

SG to Senator Menendez

Drafter: DPA

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Approved by:

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GENERAL

21 April 2011

Dear Senator Menendez,

I wish to thank you for your letter of 8 April 2011, in which you shared your views on the report of the United Nations Fact-Finding Mission on the Gaza Conflict (the "Goldstone report").

Like you, I have noted the recent editorial of Judge Goldstone on the follow-up to the report. My position on this report and its follow-up has not changed. I have always expressed hope that this process would lead the parties to undertake genuine investigations. I welcome the fact that the efforts of Israel in this regard have been recognized by the United Nations Committee of Independent Experts on Follow-up to Recommendations in the Goldstone Report. I remain concerned by the observation of the Committee that Hamas has not conducted any investigations into rocket and mortar attacks against Israel by Palestinian armed groups. You will recall that the Fact-Finding Mission had determined in its report that these attacks would constitute war crimes, and may amount to crimes against humanity.

However, I would also like to note that the refusal of the Israeli authorities to cooperate constrained the ability of the Committee of Independent Experts, and before it the Fact-Finding Mission, to access key interlocutors and consider all the evidence. Judge Goldstone and his Mission did not have full access to the Israeli information and actions at the time of his report. He and his colleagues have not, however, suggested that the report should be withdrawn.

The Honourable Robert Menendez
Senator
Congress of the United States
Washington, D.C.

Further, neither the editorial of Judge Goldstone nor the Committee of Independent Experts conclude that there were no violations of international law by the Israeli side. The final report of the Committee raises concerns about the promptness and transparency of the Israeli investigations, and the risk that their duration could seriously impair their effectiveness and prospects of ultimately achieving accountability and justice.

Please rest assured that I will remain fully committed to my duty to uphold international law and the principle that civilians must be protected in all places and circumstances.

Yours sincerely,


BAN/Ki-moon