Unofficial transcript of 29 September 2009 press conference at the Palais des Nations in Geneva by members of the UN Fact Finding Mission on the Gaza Conflict - Justice Richard Goldstone, Hina Jilani, Professor Christine Chinkin, Colonel Desmond Travers

Justice Goldstone welcomed reporters but did not make an opening statement, as he had already made a statement in the morning to the Human Rights Council.

Q: The Israeli government has rejected your report on three grounds: number 1 that the mandate is flawed and one sided and 2, that at least part of the report is biased against the Israelis and 3, that at least one member, specifically Professor Chinkin is biased because she made a statement, not on human rights issues but on the legality of the war. Could you please comment on these charges and secondly do we have any indications that Secretary General Ban Ki-moon will take up your recommendations and submit this report to the Security Council according to Article 99.

A: Justice Richard Goldstone

Firstly, as far as the mandate is concerned it was made very clear by me in this very same room when this appointment was announced that the mandate I accepted was an even handed mandate and I hope the report demonstrates that. We’ve dealt with all violations of international law relevant to the context of the military operations of December 2008 and January 2009 and I was happy that the overwhelming number of countries that spoke at the meeting this morning recognized the fact that there was an even handed mandate, that that was taken seriously. The question of bias is really I think must now be demonstrated by the report. If the report demonstrates bias well so be it. I thinks it’s a little bit irrelevant at this stage to judge the report by what I would suggest are very flimsy allegations of bias against any members of the commission - of the Mission. I’ve dealt really on so many occasions with the allegations against Professor Chinkin, I’m surprised it comes up again. I’ve made it very clear as she has, that the letter she signed - and that’s what it’s based on, a letter she signed, that was published in the London Times and signed by most of the leading international humanitarian lawyers in the United Kingdom - talked about the legality of the military operations themselves and didn’t comment on the manner in which they were executed. Our mission was not called upon to deal with the legality of the war at all. We were dealing with humanitarian law and human rights law and we dealt primarily with the manner in which the operations on both sides were carried out and the extent to which they were in violation. So it seems to me with all the emphasis I can place on it, that the allegations of bias against any of the members, Professor Chinkin in particular, are straws on which some people are clutching to dismiss a very serious report. As far as the SG is concerned, I know nothing at all. My understanding is he will only become seized of the matter if the Human Rights Council accepts the recommendations and refers the matter to him but I would add that certainly the SG has been very warm in his support and encouragement for the mission.

Q. I would like to ask if you’re surprised that the United States has described your report as deeply flawed and also address one of the complaints about the report which is there were during your visits in Gaza there was a visible presence of Hamas security in the vicinity of your mission. Did that in any way inhibit the testimony you received while in Gaza?

A: Justice Richard Goldstone

Well, obviously it’s disappointing that the US has found the report to be deeply flawed. It’s difficult to deal with the allegation because we’ve received absolutely no detail at all. The first I’ve heard of that was some oblique statements to that effect earlier in the day by other members of the US administration and it’s something I’d be happy to deal with if we get detail on which that statement is based. Let me say I think we were all encouraged by the fact that the US in effect has accepted and supports the major recommendation of the commission and that is it’s called for acceptable investigations of the allegations by both sides. I think that’s important support for that recommendation. As far as the second question is concerned, again that’s arisen on a number of occasions and I have on every occasion possible categorically denied what is, I think, a mischievous allegation based on no factual evidence at all and it’s completely incorrect. At no time during our visits to Gaza – we spent nine days there – at no time did any of us see or was any of us aware of any presence of Hamas officials, police or security or anybody else at any time that we were interviewing witnesses. I don’t believe that witnesses that we saw were in fact influenced by the presence of anybody in the vicinity. I can speak with confidence on behalf of all four members of the mission that if we had been aware of any inappropriate presence of Hamas police while we were investigating witnesses we would have found that quite objectionable and we would have taken immediate steps to do something about it, to redress that situation so with every confidence give you the assurance that that allegation is without any foundation in fact at all.

