destruction inflicted upon them by the occupying Power. These children live in fear from the thunderous bombardments and shelling by the Israeli occupying forces of their homes and neighborhoods, and they and so many of the other victims still suffer from the devastating injuries inflicted upon them by all means of lethal weaponry, including white phosphorous, that has physically and psychologically traumatized them. They look to the international community to help them overcome this crisis and to prevent such crimes from ever being committed against them again.

Mr. President,

Despite all of their suffering due to Israeli violence, criminal attacks and brutality, the Palestinian people are determined and will remain committed to ensuring a decent future for their children; a future free of occupation, violence and pain. Our people will rise, like the phoenix to rebuild their lives and build a future of peace, freedom, stability and security for our children. We will thus remain committed to the pursuit of justice and will continue to call for your support in this endeavor, because clearly peace can not be achieved without justice.

In this regard, history has shown that the prosecution of war crimes and the achievement of justice are, regrettably, not an immediate process. They require perseverance, principled positions and commitment based on international law and moral principles. We will therefore continue our



pursuit of justice and to reject and call for an end to the impunity that has allowed Israel for all these years to commit mass crimes against the Palestinian people without fear of punishment. We want to turn the page on this horrific and tragic chapter for Palestine and cross the threshold into a new era in which our people can live in peace, freedom and dignity in an independent State of Palestine, with East Jerusalem as its capital, exercising the rights to which all human beings are entitled but which have so long been denied them.

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

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

Thank you, Mr. President.