



## Spokesperson's Noon Briefing

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### Daily Press Briefing by the Office of the Spokesperson for the Secretary-General

The following is a near-verbatim transcript of today's noon briefing by Farhan Haq, Associate Spokesperson for the Secretary-General.

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#### Gaza – Human Rights Council

The UN High Commissioner for Human Rights, Navi Pillay, announced today the membership of a committee of three independent experts, which was mandated by the Human Rights Council to monitor Israeli and Palestinian investigations into the serious violations of international humanitarian and human rights law that were reported by the UN Fact Finding Mission led by Justice Richard Goldstone.

The three experts who have agreed to form the committee are Professor Christian Tomuschat (who is also the Chair), Justice Mary McGowan Davis and Mr. Param Cumaraswamy. And we have a press release with their biographical details.

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#### Questions and Answers

Question: I was just wondering why you don't have a reaction to the Israeli panel, the decision to form a panel, after all these statements, considering that the Secretary-General is directly involved in this matter, I mean.

Associate Spokesperson: I am glad you asked; I have a reaction. The Secretary-General takes note of the Israeli announcement on their inquiry. A thorough Israeli investigation is important and could fit with the Secretary-General's proposal, which would fully meet the international community's expectation for a credible and impartial investigation. His proposal for an international inquiry remains on the table and he hopes for a positive Israeli response. So that's what I have to say by way of reaction.

Question: So does this mean he is satisfied with the Israeli investigation or he is still going to press, as I understand, for an international ...?

Associate Spokesperson: What he is suggesting is that this is not contradictory to his own efforts. At the same time, his proposal remains on the table, and he continues to hope for a positive Israeli response to that proposal.

Question: Sorry to follow up. Is he following up on his own proposal or is he still...?

Associate Spokesperson: Yes, he is continuing to follow up. As far as we are aware, the door remains open for that.

Question: And what's the latest on that, on his efforts to follow up on his own proposals?

Associate Spokesperson: Just that the consultations continue. We believe that the door remains open for that.

Question: A follow-up to Khaled's question. When the Secretary-General says "it could fit", could you put a little bit more light whether he really thinks it fits or it "could" fit? And what he think that would be appropriate; for example, to add his own names, some of his names to that Commission also?

Associate Spokesperson: Well, the Secretary-General continues to believe that his own proposal for an international inquiry remains on the table; it remains on offer. He believes that it's a good proposal and he hopes that it will be picked up.

Question: But what about the names? Excuse me, does the Secretary-General think that it would make sense if the Israelis picked up the names for the Commission and they are investigating what has happened – just let me finish, please -- does the Secretary-General thinks that would have make sense that he have, for example, two or three names picked by the Turkish side?

Associate Spokesperson: In this case, the Secretary-General's proposal has been for a separate international inquiry. And it remains that. He is not talking about inclusion into an Israeli inquiry.

Question: Farhan, you said that the Secretary-General proposed an international — is this an official proposal? Because yesterday in an interview, in a televised interview, the US Ambassador to the UN said that there is no official proposal for the Secretary-General. Plus, do you believe that the Secretary-General has a mandate from the Security Council? Does the Security Council statement say anything about the role for the Secretary-General?

Associate Spokesperson: No, but the Security Council's presidential statement does call for an investigation that would be prompt, would be credible and would be transparent. And the Secretary-General believes he has a proposal that meets those criteria.

Question: Wait, wait, is this an official proposal that he made to both sides?

Associate Spokesperson: It's a proposal that continues to develop through conversations with a range of parties. A final proposal has not been made, no.

Question: You say that you believe, or the Secretary-General believes, the door remains open. Why does he believe that? What makes him think that? And what makes him think that this announcement by the Israeli Government is not a closing of that door? I think it's been perceived pretty widely that this is Israel's answer to what he is planning to do.

Associate Spokesperson: We've been in touch with a number of interlocutors on the various sides, including on the Israeli side. And the impression we had received from them is that they have not rejected the Secretary-General's proposal. And we continue to believe that as of right now.

Question: Let me just follow up on that, because the Israelis themselves announced this, don't you think that in fact they will not cooperate with the United Nations in future?

