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**STATEMENT BY**

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PERMANENT REPRESENTATIVE  
OF SOUTH AFRICA TO THE UNITED NATIONS**

**ON  
THE REPORT OF THE HUMAN RIGHTS COUNCIL  
TO THE 64<sup>TH</sup> SESSION OF THE GENERAL ASSEMBLY**

**NEW YORK  
4 NOVEMBER 2009**

*Please Check against Delivery*

Mr. President

The South African delegation welcomes the opportunity to participate in the meeting of the General Assembly and to share our views on the report of the United Nations Fact Finding Mission to the occupied Gaza Strip.

At the outset, we wish to commend the distinguished members of Fact Finding Mission team, Justice Richard Goldstone, Professor Christine Chinkin, Ms Hina Jilani, and Colonel Desmond Travers, who in spite of all odds, and under difficult circumstances, undertook the mission to Gaza, as mandated by the Human Rights Council. We commend them on their insistence that the mandate be impartial, objective and called for investigations of all violations regardless of the perpetrators. We believe this enhanced the credibility of the mandate and the resulting report.

My delegation also acknowledges with appreciation, the outstanding manner in which they discharged their responsibility and the commitment and courage they have shown to promoting and protecting human rights in the affected region and to upholding the rule of law.

We regret that despite numerous approaches, no cooperation was afforded to the Mission by the Government of Israel, including an implicit refusal to give the Mission access to Gaza, West Bank and to Southern Israel.

Mr. President,

It is the clear understanding of the South African Government that this was a Fact Finding Mission and not a judicial enquiry and we unequivocally endorse all the recommendations contained therein. The South African Government reiterates its full confidence in Justice Goldstone, recalling the prominent role that he played in our country's transition to democracy and the integrity he has shown when working on many international issues, including the International Criminal Tribunals for the former Yugoslavia and Rwanda.

We condemn in the strongest possible terms, the acts of sheer aggression, as well as the gross and systematic violations of human rights carried out by the Israeli Defence Force during their incursion into occupied Gaza in the latter part of December 2008, and earlier this year.

In an act of utter disregard of its obligations in terms of international humanitarian law and international human rights law, the Israeli Defence force launched direct attacks against civilians with lethal consequences. They used human shields, in violation of an earlier ruling by the Israeli Supreme Court outlawing such conduct. They attacked the UNRWA school facilities, destroyed the only remaining flour producing factory, bulldozed huge tracts of agricultural land, bombed some two hundred industrial facilities and destroyed Palestinian infrastructure. All of these atrocities, led to the massive loss of innocent lives, the displacement of thousands of Palestinians, unacceptable and unnecessary human suffering, as well as environmental damage.

Mr President,

The current situation in the Middle East should be understood in the context of the ongoing Israeli military occupation of the Palestinian Territory and other Arab Territories, which dates back to 1967, and the associated denial to the right to self-determination of the Palestinian people. Israel's track-record of disregarding international law, and the failure of the United Nations Security Council to take any meaningful action in response, is the key contributing factor to the lack of progress in the peace process.

In this regard, the South African Government strongly believes that the full implementation of this report and its recommendations is crucial to addressing the pernicious acts of impunity and will contribute greatly towards ensuring accountability.

We call upon the Government of Israel to fully comply with the recommendations contained in the report, including requiring Israel to set up an independent, credible body to carry out the investigations and prosecutions to address the violations of international humanitarian and international human rights law, failing which, the Security Council should take up the matter, including referring the situation to the ICC Prosecutor.

We also call upon the Security Council to accept the report and adopt its recommendations. The Security Council would be mistaken if it presumes that this important report, which analysed dozens of incidents, interviewed hundreds of people and reviewed thousands of documents, can be treated lightly.

For this reason, we call upon the Security Council to discharge its Charter mandated responsibilities with respect to the situation in the Middle East, including the Palestinian Question.

Mr President,

My delegation is encouraged by the commitment of the Palestinians to address the violations of international humanitarian and international human rights law and we welcome their undertaking to comply with the recommendation in the report, including the setting up of an independent credible body to carry out investigations towards ensuring accountability and justice.

Mr President,

The International Community stands at a poignant moment in history, and is being called upon to act decisively to address the longstanding gross and systematic human rights violations of the Palestinian people, by adopting the recommendations of the UN Fact Finding Mission to the Gaza Strip, and ensuring the implementation of thereof.

This course of action will ensure that the International Community's efforts to combat impunity are reinforced, that the protection regime of the international human rights law is strengthened, and that confidence in the international community, particularly by the affected communities, is restored.

Mr President,

South Africa has consistently demonstrated our unwavering support for the rights of the Palestinian people to a viable state of their own. We believe that a vision of peaceful coexistence between Israelis and Palestinians, based on the creation of a Palestinian State, coexisting peacefully alongside Israel on the basis of the 1967 borders, with East Jerusalem as its Capital is the only sustainable solution to the conflict.

Accordingly, it is our conviction that the faithful implementation of the recommendations contained in the Fact Finding Mission report, would contribute immensely to the quest for peace in Israel and Palestine, as well as to the promotion of stability and development in the region.

I thank you.