

بِسْمِ الرَّحْمَنِ الرَّحِيمِ



STATEMENT
OF
THE STATE OF QATAR

DELIVERED BY

**His Excellency Mr. Nassir Abdulaziz Al-Nasser
Permanent Representative of the State of Qatar
to the United Nations**

BEFORE

**The Plenary Meeting of
the United Nations General Assembly**

ON

**The Report of the United Nations Fact-Finding Mission on
the Conflict in Gaza (The Goldstone Report)**

NEW YORK, 4 NOVEMBER 2009

Mr. President,

Thank you for responding to the request of the Arab Group and the Non-Aligned Movement to convene a meeting of the General Assembly to consider the report of the United Nations Fact-Finding Mission on the Conflict in Gaza, known as the Goldstone Report. We would like to express our appreciation for the efforts undertaken by members of the Mission -- Justice Richard Goldstone, Professor Christine Chinkin, Ms. Hina Jilani, Colonel Desmond Travers -- the prominent legal personalities known for their integrity, professionalism and impeccable records. They conducted a thorough and comprehensive investigation under unfavorable conditions, including Israel's refusal to cooperate with the Mission, like it refused to cooperate with many previous missions, because of the mentality of superiority above the law and the rejection of international legitimacy. I would like to add my voice to the statements made by Egypt on behalf of the Non-Aligned Movement.

Mr. President,

We have all witnessed the tragic consequences of the military aggression launched by Israel beginning on 27 December 2008 against the defenseless Palestinian civilian population trapped in the Gaza Strip, which resulted in the death of more than one thousand and three hundred innocent Palestinians, including hundreds of women and children, and in which the Israeli occupation forces used all sorts of heavy and deadly weapons in total disregard for human life and the laws and international norms, and which continued even after the adoption of Security Council resolution 1860 (2009) last January.

The Goldstone Report pointed to the crimes committed by the Israeli army and the Israeli Government against the Palestinian people, which amounted to war crimes and crimes against humanity, and which include murder, torture, inhuman, inflicting serious physical and psychological damage on civilians and the destruction of property on a large scale, including educational buildings, hospitals and houses of worship, without being justified by military necessity. The report also pointed to a number of incidents that demonstrate systematic policy of collective punishment, including the incident of the systematic destruction of the only mill that provides flour to the residents of the Gaza Strip, the incident of the destruction of water wells, and the shelling of a the Fakhoura UNRWA school, which was a safe haven for Gazan children and their families. Those crimes constitute a violation of international humanitarian law and international human rights law, specifically the Geneva Conventions, in particular the Fourth Geneva Convention, which includes provisions dealing with the protection of civilians under foreign occupation, and other relevant international conventions.

Mr. President,

The Human Rights Council at its twelfth special session, which was held two weeks ago, endorsed the report of the International Independent Investigation Commission and presented it to the General Assembly in line with the recommendations contained in the report.

Goldstone's report was not the first report which referred to the Israeli violations of international law, but was preceded by numerous inquiries about the latest war in Gaza, such as the Board of Inquiry, which was formed by the United Nations Secretary-General, the Independent Commission of Inquiry into Gaza, which was formed by the League of Arab States, and the reports of the Committee of the Red Cross, Amnesty International and Human Rights Watch. And before the recent war in Gaza, there were a series of international reports and inquiries that revealed the atrocities committed by Israel, the occupying Power, in the Occupied Palestinian Territory, including the United Nations Fact Finding Mission on the Massacre of Jenin led by Martti Ahtisaari and the report of Archbishop Desmond Tutu on the massacre of Beit Hanoun, but the lack of implementation of the recommendations of those reports by the international community and the immunity continually granted to Israel have contributed to the ongoing culture of impunity of the successive Israeli Governments, have reinforced a sense of Israel as being above the law, and have encouraged it to continue to commit its crimes.

