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Follow-up to the report of the United Nations Fact-Finding Mission on the  
Gaza Conflict resolution

Human Rights Council 16th Session  
Geneva, March 2011

Thank you, Mr. President.

The Council is too often exploited as a platform from which to single out Israel, which undermines its credibility. The United States strongly encourages the Council to seek an alternative to highly politicized resolutions and a permanent agenda item focused on one country. There are serious human rights issues to be addressed in Israel and the Palestinian Territories, but in the Human Rights Council, the human rights record of all states should be addressed under a robust common rubric. Moreover, consistent with our dedication to a universal application of international human rights, we urge both parties to examine and improve their own human rights records.

The best way to truly address human rights issues in Israel and the Palestinian territories is to end the underlying conflict and forge a comprehensive peace. For this reason, the United States continues to work vigorously on a simultaneous two-track strategy: a political negotiations track which ultimately results in a two-state solution, with a secure Israel and a sovereign Palestine living side by side in peace and security, and equally a Palestinian institution building track in preparing for a future Palestinian state. We also are committed to supporting the efforts of humanitarian agencies, such as UNRWA, which address critical needs of the Palestinian population, and we urge our fellow Council members to join us in doing so.

We must all do our part to help shape an environment conducive to meaningful and substantive negotiations and create an atmosphere of trust that can help the parties reach an agreement on all final-status issues. And so the United States again urges this Council to take a balanced, objective, and constructive approach to the human rights situation in Israel, the West Bank, and Gaza. We look forward to working together to promote peace and protect human rights in the Middle East and around the world.

Israel has been conducting its own process of credible investigations, and Israeli officials have been actively engaged in scrutinizing doctrinal issues. Israel has also established an independent public commission to examine the Israeli mechanisms for investigating complaints and claims raised in relation to violations of the laws of armed conflict. The commission has completed the first segment of their work, and we look forward to their next report.

Through its ongoing inquiries and changes in combat doctrine, Israel is demonstrating its ability to conduct credible investigations and serious self-scrutiny. We urge all parties to the conflict to uphold their responsibilities to pursue accountability for alleged human rights abuses. We note that both reports from the Committee of Experts did not endorse the recommendations in this

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resolution or any further UN follow-up on this matter. Extension of this issue in the UN is unhelpful and further evidence of the ongoing bias at the Council.

With respect to the present resolution, we object, in particular, to the following elements: (1) the recommendation for the Swiss government to convene the High Contracting Parties to the Fourth Geneva Convention in what is bound to be a highly politicized and counterproductive session; (2) the one-sided call for the High Commissioner to take the unprecedented step of determining the "appropriate modalities for the establishment of an escrow fund" for the provision of reparations to Palestinians; (3) the invitation to the ICRC to consider launching a discussion on the legality of the use of certain munitions, which risks a politically-motivated outcome, and (4) the resolution's recommendation for the UN General Assembly to suggest to the UN Security Council that it consider referring the situation to the ICC Prosecutor. Further UN consideration of this matter is not productive. We cannot support international oversight of these domestic legal processes absent any indication that they are manifestly failing to deal seriously with alleged abuses. The parties' ongoing domestic processes should be left to play out of their own accord.

Accordingly, we must call a vote, and vote against this resolution.

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