



Intelligence and Terrorism
Information Center

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Palestinian, Iranian and international reactions to the Human Rights Council's decision to endorse the findings of the Goldstone Report (Update No. 1)



"The Goldstone Report" shackles Israel (Al-Bayani Center website, Gulf States, October 18, 2009)

Overview

1. After two days of deliberations (October 15-16), the Human Rights Council in Geneva endorsed the Palestinian proposal to **adopt the Goldstone Report and its conclusions**. The proposal calls for the UN General Assembly to debate the Report and for the Secretary General to update the Security Council on the measures taken by Israel to implement the Report's conclusions. It also recommends raising the issue at the General Assembly's next session (ReliefWeb, October 17, 2009).

2. According to the proposal, the HRC strongly condemns Israel's actions in the Gaza Strip and East Jerusalem, condemns the continued building in the settlements and the so-called

lack of Israeli cooperation with the Goldstone Committee, and calls for both sides to report on the progress of their investigation into the events mentioned in the Report.

3. The decision was passed by a 25-vote majority (among those voting in favor were Russia, India and China) with six votes against (including Italy, Hungary and the Ukraine) and 11 abstentions (such as Japan, Norway and Belgium). Five countries did not participate in the vote, including France and Britain.

4. Before the results of the vote were made public, Judge Goldstone criticized the wording of the decision, claiming that it was unacceptable because **it did not include a condemnation of Hamas** (from an interview in the Swiss *Le Temps*, quoted in *Haaretz*, October 16, 2009). After the vote Goldstone said that he had long been worried about the way the UN's Human Rights Council's attitude toward with Israel. Regarding the appointing of investigatory committees following his Report, he said that Israel had a legal system it could be proud of and that it could appoint its own committee to investigate the issues of Operation Cast Lead. He said he hoped Israel had the political will to appoint such a committee (BBC TV, October 16, 2009).

5. **The Palestinian Authority and Hamas** rushed to celebrate the results of the vote. Senior Palestinian Authority spokesmen said that they intended to promote the implementation of the Goldstone Report and to fight Israel's so-called "war crimes" in **international** (the UN General Assembly and Security Council), **legal** (the International Criminal Court) and **Arab forums**.

Hamas was quick to congratulate itself on its "victory" over Israel (and the Palestinian Authority), claiming that the Report cleared it of all terrorist attacks carried out from the Gaza Strip and that it had also been found innocent of using civilians as human shields. It said it would meet its responsibility and appoint an **investigatory committee**. [Note: That is, it would appoint a committee to "investigate" the indiscriminate rocket attacks its operatives and operatives of the other Palestinian terrorist organizations carried out against Israeli civilians based on its ideology and strategy under the orders of its leaders.] Iran and Hezbollah were also quick to celebrate.

Reactions

The Palestinian Authority

6. The Palestinian Authority **praised** the vote and the decision to endorse the Report. It reiterated the position that it would not be satisfied with merely accepting the vote but that

senior PA figures would initiate diplomatic and propaganda action to promote the Report in the international arena. The PA also announced that in the very near future it would appoint its own **"investigatory committee"** to monitor the implementation of the Report's recommendations regarding the Palestinians (with no reference to Hamas' so-called "investigatory committee"). The PA's self-congratulatory reactions made virtually no mention of the peace process the United States wants to relaunch.

7. Senior Palestinian Authority figures said the following:

i) **Yasser Abd Rabbo**, secretary of the PLO's executive committee, said that the Palestinian leadership, headed by Mahmoud Abbas and the Salam Fayyad government, was planning to appoint a **committee to monitor the implementation of the Goldstone Report**, and work would in tandem with **the International Criminal Court, the Arab League, the Security Council and all the relevant international organizations** (Wafa News Agency, October 17, 2009). He also said that the General Assembly and Security Council had to ensure that the Report's recommendations were implemented (Al-Jazeera TV, October 16, 2009).

ii) **Nabil Abu Rudeina**, presidential spokesman, praised the result of the vote. He said that it emphasized international support for "Palestinian rights" and called for the implementation of the Report to be monitored in order to create **a precedent for protecting the Palestinians from "Israel's continued attacks"** (Wafa News Agency, October 16, 2009).

