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Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 64/10 of 5 November 2009. On 3 December 2009, the Secretary-General sent notes verbales to the Permanent Mission of Israel to the United Nations, the Permanent Observer Mission of Palestine to the United Nations and the Permanent Mission of Switzerland to the United Nations, drawing their attention to the relevant provisions of resolution 64/10, and requesting written information by 29 January 2010 concerning any steps that may have been taken or were in the process of being taken in relation to their implementation. The full text of the materials received by the Secretariat in reply to those requests is attached as annexes. The report also contains the observations of the Secretary-General.

I. Introduction

1. The present report is submitted in pursuance of paragraph 6 of General Assembly resolution [64/10](#) of 5 November 2009 on the follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict, in which the Secretary-General was requested to report to the General Assembly, within a period of three months, on the implementation of the resolution. To fulfil this request, it was therefore necessary to ascertain what steps the parties named in paragraphs 3, 4 and 5 had taken.
2. On 3 December 2009, the Secretary-General drew the attention of the Permanent Mission of Israel to the United Nations to resolution 64/10, with the request that the Permanent Mission provide the Secretariat with written information by 29 January 2010 of any steps that the Government of Israel may have taken or was in the process of taking further to the call of the General Assembly in paragraph 3 of the resolution.
3. On 29 January 2010, the Secretariat received a document from the State of Israel entitled "Gaza operation investigations: an update". The full text of the document is attached as annex I to the present report.
4. On 3 December 2009, the Secretary-General drew the attention of the Permanent Observer Mission of Palestine to the United Nations to resolution 64/10, with the request that the Permanent Observer Mission provide the Secretariat with written information by 29 January 2010 of any steps that the Palestinian side may have taken or was in the process of taking further to the exhortation of the General Assembly in paragraph 4 of the resolution.
5. On 29 January 2010, the Secretary-General received a letter of the same date from the Permanent Observer Mission of Palestine to the United Nations conveying a letter dated 27 January 2010 from the Prime Minister of the Palestinian Authority, Salam Fayyad. The full text of the letters is attached as annex II to the present report.
6. On 3 December 2009, the Secretary-General drew the attention of the Permanent Mission of Switzerland to the United Nations to resolution 64/10,

with the request that the Permanent Mission provide the Secretariat with written information by 29 January 2010 of any steps that the Government of Switzerland may have taken or was in the process of taking further to the recommendation of the General Assembly in paragraph 5 of the resolution.

7. On 29 January 2010, the Secretary-General received a letter of the same date from the Permanent Mission of Switzerland concerning the steps taken in connection with General Assembly resolution 64/10 on the follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict. The full text of the letter is attached as annex III to the present report.

II. Observations

8. At the beginning of 2009, I visited both Gaza and southern Israel in order to help to end the fighting and to show my respect and concern for the deaths and injuries of so many people during the conflict in and around Gaza. I was, and remain, deeply affected by the widespread death, destruction and suffering in the Gaza Strip, as well as moved by the plight of civilians in southern Israel who have been subject to indiscriminate rocket and mortar fire.

9. I believe that, as a matter of principle, international humanitarian law needs to be fully respected and civilians must be protected in all situations and circumstances. Accordingly, on several occasions, I have called upon all of the parties to carry out credible domestic investigations into the conduct of the Gaza conflict. I hope that such steps will be taken wherever there are credible allegations of human rights abuses.

10. It is my sincere hope that General Assembly resolution 64/10 has served to encourage investigations by the Government of Israel and the Palestinian side that are independent, credible and in conformity with international standards.

11. I note from the materials received that the processes initiated by the Government of Israel and the Government of Switzerland are ongoing, and that the Palestinian side initiated its process on 25 January 2010. As such, no determination can be made on the implementation of the resolution by the parties concerned.

Annex I

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