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BY RECORDED VOTE, GENERAL ASSEMBLY URGES ISRAEL, PALESTINIANS TO CONDUCT

CREDIBLE, INDEPENDENT INVESTIGATIONS INTO ALLEGED WAR CRIMES IN GAZA

Assembly also Considers Report on Fifty-Second Session of Commission On Narcotic Drugs, Hears Address by Head of UN Office on Drugs and Crime

The United Nations General Assembly today, by a recorded vote of 114 in favour to 18 against, with 44 abstentions, adopted a [resolution](#) giving Israel and the Palestinians three months to undertake "independent, credible investigations" into serious violations of international humanitarian and human rights law committed during the conflict in Gaza that broke in late December 2008. (For vote details, see Annex.)

By its decision, the 192-member Assembly endorsed the report of the world body's Geneva-based Human Rights Council on its twelfth special session, which had considered, on 15 and 16 October 2009, the output of the United Nations Fact Finding Mission on the Gaza Conflict. That Mission was led by renowned South African Jurist Richard Goldstone, and its report, widely known as the "Goldstone Report", concluded that both Israel and Hamas had committed possible war crimes during the conflict.

The Assembly requested Secretary-General Ban Ki-moon to send the Goldstone Report to the Security Council. It further recommended that the Swiss Government, as depositary of the Geneva Convention relating to the Protection of Civilian Persons in Time of War, take steps to convene "as soon as possible" a Conference of High Contracting Parties to the Fourth Geneva Convention, on measures to enforce that Convention in the Occupied Palestinian Territory, including East Jerusalem.

Finally, the text, drafted by Arab League and Non-Aligned Movement delegations, asked the Secretary-General to report back within three months on the implementation of the resolution, with a view to considering further action by relevant United Nations bodies, including the Security Council. In doing so, they decided to remain "seized" of the issue.

"Tonight is a very important night in the history of the General Assembly; in the history of fighting impunity and seeking accountability", the Permanent Observer for Palestine said after the vote. He thanked the Assembly for its consideration of the Goldstone Report, and to those States that had submitted, co-sponsored and voted in favour of today's resolution.

"This journey of fighting impunity is a long one," he said, adding that, in light of the Assembly's request that the Secretary-General send the Goldstone Report to the Security Council, he would keep knocking on the Council's door to ensure that body shouldered its responsibility. His delegation was preparing for the Conference of High Contracting Parties and would work closely with the High Commissioner on Human Rights to address the issue of compensation and establishment of a compensation fund. "International law is on our side," he said.

Speaking before the vote, Israel's delegate said the text disregarded Israel's inherent right to defend its citizens and provided yet another pretext to bash Israel at the United Nations. Israel had been conducting credible and thorough investigations, irrespective of any United Nations report.

He said today's resolution mocked the reality faced by democratic States, like Israel, that confronted terrorist threats. It endorsed a one-sided, prejudiced report of a discredited Human Rights Council. He also demanded to know who would conduct a Palestinian side of the investigation – the Palestinian Authority that was "ousted from power in Gaza", or Hamas, which had violently seized control of the Strip. All that being the case, he said Israel would vote against the resolution, and he urged others to do the same.

Also speaking before the vote, the representative of the United States said he had real concerns about the resolution and would vote against it. The text's move to press the Security Council to consider the Report was unconstructive, as the Council was already seized of the situation in the Middle East and held monthly meetings on the topic, the only subject discussed with such frequency. The appropriate discussion forum for the Report was the Human Rights Council.

The request for the meeting of the high contracting parties was also unnecessary, he said. Convening a conference for the purpose of spotlighting one issue could heighten division and set back the talks. The failure to mention Hamas by name was another example of an unbalanced handling of Arab-Israeli issues.

Explaining his abstention after the vote, New Zealand's representative said his delegation would have preferred the issue to have been considered by the Human Rights Council, as originally agreed. He also objected to the continued bias against Israel in that Council's handling of the matter.

In a similar vein, Costa Rica's delegate said the upshot of the resolution might create another process that would repeat, year after year, and lead nowhere. Was that the way to combat impunity? Such behaviour was an attempt to use instruments and institutions that deserved more respect. He could not agree with the voting, which was why he had abstained.

In a separate meeting earlier in the day, the Assembly focused its attention to international drug control, debating the results of the high-level segment of the fifty-second session of the Commission on Narcotic Drugs, held in Vienna, Austria, from 16 to 20 March.

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The following representatives addressed the Assembly in the afternoon on the report of the Human Rights Council: Bangladesh, Saudi Arabia, Iceland, Mexico, Mauritania, Malaysia, Pakistan, Maldives and Venezuela.

The Observer from the League of Arab States also spoke on that issue.