iii) **Saeb Erekat**, head PLO negotiator, said that the Palestinian praised the endorsement of the Goldstone Report and expressed his hope that the decision would not remain on paper, but that the **Security council would monitor its implementation and use it against Israel's "war crimes"** to ensure that they were not repeated. He also said he hoped the decision would be brought before the General Assembly (Agence France-Presse, October 16, 2009).

iv) **Nimr Hammad**, advisor to Mahmoud Abbas, said a large majority of the member nations in the General Assembly would support the Report. He said the Report should also be given to the International Criminal Court **in the Hague where the United States would not be able to veto it** (Radio Monte Carlo, October 16, 2009).

v) **Ibrahim Kharisha**, Palestinian Authority representative in the UN Human Rights Council, said that **the Palestinian Authority would not object to Hamas' being tried in the International Criminal Court in the Hague for committing war crimes against Israel**. However, he added that **the Israelis who committed war**

crimes also had to be tried in the Hague. He added that “the occupiers and the occupied” could not be equated (The Voice of Israel Radio, October 17, 2009).¹

8. The decision also served as a pretext for the Palestinian Authority **to promote its bid for acceptance as a member of the International Criminal Court in the Hague.** To that end **Ali al-Khashan**, justice minister in the Salam Fayyad government, presented the attorney general of the Court with some of the documents necessary for acceptance, as well as documents regarding “war crimes” Israel allegedly committed in the Gaza Strip (Ma’an News Agency, October 16, 2009). The International Criminal Court stated in a press release that the attorney general had met with the the Palestinian delegation headed by Khashan. During the meeting, it said, preliminary documents had been presented accepting the statement made on January 22, 2009, that the Palestinian Authority recognized the International Court as the legal authority in the Palestinian territory which would judge events that had occurred since June 1, 2002 (International Court’s official website, October 16, 2009).

Hamas

9. **Hamas senior figures praised the vote** and continued attacking Mahmoud Abbas. Hamas spokesmen claimed that the Goldstone Report **did not relate to Hamas at all** but rather to all the Palestinian armed groups.² Hamas also denied Israel’s accusations of its use of civilians as human shields. The movement heads have also promised **to appoint an investigatory committee**, as instructed by the Report, **to examine Hamas’ conduct.**



The title reads “Human rights [organization] accepts Goldstone Report.” The headstone commemorates those killed during Operation Cast Lead (Hamas’ Felesteen, October 18, 2009).

¹ Interviewed by *Al-Sharq Al-Awsat* (October 18, 2009), Kharisha amended his statement and said that only if the Security Council proved that Hamas did in fact commit war crimes, would the Palestinian Authority not object to Hamas members’ being brought to trial. The change was in all probability based on the PA’s fear that Hamas would exploit the issue to launch another propaganda attack on Mahmoud Abbas.

² One of the most frequent and biased expressions used by the Goldstone Report was its description of **Hamas**. It did not refer to Hamas or the other Palestinian terrorist organizations as “terrorist,” but rather as “**Palestinian armed groups**” and to Hamas’ control of the Gaza Strip as “Gaza authorities.” It is therefore no wonder that Hamas jumped at the chance to evade responsibility for being the main factor behind the rocket fire and other terrorist attacks from the Gaza Strip targeting Israeli civilians during the years preceding Operation Cast Lead.

10. Hamas called on the Gazans to participate in a mass march to “**celebrate the victory of the Palestinian will regarding the Goldstone Report**” (Hamas’ PALDF forum, October 17, 2009). Senior Hamas figures began a campaign to induce the Palestinian Legislative Council to adopt the Report and called on action to be taken against Israel. The main reactions were the following:

i) **Khaled Mashaal**, head of the Hamas political bureau in Damascus, praised the decision, calling it a “victory for the Palestinians.” He thanked all the countries and human rights organizations which supported it, saying that it was a direct result of Palestinian determination to present the report again. He said he hoped the decision was merely **the beginning of “obtaining justice” for the Palestinians and exposing Israel’s “ugly” face**, and called on the international community to bring Israel and its political and military leadership to trial (Al-Jazeera TV, October 16, 2009).

