

**OPEN DEBATE OF THE
SECURITY COUNCIL:
THE SITUATION IN THE MIDDLE EAST, INCLUDING THE PALESTINIAN QUESTION**

STATEMENT

BY

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TO THE UNITED NATIONS**

NEW YORK, 14 OCTOBER 2009

CHECK AGAINST DELIVERY

Mr. President

We welcome this opportunity to address the situation in the Middle East – a crisis that dates back to the very beginnings of this organization and has been the subject of countless United Nations resolutions in this Council and in other intergovernmental bodies. While there is a stated commitment to lasting peace on the basis of a two-State solution, we have not seen a credible peace process for quite some time now – a process that is based on past resolutions and commitments and respect for international law. We reiterate our hope for a political solution that provides for an independent and viable State of Palestine living peacefully side by side with the State of Israel, with secure and internationally recognized borders. One of the prerequisites for such an outcome is the full implementation of resolution 1860 of this Council. Nine months after its adoption, the humanitarian situation in Gaza is still a reason for serious concern.

Mr. President

The report of the United Nations Fact-Finding Mission on the Gaza Conflict submitted to the Human Rights Council in Geneva gives a detailed account of violations of international humanitarian law committed by both parties to the conflict. We are concerned about the findings of the report that indicate a systematic disrespect for the principle of proportionality and grave violations of international humanitarian law, including deliberate attacks on civilian institutions that led to massive civilian casualties. The conclusion that some of the acts committed may amount to crimes against humanity is particularly disturbing to us. As a State Party to the Rome Statute of the International Criminal Court, we fully subscribe to the principle that national judicial authorities have primary jurisdiction regarding such crimes and an obligation to investigate and prosecute them. We therefore support the recommendation of the Fact-Finding Mission that the parties to the conflict establish, within a set timeframe, independent investigations, in conformity with international standards, of serious violations of international humanitarian and human rights law. Against this background, we welcome the

pledges made by both parties to investigate and prosecute the alleged crimes. We understand that this issue is again under consideration at the Human Rights Council which will convene for a special session tomorrow. But we also believe that the Security Council has an obligation in this respect. First, it must make it clear that there is no choice between peace and justice. Quite the opposite: Measures taken against impunity will contribute to a lasting political solution in the Middle East, as accountability for serious crimes will promote confidence in the peace process. Furthermore, this Council must insist on respect for applicable rules of international humanitarian law, without any exception. The laws of armed conflict apply irrespective of the parties' reasons to engage in combat – be it the fight against terrorism or the fight against foreign occupation. The protection of civilians must always be the primary consideration – in accordance with international humanitarian law, and in accordance with the most basic principles of humanity.

I thank you.