Q (Follow up): Our reporters in Gaza did note that there was Hamas in the vicinity of your interviews and it would have been possible for them to identify the people who gave testimony. Are you saying that’s simply not true?

A: Justice Richard Goldstone

No. Look, obviously I’m not saying that. I’ve got little doubt that Hamas officials had the ability to know who we were seeing. I think that happens in any similar situation. It was certainly my experience in Rwanda in the former Yugoslavia, I think its one of the facts of life in terms of this sort of investigation, but they were nowhere in the vicinity where they could in any way overheard or in any way exercised any direct influence one any of the witnesses we saw. Let me add this, that the strong impression we all had and it’s something we discussed is that we were impressed with - the openness with which people spoke to us, whether or not they supported Hamas and some clearly didn’t support Hamas and some of them who were openly critical of Hamas are referred to in our report. So whether people in the Hamas authority were aware of who was speaking or not is something I don’t know but it wouldn’t surprise me.

Q: Where would you like to see this process going from here on and the report lists several options; where would you like to see it in your own view as the clearest and best path? And secondly, there were a lot of personal attacks made against you at various levels and how do you feel that has influenced the team at all or in any way whether it has influenced you personally.

A: Justice Richard Goldstone

Well as to where the report should go and I’ll invite other members to comment, certainly I would like to see transparent, open investigations into the findings made in the report both in Israel and in Gaza. As I indicated earlier today the mission was in no way a judicial or even quasi judicial investigation. It was an informal investigation and we reached conclusions on the basis of information that we got on the spot from victims, eye witnesses, and from what we saw with our own eyes in Gaza. Similarly, we made findings on the basis of damage and trauma by rockets and mortar fire in southern Israel on the basis of what we were told by some of the witnesses that we interviewed - some of them gave public testimony in Geneva, from many reports we got from non governmental organizations and government reports of damage and the effects of rockets and mortars in southern Israel. So, these allegations need to be tested. If I can draw an analogy – when I arrived in The Hague as effectively the first chief prosecutor of the Yugoslavia tribunal I was presented with volumes of evidence collected in a similar way by a commission of experts that had been set up by the Security Council. It wasn’t evidence on which we could prove war crimes, it was a useful road map for us as to where we should go to investigate and that’s the purpose to which I would hope our report is put by serious investigators having a look at the facts that we’ve referred to - that they need to be appropriately and deeply investigated by experienced investigators and to the extent that there’s evidence of serious violations of international law they should be put into the hands of prosecutors both in Israel and in Gaza. So that’s where I’d like to see the report being used in respect of accountability. There are other recommendations in the report which I would suggest are important. Certainly one that the General Assembly should urgently convene a discussion on the legality and the future of munitions such as white phosphorous and flechettes and heavy metal not only in respect of the human suffering they can cause if they are used inappropriately but also the environmental damage of which there is evidence which we suggest should be investigated and monitored not only on the Gaza Strip but also Southern Israel. So there are a number of investigations at various levels that certainly speaking for myself that I’d like to see go further.

A: Professor Christine Chinkin

I think one thing we were all very encouraged by this morning was how many of the delegations called the report a serious report, a professional report and I think it’s that seriousness and professional basis that we would like to be seen taken forward in a number of different fora, very obviously as part of the peace process, not to see it as an obstruction to the peace process but as a block upon which negotiations within the peace process that focus upon the needs of people within the region could be used. And secondly that the report can and should be used both by and to support of civil society organizations within the regional and elsewhere.