ii) **Musa Abu Marzuk**, deputy head of the Hamas political bureau in Damascus, thanked the Palestinians and the human rights organizations for supporting the Goldstone Report and all the countries which had voted for it in the UN Human Rights Council. He added, referring to Mahmoud Abbas, that any delay in the deliberations harmed the Palestinians and that if the issue had not been postponed, its implementation would have been more effective. **He said that all those who accused Hamas and Israel to the same degree had not read the Report and that it condemned Israel in every aspect while it exonerated Hamas from many of the accusations, including the use of human shields. He said the Report had not accused Hamas at all and that its name had not been mentioned in connection with rocket fire, but rather dealt with “Palestinian armed groups.”** [Note: Hamas’ attempt to dissociate itself from the terrorist organizations operating in the Gaza Strip is **ridiculous**, but unfortunately its position was supported by Goldstone.] He also said that the Palestinian factions [i.e., the Palestinian terrorist organizations] launched rockets into Israeli territory to attack military targets but hit civilian areas and caused deaths, and that Hamas should investigate the events.³ He said Hamas would appoint a new investigatory committee

³ **A bald-faced lie. The rockets targeted cities , towns and villages and not military targets.** Musa Abu Marzuk ignored Paragraph 109, page 33 of the Report, which specifically states that “...some of the Palestinian armed groups, along them Hamas, **have publicly expressed an intention to target civilians as reprisals for the fatalities of civilians in Gaza as a result of Israeli military operations**, the Mission is of the view that **reprisals against civilians in armed hostilities are contrary to international humanitarian law**. The Report also states, Paragraph 1747, page 541, “In relation to the firing of rockets and mortars into Southern Israel by **Palestinian armed groups operating in the Gaza Strip, the Mission finds that the Palestinian armed groups fail to distinguish between military targets and the civilian population and civilian objects in Southern Israel**. The launching of rockets and mortars which cannot be aimed with sufficient precisions at military targets breaches the fundamental principle of distinction. Where there is no intended military target and the rockets and mortars are launched into civilian areas, they constitute a deliberate attack against the civilian population. **These actions would constitute war crimes and may amount to crimes against humanity.**” (ITIC emphasis)

which would focus, as required, on the sections of the Report dealing with the Gaza Strip (Al-Jazeera TV, October 16, 2009).

iii) **Mahmoud al-Zahar**, a member of the Hamas political bureau in the Gaza Strip, said, in reference to the Palestinian Authority, that anyone who claimed that the Report would not overwhelmingly exonerate [Hamas] was wrong, and anyone who claimed that voting on the Report had to be postponed in order to rally support for it was wrong. **He said that Hamas had not been accused and did not have to defend itself.** He stressed that the Report contained only general accusations which were not directed at Hamas, and therefore there was no need to bring Palestinians to trial. He again claimed that Hamas had not used civilians as human shields and even denied the claim that Hamas had aimed its rockets at Israeli civilians (Al-Aqsa TV, October 16, 2009).

iv) **Salah al-Bardawil**, Hamas spokesman in the Palestinian Legislative Council, also praised the Report, calling it "a victory for justice." He thanked the countries, human rights organizations and international legal organizations which had urged the Report be published, and asked them to continue supporting the Palestinians. He denounced the countries which had voted against the decision, saying it was a violation of human rights and democracy and gave "criminals a green light to freely continue committing crimes" (Safa website, October 16, 2009).

v) **Taher al-Nunu**, spokesman for the Hamas de-facto administration, congratulated the Human Rights Council for endorsing the Goldstone Report and expressed his hope that **it would be the first step in "bringing Israel's leaders to trial."** He said that Hamas would contact Arab and Islamic groups and human rights organizations to implement the Report's conclusions. **He also said that the Report had not accused Hamas of crimes but that some of the actions of the so-called military wings could be considered war crimes** if in fact they had tried to harm civilians, which he denied. [Note: Another Hamas attempt to divorce itself from responsibility for its own actions and those of the other terrorist organizations operating in the Gaza Strip.] According to al-Nunu, the Hamas administration would implement the relevant conclusions of the Report and called on Israel to allow external factors to examine the landing sites of Hamas rockets, which would prove they had not harmed the [civilian] population⁴ (BBC TV, October 16, 2009).

