



**H.E. Ambassador Riyad Mansour
Permanent Observer of Palestine to the United Nations New York**

4 November 2009

Your Excellency,

**Re: Draft Resolution tabled by the Arab States at the UNGA regarding
Goldstone Report**

We, the undersigned representatives of Palestinian civil society organisations, are deeply concerned with missing elements in the draft resolution tabled by Arab States at the UN General Assembly (UNGA) regarding the report of the UN Fact-Finding Mission on the Gaza Conflict (Goldstone Report).

The current draft Resolution does not include adequate operational steps for the implementation of the recommendations of the Goldstone Report, and fails to bring remedy and redress to the victims. The draft resolution relegates all further action to the Secretary-General, effectively risking burial of the Report, and thereby absolving both the UNGA and the Security Council of their duty to ensure accountability for the violations of international human rights and humanitarian law documented therein.

While being aware of the enormous political pressure imposed on the PLO/PA by the USA and European States, we urge Your Excellency to be persistent towards ensuring that a *strong* resolution that fully endorses the Goldstone Report is adopted by a majority of the UNGA. A 'consensus' resolution, which includes soft language, will effectively nullify UN HRC Resolution S-12/1, repudiate the rule of international law, and implicitly endorse further impunity for those who target civilians. Moreover, we believe that consensus is not an attainable goal now.

As representatives of Palestinian civil society, we urge you to stand firm for a strong GA resolution which:

- 1. Fully endorses the Report of the Fact Finding Mission on the Gaza Conflict;**
- 2. Urges the Security Council to endorse the Report, and to expeditiously pursue all accountability mechanisms presented therein; particularly a referral to the International Criminal Court in the absence of good faith investigations by the parties to the conflict;**
- 3. Demands that credible internal domestic investigations and prosecutions be carried out by the parties to the conflict in accordance with**

- international standards of impartiality, independence, promptness and effectiveness;**
- 4. Establishes an independent committee of experts in international humanitarian and human rights law under the auspices of UNHCR to monitor any domestic legal or other proceeding taken by the parties of the conflict and *publicly* report to the UNGA and Security Council;**
 - 5. Establishes a reparation fund for the purpose of compensating the victims of violations of international law committed during Operation Cast Lead;**
 - 6. Remains fully appraised of the matter until appropriate action is taken at the domestic or international level in order to ensure justice for victims and accountability for perpetrators;**
 - 7. Calls upon Israel to immediately cease the unlawful closure and blockade of the Gaza Strip;**
 - 8. Requests Switzerland to convene a conference of the High Contracting Parties to the Geneva Conventions to ensure its respect;**
 - 9. Promotes an urgent discussion on the use of munitions such as white phosphorous (as mentioned in the Report), and a moratorium on their use by Israel.**

These recommendations – originally devised by the Fact Finding Mission – provide an opportunity to ensure justice for victims, pursue accountability, and uphold international law. The representatives of the Palestinian people have a legal and political obligation to ensure that Palestinians’ rights are respected. We expect nothing less than the implementation of international law.

Sincerely yours,

Sahar Francis, Director
ADDAMEER

Ingrid Jaradat Gassner, Director
Badil Resource Center

Shawan Jabarin, Director
Al-Haq

Joseph Schechla, Coordinator
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Raji Sourani, Director
The Palestinian Center for Human Rights

cc.

H.E. Riad Al-Malki
Minister of Foreign Affairs
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