



Vote NO on H. Res. 867

The Arab American Institute **opposes H. Res. 867**, a resolution introduced by Representatives Ileana Ros-Lehtinen (R-FL), Howard Berman (D-CA), Dan Burton (R-IN) and Gary Ackerman (D-NY) calling on President Barack Obama and Secretary of State Hillary Clinton to oppose the endorsement or consideration of the 'Report of the United Nations Fact Finding Mission on the Gaza Conflict' (The Goldstone Report) in multilateral fora.

Even after late revisions to the text, H. Res. 867 still incorrectly defines the mandate under which the investigation into human rights violations against Israeli and Palestinian civilians was conducted; distorts the basis for the UN investigation and the findings of the Goldstone Report; compromises U.S. leadership and the role of Congress on matters of accountability and transparency in international human rights law; and damages efforts by the Obama Administration to restore American credibility in the Middle East.

Congress should adopt responsible, constructive language that demonstrates U.S. commitment to upholding international human rights law and oppose H. Res. 867 when it is considered on Tuesday, November 3!

About H. Res. 867:

Even after late revisions to the text, this bill still incorrectly defines the mandate under which this investigation was conducted.

The language of this resolution inaccurately defines the expanded mandate Justice Richard J. Goldstone, himself, requested-and was granted-to lead this investigation into human rights violations against Palestinian and Israeli civilians during the January 2009 conflict.

The mandate under which Justice Goldstone conducted this fact-finding mission, as stated in the final Report, was "to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after..." and includes "consideration [of] matters occurring after the end of military operations that constitute continuing human rights and international humanitarian law violations related to or as a consequence of the military operation, up to 31 July 2009."

For precise language defining the scope of the mandate, **see Part One, Sections 151-155 (page 41) of the final Goldstone Report**, available at the official website of the UN Human Rights Council or [here](#).

The language of the resolution distorts the basis for the UN investigation and the findings laid out in the Goldstone Report.

According to the Report, Justice Goldstone focused on the "mandate as requiring it to place the civilian population of the region at the centre of its concerns regarding the violations of international law" and investigated Israeli and Palestinian actions during 36 specific events.

The investigation team spent considerable time in Gaza, conducted nearly 200 interviews, read over 300 reports, held public hearings in the Middle East and in Geneva, and produced the *Report of the UN Fact Finding Mission on the Gaza Conflict*, known as the Goldstone Report - an exhaustive 452-page narrative on the investigation mandate, process and findings, including a review of applicable human rights law and conventions.

Several incidents covered in the Goldstone Report examine attacks on hospitals, mosques, and the widely reported killings of Gaza civilians. In Section XIII of the Report, titled "Attacks on the Foundation of Civilian Life in Gaza: Destruction of Industrial Infrastructure, Food Production, Water Installations, Sewage Treatment, and Housing" include: the total destruction of the Al-Bader Flour Mill, the bulldozing and "systematic flattening" of the Sawfaery Chicken Farm (killing all 31,000 chickens), and the bombing of the raw sewage lagoons of the Gaza Water Sewage Treatment Plant causing 200,000 cubic meters of raw sewage to contaminate neighboring farmlands. These, the Report concludes, were not military targets, and were instead evidence of, "unlawful and wanton destruction, not justified by military necessity," considered war crimes under international law.

Many sections of the Report also call Hamas into account for its violations of law, including the indiscriminate bombing of Israeli citizens in Section XXIV, titled "The Impact on Civilians of Rocket and Mortar Attacks by Palestinian Armed Groups on Southern Israel," as well as with regard to the detention and treatment of Gilad Shalit, and other methods of force determined by the Report to be unlawful.

For additional information about the *Report of the UN Fact Finding Mission on the Gaza Conflict* (Goldstone Report), including the [executive summary](#) and [full report](#), visit the [official website](#) of the UN Human Rights Council.

H. Res. 867 compromises U.S. leadership on matters of accountability and transparency in international human rights law and undermines efforts to restore American credibility abroad.

This bill lends no support for credible, impartial investigations into allegations of human rights violations during the Gaza conflict in January 2009, even though the Obama Administration supports "appropriate domestic review procedures and meaningful accountability to investigate and address all credible allegations of misconduct or violations of international law."

Congress should play a constructive, responsible role in promoting U.S. leadership in international human rights law and call for the Israelis and Palestinians to launch independent investigations into allegations of human rights violations during the Gaza conflict.