⁴ **The Goldstone Report does not completely ignore the damage done by Palestinian rockets to the Israeli civilian population.** For example, Paragraph 1748, page 541, "The Mission concludes that the rocket and mortars attacks, launched by Palestinian armed groups operating from Gaza, have caused terror in the affected communities of southern Israel. The attacks have caused loss of life and physical and mental injury to civilians as well as damaging private houses, religious buildings and property and eroding the economic and cultural life of the affected communities and severely affected economic and social rights of the population."

vi) **Sami Abu Zuhri**, Hamas spokesman, said that the movement regarded the Report **as the first step in bringing Israel's leaders to trial** and justified Hamas' denunciation of the Report's postponement. He said Hamas had acted in "self defense" during a war, which was permissible under international law. He added that Hamas would appoint a committee to deal with the Report's recommendations (BBC Radio, October 16, 2009).



Netanyahu receives a knock-out punch, called "rain after a drought." The arm on the right reads "Human Rights" (Jordanian newspaper Al-Sabil Al-Islami, October 17, 2009).

Iran

11. Iran praised the Goldstone Report, which it regarded as serving its policies to erode Israel's international status and its broad campaign to delegitimize Israel's right to exist. In addition, the Report strengthens Hamas vis-à-vis the Palestinian Authority, which Iran interprets as strengthening the Iranian-led anti-Israeli anti-Western camp in the Arab-Muslim world.

12. Iranian Foreign Minister **Mottaki** said following the UN Human Rights Council's endorsement of the Goldstone Report, that it was "clear evidence of war crimes and crimes against humanity committed by the Zionist regime." He added that the Report was only part of the real situation," and that "[n]ow are the awakening consciousness and fact-finding eyes of people waiting to see an international court of justice to be held and convict the Zionist criminals for their crime."⁵

13. The Iranian representative to the 12th session of the UN Human Rights Council in Geneva, **Hamid Ba'idinezhad**, said during the deliberations that the Report supported what he called the "clear and systematic violations of the Palestinians' rights." He called on the Council to pay attention to the Report's findings and to bring to trial those "who committed those

⁵ <http://english.farsnews.com/newstext.php?nn=88-7260881>.

crimes...and to put an end to Israel's crimes."⁶ He exploited the forum to raise the issue of the "destruction of Palestinian houses in Jerusalem to change the demographic balance and the [Islamic] nature of the city, and the excavations Israel is carrying out on the Temple Mount."⁷

14. An editorial in the October 18 issue of the conservative Iranian daily *Jomhuri Eslami* called the Goldstone Report "favorable but not enough," and said it doubted whether in the end it would cause Israel's leaders and senior officers to be brought to trial. In any case, according to the paper, the Report and its endorsement by the UN's Human Rights Council were "another humiliation for Israel and a continuation of its defeat by Hamas in the war in 2008." The editorial also criticized the UN for permitting Israel to ignore its decisions.⁸

Hezbollah

15. Hezbollah issued a statement denouncing the United States and other countries which voted against endorsing the Goldstone Report, accusing them of having "lost their morals." Their desire, said the statement, to defend "the Zionist enemy" and to prevent legal measures from being taken against it encouraged it to continue its so-called "crimes," and made them "partners" in the "crimes." Hezbollah called on the international community and human rights organizations to employ determined measures to punish "the Zionist war criminals" (Hezbollah's Al-Intiqad website, October 18, 2009).

The International Arena

The United States

16. A spokesman for the American State Department said "**We have serious concerns about the report's unbalanced focus on Israel**, its sweeping factual and legal conclusions, and many of its recommendations;...[W]e think that these are serious allegations that need follow-up and will urge the parties to look at their responsibilities in this regard. And...we would expect both to continue to do so."⁹ (ITIC emphasis) He added that the support of the Human Rights Council **did not automatically mean the Report would be deliberated in the Security Council** and that the issue was in the hands of that body's members (Agence France-Presse, October 16, 2009).

⁶ <http://www.presstv.ir/detail.aspx?id-108847&seccionid=351020101>.