In this regard, we wonder about the fate of the report of the Board of Inquiry established by the Secretary-General, of which only the executive summary has been published. That Board of Inquiry recommended that an independent investigation be conducted, and stressed that the Israeli armed forces had directly and deliberately carried out strikes against the United Nations headquarters, which killed and wounded refugees who fled to those headquarters, in breach of the immunity granted to the Organization and its staff under the relevant international conventions.

The United Nations bodies, including the General Assembly and the Security Council, must take serious action to follow up the recommendations of the United Nations Fact-Finding Mission in Gaza and the other reports that we have mentioned, and must shoulder their responsibility with regard to the alarming actions and crimes that constitute a blatant threat to international peace and security. To neglect the Goldstone Report will send the wrong message in the wrong direction, especially given the magnitude of the crimes uncovered by the report and the legitimacy derived from the mandate given to it by the Human Rights Council.

The Israeli Government has accused the Goldstone report of being biased -- as it has before accused many reports and even the resolutions of the international legitimacy itself -- but the Fact-Finding Mission did not limited itself to violations by the Israeli side. It has also considered the allegations against the Palestinian side. Yet, the Mission did not find any evidence to support the Israeli Government's claims that the Palestinian groups had used hospitals, schools and mosques as bases for military activity. Those facilities were in fact used as safe havens. Now, at the time that we reaffirm the need for all parties to adhere to international law, we do believe that it is great injustice against the Palestinian people, which lingers under occupation and is deprived of heavy or modern weapons, to compare its legitimate self-defense with the aggression and crimes committed by the occupying power through the use of an excessive military force and internationally banned weapons. Accordingly, we emphasize the absence of any symmetry whatsoever between both parties. The right to struggle for liberation from foreign occupation can not be equated with military aggression by occupying forces.

Mr. President,

Although the theme of today's meeting is war crimes, crimes against humanity and violations of international law committed by Israel in the latest military aggression on Gaza, Israeli violations of international law and international norms are still ongoing against the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, as the unjust siege imposed on Gaza is considered a policy of collective punishment aimed at isolating the Gaza Strip, and starving and terrorizing its inhabitants .

In East Jerusalem too, the provocative and illegal acts committed, permitted or protected by the Israeli government are a continuation of the clear breach of international law. Therefore, there must be an immediate cessation of all settlement activities, even the so-called natural growth. An end must be put to the acts of terrorism committed by extremist settlers in the courtyard of the Haram al-Sharif and against the unarmed Palestinians, or those committed by the Israeli authorities, such as the closure and siege of Al-Aqsa Mosque, preventing access of worshipers to prayer, and the threat of use of force.

We strongly condemn the Israeli actions aimed at changing the demographic composition of the Holy City, the capital of the Palestinian State, encroaching on its geographical nature, characteristics and legal status, and imposing its fate illegally and unilaterally. We consider these attempts to be null and void, as confirmed by the relevant United Nations resolutions.

Mr. President,

Contrary to what some claim, to hold Israel accountable for violations of international law does not create obstacles to the resumption of the peace process. On the contrary, turning a blind eye to those crimes, to the deepening humanitarian crisis which resulted from the military aggression, to the blockade imposed on the Gaza Strip, to the continued Israeli settlement policies, and to the recent escalation in East Jerusalem constitutes the biggest impediment to the tireless efforts exerted by the Quartet, the countries of the region and other interested parties, and is the greatest threat to the prospects of achieving a just, lasting and comprehensive peace in the Middle East. The failure of Israel to comprehend the culture of dialogue and peace sets it apart from the conduct of the civilized world.

Finally, Mr. President,

The draft resolution that is before the General Assembly would endorse the report of the Human Rights Council and request the Secretary-General to transmit the Goldstone report to the Security Council in line with the recommendations of the report. The State of Qatar has joined the sponsors of the draft resolution in accordance with our policy that is in line with the principles and objectives of the U.N. Charter. The adoption of the draft resolution would be the first step towards ending impunity, achieving justice for the victims, and upholding criminal justice, which is not subject to statutes of limitations, and for which the international community remains responsible. Moreover, it would help create the appropriate atmosphere to revive the peace process in the Middle East.

Thank you.