A: Hina Jilani

I would think our purpose was not just to deal with the situation of Gaza and the violations of international human rights and international humanitarian law that have occurred there but to make this report in some ways a first instance where the new era of the application of international law starts and I think its very important that precedents are set where situations occur and these precedents are taken forward in order to make sure that human rights and international humanitarian law are expounded to the fullest extent possible. We would like the Human Rights Council to ensure that this basis is used in order to evaluate the conduct of countries even in its Universal Periodic Review. I do believe that this whole issue and the importance that is being given to justice and accountability – it only becomes meaningful to the lives of so many people in the world when international justice is seen to have produced results and some alleviation of the sufferings of the people who suffer as a consequence of gross human rights violations and non compliance with international humanitarian law. This should not be just words now in the text of laws and legal explanations of the law itself. These were made for the people, these were meant to make a difference to the lives and sufferings of the people of the kind we have seen in Gaza and therefore I would urge the United Nations bodies, not just the Human Rights Council but all the other bodies that have a relevant mandate to make sure that it becomes a living force and a living element in the lives of people we deal with every day of our lives as human rights defenders.

A: Justice Richard Goldstone

The remarks I’ve just heard have brought to my mind, the main value of accountability in this sort of situation of serious violations of human rights serves a very important purpose of avoiding collective guilt. I think it’s important. As I said in my opening remarks this morning, I think there are many, many people in Israel and many, many people in Gaza who deplore the violence to which both sides have been put and for which they’re responsible and certainly I think we’ve all received and we’ve all read an outpouring of not only criticism but also of support for the report from within the region, from within the Occupied Palestinian Territories and in Israel and certainly our report has caused a huge debate and I would suggest that’s a positive result and that debate no doubt will continue.

To turn to your second question about personal attacks. Obviously nobody enjoys being attacked. A lot of the attacks have been in intemperate terms not so much in the media but in emails and private messages and that’s unpleasant but let me immediately say that it hasn’t affected our work. We’ve gone ahead and did what we had undertaken to do and what our mandate required us to do and the fact we were attacked I don’t think came as a surprise to any of us. The vehemence of some of it may have surprised me speaking for myself but if one does this sort of work one’s going to be attacked. It’s not the first time and probably not the last.

Q: How do you assess the chance that the Israelis come up with an investigation? Is there a realistic chance and secondly do you thing that the Palestinian authority in the Gaza Strip has the necessary legal infrastructure i.e. the institutions, prosecutors etc. to start a thorough investigation?

A: Justice Richard Goldstone

I hate setting myself up as a prophet. I don’t have a crystal ball and what the chances of investigations are really is difficult to say. I’m not all that optimistic having regard to the response so far from the government of Israel. There hasn’t been any clear response as far as I’m aware from the authorities in Gaza. But it depends a lot on the approach of the international community. It’s all a matter of politics at this stage – decisions have to be made by politicians. Justice, whether its domestic justice or international justice is all about politics. As far as the facilities for having efficient investigations in Gaza, to the best of my knowledge the courts functions, there are judges, people are convicted and put in prison. So there is a justice system. We met with representatives of the Palestinian bar. Unfortunately they’ve had to be…*unintell*…because of the realities of the *unintell* between Gaza and the West Bank but there’s a very active Bar in the Occupied Palestinian Territories both in Gaza and an independent Bar and I know that from my own association with the International Bar Association of which they are members and very active members so if there’s a political will I’ve no doubt that both in respect of Israel and in respect of Gaza, if the will is there, independent, efficient investigations could be held and if there’s a shortage of human resources there’ll be no end of assistance that could be given by the international community, by individual governments to assist in conducting those investigations.

Q. You have given six months to both parties to show their honesty(?) before you refer to the ICC. Are you optimistic and don’t you think that least developing countries asking for equal justice that a failure by the UN to clarify this situation would have a negative impact world wide?

A: Justice Richard Goldstone

I think I’ve answered the first part of the question as to whether one should be optimistic or pessimistic on holding investigations but certainly if I understand the second part of your question, I agree I think it would be a setback for international justice and accountability if the United Nations does nothing to bring justice and accountability to the victims of war crimes committed by both sides.

Q: What would be your reaction if this report like so many that go to the Human Rights Council is greeted with a great fanfare and then disappears?

