
FACT-FINDING MISSION ON THE ISRAELI ATTACK ON THE FLOTILLA CARRYING HUMANITARIAN ASSISTANCE TO GAZA PRESENTS REPORT TO HUMAN RIGHTS COUNCIL

Council Holds General Debate on the Human Rights Situation in Palestine and Other Occupied Arab Territories
27 September 2010

The United Nations Fact-Finding Mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance this afternoon presented its [report](#) to the Human Rights Council after the Council held its general debate on the human rights situation in Palestine and other occupied Arab territories.

Justice Karl Hudson-Phillips, Chair of the United Nations Fact-Finding Mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance, said the Mission made critical findings of fact which bore repetition. These included that no arms or weapons of an offensive nature were taken on board any of the vessels of the flotilla save for a few catapults. The Israeli soldiers used live ammunition on the passengers of the Mavi Marmara, killing nine and injuring over fifty with live bullets; six of the deceased were the victims of summary executions, two of whom were shot after they were severely injured and could not defend themselves. The treatment on shore was a continuation of the treatment onboard ship after the military had taken control. The Mission considered that the conduct of the Israeli military and other personnel towards the flotilla passengers was disproportionate and excessive and that they demonstrated levels of totally unnecessary violence, and that serious violations of both humanitarian and human rights law occurred during and after this incident.

Speaking as a concerned country Israel said it strongly believed that it could not get a fair hearing in this hall. Its experience was too painful. In the last three months there had been horrific examples of human rights abuses around the world, but this Council kept its eyes and efforts most focused in the direction of one easy target; towards Israel. The Council's dealing with the flotilla was a perfect example of this flawed body's method of dealing with matters related to Israel; a rush to action before even the first facts were known and a mandate that predetermined the responsibility of Israel. Israel strongly believed in its democracy and the high level and independence of its judiciary. How could Israeli officials appear or interact with a foreign investigation while its own commission was hearing testimony? Was there another democracy that could or would agree to such a parallel process? Furthermore, Israel positively answered the call of the Secretary-General to take part in a panel of inquiry.

Also speaking as a concerned country, Palestine said that those attacked by Israel were from 20 different nationalities, many of whom were from Turkey, a very important country in the region and an important friend of Israel, which was playing an important role in achieving peace between Israel and its neighbours. There was not a single missile or a bullet or a lethal tool onboard the ships. The ships carried humanitarian assistance and the activists were a number of well-known individuals who carried important political and humanitarian messages. When Palestine called on Israel to cease using force, it was because it wanted to help Israel; it wanted Israel to use the language of peace and reason because the language of force could not be used to abide by the law. All criminals responsible for this incident must be held accountable, and the victims and their families must be compensated, Palestine said. Israel must apologise to all those who suffered in this incident.

Turkey, also speaking as a concerned country, said that with its resolution 14/1, the Human Rights Council reacted promptly to the Israeli military assault on the flotilla of ships carrying humanitarian assistance to Gaza, giving proof of its capacity to respond to urgent situations. The Mission had further increased the credibility of the Council in translating words into deeds - victims of human rights violations now had more confidence in the Council as a United Nations body to which they could address their call for justice. The report put the record straight: the military attack on the humanitarian flotilla was tantamount to a series of grave violations of international law, international humanitarian law, and international human rights law. In such a case, the Government concerned would be expected to apologise and take necessary diplomatic and legal action to redress the situation. Alas, Israel had chosen to enhance its reputation for non-compliance with international laws and norms, feeling free to use disproportionate force whenever and wherever it wished, considering itself above the law. In the face of such a blatant case of violation of human rights, the Council was expected to show perseverance by acting on the report produced, which outlined in its conclusions what the Israeli authorities should do to satisfy the right to remedy of all victims.

At the beginning of the meeting, the Council held its general debate on the human rights situation in Palestine and other occupied Arab territories. The statements of the concerned countries, Israel, Palestine and Syria, were made at the end of the morning meeting but are reflected in the afternoon press release.

Israel, speaking as a concerned country, said in the three months since the Council had last met, a number of important developments had taken place in the Middle East. The most important news was the resumption of peace talks between Israel and the Palestinian Authority. Israel had called for direct negotiations between both sides for the past 18 months and was pleased that they had begun. Israel was eager for these discussions to continue with no preconditions and for them to be completely successful. Israel hoped that the Palestinians had the same attitude and would sit down to talk even when the sides disagreed so as to work through differences in a sincere effort to reach a historic compromise. Israel had also significantly participated in international efforts to develop and strengthen the Palestinian economy and capacity-building. When the playing field was fair, Israel was interested in interacting and collaborating with the United Nations, even on tough issues and in a wide range of areas.

Palestine, also speaking as a concerned country, said the debate today was on the human rights situation in the Occupied Palestinian Territories and other Arab Occupied Territories. The great democracy of the occupying power was one that coexisted with occupation and if that was the modern concept of democracy, then the exercise of this concept should be done as countries saw fit. Democracy was not attacking other people, stealing their resources and killing. Israel continued to violate the human rights of the Palestinian people, refused to live up to its international obligations and denied the facts that were happening on the ground. Palestine made a number of recommendations to Israel, including that Israel recognise the right to self-determination of the Palestinian people, cease the construction of the segregation wall, recognize the right of return of refugees, cease settlement activities in the Occupied Palestinian Territories and the exploitation of wealth of the Palestinian people, guarantee access to places of worship, disband and remove all roadblocks to allow people to exercise their right to free movement, and that it stop the occupation of the Palestinian territories, which was the gravest violation of all.

Syria, also speaking as a concerned country, said the Israeli occupation was extending day by day, and the Israeli authorities were continuing exactions in the Syrian Golan. After 26 years, some Syrian prisoners were returning home, but they were still denied access to drinking water. Operations carried out by the Israeli forces were focused on muzzling the population, and humiliating it, with a view to consolidating their status as an occupying power. Syria reiterated its statement of faith - it wished to recover its occupied territories. It was time to put an end to Israeli exactions against human rights. However great propaganda campaigns may be, Syria was confident that, apart from any double standards policy, it would be able to attain truth, and was working for the freedom of all Syrian prisoners and so that Syrians in the Golan could enjoy all their human rights, including the freedom of movement.

During the general debate on the human rights situation in Palestine and other occupied Arab territories, speakers, among other issues, raised concerns about the humanitarian and human rights situation in the Occupied Palestinian Territories, the occupied Syrian Golan and in Gaza, where Israel continued its daily grave and systematic violations of human rights. Occupation remained the single most important cause of human rights violations in those territories, and Israel should wake up to this reality and make efforts to end it. Speakers requested that Israel should, among other things, stop all settlement activities in the occupied Palestinian territory, lift checkpoints, open borders and crossing points, immediately lift the siege on the Gaza Strip, and refrain from any measures aimed at altering the legal, geographic and demographic character or status of Jerusalem.

Several speakers strongly welcomed the launch of direct negotiations between Israel and the Palestinian Authority and called upon all parties to respect international humanitarian and human rights law, combat impunity, and focus on the principle of accountability. The negotiations should lead to a two-State solution with Israel and an independent and viable State of Palestine living side by side in peace and security, countries agreed. To that end speakers saw the necessity for the participation of the international community, with this Council playing an important role in creating an atmosphere of cooperation for all parties to work together.

Countries speaking in the general debate on the human rights situation in Palestine and other occupied Arab territories were Pakistan on behalf of the Organization of the Islamic Conference, Belgium on behalf of European Union, Egypt on behalf of Non-Aligned Movement, Nigeria on behalf of the African Group, Syria on behalf of the Arab Group, Libya, Norway, Russian Federation, Cuba, Malaysia, Thailand, Bahrain, Switzerland, Saudi Arabia, Maldives, United States, Spain, Sri Lanka, Algeria, Egypt, Turkey, Oman, Iran, Indonesia, Morocco, Yemen, Lebanon, Democratic People's Republic of Korea, Sudan, Iceland, Venezuela and Afghanistan.