Speaking in explanation of vote on the resolution were the representatives of Argentina, Philippines, Albania, Norway, Russian Federation, Syria, Mexico, Chile, Guatemala, Malaysia, Australia, Canada, Netherlands, Brazil, Colombia, Iran, India, Switzerland, Liechtenstein, Panama, Paraguay, Benin and Ireland.

The Assembly will reconvene at 10 a.m. Monday, 9 November, to discuss the situation in Afghanistan and prevention of armed conflict.

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Statements on the Report of the Human Rights Council

A.K ABDUL MOMEN (Bangladesh) said that, despite continuous efforts to find a peaceful solution to the protracted Middle East crisis, such a prospect remained far off. Aligning his country with statements delivered by Egypt on behalf of the Non-Aligned Movement and Syria on behalf of the Organization of Islamic Conference, he praised the Fact Finding Mission for its comprehensive and objective report on allegations of violence committed by Israel against the Palestinian people. He believed that that would put an end to impunity for violations of international law. He then endorsed and praised the Goldstone Report for its objectivity and fairness.

The Report had shown that Israel had committed serious crimes that were tantamount to war crimes and crimes against humanity by using disproportionate force and causing unspeakable infrastructural damage and human deaths, he said. Israel had indiscriminately targeted Gaza's civilian and military population. He cautioned that if the Report's findings were ignored, that would be a step back in the promotion of human rights, which would make a mockery of shunning others for human rights violations. In order for "an immoral and repugnant impunity" to come to an end, there would have to be a serious follow-up to the Goldstone Report. Expressing his deep concern over the precarious humanitarian situation, he urged Israel to lift its embargo on Palestinians and for the free flow of goods, persons and humanitarian aid.

To ensure a lasting settlement, it was crucial to address the root causes of Israel's occupation of Arab Territories. A long-lasting solution would be for Israel to withdraw from all Occupied Territories and for a Palestinian State to coexist alongside Israel. Some of the best ways to strike a bi-State peace deal were the Road Map and the Arab Peace Initiative, he said. Furthermore, only negotiations could ensure a lasting peace in the Middle East. Israel's culture of impunity had lasted far too long and its lack of accountability for war crimes had reached a crisis point, while on going injustice was fomenting further violence, he lamented. He ended by saying that "experience had taught us that overlooking justice only leads to increased conflict and violence".

KHALID A. ALNAFISEE (Saudi Arabia), supporting statements made earlier on behalf of the Non-Aligned Movement, the Arab Group and the "Group of 77" developing countries and China, said the "clear and transparent" Goldstone Report had called for action by the General Assembly. Indeed, that Report proved that Israel had committed war crimes and crimes against humanity during its war against Gaza, which had killed some 1,400 Palestinians, most of whom were civilians. Israel had also committed acts of aggression against United Nations facilities and inhuman attacks against those who had sought refuge in those facilities from Israeli bombs.

Saudi Arabia supported the Mission's findings and condemned human rights violations committed in Gaza and the occupied territories, he said. The Report was fair in its account of the destruction resulting from Israeli aggression, notably in its stance on the importance of making victims' faces seen and voices heard. He reaffirmed the finding that the culture of immunity in the region had continued longer than it should, and reiterated that Judge Goldstone aimed to enforce a culture of accountability. The global community had a duty to achieve justice, as no country or organization should be above the law.

The Arab world, including the state of Palestine, had exerted all efforts to reach a permanent peace, he continued. The Arab Peace Initiative – a complete offer to end the conflict with Israel – was still on the table. It was completely in sync with the peace process and embodied Arab commitments for peace as a strategic option, in accordance with the United Nations Charter. Peace would not be achieved while Israel continued to commit massacres against Palestinians and conduct bilateral or multilateral talks that led nowhere.

Further, he said Israel's unilateral measures contravened international law and relevant Security Council resolutions. Its daily humiliation of Palestinians and continued building of settlements and the separation wall were illegal. Deeply concerned at the ongoing blockade of Gaza, he said

Israel's blockade on East Jerusalem had prevented people from using their homes and houses of worship. Further, Israel's acts against Islamic sites and "naked aggression" against Al-Aqsa Mosque in particular, had an immediate and dangerous effect on international peace and security. Given that, he called for standing united and ending such crimes.

GUNNAR PÁLSSON (Iceland) said the Fact Finding Mission's Report deserved serious consideration and follow-up, and its conclusions required concrete action, including the creation of a credible system of investigation into the alleged violations. Iceland fully recognized Israel's legitimate security concerns, including weapons smuggling and the unacceptable firing of rockets from Gaza, which destroyed and endangered the lives of innocent civilians. At the same time, such violations did not justify the disproportionate use of force or the breaching of international humanitarian and human rights laws.

The conflict continued to threaten stability far beyond the region, and the situation in the Occupied Palestinian Territory was of grave concern. The people in Gaza faced restricted movements, import and export restrictions and a worsening economic situation. Iceland also was very concerned with the sustained closure regime in the West Bank and the evictions in East Jerusalem, he said.

