

**UN Goldstone Report on Gaza** 1. Report of the United Nations Fact Finding Mission on the Gaza Conflict OHCHR September 2009 Tuesday, 15 September 2009, the report by the fact-finding mission on the Gaza conflict commissioned at the beginning of this year was released by the UN Human Rights Council. The mission, mandated by the President of the Human Rights Council in April 2009 and headed by Justice Richard Goldstone, found evidence that both by the Israeli Defense Forces and armed groups from Gaza had committed serious war crimes and breaches of humanitarian law, which could amount to crimes against humanity. Justice Goldstone presented the report to the UN's Human Rights Council in Geneva on 29 September 2009.

*The report recommended the Security Council pass a resolution requiring Israel and Hamas to launch domestic investigations into these crimes and report on both the findings of these investigations and the prosecutions of the perpetrators. The report also recommended that if good-faith investigations in line with international standards are not underway in either Israel or Hamas six months after the passage of the recommended resolution, the UN Security Council should refer as appropriate one of both of the parties to the International Criminal Court.*

*Findings during the mission included imposed blockades on Palestinians by Israeli Defense Forces that created emergency situations and deprived Gaza residents basic necessities including food and healthcare, questionable Israeli military operations, deliberate attacks on civil populations by both Israel and Hamas, the use of human shields, and the irresponsible use of certain weapons.*

*A draft resolution resulting co-sponsored by the Organization of the Islamic Conference (OIC), the Arab group, the African group and the Non-Aligned Movement (NAM) was submitted to the Human Rights Council after Justice Goldstone presented his Report. On 2 October 2009, the Council, although expecting to vote on the resolution, decided to defer it until the next session of the HRC opens in March 2010.*

Source and report: <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/FactFindingMission.htm>

Justice Goldstone's Op-Ed in the New York Times on 17 September, "Justice in Gaza": [http://www.nytimes.com/2009/09/17/opinion/17goldstone.html?\\_r=1&bl&ex=1253332800&en=5342e791e08ef464&ei=5087%0A](http://www.nytimes.com/2009/09/17/opinion/17goldstone.html?_r=1&bl&ex=1253332800&en=5342e791e08ef464&ei=5087%0A)

2. Why The Goldstone Report Matters Richard A. Falk Global Policy Forum 22 September 2009 Richard A. Falk, UN Envoy and Special Rapporteur for Human Rights in Palestinian Territories, analyzes Israel's response to Justice Goldstone's report and discusses the future of the Report's findings.

(...)However much Israel may attack the commission report as one-sided and unfair, the only

plausible explanation of its refusal to cooperate with fact-finding and taking the opportunity to tell its side of the story was that it had nothing to tell that could hope to overcome the overwhelming evidence of the Israeli failure to carry out its attacks on Gaza last winter in accordance with the international law of war. (...)

does come with the backing of an eminent international personality who cannot credibly be accused of anti-Israel bias, making it harder to deflect attention from the findings no matter how loud the screaming of 'foul play.' (...)

More globally, a very robust boycott and divestment movement was gaining momentum ever since the Gaza War, and the Goldstone Report can only lend added support to such initiatives. There is a growing sense around the world that the only chance for the Palestinians to achieve some kind of just peace depends on the outcome over the symbols of legitimacy, what I have called the Legitimacy War. Increasingly, the Palestinians have been winning this second non-military war. (...)

reason for Israeli worry stemming from the report, is the green light given to national courts throughout the world to enforce international criminal law against Israelis suspects should they travel abroad and be detained for prosecution or extradition in some third country. Such individuals could be charged with war crimes arising from their involvement in the Gaza War. (...)

has already launched a media and diplomatic blitz designed to portray the report as so one-sided as to be unworthy of serious attention. The United States Government has already disappointingly appeared to endorse this view, and repudiate the central recommendation in the Goldstone Report that the Security Council be assigned the task of implementing its findings. (...)

There are also some reasons to insist that the report falls short of Palestinian hopes. For one thing, the report takes for granted, the dubious proposition that Israel was entitled to act against Gaza in self-defense, thereby excluding inquiry into whether crimes against the peace in the form of aggression had taken place by the launching of the attack....Also, disappointing was the failure of the report to comment upon the Israeli denial of a refugee option to the civilian population trapped in the tiny, crowded combat zone that constitutes the Gaza Strip. (...)

In the end, the Goldstone Report is unlikely to break the inter-governmental refusal to challenge the Israeli blockade of Gaza or to induce the United Nations to challenge Israeli impunity in any meaningful way. (...)

Despite these limitations, the report is an historic contribution to the Palestinian struggle for justice, an impeccable documentation of a crucial chapter in their victimization under occupation. Its impact will be felt most impressively on the growing civil society movement throughout the world to impose cultural, sporting, and academic boycotts, as well as to discourage investment, trade, and tourism with Israel. (...)

Read the full article at

<http://www.globalpolicy.org/security-council/index-of-countries-on-the-security-council-agenda/israel-palestine-and-the-occupied-territories/48169.html>