Also speaking were Al-Haq in a joint statement, Mouvement contre le racisme et pour l'amitié entre les peuples in a joint statement, United Nations Watch, BADIL Resource Centre for Palestinian Residency and Refugee Rights, Palestinian Centre for Human Rights in a joint statement, Cairo Institute for Human Rights, Charitable Institute for Protecting Social Victims, Organisation for Defending Victims of Violence, European Union of Jewish Students, North-South XXI, Coordinating Board of Jewish Organisations in a joint statement, Human Rights Watch, World Union for Progressive Judaism, Rencontre Africaine pour la Défense des Droits de l'Homme and Association for World Education.

The Council will meet at 10 a.m. on Tuesday 28 September, for a full day of meetings. It will first hold an interactive dialogue on the report of the Fact-Finding Mission on the flotilla incident, and then hold a clustered interactive dialogue with the Special Rapporteur on Racism and the Working Group on People of African Descent, to be followed by a general debate on racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action.

Statements by Concerned Countries in General Debate on the Human Rights Situation in Palestine and the Other Occupied Arab Territories

AHARON LESHNO-YAAR ([Israel](#)), speaking as a concerned country, said that, in the three months since the Council had last met, a number of important developments had taken place in the Middle East. The most important news was the resumption of peace talks between Israel and the Palestinian Authority. Earlier this month summits had taken place, bringing together Prime Minister Binyamin Netanyahu and President Mahmud Abbas. Israel had called for direct negotiations between both sides for the past 18 months and was pleased that they had begun. Israel was eager for these discussions to continue with no preconditions and for them to be completely successful. Israel hoped that the Palestinians had the same attitude and would sit down to talk even when the sides disagreed so as to work through differences in a sincere effort to reach a historic compromise. Israel believed that an agreement was possible. Israel had also significantly participated in international efforts to develop and strengthen the Palestinian economy and capacity-building. Israel had taken these steps although Gaza remained a hostile territory controlled by Hamas, which continued to be a significant security threat to Israeli citizens. In fact, Hamas still held Israeli soldier Gilad Shalit in captivity without the most basic rights.

Today, there was a certain cautious hopefulness in the region. Friends of peace and reconciliation in the Middle East were actively working to create conditions to improve the atmosphere in a diverse range of areas. But here in Geneva, it was business as usual. Some asked why Israel had not taken up the opportunity to have its voice heard before this body. The truth should be clear to any open minded person: Israel had reasonably concluded that it would not be treated in a fair manner. The Council had become best known not for its staunch protection of human rights and universal principles, but for its obsession with Israel. Most people understood that a core problem of the Council was the singling out of Israel. There was a double-standard, a unique set of rules and behaviour that was somehow acceptable when discussing Israel, and which was rejected and criticized by every other State, even the truly most grievous violators of human rights. When the playing field was fair, Israel would be interested in interacting and collaborating with the United Nations, even on tough issues and in a wide range of areas.

IBRAHIM KHRAISHI ([Palestine](#)), speaking as a concerned country, said the debate today was on the human rights situation in the Occupied Palestinian Territories and other Arab Occupied Territories. The great democracy of the occupying power was one that coexisted with occupation and if that was the modern concept of democracy, then the exercise of this concept should be done as countries saw fit. Yesterday there was a celebration of blatant violations of international humanitarian law in continuation of illegal settlement activities and Palestine asked what kind of democracy this was. Democracy was not attacking other people, stealing their resources and killing. Israel continued to violate the human rights of the Palestinian people, refused to live up to its international obligations and denied the facts that were happening on the ground. Israel was still the occupying power in the Gaza Strip, the West Bank and Jerusalem. Violations of the International Covenant on Civil and Political Rights by Israel included constant attacks by settlers against Palestinians, continuing construction the segregation wall, stricter closure on towns in the West Bank, and denial of access for humanitarian aid, among others.

The Gaza Strip was an indivisible part of the Palestinian territories and therefore international humanitarian law and other international norms applied, Palestine said. Israel, the occupying power, must abide by international legality, it must implement provisions of the International Covenant on Civil and Political Rights and fulfil its obligations in the occupied territories. Palestine made a number of recommendations to Israel, including that Israel recognise the right to self-determination of the Palestinian people, cease the construction of the segregation wall, recognize the right of return of refugees, cease settlement activities in the Occupied Palestinian Territories and the exploitation of the wealth of the Palestinian people, guarantee access to places of worship, disband and remove all roadblocks to allow people to exercise their right to free movement, and that it stop the occupation of the Palestinian territories, which was the gravest violation of all.

FAYSAL KHABBAS HAMOUI, ([Syria](#)), speaking as a concerned country, said the Israeli occupation was extending day by day, and the Israeli authorities were continuing exactions in the Syrian Golan. After 26 years, some Syrian prisoners were returning home, but they were still denied access to drinking water. Israel was extending its settlement activities and arrests of journalists and others in the Syrian Golan. Human rights defenders in the Syrian Golan tried to act but the Israeli authorities arrested people randomly. Operations carried out by the Israeli forces were focused on muzzling the population, and humiliating it, with a view to consolidating their status as an occupying power. There were many Syrian prisoners in Israeli jails - the oldest was arbitrarily detained more than 25 years ago, and was suffering both psychologically and physically, not being treated in accordance with international instruments. Any member of the Israeli Army would receive a lot of land of 250 square metres if he decided to set up in the Syrian Golan or other Arab regions, and would receive more than \$ 40,000 as a special benefit. There had been many of these measures since the occupation of the Golan, as part of Israel's occupation policy.

Syria reiterated its statement of faith - it wished to recover its occupied territories. It was time to put an end to Israeli exactions against human rights. However great propaganda campaigns may be, Syria was confident that, apart from any double standards policy, it would be able to attain truth, and was working for the freedom of all Syrian prisoners and to ensure that Syrians in the Golan could enjoy all their human rights, including the freedom of movement. There were serious human rights violations by Israel, and Israel should withdraw from the Syrian Golan. Israel preferred to continue its policy of settlements, but this should not benefit from silence here in the Council or in any other international forum. The violations of human rights against the Palestinian people should end, as should the blockade of Palestinian territories, and all impediments to that right should be brought to an end.

General Debate on the Human Rights Situation in Palestine and Other Occupied Arab Territories

MARIAM AFTAB ([Pakistan](#)), speaking on behalf of the [Organization of the Islamic Conference](#), said in the last six decades, Israel, the occupying power, had pursued a policy of wanton repression in the Occupied Palestinian Territories through the use of force, deliberate destruction of infrastructure, killing of civilians, and eliminating the religious and cultural heritage of Palestine. Thousands of Palestinians had suffered torture and other degrading

punishments, and the situation could only be described as a manifestation of State terrorism and ethnic cleansing. The situation in the occupied Syrian Golan where the occupying power continued its daily grave and systematic violations of all human rights was also of deep concern. The Organization of the Islamic Conference affirmed the applicability of international law, international human rights law, and international humanitarian law, particularly the fourth Geneva Convention in the occupied territories. Israel should, among other things, stop all settlement activities in the occupied Palestinian territory, release all Palestinian prisoners particularly children, women, and members of the Palestinian parliament, lift checkpoints, open borders and crossing points, immediately lift the siege on the Gaza Strip, and refrain from any measures aimed at altering the legal, geographic and demographic character or status of Jerusalem. All Syrian detainees in Israeli prisons should also be released, including those who had been detained for almost a quarter of a century.