In line with the Report, Iceland urged both the Israeli and Palestinian parties to launch independent investigations, in accordance with international standards, into the allegations of serious violations of international human rights and humanitarian law. He supported the requests for the High Commissioner for Human Rights to report to the next session of the Human Rights Council on the situation in the Occupied Palestinian Territory and for the United Nations Secretary-General to report to the Assembly on additional developments.

CLAUDE HELLER (Mexico) said the Goldstone Report deserved the Assembly's full attention, notably because international law should be upheld in each and every circumstance. Its recommendations should be taken into consideration by all sides to the Gaza conflict, as they had been part of an impartial inquiry on charges of serious violations of international humanitarian and human rights law. The Report sought to adopt a balanced approach.

Civilians on both sides deserved to know that such actions would not remain unpunished. Justice should always go hand-in-hand with attempts to find peace. Further, accountability and the combat of impunity were essential to finding any solution to the conflict. The Report's main conclusion was that Israelis and Palestinians should establish inquiry mechanisms, to shed light on the charges at hand.

As such, he urged that actions were investigated and, if need be, punished. As any democratic State, Israel had the resources and legal means to act in conformity with its international obligations. While Mexico recognized States' legitimate right to self-defence, in line with Article 51 of the United Nations Charter, that right, in no circumstance, exempted parties to a conflict from fulfilling their obligations vis-à-vis international humanitarian law.

On the Palestinian side, Mexico considered Palestinian factions as non-State entities, and he urged that innovative mechanisms be put in place for an institutional approach that guaranteed trust and accountability. Inquiries should begin as soon as possible to create such conditions conducive to "turning the page" on a tragic chapter of Middle East history. The Report cautioned against putting off renewed negotiations or making them contingent on preconditions. He urged the creation of a Palestinian State that was economically and politically viable, living alongside Israel in peace with secure and recognized borders.

ABDERRAHIM OULD HADRAMI (Mauritania) said the international community should organize an investigation into the suffering of the Palestinian people over the past 60 years. The Report showed the terrible acts that had taken place. The act of aggression by the Israelis had taken place at 11 a.m. in Gaza and the targets were children going to school. The Israeli army had killed Palestinian civilians and destroyed United Nations premises. The embargo had had a negative impact on Gaza. In June of this year, the results of the catastrophic consequences of the war could still be seen. International assistance was not reaching civilians and this was important as winter was going to start.

There needed to be more political resolve. There was a lack of impunity. Over the past 60 years, the Palestinian people were suffering from a lack of justice and unfair treatment. Israel had to accept the Arab Peace Initiative, he said. He called upon all United Nations bodies, including the Security Council, to take the necessary measures to implement these recommendations, promote justice and punish the perpetrators of the crime. He called on the Assembly to adopt the draft resolution and he supported this resolution as a vehicle to promote peace.

HAMIDON ALI (Malaysia), aligning himself with statements made on behalf of the Non-Aligned Movement and the Organization of the Islamic Conference said the Goldstone Report clearly showed the brutality of Israel's Operation Cast Lead, unleashed in Gaza for more than three weeks. The Report made "grim reading", as it had pointed out that Israel's military operation fit into a continuum of policies based on or resulting in violations of international human rights and humanitarian law. Operation Cast Lead was different from previous military actions in the Occupied Palestinian Territory, due to its unprecedented severity and long-lasting consequences. Such actions, premised on a deliberate policy of disproportionate force, aimed not at a specific enemy but at the "supporting infrastructure", meaning the civilian population in Gaza. The operation had been carefully planned and executed, meaning that all killings must have been conducted in cold blood.

Despite the gruesome situation, Malaysia had been struck by the courage of Palestinians, he said, noting that the "assiduous" work of Palestinian non-governmental and civil society organizations, which provided support to people in extreme circumstances and gave voice to the suffering, deserved to be acknowledged. Also, Malaysia had noted with interest the dissenting voices in Israel against the operation, which understood that Israel could not "purchase" peace and security with the blood of suffering Palestinians. The global community had failed to act to ensure the protection of civilians in Gaza and the Occupied Palestinian Territory. The Report offered two options: take action to achieve peace for Palestinians or allow illegal Israeli actions to go unpunished. Malaysia had chosen the former and urged all States to implement the Report's recommendations.

AMJAD HUSSAIN B. SIAL (Pakistan) said the current Assembly session had three significant points, one being that it should actively and constructively consider the Goldstone Report in terms of the implication of its recommendation and follow-up action. Secondly, pursuant to the request by the Human Rights Council, the United Nations Secretary-General should keep the Assembly informed on the subject. Thirdly, the session gave the Assembly the opportunity to back the international community's growing concern about the stalled Middle East peace process. Pakistan believed that the Assembly's meaningful deliberation on the issue would help revive the peace process.

