

PERMANENT MISSION OF INDIA, GENEVA

**SPECIAL SESSION ON HUMAN RIGHTS SITUATION IN OCCUPIED
PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM**

15 October 2009

Statement by India

Mr. President,

It is regrettable that since the 12th session of the Human Rights Council which concluded at the beginning of this month, there has been a resurgence of violence at the Al-Aqsa mosque located on a sacred site revered by followers of all the three religions. Coming soon after the deliberate decision by the Council at its last session to defer a resolution on the *Fact-Finding Mission on Gaza Conflict*, such violence is a set-back to our collective efforts to strengthen the peace process.

2. We remain deeply concerned at the human rights situation in occupied Palestinian territory, including East Jerusalem, as also at the violence by non-state actors in the region, which have the effect of serving as avoidable obstacles to the peace process as well as to the realization of the legitimate aspirations of both the peoples to co-exist in peace and security.

Mr. President,

3. As mentioned in the joint IBSA statement on behalf of Brazil, South Africa and India on 29 September 2009 during the 12th session of the Council, the *Fact-Finding Mission on Gaza Conflict* has done commendable work and produced a comprehensive report that merits careful consideration. We reiterate our serious concern at the Mission Report's conclusions pertaining to violations of human rights and international humanitarian law by *all* sides, including disproportionate response by Israel on several occasions, as also at restrictions

on the movements of Palestinians in the West Bank, their forced evictions and the expansion of Israeli settlements in the occupied territory.

4. We are equally aware of the weaknesses of the Goldstone Report. As the Report itself admits, its findings do not pretend to reach the standard of proof applicable in criminal trials. Further, we believe that the Mission should have addressed its recommendations to the Council, and not to various UN organs, thus bypassing the Council that mandated the Mission in the first place, as well as the General Assembly to which the Council reports.

5. Nevertheless, there are several conclusions of the Goldstone Report that warrant a closer examination owing to their serious nature. Indeed, the Report echoes some concerns that have also been raised in the High Commissioner's report on the implementation of Council resolution S-9/1. In this regard, we note some initial steps taken by Israel to investigate a few complaints. We hope that the concerns expressed in the Goldstone Report and the High Commissioner's Report would receive due regard and attention by *all* the parties concerned, including the Palestinian armed groups, in order to make a difference to the human rights situation on the ground.

6. 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. India believes 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 powers to assist Palestine in all its endeavours in capacity and institution-building, as exemplified, among other things, by the recent enhancement in our contribution to UNRWA.

Thank you, Mr. President.