Associate Spokesperson: That's not what they have said in our discussions that we have had with them. For example, Mr. Pascoe met recently with the Foreign Minister, discussed recently with the Foreign Minister of Israel, Mr. [Avigdor] Lieberman. And so we do believe that our proposal remains on the table; the Secretary-General's.

Question: A follow-up on that, and a connection. [Israeli President Shimon] Peres was in South Korea last week, and supposedly a piece of the model for this is the *Cheonan* investigation there that is being brought to the Security Council today, and there's two pieces of the question on that: one, there is an NGO, the People in Solidarity for Participatory Democracy, that has seriously critiqued both the methodology and the content of the statement released by South Korea about the *Cheonan*. And they have submitted that to the Security Council, to the President of the Security Council. This is under a lot of criticism from the Government in South Korea, and there [are] threats of putting charges on them for critiquing the forms, the fact that it was told, not transparent, you don't know who was on it, you don't know who approved it...

Associate Spokesperson: And your question is?

Question: So my question is that, one, I wondered if the Secretary-General is aware of the People in Solidarity for Participatory Democracy criticism of the *Cheonan* investigation, because that would give him a basis to understand what's the problem with that form which Israel is basing this on. So do you know if he is aware of that or anything?

Associate Spokesperson: I'm not aware whether he knows of this specific proposal. He has been monitoring developments concerning the *Cheonan*, and he has received quite a range of information. And in addition, as I said earlier, the Security Council will have an informal interactive dialogue on the situation in the Korean peninsula this afternoon.

Question: [inaudible] one is that these people are under they may be charged by the Government for submitting something to the Security Council. Is that, would the Secretary-General agree that they should be charged by the South Korean Government?

Associate Spokesperson: I wouldn't want to speculate on what may or may not happen.

Question: Okay, the second is how can people testify if it's an Israeli — the people who are on the ship, there [are] 600 people; in order to do an investigation, don't they need to hear their testimony, and what protection can there be if this is in Israel's hands?

Associate Spokesperson: Like I said at the start, we continue to work on behalf of our own proposal.

Question: Farhan, I just want to follow up on that. How does the SG believe this could be a fair investigation if they are not going to listen to the Turkish side? And also, if the two Europeans are only going to be observers, how does this fit with any sense of a credible, transparent or impartial investigation?

Associate Spokesperson: Ultimately, the Secretary-General believes that there should be a thorough accounting by Israel, and he said so at the start of this. And any effort towards having that thorough accounting is a positive one. At the same time, you are absolutely right; what the Security Council has called for is a thorough, impartial, credible and prompt investigation. And he believes that the sort of proposals he has been discussing would meet those criteria.

Question: Does he think this inquiry would be transparent, credible and impartial, as the Security Council presidential statement believes? A direct answer, yes or no?

Associate Spokesperson: I think at this stage, the most that we can say on that is that what we are hopeful for is that our own proposals — that it could be useful if taken in conformity with our own proposals for an international inquiry. And so we remain hopeful for a positive Israeli response to that proposal.

Question: You keep referring to "our proposal, our own proposals"; could you tell us what is that proposal?

Associate Spokesperson: The Secretary-General has been discussing a proposal for an investigation that would have credible international involvement. I can't give you the details of that right now because, simply put, it is developing in our discussions that we've had with the various parties.

Question: It is a proposal? Because you keep referring to it as the ultimate solution to the thing...

Associate Spokesperson: Yes, yes, it is.

Question: But could you tell us what it is? If it is the ultimate solution, we may as well know what it is.

Associate Spokesperson: I can't give you the final details because it is not a final proposal yet.

Question: So, it's not a final proposal?

Associate Spokesperson: It's not a final proposal. Yes.

Question: I just wanted — this composition of this panel announcement, Navi Pillay, to monitor the Israeli and the Palestinian investigations. Will that...

Associate Spokesperson: Not into the flotilla, mind you. This is into the follow up to Justice Goldstone.

Question: No, no, I understand. Let me finish my question. Will there be a similar sort of a panel appointed now in this investigation that Israel, at this point in time, is trying to conduct, and then the Turkish can do it also? That can also be done?

Associate Spokesperson: That would be in the hands of the Human Rights Council. We'd have to see what decision they take on that.