Pakistan viewed the Goldstone Report as an opportunity for the international community to address the suffering of the Palestinian people and for Israel to rectify its past actions and policies. He repeated the message Pakistan made at last month's Security Council debate: that the Council and the Middle East Quartet had to use their full potential to support the peace process through a transparent and objective engagement. He hoped that the Goldstone Report would strengthen the initiative for peace in the region and the Assembly would use the important document for this purpose, he said.

ABDUL GHAFOOR MOHAMED (Maldives) regretted that Israel had decided not to cooperate with the Fact Finding Mission in the compilation of its Report. As a firm believer in the principles of the United Nations Charter, the Maldives was disheartened by the continued suffering of the Palestinians, who had been denied their basic rights to self-determination and to a life of peace and freedom in their own State. His Government also supported Israelis' inalienable right to live in peace and security, alongside a sovereign State of Palestine. Civilian protection was among the most sacred obligations of parties to a conflict, and the onus rested with the global community to uphold legal standards and norms.

For any hope of peace in the Middle East, it was crucial that accountability be established over the human rights violations highlighted in the Report, he said. It was also essential that the Security Council monitor the investigations into and prosecutions of such crimes. The Maldives strongly believed that a negotiated outcome, based on relevant Security Council resolutions was the only way to ensure long-term peace and security, and thus, called for a final, just and comprehensive settlement, which envisioned two States living side by side in peace within secure and recognized borders. To that end, he supported United States efforts to revive peace talks between the two parties.

JORGE VALERO (Venezuela) said Israel must be brought to justice for crimes against Palestinians, and those responsible for the “operation of terror” — Cast Lead — and criminal blockade in Gaza must not go unpunished. Venezuela supported the request to hold the twelfth special session of the Human Rights Council, which had adopted the resolution on the human rights situation in the Occupied Palestinian Territory, including in East Jerusalem. The Fact Finding Mission’s Report and the Council’s 16 October resolution were worthy of recognition. The Report should be commended for creating a guarantee fund to compensate Palestinian victims of Israel’s criminal acts, with the understanding that funding should come entirely from that country.

Moreover, the Report urged the review of issues that the Security Council could not or did not wish to resolve, he said. The complicit tolerance by some Council members to systematic crimes by Israel was alarming. Venezuela was concerned that some members, in exercising their veto, could block efforts to prosecute Israelis. The United States provision of financial and military resources to Israel only endorsed Israel’s “genocide” of Palestinians. Those responsible for such “genocide” should be punished for their crimes.

Finally, he said Israel’s policies violated Palestinians’ right to self-determination, international law and any peace initiative that would lead to the creation of an independent Palestinian State. Recalling the Venezuelan President’s suspension of diplomatic relations with Israel, he said the Government was not willing to resume them until the harassment of Palestinians stopped. Israel’s impunity was the greatest obstacle to peace and resolution of one of the most critical conflicts on the global agenda. With that, he reaffirmed total support to Palestinians in their right to self-determination, and expressed hope that the resolution adopted would reflect the expectations of Palestinians who demanded punishment for the perpetrators of war crimes against them. Israel should be taken without delay to the International Criminal Court.

YAHYA A. MAHMASSANI, Permanent Observer for the League of Arab States, said the serious nature of Israel’s military campaign in Gaza and its deprivation had prompted the international community to dispatch a fact-finding mission on alleged crimes through Justice Goldstone. The conclusions of his report were identical to those found by the League of Arab States. The Goldstone Report had reached legal conclusions to the effect that Israel had purposefully killed Palestinians and used them as human shields. Israel’s actions ran counter to the United Nations Charter and it still continued to act as though it were above the law. The time had come for the global community to put an end to Israel’s impunity, he said. It was also time for perpetrators of international humanitarian and human rights violations to be brought to justice. The Report intended to save justice and to hold those responsible for war crimes accountable.

Peace did not run counter to the rights of the Palestinian people, he said, urging all Member States to vote for the resolution (document A/64/L/11) for the sake of accountability and justice. He also raised concerns over a grave humanitarian crisis due to Israel’s ongoing blockade on Gaza, calling for that to be lifted. Israel had continued to turn the Occupied Territories into Jewish settlements, with attempts to demolish buildings and to target holy sites such as mosques, in its quest to deface the Islamic characteristics of Jerusalem. The desecration and floundering of religious sites had to come to an end. He said Israel’s occupation of the Territories had been the root cause of suffering and instability throughout the region. All peace efforts had failed due to Israel’s intransigence and its continued illegal occupation of Palestinian Territories.