ALEX VAN MEEUWEN ([Belgium](#)), speaking on behalf of the [European Union](#) , said the European Union remained concerned about the humanitarian and human rights situation in the Occupied Palestinian Territories. Chronic violations of international law continued to hamper life and escalations of violence had led to numerous victims and continued to lead to human rights violations. The European Union called upon all parties to respect international humanitarian and human rights law, combat impunity, and focus on the principle of accountability. The human rights and humanitarian situation in Gaza was of particular concern. The European Union called for the full implementation of the measures announced by Israel for the reconstruction and economic recovery of Gaza and had offered its assistance for achieving this objective. The European Union strongly welcomed the launch of direct negotiations between Israel and the Palestinian Authority. The decision to engage in substantive talks represented a major step on the road towards a just, lasting and comprehensive peace in the region. These negotiations should lead to a two-State solution with Israel and an independent and viable State of Palestine living side by side in peace and security.

HISHAM BADR ([Egypt](#)), speaking on behalf of the [Non-Aligned Movement](#) , reiterated its grave concern about the continuing occupation by Israel of the Palestine territories and the continuing blockade of Gaza. The Non-Aligned Movement was also concerned about the recent laws about deporting Palestinians, making them foreigners in their own country. East Jerusalem was an integral part of Palestine and Egypt requested Israel to immediately cease all illegal practices in and around Jerusalem, as they jeopardised the fundamental rights of the Palestinian people. The Non-Aligned Movement was deeply concerned about the illegal settlements, segregation wall and road checkpoints, and requested Israel to recognise the right to self-determination of the Palestinian people. Israel must withdraw immediately from the Occupied Syrian Golan, the Non-Aligned Movement said, and cease measures which aimed at modifying the demographic and political profile of the Occupied Syrian Golan. In conclusion, the Non-Aligned Movement expressed great concern for detainees in the Occupied Syrian Golan and requested Israel to immediately apply the provisions of the Fourth Geneva Convention.

MOHAMMED I. HAIDARA ([Nigeria](#)), speaking on behalf of the [African Group](#) , said the human rights situation in Palestine and other occupied Arab territories continued to be of great concern. Occupation remained the single most important cause of human rights violations in those territories, and Israel should wake up to this reality and make efforts at ending the occupation. The African Group further believed in the viability of efforts at achieving a two-State solution which would ensure the creation of a sovereign, united and independent Palestinian State side-by-side with Israel, within secure borders, and to that end saw the necessity for the participation of the international community in this regard, with the participation of all concerned. The African Group was deeply concerned about the grave human rights situation in the Occupied Palestinian Territory, the Syrian Golan, and other Occupied Arab Territories, and decried Israel's refusal to abide by numerous United Nations resolutions on the matter. The African Group fully welcomed the report of the Fact-Finding Mission and endorsed its conclusions. A case in point was the recent attack on the humanitarian flotilla by the Israeli military, leading to the loss of lives of a number of people from different nationalities. Israel should abide by relevant international human rights instruments and respect the rights of the people of the occupied Palestinian and other Arab territories. The situation in the occupied Syrian Golan also called for concern as Israel continued its occupation in complete disregard for international human rights and international humanitarian law. The Human Rights Council should continue to effectively contribute towards the enjoyment of human rights in Palestine and to the achievement of peace in the region.

FAYSAL KHABBAS HAMOUI ([Syria](#)), speaking on behalf of the [Arab Group](#) , said at each Council session Israeli criticism on the human rights situation in other countries was heard to make people forget about that country's own activities in the Occupied Palestinian Territories and those violations that Committees had been unable to put an end to. Syria encouraged the Occupying Power to put an end to the occupation and the human rights violations of the Palestinian citizens, fulfil the Special Rapporteur's advice, abide by borders, and provide reparation for victims. Otherwise, international efforts were being jeopardized and the stability of the region was being risked. The Arab Group reaffirmed the inalienable rights of the Palestinian people, including the right to life. The Arab League also paid tribute to the Arab Summit which had taken place in March last year, reaffirming the refusal of all Israeli practices, calling upon the international community to lift the blockade on the Gaza Strip, and demanding to recover the Occupied Golan Heights. The aim of Israel was to maintain the Gaza Strip under a total blockade, but international humanitarian law must be enforced. Syria asked the High Commissioner for Human Rights, the Council and the United Nations as a whole to take every measure possible to ensure that the Occupying Power accepted all resolutions and recommendations pertaining to Palestine.

IBRAHIM A.E. ALDREDI ([Libya](#)) said that after six decades of tragedy inflicted on the Arabs in the Palestinian territories, Israel was still acting aggressively in the absence of a deterrent and with the silence of powerful countries. Libya wondered where was the United Nations, the Human Rights Council and Chapter VII vis-à-vis those acts. Libya condemned acts perpetuated by Zionist terrorists in the Syrian Golan and deplored violations in the Occupied Palestinian Territories against civilians. Libya requested the accountability of those responsible and said they must find themselves in front of the international justice. The checkpoints impeded the daily lives of Palestinian people and thus prevented them from living their lives in dignity. Libya full supported the resilience of Palestinian people and requested that this issue was transferred to the United Nations Security Council. Libya reaffirmed that the only solution to the Israeli-Palestinian problem was a democratic State of Palestine where all would be equal with no distinction on the basis of race or religion. Libya was looking forward to a solution based on the South African model, where everyone - black or white - lived side by side.

VEBZORN HEINES ([Norway](#)) said Norway welcomed the re-launch earlier this month of direct, bilateral negotiations to end the Israeli-Palestinian conflict and the intensive discussions that had taken place between Prime Minister Netanyahu and President Abbas. The mission and purpose continued to be the full realization of a two-State solution, so that one day soon an independent, democratic and viable Palestinian State would live side by side with Israel in peace and security. Regarding the circumstances surrounding the incident of Israel's boarding of the flotilla carrying humanitarian supplies to Gaza on 31 May this year, Norway called for and supported the decision by the Human Rights Council to establish an independent, international investigation. Further, Norway stressed the need for the Human Rights Council to act in full coordination with the Secretary-General, the Security Council, and other relevant United Nations bodies when responding to this incident. The report of the Fact-Finding Mission was an important contribution to the work of the Panel of Inquiry. Norway was of the view that the underlying challenge continued to be the situation in Gaza. If the Palestinian State-to-be was to break out of its structural donor dependence and become sustainable, it needed political and economic space to do so. It was just as vital to lift the restrictions on the movement of people. Additional lifting of restrictions, including for exports, trade and the legitimate passage of people was required.

VALERY LOSHCININ ([Russian Federation](#)) said the Russian Federation had been advocating for a fully-fledged solution to the situation in the Middle East, including the end of the Israeli occupation and the creation of a sovereign Palestinian State. As a member of the Middle East Quartet of international mediators, the Russian Federation strongly supported direct negotiations between Israel and the Palestinian Authority so as to negotiate all remaining issues. The continuation and worsening of the situation in Gaza gave rise to concerns, including with regards to the humanitarian situation. The Russian Federation was of the view that the blockade should be lifted, but that Israel's legitimate right to security must be kept in mind. The Russian Federation also noted the need to activate and continue the peace progress on a generally recognised basis and the efforts of the Russian Federation were in that direction and included close collaboration with stakeholders. The Russian Federation had supported the establishment of the Fact-Finding Mission and the conclusions of the report should be thoroughly considered.

JUAN ANTONIO QUINTANILLA ([Cuba](#)) said that during the morning session the Council had heard the report which found that Israel failed to investigate allegations that took place in the context of the conflict, as well as Operation Cast Lead, despite the violations of international law and international humanitarian law that had occurred. At the same time, Israel continued with its aggressive policy against Palestinian territories. Israel demonstrated a lack of regard for this Council through the increased pressure in Gaza, settlements and the wall. All those, together with the change in demographic make up of the population of Jerusalem, demolition of houses, and imposition of arbitrary restriction of movement of the Palestinians were practices which must immediately come to an end and the blockade of Gaza Strip must be lifted. The situation in the Occupied Syrian Golan was another point of concern and Cuba requested that Israel respected the relevant United Nations Security Council resolutions and withdrew from the Golan immediately.