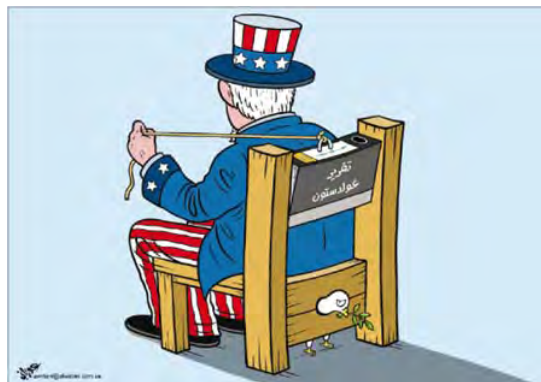
⁷ <http://www.presstv.ir/detail.aspx?id-108208&seccionid=351020101>

⁸ *Jomhuri Eslami*, October 18, 2009.

⁹ <http://www.state.gov/p/io/rls/rm/2009/130213.htm>

17. Douglas Griffiths, American representative in the Human Rights Council, expressed worry over the fact that the Report was **unbalanced** against Israel (PressTV, October 16, 2009).

18. A *Wall Street Journal* editorial¹⁰ said “The U.N.’s Human Rights Council (HRC) voted overwhelmingly on Friday to endorse the recommendations of the lopsidedly anti-Israel Goldstone Report...The report alleges numerous specific human rights violations by both Israel and Hamas. But by attempting to criminalize Israel’s strategy of crippling Hamas, **the report in effect declared the entire antiterrorism campaign to be a war crime**...U.N. decisions on ostensibly Israel-specific issues can lay a predicate for subsequent action against, or efforts to constrain, the U.S. Mr. Goldstone’s recommendation to convoke the International Criminal Court is like putting a loaded pistol to Israel’s head—or, in the future, to America’s.” (ITIC emphasis)



The guillotine reads “Goldstone Report.” The cartoon accuses the United States of killing the Dove of Peace [by using its veto]. (Al-Watan, Saudi Arabia, October 18, 2009).

Britain and France

19. The British ambassador to the UN in Geneva said that the Report and the Palestinian decision **did not sufficiently recognize Israel’s right to defend its citizens and did not deal sufficiently with Hamas’ actions**. He said¹¹ that “The report of the United Nations fact-finding Mission did have flaws. **Neither the report nor the resolution reflected the right of Israel to protect its citizens or paid sufficient attention to Hamas’s actions**. It also made broad interpretation of international law, with which United Kingdom did not agree. Because Israel did not cooperate with the Mission, the report lacked an authoritative Israeli perspective...For these reasons, the United Kingdom could not fully endorse the report and its recommendations and could not vote for the resolution as tabled” (British Foreign Office website, October 17, 2009). (ITIC emphasis)

¹⁰ <http://online.wsj.com/article/SB10001424052748704500604574480932924540724.html>

¹¹ <http://ukinusa.fco.gov.uk/en/newsroom/?view=News&id=21043641>

20. According to an editorial in the *Times*,¹² **“First, there is no equivalence between the actions of Israel in self-defense and those of Hamas in seeking to destroy it. Second, the UNHRC is not a credible forum. It is a kangaroo court. Like its predecessor, the UN Commission on Human Rights, it has failed to meet expectations as a watchdog over global human rights, instead becoming notorious for bloc voting and bias against Israel. And finally, the Goldstone report itself is imbalanced: it focuses on Israel’s faults rather than its right to protect itself...Israel adheres to standards higher than those of its enemies. Its right to self-defense is not in question...”** (ITIC emphasis)

21. **The British Prime Minister and French President** wrote a joint letter to Israeli Prime Minister Benjamin Netanyahu saying that they had high regard for Israel’s sensitivity to the Report and that they wanted the issue to be dealt with in a way that would promote the peace process in the Middle East. They said that they recognized Israel’s right to defend itself and invited Netanyahu to Europe for talks. They formulated three suggestions for promoting the peace process, including independent investigations of the accusations against Israel, improving the humanitarian assistance to the Gaza Strip and a full freeze of the building in the West Bank settlements (The Press Association, October 16, 2009).

Russia

22. Russia, although it voted in favor of endorsement, said in a statement that it **objected to bringing the Report before the Security Council.**

¹²

http://www.timesonline.co.uk/tol/comment/leading_article/article6876961.ece