

**STATEMENT BY JUDGE RICHARD GOLDSTONE FOR MEETING WITH JEWISH  
COMMUNITY LEADERS ON MONDAY, 3 MAY 2010**

I welcome this opportunity of meeting with you this afternoon.

At the outset let me say that I have taken no pleasure in seeing people around the world criticize the South African Jewish community and I commend the South African Jewish Board of Deputies and all responsible for bringing an end to the unfortunate public issues that had arisen relating to my grandson's bar mitzvah. My family and I are delighted that I was able to attend the bar mitzvah on Saturday and that it was such a joyous and meaningful occasion. I am deeply grateful to Rabbi Suchard, the members of the committee and the congregation at Sandton Synagogue for having made this possible.

Without more, allow me to turn to the Gaza Report that has caused so much anger in this and other Jewish communities. It is well known that initially I refused to become involved with what I considered to be a mandate that was unfair to Israel by concentrating only on war crimes alleged to have been committed by the Israel Defense Force. When I was offered an even-handed mandate that included war crimes alleged to have been committed against Israel by Hamas and other militant groups in Gaza my position changed.

I have spent much of my professional life in the cause of international criminal justice. It would have been hypocritical for me to continue to speak out against violations of international law and impunity for war crimes around the world but remain silent when it came to Israel simply because I am Jewish.

The State of Israel was established in 1948 by the United Nations acting on the principles of international law. It should not be surprising that Israel has always committed itself to being bound by the norms and practices of international law. I have always assumed that Israel would wish to be judged by the highest standards of international law. One of the cardinal norms, accepted by Israel, is that of "distinction", the requirement that there be proportionality between a military goal and civilian casualties caused in achieving that goal.

This was the first occasion on which the UN Human Rights Council was prepared to consider military operations between Israel and the militant organizations from all perspectives and offer Israel the opportunity of telling her story to a United Nations

inquiry. I also anticipated that this might herald the start of a new approach by the Human Rights Council to adopt an appropriate policy in which all similar human rights valuations around the world receive equal attention. But sadly for everyone, the Israeli Government squandered that opportunity. That did not prevent the Mission from finding that serious war crimes appeared to have been committed by Hamas and other militant groups operating from Gaza. That finding was also accepted by the UN General Assembly, the Human Rights Council and the European Parliament. The right of Israel to act in self-defense was also not questioned by the Report.

The letters that passed between me and both Prime Minister Netanyahu and the Israeli Ambassador to Geneva are attached to the Gaza Report and tell the story most openly of my desire for Israeli cooperation and the concerns of Israel with regard to cooperating with our Mission. That Israel refused to cooperate meant that we had to do the best we could with the information we were able to gather. I only wish that the energy that the Government of Israel and its supporters had put into discrediting the Report had been invested in cooperating with our Mission. It is obvious but must be stated: Had Israel provided us with credible information to respond to the allegations we received they would have been given appropriate consideration and could potentially have influenced our findings. That was unfortunately not forthcoming. We cannot undo the past.

In conclusion, I would state that it is regrettable that the majority of the members of the Israeli Government decided against accepting the first and primary recommendation of the Gaza Mission namely, to launch its own open and credible investigation into the findings contained in the Report. That is still a course open to it and if adopted and implemented in good faith would effectively put an end to calls for international criminal investigations.

I am not aware that the UN Gaza Report has or is being used to delegitimize Israel by questioning her right to exist as a member of the International Community. I would object to any such use being made of it. I also express my expectation and hope that the UN Human Rights Council will treat all violations of humanitarian law, no matter by who committed, in an even-handed manner and hold all members of the United Nations to the same standards.