Israel’s delegate, speaking on a point of order before action on the draft resolution on follow-up to the Report of the United Nations Fact Finding Mission on the Gaza Conflict (document A/64/L.11), asked for clarification on operative paragraph 4 of the draft resolution. He wondered who would be accountable on the “Palestinian side”. Who would be responsible for undertaking investigations that were independent, credible and that conformed to international standards: the Palestinian Authority, or Hamas, a terrorist entity? Israel asked the co-sponsors to clarify that critical aspect.

Egypt’s representative, speaking on behalf of the Arab Group and Non-Aligned Movement, said first that the General Assembly President had stated that the draft would be adopted as orally amended. No amendments would be made to the resolution. Second, on operative paragraph 4, he said the Palestinian Authority would conduct its own investigation, in conformity with international standards. Hamas, which might be considered by Israel as a terrorist entity, was considered a legitimate representative of Palestinians. Hamas had expressed interest in prosecuting those responsible for the crimes. He wished to hear the same from Israel.

Israel’s delegate said he would respond to that request in his explanation of vote before the vote.

Action on Draft Resolution

Speaking in explanation before the vote on the draft resolution on Follow-up to the Report of the United Nations Fact Finding Mission on the Gaza Conflict (document A/64/L.11), the representative of the United States said he was deeply concerned by the suffering of the Palestinian and Israeli peoples. The best way to achieve a comprehensive peace in the region was two States, Palestine and Israel, living side by side. The United States was fully committed to that goal. He urged the parties to begin talks.

The United States supported accountability for human rights in the Gaza Conflict in a way that respected internal processes. He said the United States believed the Goldstone Report was deeply flawed and had an unbalanced focus on Israel. It did not give appropriate responsibility to Hamas for going into heavily populated areas.

The United States had real concerns about this resolution. With the far-reaching recommendations and findings, it had serious implications and it was not appropriate to endorse the Report in its entirety. The resolution’s move to press the Security Council to consider the Report was unconstructive, he said. The Council was already seized of the situation in the Middle East and held monthly meetings on the topic, the only subject discussed with such frequency. The appropriate discussion for this report was the Human Rights Council.

The request for the meeting of the high contracting parties was also unnecessary and unproductive. Convening a conference for the purpose of spotlighting one issue could heighten division and could set back the talks. This and the failure to mention Hamas by name was another example of handling Arab-Israeli issues in an unbalanced manner. The United States would vote against the measure.

Explaining his vote before the vote, Israel’s delegate said that two days after the revelation of Hamas’ newly improved Iranian-made rockets, and one day after the interception of a ship with rockets destined for Israeli population centres, he had just complained to the Security Council. Today’s draft resolution mocked the reality faced by democratic States like Israel that confronted terrorist threats. It endorsed a one-sided, prejudiced report of the discredited Human Rights Council.

Further, he said, the text disregarded Israel's inherent right to defend its citizens and demonstrated yet another pretext to bash Israel at the United Nations. It tried to export from Geneva to New York a campaign of de-legitimization. Israel had been conducting credible and thorough investigations, irrespective of any United Nations report. The Fact Finding Mission's Report tried to draw an equivalence between Israel and those who tried to target Israeli civilians, or alternatively, those who were absent from Gaza at that point.

Operative paragraph 4 referred to a "Palestinian side", yet, while he had received a clarification on that matter, he asked the Assembly again who that side was? The Palestinian Authority, which had been ousted from power in the Gaza Strip, or Hamas, that had violently seized control of Gaza and rejected a peaceful solution to the conflict? For such reasons, Israel had called for a recorded vote and would vote no on the draft. He urged others to do the same.

By a recorded vote of 114 in favour to 18 against, with 44 abstentions, the General Assembly then adopted the resolution on the Follow-up to the Report of the United Nations Fact Finding Mission on the Gaza Conflict (document A/64/L.11). (For details of the vote, see Annex.)

Speaking in explanation of vote after the vote, Argentina's delegate recognized Palestinians' right to self-determination and Israel's right to live in peace with its neighbours within secure and recognized borders. He wished to see a viable peace process move forward in the Middle East. A positive element of the resolution was its appeal to all sides to investigate allegations and violations of human rights and international humanitarian law. Generally speaking, Argentina shared the conclusions of the Report, the Fact Finding Mission and the first periodic Report of the United Nations High Commissioner for Human Rights. The Report's recommendations required a level-headed analysis, given the complexity of implementing some of them.

Next, the representative of the Philippines said the country had always believed in the promotion and protection of human rights. It was a crucial element for creating a just and lasting peace in the region. The Philippines welcomed the Report. In the highest interest of justice, the Report must be studied appropriately by the acting parties in their respective mandates.

The representative of Albania voted in favour of the resolution in the hope that it would bring the international community to fulfil justice for those who lost their lives in the event. The resolution just adopted was not a condemnation of anyone. Albania hoped that the event not repeat itself. It was vital to respect each other.