A: Justice Richard Goldstone

Well, obviously we would all be disappointed if that happens but nothing can take away from the record of what’s contained in that report. I think that’s important. I think that the people in the region have that as a document regardless of follow up but I’m optimistic that there will be some consequences. I think the response from the Ambassadors representing their countries at the Human Rights Council was encouraging. They all with only one exception in the case of Israel, they all took it seriously. That seems to me to be important and I hope that will be reflected in the resolution that will come out of the Human Rights Council I understand at the end of the week.

Q:

Yes, good afternoon, Sir, on behalf of the press association here in Geneva. I’d like to complain about at the way you launched the report in New York. We got a few hours advance notice and the transmission was appalling. And that created a lot of confusion for the members here, we hope that won’t be repeated in the future. Now my question is: with reference to the expert of the panel on the weapon systems, I was wondering what lead you to conclude that you had no evidence that DIME was used: Were you provided with any evidence of DIME weapons by any expert body, or any forensic evidence from medical practitioners on this weapon system? Thank you Sir.

A: Justice Goldstone.

Thank you, as far as the complaint is concerned, I’m sure the relevant people will take note of it as it is not something that I think you can let at the door of the mission. Save to this, that the report was completed literally within a few hours prior to the launch in New York. And if you had reason to complain, the national parties and the authorities in Gaza had even righter reason to complain because they got no longer a prior notice than you did.

To the extent that the mission is responsible, you have our apology, but it was unavoidable. And clearly if it had been within our prior to give the media more notice of a very long report, that would have been our wish. It certainly was done knowing what the problems were and what the media had to go through as a result of it. Certainly it wasn’t done thoughtlessly or in any way disrespectful of the very crucial job that the media has to do and that I don’t think that anybody needs to be convinced of it more than I do.

As far as the DIMEs are concerned, I am going to refer to my military colleague, Colonel Travers.

Colonel Travers.

We have made reference primarily to the presence of heavy metals, shrapnel and possibly in granular form that may have been used in discharge by missiles. I think our factual information is we discovered tungsten shrapnel in at least two incidences. And that tungsten shrapnel would produce the same post impact hazards to victims as DIME in granular form, so we felt we could reasonably associate DIME with our concerns because tungsten, one expert perhaps two informed us tungsten as a metal, is highly carcinogenic.

So we could associate DIME with our concerns about heavy metal anyhow. I have to be honest and say, we found no evidence of DIME. But we did get at least two expert references to either the presence of DIME or to the hazards association with DIME if it should be found amongst victims. And we are particularly concerned about mentioning this because there are victims who have survived, who may still have this time bomb in them. And we have one victim at least from an impact that has occurred as a mask or as a piece of tungsten shrapnel in his spine which cannot be removed. And this, as far as I am concerned, is a potential time bomb. So we were very concerned about the common medical practitioner we felt that while it was not proven, it was sufficiently of concern to us to put people on alert about this product. Thank you.

Q:

If you compare your report with other UN documents, on the issue of the impact of a mass missiles human rights violations impact. I think it is the most comprehensive so far, I went to the archives. But it is certainly criticized that you neglected this part of the story and that you did not take in certain witnesses that have been given here in Geneva.

My question is, am I correcting assuming that if the Israeli government would have fully cooperated, if you would have been allowed to go into the cities and villages and been affected and do on the spot investigations, this part of the report would have been even more comprehensive and you might have been able to incorporate all witnesses you have heard here and secondly not only all international Human Rights Organizations, like Amnesty or Human Rights Watch, but also all relevant and government independent Israeli and Palestinian Human Rights organizations have welcome come to report and endorsing the recommendations. Do you see any role for those Human Rights organizations to play in the further process?

A: Justice Goldstone.

