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## GOLDSTONE ADDRESSES JEWISH LEADERS

Tuesday, May 04, 2010

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Judge Richard Goldstone addressed Jewish leaders at a meeting held on Monday the 3rd of May 2010.

STATEMENT BY JUDGE RICHARD GOLDSTONE

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



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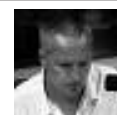
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Charlie Mac died almost two weeks ago. I

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.

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#### Comments

2232 **Barry Alency** [ Thursday, May 06, 2010 | 7:24:05 PM ]

I tried reading through the report, and was sickened by the bias and flagrant anti-Israel positioning. For example, the report studied eleven cases of israel targetting civilian populations, but made not comparative analysis of the the constant bombing of Israeli school, homes and residential areas. I wonder how much Goldstone sold his soul for.

2224 **lony gropper** [ Wednesday, May 05, 2010 | 2:34:35 AM ]

As a well seasoned judge- he goes to Hamas and ask for witnesses- How long will aso called a witness survive if he/she says anything that is not prescribed by Hamas? Who is he kidding?

2223 **aspacia winn** [ Wednesday, May 05, 2010 | 2:15:02 AM ]

What a groveling putz

2222 **Stefan Bialoguski** [ Wednesday, May 05, 2010 | 1:34:22 AM ]

Goldstone is in denial. This statement is a sad rationalisation of a vain and foolhardy move.

2221 **Jerome Rosenberg MR.** [ Wednesday, May 05, 2010 | 12:26:13 AM ]

DR. GOLDSTONE, Please do not try to explain your anti-Isarel diatribe with such B--- S---

met him in Jules Bar, Jermyn Street, in the West End of London in 1986 I thi & ... »

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2219 **Howard Cohn** [ Tuesday, May 04, 2010 | 9:01:57 PM ]

"I am not aware that the UN Gaza Report has or is being used to delegitimize Israel by questioning her right to exist ..." Is he kidding? Where has he been? If he really believes the words that he has written in this paragraph he has shown that his claims that his work should be accepted as valid are ridiculous. Is he interested in buying a bridge?

2211 **Lyndall Beddy** [ Tuesday, May 04, 2010 | 11:32:24 AM ]

What a nauseating excuse - if he wanted to be so fair why not insist on a mandate for the whole period of the war from 1948, or even from 1917 and the Balfour Declaration?

And if he is so committed to International Justice how come he ignored the information shown him by Buthelezi and the IFP of a Third Force operating (now known to be Operation Vula) when De Klerk had given him an open mandate to find ANY third force?

And how come he disallowed a dying confession in the Winnie Mandela/Stompie trial - when dying confessions are internationally admitted as evidence?

2210 **Jens Eggers** [ Tuesday, May 04, 2010 | 10:19:12 AM ]

What an affront to Israeli exceptionalism!



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