

ISRAEL

64th SESSION OF THE GENERAL ASSEMBLY

Check Against Delivery

**Statement by
Ambassador Gabriela Shalev
Permanent Representative**

Agenda Item 64
“Report of the Human Rights Council”

United Nations, New York
4 November 2009

PERMANENT MISSION OF ISRAEL
TO THE UNITED NATIONS
800 Second Avenue, 15th Floor
New York, NY 10017

Tel: 212-499-5510
Fax: 212-499-5515
info-un@newyork.mfa.gov.il
<http://www.israel-un.org>

At the outset, Mr. President, I wish to convey the condolences of the government and people of Israel to the most recent victims of terrorism.

Our thoughts are with the more than 150 innocent men, women and children slaughtered in Bagdad by suicide terrorists. Our sorrow is with the more than 100 victims of the brutal terrorist attacks in Peshawar and Rawalpindi, Pakistan. Our grief is with the families of the six United Nations employees — working in the name of peace — who were murdered by terrorists in Kabul.

We will not forget the victims of terrorism in New York, Washington, London, Madrid, Bali, Lockerbie, Riyadh, Amman, Mindanao, Istanbul, Nairobi, Jerusalem, Tel Aviv, Sinai, Buenos Aires, Mumbai, Beslan, Islamabad, Algiers and so many others who have endured the evil of terrorism.

Terrorism deprives people of their most basic human right — the right to life.

States have not only the right, but indeed the duty, to pursue those who engage in the barbaric tactics of terrorism. States sponsoring terrorism — members of this organization — that actively engage in activities, such as smuggling of weapons, ammunition and terrorists by sea, air, and land, must be held accountable before the international community.

Yet today, Mr. President, rather than confronting terrorism, the General Assembly chose again to detach itself from reality. Today's debate is anything but genuine and candid. Rather than discuss how to better stop terrorist groups who deliberately target civilians, this body launches yet another campaign against the victims of terrorism, the people of Israel.

The report before you was conceived in hate and executed in sin. From its inception in a one-sided mandate, the Gaza fact-finding mission was a politicized body with predetermined conclusions.

It is the product of the Human Rights Council in Geneva, a body whose obsession with Israel has led it to pass more resolutions against Israel than on all other U.N. Member States put together. This same Human Rights Council rejected any investigation regarding the constant firing of 12,000 rockets and mortars by Hamas, over eight years, on towns and villages in Israel.

The basic human rights of nearly one million Israeli citizens did not matter then. Are we now to believe that the Council's latest incarnation is honest, objective and fair?

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

Justice Goldstone himself publicly conceded that if his fact-finding mission had been a judicial inquiry, a member of his team would have been disqualified for outright bias against Israel.

Nevertheless, the report makes sweeping judicial determinations of criminal wrongdoing in the absence of crucial information.

It makes explosive charges against Israel yet the evidence provided to support such accusations is at best uncorroborated, and at worst false. In certain cases, the report makes conclusions based upon the absence of evidence to the contrary. In others, the author's mere opinions serve as the evidence. Time and again, the report inverts Israel's unprecedented extensive efforts to save civilian lives as proof that any civilian casualties were therefore deliberate.

This is not honest fact finding. But this is not all.

Justice Goldstone himself admitted that the Mission had deliberately selected incidents so as to evade the complex dilemmas of confronting threats in civilian areas. The report ignores the reality of terror activity and the complexity of military challenges in fighting terrorists in urban warfare. It ignores overwhelming evidence that Hamas intentionally operated from densely populated areas and from within hospitals and mosques, and booby-trapped civilian structures.

The report makes no reference to the recruitment and exploitation of civilians by Hamas and its use of human shields. It undermines every democracy defending itself against terrorist attacks. It concedes that the rule of law will be replaced by the rule of terrorism.

But this is not all.

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

Mr. President,

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

Mr. President,

Israel believes in a vision of peace.

We believe in the vision established by the United Nations of two states for two peoples. But the Goldstone report and this debate do not promote peace. They damage any effort to revitalize negotiations in our region. They deny Israel's right of self-defense.

If Israel is asked to make concessions for peace we must be assured of the right to defend ourselves. We must know that terrorists will not have impunity as they turn our gestures of peace into weapons of war.

Thank you, Mr. President.