SITI HAJJAR ADNIN ([Malaysia](#)) said the human rights situation in the Occupied Palestinian and other Arab Territories remained grave and as such merited continued attention by the Council, at least until the end of the occupation. The question of Palestine in all its aspects remained a preoccupation of the international community and particularly within the context of the United Nations system, following the illegal occupation of Palestinian territories in 1967. The Council remained seized of the human rights situation in those territories, including the occupied Syrian Golan, which continued to deteriorate with every passing year under the ongoing occupation. At the end of the moratorium on the expansion of settlements in the occupied West Bank, clashes between settlers and Palestinians had increased in intensity and frequency and often ended in violence. Malaysia called upon the relevant authorities on

both sides to ensure restraint, and wished to reiterate that the continued encroachment by Israeli settler movements into Occupied Palestine constituted a human rights violation in so far as Palestinians continued to be dispossessed and forcibly removed from their lands and homes. The humanitarian and human rights situation in occupied Gaza remained grave. Malaysia was encouraged to note the latest international initiative in finding a solution to the Middle East conflict, and was hopeful that the initiative would advance the cause of comprehensive peace in the Middle East, including a two-State solution which ensured security and dignity for the Palestinians.

VIJAVAT ISARABHAKDI ([Thailand](#)) said Thailand appreciated the reports of the High Commissioner and the Committee of Independent Experts and looked forward to the report of the Fact-Finding Mission. It appeared that the importance of such reports went well beyond the issues provided. In fact, these reports brought home once again the great urgency of dealing with the plight of the Palestinian people and pointed towards the need to quickly advance the peace process as a means of alleviating their suffering. In Thailand's view, those progress reports and other follow-up actions provided a kind of stepping stone towards greater accountability and cooperation. Thailand hoped they would serve as a platform to enable all parties concerned to look at the larger picture. Thailand was also heartened by the resumption of the peace talks, but believed that all parties should make substantive progress on pending issues. While advancing the peace process required the goodwill of all concerned parties, it also required political will and the willingness to take bold actions. It was Thailand's hope that the parties concerned could muster the political will to give peace a chance. In the meantime, this Council must play an important role in creating an atmosphere of cooperation for all parties to work together.

BUDOOR ABDULAZIZ AHMED ([Bahrain](#)) said that Bahrain believed that human rights were a fundamental pillar and the shared responsibility of States without exception. Bahrain underlined the need to cease the illegal settlement activities, lift the blockade, and stop the construction of the wall of segregation. The Israeli occupation forces continued to act arbitrarily against Palestinian civilians in East Jerusalem. The humanitarian situation in the Occupied Palestinian Territories gave reason for international concern, including the Occupied Syrian Golan where the situation continued to deteriorate. Israel's practices in the Occupied Palestinian Territories undermined the peace process and threatened international peace and security. Bahrain called on Israel to abide by its international obligations and to release all Arab prisoners. The international community must assist the Palestinian people in realizing their hope for self-determination and for all their human rights, Bahrain concluded.

BARBARA FONTANA ([Switzerland](#)) said Switzerland hoped the launching of direct negotiations between Israel and the Palestinians would help to ensure peace in the region, and called upon Israel to completely and verifiably freeze all settlement activities. Switzerland was convinced that peace must be built, and respect for human rights was one of the essential stages along that path. Particular attention must be given to human rights, including the right to housing and attention to minorities and other vulnerable groups, and Switzerland was concerned about the fate of Bedouin groups, both in Israel and the Occupied Palestinian Territories. The blockade's effects were contrary to international law. There should be increased efforts to speed up its lifting so that the private sector could play a driving role in re-launching Gaza's economy. Switzerland very much deplored the re-starting of rocket launchings from Gaza and the increase of violence in recent weeks. The authorities in Gaza should put an end to these violations and give the greatest possible chance to peace.

ABDULAZIZ ALWASIL ([Saudi Arabia](#)) said in every session the Human Rights Council worked to consider the situation in Palestine and the other Occupied Arab Territories and continued its follow-up on resolutions. Nevertheless, human rights violations continued unabated and even escalated in the Palestinian Territories and the occupied Syrian Golan. In fact, Israel continued expelling inhabitants from their homes to build more settlements which ran counter to international legitimacy, particularly the Geneva Conventions. Saudi Arabia recalled the flagrant violations committed during the destructive war that had begun in 2009 against the Gaza Strip and the attacks. These amounted to violations of international humanitarian law, but the worst violation was Israel's occupation itself. The Palestinians had seen deprivation of their most basic rights while Israel continued. Now, more than ever before, follow-up must be given to the resolution. Saudi Arabia hoped that the draft resolution would be adopted by consensus.

IRUTHISHAM ADAM ([Maldives](#)) reiterated the condemnation of the Maldives of Israel's clear acts of aggression against civilians and deeply regretted Israel's non-cooperation with the fact-finding mission. The Maldives was disheartened by the continuing suffering of the people of Palestine who had been denied their basic rights, and the Maldives supported the inalienable rights of the people of Israel to live in peace and security, alongside a sovereign State of Palestine. The protection of civilians was one of the most sacred obligations resting on the parties to a conflict under international law and the onus rested with the responsible members of the international community to ensure that legal norms and standards were upheld. Accountability for the clear and manifest violations of human rights and humanitarian law was crucial for any hope of peace and stability in the Middle East. The Maldives endorsed the conclusions contained in the report of the fact-finding mission and called on all parties involved to ensure their immediate implementation. The Maldives reiterated its call for Israel to immediately lift its siege of Gaza.

EILEEN CHAMBERLAIN DONAHOE ([United States](#)) said the best way to truly address human rights issues in Israel and the Palestinian territories was to end the underlying conflict and achieve a comprehensive peace. For this reason the United States supported a viable two-State solution, with Israel and Palestine living side by side in peace and security. The United States also supported the efforts of humanitarian agencies, which addressed the critical needs of the Palestinian population. The United States was encouraged by the start of direct talks between Israeli and Palestinian leaders in Washington earlier this month, at which a serious discussion on core issues had begun. The importance of these direct talks could not be overemphasised. Without direct negotiations, there was no prospect for success, and there was absolutely no way that the legitimate needs of Israel could be satisfied for the long term, nor that the aspirations of the Palestinians could be achieved. The United States continued to be dismayed by the Council's biased and disproportionate focus on Israel. All should do their part to help shape an environment conducive to peace negotiations, and create an atmosphere of trust to help the parties reach a final agreement, and the Council should take a balanced, objective and constructive approach to the human rights situation in Israel, the West Bank, and Gaza.

JAVIER GARRIGUES ([Spain](#)) said Spain asked both parties to continue in their endeavour to reach peace, resulting in the establishment of an independent and democratic Palestinian State. Both parties should cooperate to establish an atmosphere of mutual respect and trust and restrain from actions that could hinder progress in negotiations. Spain recognised the efforts made and fully shared the call made by the Quartet for renewing the moratorium on settlement activities. The separation wall, the demolition of houses, and other measures taken by Israel were illegal under international law, making it impossible to find a solution. Spain urged Israel to dismantle all settlements built since March 2001 and was of the view that, despite a partial lifting of the Gaza blockade, a solution permitting the free circulation of people from Gaza must be found. Spain was further of the view that the peace process could not prosper without an appropriate investigation of the devastating consequences of Operation Cast Lead.