Question: Just a clarification. So what was this Goldstone development, exactly? And secondly, which Korea is giving the press conference tomorrow?

Associate Spokesperson: Tomorrow morning, you will have a press briefing from the Ambassador of the Democratic People's Republic of Korea, and his name is Sin Son Ho. And that will be at 11 a.m. in this room. What was your other question?

Question: What was this Goldstone report?

Associate Spokesperson: There is a press release on this. Navi Pillay announced the three members of a panel that would follow up on the Israeli-Palestinian investigations, activities following up to Justice Goldstone's recommendations.

Question: [inaudible] kind of commission to be set up. And what if Turkey doesn't accept? I'm sure they won't accept the Israeli investigation. So will there be two other investigations and Turkey will decide to do its own investigation? So, do you think the Secretary-General will come up with a concrete idea?

Associate Spokesperson: I do think that the Secretary-General believes that in order to satisfy the expectations by all the various parties, there needs to be an initiative, an investigation that could take into account all their various concerns. So that's why he has been talking to all of the parties and trying to develop a proposal based on that.

Question: I would just like to make sure I understand the total galaxy of investigations that are current. There is an investigative committee just appointed by the Israelis, which the Secretary-General may recognize and with which he may cooperate. And then there is a not directly related investigative commission appointed by Judge Pillay relative to the Goldstone report?

Associate Spokesperson: Yes.

Question: But this is not in recognition of the call from the Human Rights Council for an independent investigation of the flotilla affair?

Associate Spokesperson: Exactly.

Question: So there has been no particular action on that call of the Human Rights Council for that separate investigation? There may be in the future?

Associate Spokesperson: Not at this point, no.

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Question: Thank you, Farhan. On Gaza, am I right in thinking that the Goldstone report is coming back to the SG, and that the General Assembly delayed decision on it for another five months, and the SG must report back to them as to whether or not Hamas and Israel have their own criminal investigations into the findings of the report? Question two is specifically on the Gaza flotilla raid. Last week, Philip Alston, the Special Rapporteur on extrajudicial killings, outlined his own requirements for an investigation into the incident. But because he spoke on it, does that mean, in UN parlance, the death of 9 people aboard the boat are classed as extrajudicial killings?

Associate Spokesperson: I would not suggest that in lieu of an investigation at this stage. Mr. Alston is expressing his views as an independent expert, and his views do not necessarily reflect those of the Secretary-General.

Question: The Goldstone question?

Associate Spokesperson: What was that question, again?

Question: It goes back to the SG, and he is going to report back to the GA beginning of next month, is that right?

Associate Spokesperson: I believe that is what he was scheduled to do, yes.

Question: Do we have a date for the report, or anything?

Associate Spokesperson: No, it's being worked on.

Question: This Commission that the Secretary-General is going to appoint, the work is still going on, that commission that he is going to appoint, independent of Israel and Turkey?

Associate Spokesperson: The work is still going on to see what kind of proposal can be accepted by all the parties, yes.

Question: One last question on the Gaza issue. In case Israel continues to refuse the proposal or what you refer to as the proposal by the SG, what will be his next move? He'll go back to the Security Council and tell them, "I cannot establish an independent commission" — how will this end?

Associate Spokesperson: We will cross that bridge when we come to it. At this stage, we remain hopeful for a positive Israeli response.

Question: Could this go on forever — what does that mean?

Associate Spokesperson: The Council wanted action that would be prompt. So, yes, we will try to do it very promptly. Can we get to our guest? Okay, last question, and then we'll get to Mr. Kell. Yes.

Question: I've been listening to your answers. I haven't heard any word about Turkey or Turks. But the SG is welcoming the Israeli proposal for the investigation team, and the reason that it will be credible for any report or any investigation committee minus the Turks, which is nine people were killed in the international waters were Turks. There is no word — I haven't heard about the Turks or Turkey.

Associate Spokesperson: No, I believe in response to a question from one of your colleagues earlier, I had mentioned that we wanted a proposal that would be acceptable to all sides. That includes, clearly includes, Turkey. You know they certainly are the ones who had suffered several deaths, and we want to make sure that any initiative, any investigation, would be satisfactory to Turkey, to Israel and to the international community as a whole. And that is what we continue to work on.