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TRANSCRIPT OF PRESS CONFERENCE BY SECRETARY-GENERAL BAN KI-MOON

AT UNITED NATIONS HEADQUARTERS, 5 MAY 2009

Secretary-General: Good morning, ladies and gentlemen. It is a great pleasure to see you. I am sorry that I couldn't have a press conference with you last month, because of my very hectic schedule. I am pleased to have this monthly regular press conference today.

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Let me turn, here, to the Middle East.

This morning I transmitted to the President of the Security Council a summary of the report of the Board of Inquiry regarding incidents affecting United Nations personnel, premises and operations during the recent conflict in the Gaza Strip and southern Israel.

Let me emphasize from the outset the independent nature of this Board and its work.

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I want to thank the chairman, Ian Martin, and its Members for concluding this inquiry. I recognize the difficulty of conducting investigations such as this one.

I wish to place on record my appreciation for the cooperation provided by the Government of Israel in the course of the Board's work. The Board also appreciated its reception by the Palestinian Authority and meetings with local authorities in Gaza.

Ladies and gentlemen,

I would emphasize that a Board of Inquiry is not a judicial body or court of law. It does not make legal findings and does not consider questions of legal liability.

My purpose in establishing this Board was to develop a clear record of the facts surrounding these serious incidents and their causes and to determine where responsibility might lie, bearing in mind the complexities of the overall situation.

As with all United Nations Boards of Inquiry, this report is an internal document.

It contains information shared with the Board in strict confidence. It also contains information whose disclosure could prejudice the security or proper conduct of the UN's operations.

For this reason, the Secretariat is releasing a summary of the Report for the purposes of sharing its findings with the Security Council and other bodies.

This summary is a faithful and objective reflection of the Board's full report. I fully respect complete independence of the Board's activities and assessments.

As to those matters that did not fall within the Board's terms of reference, it is not my intention to establish any further Inquiry. I intend to address any other incidents relating to UN personnel on a case by case basis, and through dialogue with the Government of Israel.

The Government of Israel has informed me that it has reservations and objections to elements of the summary. At the same time, I am pleased that the Israeli Government has agreed to meet United Nations officials to address some of the Board's recommendations, in so far as it relates to Israel. It has further confirmed to me that it is eager to improve existing coordination mechanisms.

The plight of Palestinian civilians in Gaza is reflected in the report of the Board of Inquiry. We should keep in mind that Israeli civilians in southern Israel faced and continue to face indiscriminate rocket attacks by Hamas and other militant groups.

In a larger sense, the report reminds us that there has still been no progress on the critical elements that would secure long-term peace for the people of the region.

As I have said before, we need a durable ceasefire, which includes an end to arms smuggling, the opening of the crossings, recovery and reconstruction in Gaza, and steps toward Palestinian reconciliation.

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More importantly, we need to give new momentum to the search for a resolution of the conflict in the Middle East. For this, direct Israeli-Palestinian negotiations must resume, and the international community must engage.

I understand that US President [Barack] Obama will meet Israeli President [Shimon] Peres today and Prime Minister Netanyahu and Palestinian Authority President [Mahmoud] Abbas in the near future.

I also commend Russia for convening a special meeting on the Middle East in the Security Council on 11 May. I hope this will be an opportunity for the international community to reinvigorate the process.

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Thank you very much for your attention, and with that, I will be happy to take your questions.

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Question: Secretary-General, thank you so much for this press conference. But we'd like to remind you, you still owe us one from last month. And on behalf of the United Nations Correspondents Association (UNCA) and our president, Giampaolo Pioli, I'd like to welcome you, sir.

My question is concerning the report that we received in the last half hour, or the summary of the report, concerning Gaza. The report states that [in] eight cases of the nine cases investigated, Israel did not implement sufficient effort and precaution to fulfil its responsibilities to protect property and personnel. In six cases, death and injury and damage was caused by the Israeli Defence Force (IDF), and in one case [damage to] the vehicle, the property, was also caused by IDF forces. However, many might describe your reaction to the report, or the summary of it, in the Middle East as "timid". There's no future inquiry. There's only case-by-case basis dialogue with Israel. There's no talk about compensation. Don't forget there's damage that the report itself estimates at \$10.4 [million] to United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and three quarters of a million [dollar] to the United Nations Office of the Special Coordinator for the Middle East Peace Process [UNSCO]. There's no talk of compensation.

And I would like to remind you here, the report states that Israel, in many cases, the attacks happened after apologizing for the last attacks and promising, to take all precautions not to repeat it. So what gives you confidence that this dialogue, this time, will succeed? And what about the compensation for the damage and the lives of the people? I understand this is not a legal document and no legal action is anticipated by the United Nations. But the people in the Middle East expect more from the United Nations. Thank you, sir.