Thank you for both questions. I’ve got no doubt that our report would have been more comprehensive had we been allowed to travel as a mission to Southern Israel and visited the schools and hospitals and interviewed more of the victims. I think the detail would have been greater. It was difficult doing it from the distance, obviously. It wasn’t the best way of doing it by telephone conversations between Geneva and relevant witnesses in Israel. In addition, it could have made a difference, I have no doubt, had the Israel accepted my earnest repeated request for us to meet with relevant Israeli officials to discuss our mission, to discuss our mandate, to discuss the issues which were our concern to them. It seems to me to be unfair to blame us for any lack of detail in the face of that lack of cooperation. So what additional information we could have got, I don’t know, because I don’t know what they did not tell us. But I think, having regard to the fact that there was an absence of cooperation, we really in the limited time we had available to us, I think we went pretty far in trying to give a full account and in trying ourselves to understand the detail of the effect of the firing of thousand of rockets and mortars into Southern Israel. And here I think the report speaks for itself, and I don’t think it’s relevant or appropriate to start counting pages or counting chapters. The attacks by the Israel defence force over a number of weeks was a very complex one. It took a lot of investigation and we had to be selective as I mentioned the Human Rights Council this morning. We could not have investigated all of the instances that called for investigation. We had to choose a relatively small number because of time constraints and the resources available to us. It was a very complex investigation. The firing of rockets into Southern Israel, I am not making any comparison of numbers or effects or trauma, is a much less complex investigation, but I think I can say that the investigation there was done certainly at the best of our ability.

As far as the role of the Human Rights organizations is concerned, I don’t think one can overemphasize the importance. Human Rights Organizations are effecting the political decisions that were made for many years. I was convinced at the time, I remain convinced that without the huge push from the international and domestic Human Rights organizations, there would not have been an International Criminal Tribunal for the Former Yugoslavia. It was the joint efforts of Human Rights Organizations and the media really working together because the one certainly Human Rights organizations wouldn’t be able to accomplish very much at all if they had not media support. So it’s an important element and I think it’s becoming more important, the role that these organizations are playing in the political arena.

Hina Jilani

I just want to add something to the first question that you asked. I must emphasize here that we made every attempt and any effort possible to make sure that victims on both sides are heard. Despite the difficulties we did this not because we were trying to draw any kind of superficial balance, that was not our task and not any part of our mandate to do. And we don’t think that there is a possibility also of drawing that kind of balance because there are different actors with different powers and different responsibilities in the international law. However, what we did was to make sure that we did look at the international law, we did look at the different actors involved and applied the responsibility that the law places on the different actors. But our main concern here was to ensure that Israel’s lack or cooperation does not leave its really victims without a voice and we therefore, whatever we heard in the public hearing, is mentioned in the report, we have given a credence to their stories, we have, because of the fact that we couldn’t go to, couldn’t get much details, we have not been able to give the details, we have tried our best to portray their plight from the stories that we have heard. And I think that’s the important thing for us. That any government’s decisions not to allow these voices, or not to facilitate our access to these voices should not affect their right to be heard.

Q:

Thank you, Sir. Just a clarification, because the position of Israel seems clear to me, but did you receive any positive sign on behalf of Palestinian authorities to begin with this transparent investigations?

A: Justice Goldstone

As I understand it, the attitude of the Palestinian authority is to accept our report and its recommendations. I think that was made very clear in public statements.

Q:

Mister Goldstone, Israel’s exercising a lot of pressure on the Palestinian government, so they won’t take the people who did commit crime in Gaza to international tribunal. And there is one story now going on the streets in Gaza that the Palestinian government, they owe the Israeli three hundred million dollars for a phone system, or something like that. And if the Palestinian go for tribunal, it means they have to pay these three hundred million dollars, which the victims now, they are worried about the reaction of their own government that they will draw this international complaint because of a sum of money. What do you feel if that would happen really, how do you feel you and your members of the Committee? Thank you.

A: Justice Goldstone

I don’t now any of the facts to which you refer, I would only hope that all governments, all members of the international community will act morally and for the concern of victims and not simply ignore the cause of victims because of what are purely political or economic concerns. 0bviously, if for any reason pressure’s brought on governments, that will cause them to ignore the interests and the hopes of the expectations of victims. It seems to me that this is what the members of our commission would deplore.