Also speaking in explanation of vote after the vote was the representative of Norway, who said that what was at stake was restoring humanitarian law and the fundamental principles of the United Nations. The Security Council and the Human Rights Council should be mandated to secure investigations. Norway had presented a limited proposal in the hope that it would gain widespread support. It regretted that its main sponsors had not taken that on board. Politicizing the Middle East issue was not in the interest of the victims on whose behalf Member States claimed to be speaking. That was why it had chosen not to vote in favour of the text.

Next, the representative of the Russian Federation said his delegation had abstained in the vote. The main topic of discussion was the Fact Finding Mission on human rights violations during winter 2009 as headed by Richard Goldstone. It contained parts that the Russian Federation could not agree with as they required further work. The Russian Federation had played a crucial role in ensuring that the resolution was political in nature but had not sought to carry on discussing it in the Security Council. That resolution was subsequently withdrawn and replaced with a new text that did not include the Russian Federation's amendment. The Russian Federation continued to be guided by legal frameworks for a solution to the Middle East Crisis including the Arab Peace Initiative and the Road Map and relevant United Nations resolutions. There was a need to continue the collective work that the United Nations had initiated in the context of a comprehensive settlement.

Also speaking in explanation of vote after the vote, Syria's representative said that his delegation had voted in favour of the resolution to hold Israel accountable for the crimes committed in Gaza. The resolution gave some justice to the Palestinian people, although it did not meet the minimum expectations. He gave thanks to the Assembly President for quickly responding to the resolution of the Human Rights Council and giving the international community the opportunity to condemn the war crimes and crimes of genocide perpetrated by Israel.

Syria would emphasize that the votes of Member States served as a criteria of the credibility of the Organization in regard to its important work. There was no justification for not voting in favour of the modest resolution. By not voting, it would discourage others from sitting with them to discuss matters of humanitarian law. The picture before us was clearer than ever before as a question of humanitarian rights had become tools in the hands of some to exercise pressure and blackmail others. Syria rejected any implicit equation in the resolution between the aggressor and the victim. Israel was the occupying Power. The matter should be taken to the Security Council, and there should be punishment meted out to the Israelis.

Mexico's delegate voted in favour of the resolution because his Government acknowledged the need to conduct credible and independent investigations by all parties involved in the conflict. He reiterated the importance of deterring new violations from occurring. At the same time, Mexico would have preferred different language other than the word "endorses" in reference to the Human Rights Council report, repeated in operative paragraph 1. He urged supporting United Nations efforts to guarantee accountability against violations against human rights and humanitarian law. His vote today was in favour of accountability, rather than all the recommendations contained in the Report.

The delegate of Chile, noting that the Report analysed allegations of human rights violations during Cast Lead Operation, said the principle of proportionality and use of force had been undermined. He supported the establishment of a Palestinian State, Israel's right to live within secure borders, and States' legitimate right to self-defence, as outlined in Article 51 of the United Nations Charter, especially proportionality in international law. He also supported the Human Rights Council resolution. The purpose of the Report's recommendations should be to investigate allegations. Given that, it was most important to uphold international humanitarian law and conduct credible and independent investigations into the events that occurred. He appealed to all parties to comply with their obligations. Chile supported the resolution and emphasized the Human Rights Council's role in monitoring the compliance of the recommendations. With that, he called for ending the incitement of violence.

The representative of Guatemala said his delegation had voted in favour of the resolution and it was a decision it had to consider very carefully. It noted that the Report had certain flaws that its authors had acknowledged themselves. At the same time, the Report condemned both sides. With its vote, Guatemala rejected impunity and supported the creation of a viable Palestinian State side by side with Israel.

Next, the representative of Malaysia said his delegation had voted in favour of the resolution so that Israel should be held accountable for the war crimes it had committed during the Gaza conflict. It would, however, have wanted stronger language.

Australia's representative said his delegation had been deeply saddened by the conflict in the Gaza Strip and Southern Israel and that it regretted how efforts to address the situation since had stalled. Australia had voted against the resolution on the Goldstone Report because of its flawed content. However, that did not undermine the humanitarian welfare of the Palestinian people before, during and after that crisis, which remained unacceptable.

Australia did support a proper investigation of any breach of humanitarian rights and laws. It was crucial for such a serious matter to be dealt with properly. He called on both parties to investigate them and to inform the Member States of their results.

Also speaking in explanation of vote, Canada's speaker said his delegation had voted against the resolution because it was concerned about the imbalanced nature of the Goldstone Report, as it had not called on an investigation by both sides. It had assumed that Israel was wholly culpable. Proceeding with the twelfth special session of the Human Rights Council had not been appropriate, as a solution would have been to negotiate rather than antagonize the parties. Canada still called on all parties to respect their duty under international human rights and humanitarian laws. Noting that Israel had been in the midst of carrying out its own investigation, he called on all sides to be investigated by the relevant parties.

