

United States Senate

WASHINGTON, DC 20510

September 29, 2009

The Honorable Hillary Rodham Clinton
Secretary of State
United States Department of State
2201 C Street NW
Washington, DC 20520

Dear Madam Secretary,

We appreciate the State Department publicly raising significant concerns about the United Nations Fact-Finding Mission led by Justice Richard Goldstone. We believe it is critical that the U.S. continue to work very hard to block any punitive actions against Israel that this report mentions, whether at the Security Council or other U.N. bodies. The loss of innocent lives is unfortunate wherever it occurs – in Israel or in Gaza. But this biased report ignores many of the key facts, and this should be recognized by the international community.

We commend the State Department statements criticizing the one-sided mandate directing the Goldstone report and highlighting the real causes of the war between Israel and Hamas. In particular, we are gratified that the Department has very serious concerns about the report's recommendations, including calls that this issue be taken up in international fora outside the Human Rights Council and in national courts of countries not party to the conflict. As the United Nations Human Rights Council moves toward a resolution on the Goldstone report, we trust you and your team will denounce the unbalanced nature of this investigation.

There are many serious flaws with the Goldstone report and the investigatory process. The Goldstone mission's mandate was problematic from the start. The fact that the mission exceeded this mandate by also criticizing some of Hamas' activities does not diminish the problem that the vast majority of the report focuses on Israel's conduct, rather than that of Hamas. The report further fails to acknowledge Israel's right to defend itself against terrorism and other external threats, a right of all UN Members under Article 51 of the UN Charter. The report ignores the fact that Israel acted in self-defense only after its civilian population suffered eight years of attacks by rockets and mortars fired indiscriminately from Gaza. Furthermore, the report does not adequately recognize the extraordinary measures taken by the Israel Defense Forces to minimize civilian casualties, which frequently put Israeli soldiers at risk.

As the State Department has stated, Israel is a democratic country, like the United States, with an independent judiciary and democratic institutions to investigate and prosecute abuses. The Israel Defense Forces have a reputation for investigating alleged violations of international law and its internal military code of conduct. As a law-abiding state, Israel is in the process of conducting numerous investigations for which it should be commended not condemned.

We hope you will succeed in your efforts to ensure that consideration of the report at the current meetings of the UN Human Rights Council will not provide an opportunity for Israel's critics to unfairly use the Council and the report to bring this matter to the UN Security Council.

Sincerely,

Kirsten E. Gillibrand

Senator Kirsten E. Gillibrand

Jan Schakne

Jim DeMint

John Eriqson

Lyndee Weaver

Ron Wyden

Tommy

David Vitter

Robert A. Menendez

Chuck Schumer

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Frank R. Lautenberg

John McCain