Mr. U.L.M. JAUHAR ([Sri Lanka](#)) said Sri Lanka shared the deep concern expressed during this debate on the humanitarian and human rights situation in Palestine and other occupied Arab territories. The occupation remained one of the main causes for this situation. Sri Lanka welcomed the re-launching of direct negotiations between Israel and Palestine and commended the commitment of their leadership. Sri Lanka hoped that by seizing this opportunity all parties would pursue the negotiations actively with the commitment to seeking lasting peace. It was important that all parties maintained the positive atmosphere of the direct talks and avoid any actions which could directly or indirectly vitiate such an atmosphere including the expansion of settlement activities and acts of violence.

IDRISS JAZAIRY ([Algeria](#)) said there was no doubt that the continuing tragic humanitarian situation in the Palestinian territories and other Arab territories including the Syrian Golan remained at the core of the activities of the Council, and the Council needed to deal with this issue as it did with no other. There was deep concern for the continued occupation by the Israeli authorities. Peace-loving peoples around the world were pinning all their hopes on the political process to achieve the rights of the Palestinian people, including the establishment of a Palestinian State. Israeli settlements in the West Bank and occupied territories were illegal and a violation of international law - they did not help with the establishment of peace, and would only undermine the efforts of the international community to achieve peace. The Council should stand, without bias or selectivity, by the side of the victim, and work with all parties to implement all previous relevant resolutions, put an end to the unjust suffering of the Palestinian people, including the siege on Gaza, achieve the exercise of all legitimate and inalienable rights of the Palestinian people, and end the occupation of Palestine and all other occupied Arab territories, including the Syrian Golan.

YASSER HASSAN IBRAHIM ([Egypt](#)) said the aim of Israel was to worsen the situation in the occupied territories. Egypt called upon the international community to work towards the creation of an independent Palestinian State and the respect of the international agreements that had been broken. Egypt paid tribute to the resumption of peace talks and hoped that these would be crowned with success. The peace process had seen many problems and the creation of a Palestinian State thus still remained a desire. This was a source of frustration for Egypt which called upon all States to work towards a fair, just and definitive solution to the Palestinian issue, to the occupation of the Occupied Palestinian Territories, and to the violation of the human rights of the Palestinian people. Egypt would continue deploying efforts to find peace in the region and would support any stakeholder who was also interested in collaboration.

OGUZ DEMIRALP ([Turkey](#)) said that the Palestinian-Israeli conflict was the most explosive one in the world and the absence of a solution for over 60 years was a threat not only to international peace and security, but it also divided the world. That was why the Human Rights Council had to pay such importance to the respect for human rights in this conflict and was duty bound to address this wound of humanity. Turkey welcomed the resumption of the peace talks and said that the peace process required a better record on the part of Israel. Israel must cooperate better with the Council; unfortunately, Israel still was not implementing this full cooperation and was pushing some important issues aside, such as the attack on the humanitarian aid flotilla.

YAHYA SALIM AL-WAHAIBI ([Oman](#)) said the holding of the Council's sessions continued, and in every session it discussed the situation of human rights in the occupied Palestinian territories and other Arab territories, and resolutions were adopted, without any tangible progress, but with an escalation of attacks by the Israeli authorities. These escalating attacks by the authorities on civilians in the occupied Palestinian territories showed clearly the intransigence of the Israeli Government and its continuance on the road of violence and power. The United Nations and all international organizations, including the Human Rights Council, should clearly face the practices and procedures taken by Israel in flagrant violation of international humanitarian law and the Fourth Geneva Convention. All parties should continue negotiations to revive the peace process in accordance with international legitimacy. The international community and the relevant parties must shoulder their responsibilities with the aim of achieving peace and the two-State solution.

SEYED MOHAMMAD REZA SAJJADI ([Iran](#)) said the international community had been witnessing a non-stop spate of violations of international human rights and international humanitarian law against the people of Palestine and the other occupied Arab Territories, occurring in a systematic and consistent manner for more than half a century. Iran expressed its deep concern over the ongoing blockade of Gaza while the humanitarian crisis there deteriorated day by day. The wilful killing, torture, inhuman treatment and causing of great suffering or serious injury to the innocent people who had attempted to deliver humanitarian aid to Gaza was also a matter of grave concern. Iran strongly condemned all forms of crime committed against innocent people in the occupied territories and called upon the international community to take more concrete measures to prevent further deterioration. Iran also expressed its grave concern over the redoubled efforts to eliminate the religious and cultural heritage of Palestinians and Muslims all over the world. Iran firmly believed that the root cause of all those human rights violations and crimes perpetrated against people in the occupied territories was undoubtedly the very occupation itself. As long as the occupation continued, the world would not witness peace, security and the realisation of human rights in the region.

DESRA PERCAYA ([Indonesia](#)) said that the occupying power's ongoing policy of preventing free movement and adequate supplies of food, clean water, fuel and medical aid into the Gaza Strip continued to spark the outrage of the international community. This illegal blockade and Israel's counter-productive policy of collective punishment proved to be the impetus for the flotilla storming incident which had been deemed unlawful by the Council's independent fact-finding mission. Indonesia was concerned by the constant denial of the basic human rights of the Palestinian people by the occupying power and particularly deplored Israel's deliberate and continuing policies regarding the construction of settlements, the separation wall and the inhuman network of checkpoints. Those had made the prospects for a long-lasting solution even more remote. It was Indonesia's genuine hope that in efforts towards a just, lasting and comprehensive peace agreement, all parties involved in the peace negotiations would continue to work in good faith.

MOHAMED ACHGALOU. ([Morocco](#)) said the Human Rights Council had played a role in covering all the aspects of the humanitarian situation in the occupied Palestinian territories, a matter which had been supported by the creation of fact-finding missions and the holding of urgent debates leading to the formation of the Mission on the humanitarian flotilla. It was necessary to create the necessary atmosphere to resume direct negotiations between Israel and the Palestinians in a serious way and in good faith. Morocco, based on its firm conviction of the Palestinian cause and their legitimate rights, hoped the negotiations would continue for a permanent and comprehensive solution, particularly with regard to the status of Al-Quds Sharif. Morocco reiterated the call of the international community and the Human Rights Council to bring pressure to bear on Israel and to protect the legitimate rights of Palestinians, to protect the cultural situation of Al-Quds, to respect the holy areas, and others.

FADHL AL-MAGHAFFI ([Yemen](#)) said the Human Rights Council had today been presented with a number of reports on human rights violations that had been committed by Israel. Yemen subscribed to all those who had called for justice being ensured in the occupied Palestinian territories. Yemen was concerned about focusing on only one aspect of human rights violations concerning Israeli violations of human rights in the occupied Arab territories, and ignoring the continued Israeli occupation of the Arab territories in Palestine, the Syrian Golan in others, because the occupation was a basic violation of human rights. Yemen condemned the massive violations of human rights in the occupied Arab territories in Palestine and the Syrian Golan, and called for an end to these violations. The situation as it was now meant that the international community was approaching an international system that used double standards. Israel was ignoring the international call to put an end to the occupation.

RANA MOKADDEM ([Lebanon](#)) said Lebanon reaffirmed the call to request the international community and the Human Rights Council to make Israel abandon its policies that denied the right to existence and self-determination to Palestinian people and to put an end to the occupation of the Syrian Golan. The Human Rights Council must shoulder its responsibilities vis-à-vis people under foreign occupation. Reports and resolutions were not sufficient any more, as they remained a mere piece of paper for Israel. Peace could not be built on power and de facto practices, but must take into account the United Nations resolutions, the establishment of the Palestinian State in its 1967 borders, the end of the occupation and the return of refugees.

