

# Islamic Republic of

# I R A N

Permanent Mission to the United Nations

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Statement by:

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**To the United Nations**

**On**

**Agenda item 64: Report of the Human Rights Council**

**64th Session of the UNGA**

**New York, 4 November 2009**

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**In the name of God, the Compassionate, the Merciful**

**Mr. President,**

The Islamic Republic of Iran welcomes today's meeting of the General Assembly to consider the report of the twelfth special session of the Human Rights Council, held on 15 and 16 October 2009. We are thankful to you, Mr. President, for convening this meeting. We would also like to thank the Human Right Council for holding its 12th special session as well as for the resolution it adopted on 16 October 2009. The resolution endorsed, inter alia, recommendations contained in the Fact Finding Mission on Gaza Conflict, the Goldstone Report, whose

implementation requires taking concrete actions on the part of the General Assembly.

The Goldstone Report has authenticated and confirmed serious violations of international humanitarian law as well as gross violations of human rights during the military aggression by the occupying regime. Most importantly the Report confirmed that war crimes and crime against humanity have indeed been committed by this regime.

During the said aggression, some 1400 Palestinian were killed, 500 were injured, many maimed for life. Hundreds of those killed were defenseless civilians, including some 300 children and more than 115 women. Much of the destruction was willful and resulted from direct attacks on civilian objects as well as indiscriminate attacks. Such attacks violated fundamental provisions of international humanitarian law, particularly the prohibition on direct attacks on civilians and civilian objects, the prohibition on indiscriminate or disproportionate attacks, and the prohibition on collective punishment.

The Fact Finding Mission, in its investigation, examined an attack in which a mosque was targeted with a missile during the early evening prayer, resulting in the death of fifteen, and another attack with flechette munitions on a crowd of family and neighbors at a condolence tent, killing five. The Mission found that both attacks constituted intentional attacks against the civilian population and civilian objects.

Moreover, during the Gaza conflict, The Israeli regime used certain weapons such as white phosphorous and flechette missiles. Israeli forces have also coerced Palestinian civilians at gun point to take part in house searches during the military operations. The Palestinian men were blindfolded and handcuffed as they were forced to enter houses ahead of the Israeli soldiers. According to the Fact Finding Mission, this practice amounted to the use of Palestinian civilians as human shields and is therefore prohibited by international humanitarian law.

The military aggression to Gaza together with the longtime blockade on the Gaza population violated blatantly and grossly every human rights of Palestinian people. The economy, employment opportunities and family livelihoods were already severely affected by the blockade when the Israeli offensive began. Insufficient supply of fuel for electricity generation had a negative impact on industrial activity, on the operation of hospitals and on water supply to households.

From the facts ascertained in all the above cases, the Fact Finding Mission found that the conduct of the Israeli armed forces constituted grave breaches of the Fourth Geneva Convention in respect of willful killings and willfully causing great suffering to protected persons and, as such, give rise to individual criminal responsibility. It also found that the direct targeting and arbitrary killing of Palestinian civilians was a violation of the right to life.

**Mr. President,**

The resolution adopted at the 12<sup>th</sup> special Session of the Human Rights Council provides crucial opportunity for the United Nations to hold the Israeli regime accountable for the crimes it committed against innocent people of Palestine and to end the culture of impunity which has long denied justice to the victims of its war crimes and gross violation of human rights. It is only through holding this regime accountable for its actions and launching a genuine independent criminal investigation that the United Nations can bring an end to the prolonged situation of de facto impunity which the occupying power has long enjoyed.

We support recommendations of the Report made to the General Assembly including on taking measures with regard to ensuring accountability for serious violations of international humanitarian law and human rights committed by the Israeli regime, and that the General Assembly remain appraised of the matter until it is satisfied that appropriate action is taken in order to ensure justice for victims and accountability for perpetrators.

The General Assembly should be able to consider whether additional action within its powers is required in the interest of justice. We are supportive of the Fact Finding Mission's recommendation that the General Assembly should ask for convening a conference of the High Contracting Parties to the Fourth Geneva Convention of 1949 on measures to enforce the Convention in the occupied Palestinian territories.

**Thank you.**