Q:

Can I hear the opinion of one of your members, the committee member. Would they feel OK with this?

A: Justice Goldstone.

I think there seems to be an agreement with what I said. I think we can go to the next question.

Q:

The US Ambassador in his statement says that the report fails to deal adequately with the asymmetrical nature of this conflict. And he says as well that while national militaries are bound by humanitarian law, terrorists ignore these laws. And I’d like to have your comment on this appreciation of the US Ambassador. It’s on page 3, the US statement, page 3, “the report fails to deal adequately with the asymmetrical nature of this conflict”, it’s the basic ideas that you have national armies dealing respecting the humanitarian law and then you have terrorist groups on the other side. Can you comment on this?

A: Justice Goldstone

Thank you for pointing that out in your question, but in fact it’s not factually correct. We have dealt with the asymmetrical nature of the conflict in our report and very much of the terms that my colleague, Miss Jilani has referred a few minutes ago. We did talk about this asymmetry and the effects that arise from it. So what’s behind this criticism again is difficult to know, and I don’t want to guess. But it’s something that I hope the United States government will be more forthcoming about. And the question I think should be addressed to them rather than to us.

Hina Jilani

May I add, I think the report is very clear on it. And we have come to a great deal of trouble to consider international law, to pick out the provisions of the law in order to show that non-State actors are not immune from accountability of human rights and humanitarian law violations. There is a vast body of international law now that is now accepted to be including non-State actors and we have not only drawn attention to that. We have also I think given the Human Rights Council and the international community some basis on which to take the discussion forward. And I think that’s the important point here. So there is no truth in the fact that we were not considering the nature of the conflict and the asymmetrical nature of the conflict if that is what it is called. We are very concerned about the accountability of States as well as of non-States actors who are guilty of international crimes or of gross violations of international humanitarian law and international human rights law.

Justice Goldstone

I think what’s important too if I may add to that is that the approach of the mission in some areas I think has pointed out areas of humanitarian law that need to be developed. The whole idea of humanitarian law it to protect. The one example, I don’t want to get into technicalities, was the issue of prisoner war state that were in relation to the abduction of the Israeli soldier Gilad Shalit. Clearly the mission accepts and it’s obvious that Hamas is a non-state actor. And the traditional approach is that was prisoner war state only applies when somebody is captured by a state actor, by a party of the Geneva Convention. What’s a new area is abduction in a situation of occupation, which in an international armed conflict Geneva Convention. So you’ve got a sort of grey area here. And our approach is that the law should be extended to be interpreted expensively to give more protection, not less protection. And particularly in these new areas.

Hina Jilani

I also would like to add that the situation of the international law now, with regard to State responsibilities is absolutely clear. Now if there is any hesitation to apply accountability and justice, to State parties in whose respect the law is very clear, than how much further can we go in the case of non-State actors. So I think it is very important that the international community has gone on the whole and that the United Nations bodies concern with international accountability and justice, make sure that accountability for violations of international law is held absolute. No State should ever have an idea that they can commit violations of the nature that we have witnessed in Gaza and get away with it. At the same time, dealing with State parties, and then expanding the law regarding non-state actors, has a very significant message in itself. And that is why this report is of so crucial importance. And this is the message that we, as members of this mission, are trying to give to the international community. Don’t get into semantics, don’t get into political posturing. This is a serious issue, this is an issue of the protection of people. This is an issue of the protection of people’s lives, their liberties, their livelihoods. And this is therefore the most important and the central role of what is the United Nations to perform.

Q:

My question is to the military expert. Pardon me my lack of knowledge of military affairs and medical substance, but when you speak about shrapnel as time bombs, what do you mean exactly? Do you mean that they can explode, what do you mean exactly, please?

A: Colonel Travers.