CHOE MYONG NAM ([Democratic People's Republic of Korea](#)) said the deteriorating human rights and humanitarian situation in the Occupied Palestinian Territory resulting in further sufferings and misery of the millions of Palestinians including women, children and the elderly continued to be of grave concern to the international community. The Democratic People's Republic of Korea condemned all unilateral and unlawful measures by Israel aimed at changing the status and demographic composition of the Occupied Palestinian Territory, the illegal blockade of Gaza, the continued construction of settlements and the separation wall, the forced evictions or demolitions, and the deportation of Palestinians, among others. The Democratic People's Republic of Korea believed that all these measures of Israel, the occupying power, must be declared null and void as these were completely in breach of international human rights and humanitarian law. Human rights violations carried out by Israel in the occupied Syrian Golan remained yet another concern. In order for these violations to cease, the illegal occupation by Israel must come to an end, as it was a fundamental root-cause of all violations and atrocities. At the same time, an end must be put immediately to the unjustifiable and irresponsible support and patronage extended to Israel by western countries.

HAMZA OMER HASSAN AHMED ([Sudan](#)) observed that the effects of the Israeli aggression against the people of Gaza were still evident, that the siege continued to be imposed, racial persecution against Syrians in the Golan Heights continued, and some perpetrators still enjoyed a unique position of immunity. In addition, lands were being taken from their owners on a daily basis, the Palestinian people were being deprived from water and services, and the right to religion was facing the worst form of violation known by mankind; people were not allowed to pray in the Al-Aqsa mosque but were beaten. The justice the Palestinians had awaiting for a long time must be achieved. Also, international law had been promulgated to be respected by all, and Israel should therefore not be protected from merely being condemned in international fora. If international practices could not be achieved, others could. But that may be detrimental to all.

VETURLIDI THOR STEFANSSON ([Iceland](#)) said Iceland welcomed the resumed direct talks between Israel and the Palestinians and said it was imperative that this opportunity be seized upon to make progress in the peace process leading to a two-State solution. Israel must prolong the moratorium and end all settlement activities in the West Bank, including in East Jerusalem. Settlements were illegal under international law and constituted a serious obstacle to peace. Iceland remained concerned about the situation in the Occupied Palestinian Territories and said that both Israel and Palestine must conduct independent and credible investigations into the serious violation of international humanitarian and human rights law. The situation in Gaza remained unacceptable by any international standards and a durable solution must be found allowing for the reconstruction and economic recovery of Gaza. Iceland called for the immediate lifting of the blockade and welcomed the report of the fact-finding mission which concluded in no uncertain terms that a series of violations of international law, including international humanitarian law and international human rights law, were committed by Israel's forces during the interception of the flotilla.

FELIX PENA RAMOS ([Venezuela](#)) said on various occasions, Venezuela had condemned the inhumane blockade of Israel on the Gaza Strip, which was a collective punishment of the inhabitants, as well as the serious violations of international human rights law on its territory. The continuing contempt of Israel for the resolutions of the Human Rights Council and the rest of the international community remained grave. Israel was not cooperating, continuing to make innocent people its targets, and there remained the brutal massacre committed against the members of the humanitarian freedom flotilla, who were unarmed. Israel then launched investigations, carried out by the same persons who carried out these crimes. There should be an end to the inhumane blockade of the Gaza Strip, and Israel should abide by the international resolutions which so far it had brazenly flouted. Israel should respond to the international community, ceasing its violations of human rights which it was committing in impunity with the connivance of the imperial power of this era.

ZALMAI AZIZ ([Afghanistan](#)) said the people of Palestine had been suffering for many decades as their right to self-determination was being denied and their basic human rights were being violated. The Palestinian refugees were still waiting for the redress of their plight and the realisation of their right to return to their homes and properties. Every day Palestinians were suffering under the blockade imposed by Israel without access to the needs of daily life. Afghanistan reiterated its condemnation and expressed its deep concern regarding the settlement activities, the transfer of more Israeli settlers, and continued construction of the separation wall. The situation around Al-Quads Al-Sharif was also of grave concern as attempts to change its demographic and geographic character. Afghanistan welcomed the report of the Committee of Experts and the cooperation of the Palestinian side and expressed its solidarity with Palestinians and its hope that the current initiative to bring about peace through peaceful means and dialogue would bear fruit.

MAYSZA ZOROB, of [Al-Haq, Law in the Service of Man](#) , in a joint statement with several NGOs¹, said that for over four years Israel's blockade of the Gaza Strip had wrought needless hardship on its 1.5 million inhabitants. Israel continued to severely limit the movements of goods and people to and from the territory, preventing access to health care, work, and schools. Approximately 80 per cent of the Gaza population now lived below the poverty line. The crisis in the Gaza Strip was the result of Israel's illegal policy to sever it from the rest of the Occupied Palestinian Territories, isolate it from the world and ultimately punish the civilian population living therein. The Council had already recognised that the Gaza Strip was occupied territory and that the closure amounted to collective punishment, so concrete actions to end the crisis could not be further delayed.

GIANFRANCO FATTORINI, of [Movement against Racism and for Friendship among Peoples](#) , in a joint statement with several NGOs², said that addressing human rights violations committed by Israel against the Palestinians was not possible without mentioning the financial, economic, military and political support from powers like the United States, the United Kingdom and France. The latter tried to punish non-governmental organizations calling for a boycott of products imported from Israel. The goal of the campaign for a boycott against Israel was the immediate cessation of building new Israeli settlements and the immediate lifting of the blockade of the Gaza Strip as first steps toward the full implementation of all the United Nations resolutions on Palestinian rights. The situation of human rights in Palestine and other occupied Arab territories would not improve until the powers that supported the State of Israel would decide to no longer do so.

LEON SALTIEL, of [United Nations Watch](#) , said the flotilla probe was created in a resolution sponsored by the Council's Islamic and Arab States, and the outcome was predetermined - Israel was condemned, and no mention was made of the flotilla's organisers' Jihadist intentions and actions. The greatest supporter of the inquiry was the terrorist group Hamas. The Palestinian Authority itself opposed the probe. Likewise, the Goldstone follow-up committee was created by a one-sided resolution that attacked Israel but said nothing on Hamas terrorism. Today's meeting took place under an agenda item that permanently singled out Israel for discriminatory treatment. In this session there was not a single resolution on any of the world's worst violators of human rights: Iran, Saudi Arabia, the Democratic People's Republic of Korea and Zimbabwe - all enjoyed impunity.

BERNESCONI ATTILIO, of [BADIL Resource Centre for Palestinian Residency and Refugee Rights](#) , said the longstanding Israeli blockade of the Gaza Strip was designed to achieve political objectives, including compelling the Gaza population to not support Hamas. The blockade deprived the Gazan population of sustenance, employment, healthcare, housing and water, and denied them freedom of movement. The report of the United Nations Fact-Finding Mission on the Gaza Conflict acknowledged this reality, and focused on the pressing necessity of criminal accountability. Israel continued to tighten the siege and disregard its legal obligations under international law and the resolutions of the Human Rights Council. The Council should call upon Israel to immediately lift the blockade, and use all means at its disposal to hasten the process of accountability and achieve justice for the victims.

DARAGH MORRAY, of [Palestinian Centre for Human Rights](#) , in a joint statement with [International Federation of Human Rights Leagues - FIDH](#) , said nowhere was the reality of systematic violations more apparent than in the Gaza Strip. For over three years, this region and its people had been cut off from the world, isolated, and collectively punished. It was time for the international community to act. The United Nations Charter had been founded on noble ideals: to pursue the promise of a more humane future, one guaranteed by international humanitarian and human rights law. The request of the Palestinian Centre for Human Rights was simple: it asked for the respect and enforcement of this law. This necessarily meant resorting to mechanisms of international criminal justice. In the International Criminal Court the tools were available for combating impunity and ensuring that those accused of the most serious international crimes were held accountable.

LAILA MATAR, of [Cairo Institute for Human Rights Studies](#) , said the Council should acknowledge and condemn the failure of all responsible parties to carry out genuine investigations, acknowledge the consequent need to take action to uphold victims' rights, and ultimately promote respect for the rule of international law through all tools available. The Council should also recommend that the General Assembly urge the Security Council to refer the situation in Israel and the Occupied Palestinian Territories to the International Criminal Court, requesting that the situation be referred to the Prosecutor. Also, the High Contracting Parties to the Geneva Conventions should comply with their legal obligation to investigate and prosecute all suspected grave breaches of the Conventions.