The representative of the Netherlands said he had voted "no" on the resolution. As he had explained three weeks ago, his delegation had difficulty in welcoming the Goldstone Report and endorsing its recommendations without restrictions. He could not now support a resolution that endorsed another one he had voted against a few weeks ago. The Netherlands supported elements in the text calling for independent investigations by the parties, which should indeed pursue inquiries into violations of human rights and international law. The relevant parties must bring to justice those suspected of violations of human rights and international humanitarian law.

Other parts of the resolution were a source of concern, he said. The Council had commissioned the Report and should remain the primary organ to deal with it – certainly not the Security Council. The resolution had also provided three months for investigations into violations. He was puzzled that the United Nations Secretary-General had to also do that in the same three months. The resolution would not be conducive to re-launching the Middle East peace process.

Brazil's delegate had voted in favour of the resolution and she reiterated concern for violations of international humanitarian and human rights law, said to have occurred. The Report represented an important account of crimes allegedly committed and they should be fully investigated. The Report should be primarily implemented by the parties with the full support of the international community. Both sides must commit to transparent and credible investigations, and be given adequate time to do so. The credibility of those investigations should guide any possible involvement of other United Nations bodies. Brazil firmly supported establishing an independent and economically-viable Palestinian State living alongside Israel, which existed in secure and recognized borders.

The representative of Colombia reiterated the need for direct dialogue as the best way to achieve peace. Colombia would continue to lend support to all initiatives. She invited all countries to move forward in a constructive way.

The representative of New Zealand said his delegation had abstained from the vote. It believed in a just and comprehensive solution to achieve peace in the region, and he called on all parties to resume talks. At the same time, there should be no impunity. New Zealand would have preferred that the issue would have been considered by the Human Rights Council, as originally agreed. He objected to the continued bias against Israel in the handling of the issue by the Human Rights Council.

He said it was regrettable that Israel had not presented its version to the Mission. The United Nations mission was a Fact Finding Mission and not a judicial inquiry. The international community should not pass judgment as though it had been. New Zealand could not endorse a resolution that endorsed a Council report on a special session that included a biased one-sided resolution.

Iran's delegate said he had voted in favour of the resolution, but there was an imbalance in placing the occupying Power that had committed crimes in Gaza on equal footing with the Palestinian side. The Report reflected only partial dimensions of the war crimes committed by Israel in Gaza. In response to the baseless allegation made by the regime that occupied the Palestinian territories, he said that regime tried to distort facts and raise irrelevant issues to evade the important dilemma it faced: the lack of legitimacy, which emanated from more than 60 years of occupying lands.

Also speaking in explanation of vote, India's delegate recalled his country's deep association with Palestinians and said his delegation had voted for the resolution. The Report recommended that both sides should undertake independent, credible investigations. India's vote, however, should not be construed so as to endorse a reference to the International Criminal Court and the Security Council.

Costa Rica's delegate said peace could only be reached through respect for international humanitarian and human rights law. Accountability and combating impunity were essential to bolstering those laws. His Government believed certain crimes obliged the global community to take action, in line with international standards. As a member of the International Criminal Court, his Government had stated that many times it was impossible to combat impunity if such bodies were manipulated and used for political purposes. Such manipulation would only weaken international institutions. Investigations should be conducted in a reasonable amount of time and lead to credible results. Justice Goldstone's background was worthy of respect and his Report was objective, despite a lack of cooperation on the part of one of the sides. That could explain some of its limitations.

He said there was no continuity between the recommendations in the Goldstone Report and the operative paragraphs of the resolution. Costa Rica would have liked to have seen a reference in the resolution to a follow-up mechanism. The outcome of the resolution might be another process that would be repeated year after year that would lead nowhere. Was that the way to combat impunity? Such behaviour was an attempt to use instruments and institutions that deserved more respect. Impunity was not a cause that Costa Rica could support. He could not agree with the voting, which was why he had abstained.

Next, the representative of Switzerland said he was in favour of the resolution for four main reasons. First, the nature of the conclusions required monitoring by the international community; second, combating impunity was a crucial precondition for sustainable peace; third, the resolution called for both parties to carry out a balanced investigation, putting them at the fore of such measures; and finally, it had called for actions to convene high contracting parties to the Geneva Conventions.

The representative of Liechtenstein said his country supported the main thrust of the resolution. Nonetheless, the Human Rights Council's manner of dealing with the Report had been disappointing. That was why his delegation had abstained in the vote.

Panama's representative said the current resolution urged both parties to conduct independent, credible investigations on alleged crimes within three months. It supported all multilateral efforts for durable peace in the Middle East. It wanted to echo a global consensus to renew the peace process, with two States and secure borders. Panama was concerned over the resolution's language of objectivity. He said it was crucial for perpetrators to be held accountable, but not within the backdrop of a resolution that prejudged an investigation process. That was why it had voted against the resolution.