Sorry about that, I should have elaborated a little bit. Tungsten in any form, if it’s used as part of a propellant, in an explosive, or as a shrapnel, the consequences of an explosive. If it enters the system, it has been proven to cause cancerous lesions or cancer in survivors who might otherwise survived the injury from the tungsten. It doesn’t explode. Tungsten is used in munitions because it’s resistant to the temperatures of the exploding material. It’s very very useful, and I have to be honest and say, tungsten is used also to localise an explosion and confine it with specific target area. It could be argued that those who developed tungsten in explosives were doing so to minimize collateral damage. But the effects, as a results of our observations in the Gaza conflict, is not but used another hazard, which is survivors may have problems with cancers developing in their bodies, post-treatment, post-operation. I hope that clarifies that matter for you.

Q:

I just wondered if you could say a couple of words on the position of the European Union, which was rather unclear, there is a series of questions, they say there was a serious report. What’s your position?

A: Justice Goldstone

I must say that I welcome the serious questions that the European Union asks. It indicated to me that they too were taking the report seriously and realized that it raises serious questions. I don’t believe that I can read more into it than that. But certainly, if there was criticism of the report, that certainly did not emerge. I interpret that too as being positive.

Hina Jilani.

I think if you look at the questions that were brought by the Swedish delegate on behalf of the EU, you would understand that these are pertinent questions. For instance, spoke about how do further investigations take place. And our response was built on our findings. Take them further and create a body or instance which is sufficient to prosecute. The next question was, there was and apprehension expressed, will the impact be negative in the peace process? And our response to that is, on the contrary, it will help a peace process. So that the peace initiatives are well founded, on a realistic view of what the situation is on the ground, where this kind of violations are happening. You have to have a peace process there that ultimately ends in a sustainable peace. If you leave gaps, and you ignore and avoid addressing violations, peace will not be sustainable and that is I think also an essence of this report.

Q:

My question is to weapons expert. Basically, when you talk of asymmetry in terms of use of weapons and the kind of tungsten, heavy metals which have been used very heavily in this particular conflict. Do you have any assessment in terms of the weapons used in the so-called non-state actors? Do they match up in any in terms of this so-called asymmetry? Would you make any assessment on it?

A: Colonel Travers.

In some respects, the asymmetrical warfare is very very interesting and there are challenges in the future, because I suspect the arguments for the asymmetrical warfare are creeping enlargement for justifying the relaxation of the laws of war. And the reason for that is the growing instance of urban theatres of war, because the population is increasing in urban areas. I think this a very very dangerous manoeuvre. I think this is an attempt to play with the laws and I think it is an attempt to compromise, and manoeuvre the laws by legal military practitioners. And we should be on alert, that’s my view. On the other side, the use by insurgents of highly imprecise indiscriminate improvised weapons is equally to be condemned, because they are so indiscriminate. And it’s very obvious to us to the test of so many people, of so many people in Southern Israel, that even the alert systems in Southern Israel put in place to save people’s lives actually create the distresses, that so many of them, we saw, suffer from. The constant alarms, my family personally experienced this in Israel in 1980 under attacks from Katushkas, so I have definite connections with this. So what I can identify with Israeli dilemma in Southern Israel, and say equally indiscriminate firing of weapons is to be condemned just as precision firing of weapons indiscriminately is to be condemned as well. And that’s asymmetric warfare, as far as I am concerned.

Q:

Just very quickly about a piece of news that is coming out from London today. Relatives of Palestinians in Gaza have certain arrest warrants for Israeli defence minister Ehud Barak who is used to travel to Britain. And the basing is partly on your report, on evidence on your report that -------- were responsible for giving orders that led to possible violations of the law of war. Do you think that your report justifies being used in this way? And do you approve this?

A: Justice Goldstone

You know it’s really not appropriate for us to comment on that because we didn’t, as part of our mission’s mandate, going to any individual responsibility for any of the war crimes that we have identified in the report. So that would a matter for a -------investigation, which we’ve called for. If the British authorities have information we don’t have, that’s another matter.

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