

Political

update:– Britain, the US and France urge Israel to conduct internal investigations into its Gaza operation; Israel argues Goldstone report will limit all states’ ability to protect citizens from terrorist attacks – 16 October

Key points:

- Britain, the US and France have each advised Israel to conduct independent enquires into allegations of war crimes committed in Gaza, rather than internal military investigations
- Despite initial calls by the Palestinian leadership to postpone endorsement of the Goldstone report into Operation Cast Lead, it has successfully re-tabled the issue in the UN Human Rights Council and UN Security Council
- Israel’s Ambassador to the UN has warned that endorsing the Goldstone report will weaken all states’ ability to tackle terrorism
- The Goldstone report is the result of a fact finding mission established by the UN Human Rights Council to investigate possible war crimes committed during last winter’s Gaza conflict

Latest developments

- In a UN Security Council (UNSC) debate on Wednesday (14 October), on the UN Human Rights Council (HRC) commissioned *Report of the United Nations Fact Finding Mission on the Gaza Conflict*, Britain, the US and France each advised Israel to conduct independent investigations into the report’s allegations of war crimes.
- Answering a parliamentary question on 15 October, Foreign Office Minister of State for the Middle East Ivan Lewis MP said:

“We have made clear that, while the Goldstone report has its flaws, there are serious allegations against both Hamas and Israel. Israel has undertaken a number of investigations. But we do not believe these have yet adequately addressed the concerns. We urge Israel to investigate allegations fully and credibly to ensure that there is full accountability for any breaches of the rule of law.” (15/10/09)

- In addition to Wednesday’s UNSC debate, initiated by Libya, the report is also being considered for endorsement by the HRC on Thursday (15 October) and Friday (16 October). If endorsed it will return to the UNSC for full consideration.
- The report, led by South African Judge Richard Goldstone and released on 15 September, accuses both Israel and Hamas of committing war crimes during Israel’s 3-week military operation in Gaza last winter. It also urges the UNSC to refer the allegations to the International Criminal Court if either side fails to investigate and prosecute suspects.

- During the UNSC debate on Wednesday (14 October), Deputy US Ambassador to the UN Alejandro Wolff accused the Goldstone report of having an “unbalanced focus on Israel.” However, he also said that “we take the allegations in the report seriously,” and urged Israel to “carry out serious investigations of these allegations.”
- Rather than backing Palestinian calls for the UNSC to pass a resolution on the matter, British Ambassador to the UN John Sawers also urged Israel to conduct “full, credible and impartial investigations into the allegations.”
- French Ambassador Gerard Araud urged both sides to initiate “independent inquiries in line with international standards.” Araud’s call was seconded by UN Secretary General Ban Ki-Moon.
- Israeli Ambassador to the United Nations Gabriela Shalev argued that if the UN endorsed the report, it would be limiting the ability of all democratic states to defend their citizens from terror attacks. She said that the report has “fallen straight into the strategic trap guided by terror organisations across the world.”
- Palestinian Authority Foreign Minister Dr Riyad al-Malki disagreed, arguing that “the world has for too long witnessed Israel’s impunity.”
- Israeli Prime Minister Benjamin Netanyahu used his opening speech at the start of the Knesset’s winter session on Monday (12 October) to lambast the Goldstone report, which he described as “distorted” and “written by this distorted committee,” arguing that “Israel will not take risks for peace if it can’t defend itself.”
- The Hamas regime in Gaza issued a statement on Thursday (15 October) asserting that it will “carry out our own investigation into any alleged crimes.” Hamas’ leader in Gaza, Ismail Haniya, said on Wednesday (14 October) that despite not agreeing with all of the Goldstone report his organisation backs the “document in general.”
- As a member of the Security Council, current president of the UN General Assembly and representative of the Arab League, Libya is uniquely placed to push the Goldstone report through the UN system.

Background

- The HRC established the UN fact finding mission, led by former judge of the Constitutional Court of South Africa Richard Goldstone, on 3 April, with a mandate to:

“Investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were **conducted in Gaza** during the period from 27 December 2008 and 18 January 2009, whether before, during or after.” (03/04/09)

- Israel refused to take part in Judge Goldstone’s report, arguing that the remit only mandated it to investigate events within Gaza and not Hamas’ approximately 9,000 rocket and mortar attacks from Gaza into Israel over the last eight years. Judge Goldstone attempted to redress this imbalance by, according to the report itself, investigating “actions in the entire Occupied Palestinian Territory and Israel.” However, Goldstone decided that the investigation should “focus primarily on events, actions or circumstances occurring since 19 June 2008,” rather than the total period of Hamas’ rocket fire into Gaza (2001-present day).

- The HRC was originally scheduled to endorse the Goldstone report on 2 October, thus sending it to the UN General Assembly and UNSC for full consideration. However, on 1 October, Palestinian President Mahmoud Abbas opted to defer the matter until the next meeting of the HRC in March 2010. The Palestinian President has since recanted this position, successfully urging Libya to take the report to the Security Council and the HRC to readdress the issue. Hamas has since blamed Palestinian President Mahmoud Abbas' initial reluctance to push for the report's endorsement for deepening the rift between Fatah and Hamas.
- Debating the Goldstone report at the HRC on 29 September, US Assistant Secretary of State Michael Posner accused the institution of paying "grossly disproportionate attention... to one country, Israel." He continued:

"In the past five years, the Council and its predecessor organization, the UN Commission on Human Rights, have commissioned more than 20 reports on Israel, far more than for any other country in the world. Since the Council was created in 2006, it has passed 20 resolutions on Israel, more than the number of resolutions for all 191 other UN members combined. This is unfair." (29/09/09)

- Between 1,166 (Israeli figure) and 1,380 Palestinians (Palestinian figure) were killed during Israel's military operation in Gaza. Israel claims that two thirds of those killed were Hamas militants, whilst Gazan medical officials argue that the majority were civilians. Four Israeli civilians were killed by Hamas's rocket fire during this period.