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STATEMENT BY

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**CHAIRMAN OF THE COMMITTEE ON THE EXERCISE OF THE
INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE**

Agenda item 64: Report of the Human Rights Council
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Mr. President,
Excellencies,
Ladies and Gentlemen,

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I would like to welcome the convening of this debate of the Report of the United Nations Fact Finding Mission on the Gaza Conflict, thus implementing without delay a respective recommendation by the Human Rights Council.

The events in Gaza of December 2008-January 2009 are still very vivid in our minds, not least, because the situation on the ground has barely improved. Almost ten months after the hostilities ended, we see no progress on reconstruction or the re-opening of borders. On 31 December 2008, immediately after the start of the Israeli offensive on Gaza, our Committee condemned the deadly military assault and destruction perpetrated by the occupying Power in total disregard of its obligations and responsibilities under international humanitarian law.

The international community reacted promptly and in one voice to the violations, which had taken place in the Gaza Strip. Several investigative missions have been dispatched by various international entities over the past several months to establish facts concerning the events of December 2008-January 2009. Our Committee commended the Secretary-General for swiftly establishing a Board on Inquiry to investigate incidents where personnel and property of the United Nations were affected. Also, the League of Arab States set up an Independent Fact-Finding Committee on Gaza. The results of these enquiries have shown widespread violations of international humanitarian and human rights law, including the possibility that war crimes had been committed by both sides. Civil society organizations have produced a number of reports, which concurred that egregious violations of international law had indeed taken place.

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

Last September, the United Nations Fact-Finding Mission established by the Human Rights Council and led by Justice Richard Goldstone, a distinguished and internationally respected South African lawyer, presented its comprehensive, balanced and authoritative account of the events in Gaza. The scope of the investigation and the quality of legal analysis are impressive. The team has analyzed the facts in the light of applicable international standards.

It has to be noted that Israel refused to cooperate with the Mission, denied it access to Israel and the West Bank and also failed to respond to a comprehensive list of questions posed to

it by the team. Israel has also virulently condemned the report. Palestinian authorities in both Gaza and the West Bank cooperated with the Mission.

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

The report also covered violations arising from Israeli treatment of Palestinians in the West Bank, including excessive force against Palestinian demonstrators, increased closures, restriction of movement and house demolitions. The detention of Palestinian Legislative Council members, the report said, paralyzed political life in the Occupied Palestinian Territory, including East Jerusalem.

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

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

Most importantly, the report contains a call for a follow-up action by various parties, including the United Nations. Specifically, it requests the Security Council to create a committee of experts to monitor these domestic investigations. If – and only if – the parties do not undertake credible inquiries within six months, the report recommends pursuing accountability through international judicial action.

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

Mr. President,