MARYAM SAFARI, of [Charitable Institute for Protecting Social Victims](#) , requested the Government of Switzerland in its capacity as depositary of the Geneva Conventions to reconvene by the end of 2010 a conference of the High Contracting Parties to the Fourth Geneva Convention to discuss measures to enforce the Convention in the Occupied Palestinian Territories, including Jerusalem. On the report of the fact-finding mission, the non-governmental organization said that the Council should acknowledge that lack of cooperation by the Government of Israel was an obstruction of the work of the Committee of Independent Experts. In conclusion, the result of the so-called Israeli military investigation was a mockery of justice and the Israeli military justice system was simply the extension of the same military system that had organised and carried out Operation Cast Lead.

DEIHIM ALIREZA, of [Organisation for Defending Victims of Violence](#) , said the report referred to the possible war crimes and crimes against humanity committed by the Israeli military's personnel. Regrettably, the Human Rights Council had not directed any specific requests to the Secretary-General to bring the mission's report to the attention of the Security Council. The Security Council should establish an independent committee of experts in international humanitarian and human rights law to monitor and report any domestic, legal or other proceedings undertaken by Israel in relation to the widespread, systematic, collective punishment and serious violations of international humanitarian law and international human rights law. As a matter of justice for the Palestinian victims and as recommended by the mission, the Council should reiterate its urgent demand to the General Assembly for the establishment of an escrow fund.

BENJAMIN ZAGZAG, of [European Union of Jewish Students](#) , said an equal treatment of Israel and the rest of the countries should be the case in the Council. It was hard to understand why the international community continued to focus solely on the human rights situation of Palestinians affected by Israel, yet turned a blind eye to the human rights situation of Palestinians in Arab countries in the region, or the violation of human rights carried out by the Hamas organization. Today, it seemed obvious that Israel, the only Jewish State in the world, was being used as a scapegoat for many countries to divert the attention of the international community from their human rights violations against their own populations and against the Palestinians living among them. The most outspoken countries who criticised the Jewish State were the ones with the poorest human rights records in the world.

ALEXANDRA RIVERA, of [North-South XXI](#) , said for more than 60 years Palestinians had suffered some of the most serious human rights violations in the world; these violations were ongoing despite the significant efforts by the Palestinians to achieve peace. Palestinian representatives had been willing to make extraordinary compromises to their peoples' full rights of self-determination in order to achieve peace. Respect for the human rights of all people in Palestine must start with the unambiguous recognition of the right to self-determination - it was from this right that the right of the Palestinian people in Gaza to receive humanitarian assistance flowed. It was from this right that the human rights to freedom of movement, to education, to health care, and the right of every Palestinian to participate in his or her Government emanated. The Human Rights Council should uphold the seminal human right of self-determination of the Palestinian people and urge in the strongest terms possible all parties to the peace negotiations to ensure that the legal foundation of this right was not forgotten.

KLAUS NETTER, of [Coordination Board of Jewish Organizations](#) , in a joint statement with [B'nai B'rith International](#) , said the report of the Fact-Finding Mission on the Gaza flotilla faithfully reflected the Mission's one-sided mandate and stood in stark contrast to the parallel inquiry on the same incident, ordered by the Secretary-General. Quite apart from the substantive difference between the two mandates and the composition of their respective panels, this wasteful procedure within the United Nations on one and the same issue discredited the entire organization. The Coordinating Board of Jewish Organizations hoped that the review process of the Council would not be hamstrung by the institution-building package. Rather, it should open the way for revising the Council's selective agenda that singled out Israel. Such a revision would go a long way in avoiding repetition of the lack of credibility attached to the Commission on Human Rights.

PHILIPPE DAM, of [Human Rights Watch](#) , said nearly two years ago, war raged in Gaza and southern Israel, resulting in a high number of civilian deaths. Today, despite ample evidence of serious laws-of-war violations during the conflict, those responsible remained unpunished and the victims went without redress. The Council had a responsibility to demand accountability from the parties to the conflict and ensure that perpetrators were held accountable.

The Council should thus urge the Prosecutor of the International Criminal Court to promptly determine whether the Court had jurisdiction over the Gaza conflict. Such a determination would clarify the avenues of international justice available.

DAVID LITTMAN, of [World Union for Progressive Judaism](#), said that for 22 years the international community had condemned one of the root causes that gravely crippled the Palestinian human rights situation particularly in Gaza – the genocidal Hamas charter, but it had never been referred to in this Council or in any fact-finding mission. This charter called for Jews to be killed and Israel eliminated and the World Union for Progressive Judaism called on the Council to condemn this charter and the teaching to Palestinian children of a culture of hate which was the greatest threat to the Palestinian human rights situation.

BIRO DIAWARA, of [Rencontre africaine pour la défense des droits de l'homme](#), said that the Israeli-Palestinian conflict had produced innumerable documents, declarations and resolutions and while some of them had already been forgotten, others had been cited and used as a framework in the analysis and search for peace. Now the international community could not guarantee a transparent, credible and impartial inquiry and that was why it was indispensable that the Council ensured that there was a reliable and credible inquiry. If there was a desire to be open and cooperate and to fight the culture of impunity in the region, an open investigation would promote justice and the right of victims. The non-governmental organizations encouraged both parties to embark on a constructive dialogue and so put an end to tension that affected Israeli and Palestinian civilians.

DAVID LITTMAN, of [Association for World Education](#), said to understand the reality of the human rights situation in any country, it was important to understand the realities on the ground and the general mindset of the country's rulers, political, religious, and ideological. The only way to envisage a pragmatic solution was to ensure a separate State of Gaza, where Hamas could rule the roost, or be dethroned from its place of power. The Charter of Fatah remained as it was without any changes – the armed revolution was viewed as a crucial part of the Palestinian struggle for liberation, and this would not stop until Israel was destroyed. This Charter was clear.

Document

The [Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance](#), ([A/HRC/15/21](#)), sets out background information relating to the interception of the flotilla as well as the applicable international law. The fact-finding mission conducted interviews with more than 100 witnesses in Geneva, London, Istanbul and Amman. On the basis of this testimony and other information received, the Mission was able to reconstruct a picture of the circumstances surrounding the interception on 31 May 2010 and its aftermath. The report presents a factual description of the events leading up to the interception, the interception of each of the six ships in the flotilla as well as a seventh ship subsequently intercepted on 6 June 2010, the deaths of nine passengers and wounding of many others and the detention of passengers in Israel and their deportation. The report contains a legal analysis of facts as determined by the Mission with a view to determining whether violations of international law, including international humanitarian and human rights law, took place. The fact-finding mission concludes that a series of violations of international law, including international humanitarian and human rights law, were committed by the Israeli forces during the interception of the flotilla and during the detention of passengers in Israel prior to deportation.

Presentation by the Fact-Finding Mission to Investigate Violations of International Law Resulting from the Israeli Attacks on the Flotilla of Ships Carrying Humanitarian Aid

JUSTICE KARL HUDSON-PHILLIPS, [Chair of the United Nations Fact-Finding Mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance](#), said notwithstanding the tight schedule imposed on the Mission, it had sufficient evidence, of an oral, documentary and pictorial kind, to enable it to achieve a comprehensive assessment of events. The Mission considered it necessary, in fairness to all parties, to reinterpret its mandate in such a way to approach its task without any of the apparent predeterminations present in the resolution appointing it, and to conform to absolute impartiality. The Mission considered it sufficiently important to state that it was of the view that in drafting resolutions of this sort, greater care should be taken not to give the appearance of any prejudgement of matters to be investigated.

