Mr. President,

India condemns in the strongest possible terms the violations of international humanitarian law and human rights law committed during the Gaza conflict in December 2008-January 2009.

We are convinced that the unqualified adherence by all the concerned parties to the relevant instruments of international humanitarian law and human rights law is imperative,
and further that any refusal by the concerned parties to do so should rightly receive the strongest possible opprobrium of the international community.

Mr. President,

We note that the “Goldstone Report” has been discussed by the UN system a number of times prior to our meeting today. This Report which was prepared under the express mandate of the President of the Human Rights Council has been discussed at the Council in a special session in the middle of last month. Let us, therefore, be clear that what we are discussing is the report of the Human Rights Council at its 12th special session which was held in Geneva last month.

While participating in the Special Session, we had noted that the Fact Finding Mission had produced a comprehensive report that merits careful consideration. It had documented violations of human rights and international humanitarian law by all the sides involved. This is a matter of serious concern. We also pointed out that it was important not to lose sight of the weaknesses of the Report, including the fact that the Report itself admits that its findings do not necessarily reach the standard of proof applicable in criminal trials and that the Mission should have addressed its recommendations to the Council and not to other institutions in the UN and multilateral system.

The Report was also among the major issues discussed by the Security Council on 14 October. We had carefully watched this discussion in the Security Council as well as the events which led to its convening and followed it up with a serious analysis of the developments that have since unfolded.

Mr. President,

India’s deep association with, and continuing commitment to, Palestine is rooted in our modern history that goes back to our struggle for independence.

We believe that the solution to the Palestine issue should be based on the relevant UN Resolutions, the Arab Peace Plan and the Quartet Roadmap resulting in a sovereign, independent, viable and united State of Palestine living within secure and recognized borders, side by side at peace with Israel.

India will continue to do all within its capacities to assist Palestine in its endeavours in capacity and institution-building, as exemplified, among other things, by the recent enhancement in our contribution to UNRWA.

Mr. President,

The continuance of an atmosphere of distrust and refusal to talk is fast becoming a major obstacle to peace and security in the West Asia region. Terrorism and an escalating humanitarian crisis are adding obstacles to any resumption of the dialogue process.
We are convinced that all the concerned parties involved in the Gaza conflict nearly a year back need to introspect and take firm action against those responsible for violations of international humanitarian law and human rights law in a credible and speedy manner as has been recommended by the Goldstone Report. The international community, especially the countries in the region must play a positive role in creating an enabling atmosphere for such investigations and follow-up actions.

In conclusion, Mr. President, I wish to emphasize that while we welcome the various efforts at documenting the injustices and atrocities committed during the Gaza conflict, we have reservations in making an unqualified endorsement of the various recommendations as well as of some of the procedures adopted by the Goldstone Report, including on involvement of the International Criminal Court and that of the Security Council.

Thank you.