

112TH CONGRESS
1ST SESSION

S. RES. 138

Calling on the United Nations to rescind the Goldstone report, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 8, 2011

Mrs. GILLIBRAND (for herself, Mr. RISCH, Mr. CRAPO, Mr. BLUNT, Ms. COLLINS, Mr. CARDIN, Mr. BAUCUS, Mr. MORAN, Mr. BLUMENTHAL, Mr. NELSON of Florida, Mr. CASEY, Mr. RUBIO, Mr. BROWN of Massachusetts, Mr. KIRK, Ms. MIKULSKI, Mr. MENENDEZ, Mr. WYDEN, Mr. SCHUMER, Mr. HATCH, Mr. DEMINT, Mr. NELSON of Nebraska, Mr. JOHANNIS, Mr. REED, Ms. AYOTTE, Mr. VITTER, Mr. CORNYN, Mr. LEE, Mr. INHOFE, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. BOOZMAN, Ms. KLOBUCHAR, and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on Foreign Relations

APRIL 14, 2011

Committee discharged; considered and agreed to

RESOLUTION

Calling on the United Nations to rescind the Goldstone report, and for other purposes.

Whereas, on January 12, 2009, the United Nations Human Rights Council passed Resolution S-9/1, authorizing a “fact-finding mission” regarding the conduct of the Government of Israel during Operation Cast Lead between December 27, 2008, and January 18, 2009;

Whereas that resolution prejudged the outcome of the fact finding mission by mandating that it investigate “viola-

tions of international human rights law and international humanitarian law by the occupying power, Israel, against the Palestinian people”;

Whereas, on September 15, 2009, the “United Nations Fact Finding Mission on the Gaza Conflict” released its report, now known as the “Goldstone report”, named for its chair, South African Jurist Richard Goldstone;

Whereas the report made numerous unsubstantiated assertions against Israel, in particular accusing the Government of Israel of committing war crimes by deliberately targeting civilians during its operations in Gaza;

Whereas the report downplayed the overwhelming evidence that Hamas deliberately used Palestinian civilians and civilian institutions as human shields against Israel and deliberately targeted Israeli civilians with rocket fire for over eight years prior to the operation;

Whereas the United Nations Human Rights Council voted to welcome the report, to endorse its recommendations, and to condemn Israel without mentioning Hamas;

Whereas, as a result of the report, the United Nations General Assembly has passed two resolutions endorsing the report’s findings, the United Nations Secretary-General has been requested to submit several reports on implementation of its recommendations, and the Human Rights Council is scheduled to follow up on implementation of the report during future sessions;

Whereas the findings of the Goldstone report and the subsequent and continued United Nations member state actions following up on those findings have caused and continue to cause extensive harm to Israel’s standing in the

world and could potentially create legal problems for Israel and its leaders;

Whereas Justice Richard Goldstone publicly retracted the central claims of the report he authored in an op-ed in *The Washington Post* on April 2, 2011;

Whereas Justice Goldstone wrote in that article that if he “had known then what I know now, the Goldstone Report would have been a different document”;

Whereas Justice Goldstone concluded that, contrary to his report’s findings, the Government of Israel did not intentionally target civilians in the Gaza Strip as a matter of policy;

Whereas, in contrast, Justice Goldstone states that the crimes committed by Hamas were clearly intentional, were targeted at civilians, and constitute a violation of international law;

Whereas Justice Goldstone also conceded that the number of civilian casualties in Gaza was far smaller than the report alleged;

Whereas Justice Goldstone admitted that Israel investigated the findings in the report, while expressing disappointment that Hamas has not taken any steps to look into the report’s findings; and

Whereas Justice Goldstone concluded that “Israel, like any other sovereign nation, has the right and obligation to defend itself and its citizens”: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) calls on the United Nations Human Rights
3 Council members to reflect the author’s repudiation
4 of the Goldstone report’s central findings, rescind

1 the report, and reconsider further Council actions
2 with respect to the report's findings;

3 (2) urges United Nations Secretary-General
4 Ban Ki Moon to work with United Nations member
5 states to reform the United Nations Human Rights
6 Council so that it no longer unfairly, disproportion-
7 ately, and falsely criticizes Israel on a regular basis;

8 (3) requests Secretary-General Ban Ki Moon to
9 do all in his power to redress the damage to Israel's
10 reputation caused by the Goldstone report;

11 (4) asks the Secretary-General to do all he can
12 to urge member states to prevent any further United
13 Nations action on the report's findings; and

14 (5) urges the United States to take a leadership
15 role in getting the United Nations and its bodies to
16 prevent any further action on the report's findings
17 and limit the damage that this libelous report has
18 caused to our close ally Israel and to the reputation
19 of the United Nations.

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