The Mission attempted to obtain information from the widest sources possible, and attached great importance to obtaining eyewitness accounts from members of the Israeli armed forces and their commanding officers. Regrettably, the position of the Israeli Government was that the Mission was superfluous and unnecessary. The Mission gave serious consideration to the question of the existence of more than one enquiry into the same incident. Of necessity, the Mission paid close attention to the eyewitnesses who appeared in person and gave their evidence. Many of those who appeared before the Mission bore evidence of gun shot injuries which had not yet fully healed, and others indicated that further surgery would be necessary to complete treatment. Other evidence such as hearsay evidence and other evidence from the Internet was carefully analysed and considered and given such weight in the circumstances as the Mission considered proper in the overall context of all the evidence. The Mission realised very early that the Israeli Government had taken extreme steps to control all visual material of the events.

The Mission made critical findings of fact which bore repetition. These included that no arms or weapons of an offensive nature were taken on board any of the vessels of the flotilla save for a few catapults. When it appeared that the Israeli forces intended to board the Mavi Marmara, a very small group of the passengers armed themselves with pieces of wood and iron cut from the ship's railings. There was no evidence that any gunfire was directed from the Mavi Marmara towards the Zodiacs bearing Israeli soldiers. The first three soldiers to land on the ship were seized by the passengers, disarmed and taken below deck where they were attended to by doctors; their weapons, with one exception, a pistol which was unloaded and hidden, were thrown over board. The Mission did not find that any of these soldiers were shot by the passengers. Both live ammunition and non-lethal fire were used from the helicopters while the first and other soldiers were descending to the ships deck. The Israeli soldiers used live ammunition on the passengers of the Mavi Marmara, killing nine and injuring over fifty with live bullets; six of the deceased were the victims of summary executions, two of whom were shot after they were severely injured and could not defend themselves. Once the Israeli forces took complete control of the Mavi Marmara, passengers with few exceptions were all handcuffed, forced to kneel, handcuffed, on open decks in harsh conditions and kept so for hours. Passengers were assaulted by being kicked and gun-butted. Passengers on three of the other vessels were also subjected to unnecessary violence by Israeli forces as they took control. When they finally disembarked at the port of Ashdod, attempts were made to get them to sign confessions that they had entered Israel illegally – some of those who refused to sign or give their finger prints were further beaten. The treatment on shore was a continuation of the treatment onboard ship after the military had taken control. At the end of the ordeal, passengers had to endure further violence including beatings prior to deportation at Ben Gurion international airport.

The Mission considered that the conduct of the Israeli military and other personnel towards the flotilla passengers was disproportionate and excessive and that they demonstrated levels of totally unnecessary violence, and that serious violations of both humanitarian and human rights law occurred during and after this incident. The Mission observed that in the event of an international armed conflict, a blockade could be legitimately employed; however, it found that there existed in Gaza on 31 May 2010 a humanitarian crisis of unacceptable proportions. The Mission found that a blockade was illegal if it resulted in excessive damage to the civilian population in relation to the concrete and direct military advantage anticipated from the blockade. On this basis, the blockade was unlawful, with all the consequences that flowed from this. For this reason, the boarding of the flotilla was unlawful unless it could have been justified on grounds other than the blockade, and in the view of the Mission there was no such lawful alternative justification, so that the boarding of the ships was unlawful. The Mission sincerely hoped that the parties concerned could find a way to reconcile historical and other differences so that peace may once more prevail in the region on the basis of justice and equality.

Statements by Concerned Countries

AHARON LESHNO YAAR ([Israel](#)), speaking as a concerned country, said Israel strongly believed that it could not get a fair hearing in this hall. To date, this body had passed 33 resolutions about Israel. Out of the 13 Special Sessions, 6 had focused on Israel. There was a special agenda item about only one State: Israel. When people spoke about an obsession with Israel as the downfall of this body, these were the figures and trends they were considering. In the last three months there had been horrific examples of human rights abuses around the world. From death sentences by stoning to mass rape, from mass killings and displacement of ethnic minorities to torturing and executing human rights defenders. But this Council kept its eyes and efforts most focused in the direction of one easy target; towards Israel. The Council's dealing with the flotilla was a perfect example of this flawed body's method of dealing with matters related to Israel; a rush to action before even the first facts were known and a mandate that predetermined the responsibility of Israel. Israel strongly believed in its democracy and the high level and independence of its judiciary. How could Israeli officials appear or interact with a foreign investigation while its own commission was hearing testimony? Was there another democracy that could or would agree to such a parallel process? Furthermore, Israel positively answered the call of the Secretary-General to take part in a panel of inquiry. This was an unprecedented step by Israel, a message of openness and goodwill. For all of these reasons, Israel had decided not to participate in the work of this Council's

Committee. Not for a lack of desire for the truth, or a fear for the facts, but for a determined lack of faith in this Council.

IBRAHIM KHRAISHI (Palestine), speaking as a concerned country, said that unfortunately the whole incident happened in high seas, outside of Palestine. Today, Israel was attacking civilians in international waters; tomorrow it would attack civilians in territorial waters. Those attacked were from 20 different nationalities, many of whom were from Turkey, a very important country in the region and an important friend of Israel, which was playing an important role in achieving peace between Israel and its neighbours. The offensive attitude of Israel made it kill the civilians and there was not a single missile or a bullet or a lethal tool onboard the ships. They carried humanitarian assistance and they were a number of well-known individuals who carried important political and humanitarian messages. The incident did not stop the activists, and now there were many more flotillas heading towards Gaza. When Palestine called on Israel to cease using force, it was because it wanted to help Israel; it wanted Israel to use the language of peace and reason because the language of force could not be used to abide by the law. All criminals responsible for this incident must be held accountable, and the victims and their families must be compensated, Palestine said. Israel must apologise to all those who suffered in this incident. Palestine invited the Council to hold a special session to allow Israel to describe that new democracy it was painting with the blood of victims.

OGUZ DEMIRALP (Turkey), speaking as a concerned country, said delayed justice was no justice. Turkey thanked the fact-finding mission for the timely submission of their report, which was an excellent job. With its resolution 14/1, the Human Rights Council had reacted promptly to the Israeli military assault on the flotilla of ships carrying humanitarian assistance to Gaza, giving proof of its capacity to respond to urgent situations. The Mission had further increased the credibility of the Council in translating words into deeds - victims of human rights violations now had more confidence in the Council as a United Nations body to which they could address their call for justice. On the other hand, this was yet another disgrace for Israel. The report put the record straight: the military attack on the humanitarian flotilla was tantamount to a series of grave violations of international law, international humanitarian law, and international human rights law. A cruel military operation was organised against innocent civilians outside Israeli jurisdiction. Nine persons were killed, others were wounded, beaten, mistreated, harassed and humiliated. All fundamental United Nations instruments for human rights were breached. In such a case, the Government concerned would be expected to apologise and take necessary diplomatic and legal action to redress the situation. Alas, Israel had chosen to enhance its reputation for non-compliance with international laws and norms, feeling free to use disproportionate force whenever and wherever it wished, considering itself above the law. The protracted investigation they were carrying on in Israel was perceived by many as a farce. In the face of such a blatant case of violation of human rights, the Council was expected to show perseverance by acting on the report produced, which outlined in its conclusions what the Israeli authorities should do to satisfy the right to remedy of all victims.

1 Joint statement : Al-Haq, Law in the Service of Man, Women's Centre for Legal Aid and Counseling, Al Mezan Centre for Human Rights, Defence for Children International, Palestinian Centre for Human Rights, and Badil Resource Center for Palestinian Residency and Refugee Rights.

2 Joint statement : Movement against Racism and for Friendship among Peoples, International Youth and Student Movement for the United Nations, International Educational Development, International Organization for the Elimination of all Forms of Racial Discrimination (EAFORD) and *Badil Resource Center for Palestinian Residency and Refugee Rights*.

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