The representative of Paraguay rejected and condemned all violations of humanitarian and human rights laws, adding that all those who violated laws had to be treated equally. He said Paraguay was committed to protecting civilians as a priority and as a moral imperative. His delegation valued Richard Goldstone's work, which it endorsed as a serious document that had uncovered violations. Still, he cautioned that the Report required a

careful study. Its recommendations had to include level-headed analysis. Both sides must carry out an investigation. He appealed to the General Assembly not to politicize the matter in order to avoid further conflict. He urged all parties to carry out their own investigation.

The representative of Benin said his delegation's vote reflected its ongoing foreign policy and was not directed against any country. No country should forget its obligation to ensure the protection of human rights and protect civilians. Benin considered that the Geneva Conventions should prevail in all conflict situations and these provisions had been violated in Gaza. There should be in-depth investigations to find the violators of human rights in order to curb the spiral of violence. Both sides should begin peace talks in good faith.

The representative of Ireland said his delegation supported the resolution because it supported the Fact Finding Mission and its Report. That Report was a serious contribution to understanding what had taken place in Gaza and southern Israel at the beginning of the year. Ireland supported the efforts so that the tragedy would not be repeated. That did not mean that it supported all the recommendations in the Report. It was not appropriate for the Assembly to be requested to endorse the entirety of the Report at this time. The document was very complex and covered many areas. It had far-reaching implications and time was needed to consider it in order to agree on the best way forward.

The Permanent Observer for Palestine thanked the Assembly for its discussion and consideration of the Goldstone Report. He was also grateful to those who had submitted the draft resolution, co-sponsored it and voted in favour of it. He had interpreted those who had abstained as supportive of the text's essence, and had noted their problems with procedural elements of the text. He would not dignify a response to Israel's question, as the "Palestinian side" had cooperated fully with Justice Goldstone's team; the Israeli side had obstructed its mission. "Our actions speak louder than our articulation, in terms of respecting international law," he said.

Those claiming to be of a democratic State were afraid of exposing themselves to such a distinguished investigation, he said. "Tonight is a very important night in the history of the General Assembly, in the history of fighting impunity and seeking accountability," he said, adding: "We are not done." He congratulated the Assembly on allowing the process to begin. His delegation was preparing for the Conference of High Contracting Parties to the Fourth Geneva Convention, to be convened in Switzerland, a country he thanked for its defence of international law.

His delegation would return to the Assembly after three months and consider the Secretary-General's report, with a view to further action in all parts of the United Nations, including the Security Council. "This journey of fighting impunity is a long one," he said, adding that he was proud that the Assembly had urged the Secretary-General to send the Report of the United Nations Fact Finding Mission on the Gaza Conflict to the Security Council. Indeed, he would continue to knock on the Security Council's door to ensure that body shouldered its responsibility.

In addition, he would work closely with the High Commissioner on Human Rights to address the issue of compensation and establishment of a compensation fund. He would also continue to work with the Red Cross and relevant UN bodies to address the weapons used during the war. The process started today would continue until the Israeli perpetrators were punished. "International law is on our side," he said. He would never accept any symmetry between occupiers and the Palestinian victims.

ANNEX

Vote on Report of Fact Mission on Gaza Conflict

The draft resolution on follow-up to the Report of the United Nations Fact Finding Mission on the Gaza Conflict (document A/64/L.11) was adopted by a recorded vote of 114 in favour to 18 against, with 44 abstentions, as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Cambodia, Central African Republic, Chad, Chile, China, Comoros, Congo, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran, Iraq, Ireland, Jamaica, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Portugal, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovenia, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Switzerland, Syria, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Australia, Canada, Czech Republic, Germany, Hungary, Israel, Italy, Marshall Islands, Micronesia (Federated States of), Nauru, Netherlands, Palau, Panama, Poland, Slovakia, The former Yugoslav Republic of Macedonia, Ukraine, United States.

Abstain: Andorra, Austria, Belgium, Bulgaria, Burkina Faso, Burundi, Cameroon, Colombia, Costa Rica, Croatia, Denmark, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Greece, Iceland, Japan, Kenya, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Monaco, Montenegro, New Zealand, Norway, Papua New Guinea, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Spain, Swaziland, Sweden, Tonga, Uganda, United Kingdom, Uruguay.

Absent: Bhutan, Cape Verde, Côte d'Ivoire, Equatorial Guinea, Honduras, Kiribati, Kyrgyzstan, Madagascar, Rwanda, Saint Kitts and Nevis, Sao Tome and Principe, Seychelles, Togo, Turkmenistan, Tuvalu, Vanuatu.

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