Secretary-General: You have covered a wide area of all the reports, without leaving any opportunities for other people, maybe, to raise questions.

As I said, I took the initiative of establishing a U.N. Headquarters Board of Inquiry to investigate the nine most serious incidents involving U.N. personnel and property. These have already been thoroughly investigated by the Board of Inquiry. It is my considered view that I can adequately address the remaining incidents involving the United Nations on a case-by-case basis, at the operational level. It is my full intention to do so.

On the other question about compensation: I intend to seek reparation or reimbursement of loss and damage incurred by the United Nations. As you

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know, I have been carefully reviewing these recommendations with a view to determining what course of action the United Nations and I, as the Secretary-General, should take in future, if any. As I said in my letter to the President of the Security Council and this morning to you, I do not consider it necessary for me to initiate any further formal inquiry in this regard, which are outside the terms of reference of this Board. But again, the Israeli Government, in our consultations, stated that they would engage with the United Nations Secretariat to address the Board's recommendations in so far as they relate to Israel. This has been quite a thorough investigation, and I hope you will understand all these situations. This Board's report is quite extensive and provides the factual circumstances surrounding all these incidents that have taken place.

Question: If I may follow up, the report states very clearly that many of the attacks also happened after assurances and dialogue and verbal and written communication by the United Nations. What gives you the confidence now that these things will not repeat in the future? Because you had assurances in the past.

Secretary-General: In fact, in the course of all these happenings, I was in the region. I immediately took action to talk to concerned ministers of the Israeli Government, including the Prime Minister and Defense Minister and Foreign Minister. They all assured me that this will not happen again and they would look into the cases. Unfortunately, after that, other incidents also took place. That, we have protested. And this has been looked into by the members of the Board of Inquiry. One of the recommendations states that there needs to be a much more effective and closer coordination mechanism to avoid all these kinds of happenings in the future.

Question: On the same topic, Secretary-General, there are media reports out there that you've personally worked over the last several days to somewhat water down the details contained in this Board of Inquiry report. Can you, will you, confirm or deny those reports? And if so if you worked in some way to prepare details of this report can you address why?

Secretary-General: This is an independent Board of Inquiry, even though I have appointed, established this Board of Inquiry. The nature and work of the Board of Inquiry is completely independent. And therefore I respect the independence and activities and findings of this Board of Inquiry. Therefore I have no authority to edit or change or alter any recommendations and conclusions of this Board of Inquiry's judgment. However, because it contains some very sensitive information, then I decided to summarize, respecting the full integrity of this report and conclusions.

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Question: My question is about the Gaza report. You said in your opening remarks that the Board of Inquiry is not a judicial body or a court of law and that it does not make any legal findings. But the second recommendation of the Board is that the UN should take appropriate action to seek accountability. You also mentioned that you are going to seek reparations, that is a separate recommendation. My question is what actions will be taken to seek accountability.

Secretary-General: As I said in my opening statement and my follow up questions, at this time I do not see that it is necessary for me to establish any further inquiry on this issue. And whatever the cases there may be, where appropriate, I will take some action on a case-by-case basis on this.

Question: Mr. Secretary-General, is the Secretariat or any of the UN bodies seeking to stop the use of children in armed conflict and tend to examine the extent of Hamas' alleged use of children as human shields in Gaza? I believe there was a petition that was going to be submitted to your office asking for such an inquiry. Have you gotten such a petition and if so, have you taken any action on it?

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Secretary-General: As a matter of firm principle, it is a totally unacceptable situation to use children against any international humanitarian law. That must be eliminated wherever, whenever it may happen by any country, any group or any individuals. As you may remember, last week, I have appointed a special representative on violence against children and I have made quite a strong commitment to eliminate such intolerable and unacceptable human rights violations of children and women and all other persons particularly when it comes to children like child soldiers and children being used for forced labour and all other purposes; those practices must be eradicated. The United Nations has a firm commitment and we continue to do that.

Question: Just as a follow-up. Did you receive any petition, which I believe was supposed to be submitted by some human rights organizations, asking for a specific UN inquiry into Hamas' alleged use of children as human shields in Gaza?

Secretary-General: I am sure that my special advisor on children and armed conflict will look at this case, whatever complaints have been received.

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Question: Because of the new relationship that you have with the Obama administration, was there any pressure put on your office for you to water down the report that you were talking about on Gaza and to only issue a summary to the Security Council, robbing the Palestinian people of their day in the media, once again?

Secretary-General: First of all, I would like to categorically reject any impression, any word, called "watered down." I told you that this Board of Inquiry is independent. I respect the complete independence of this report. You may ask all our senior advisors who have been working on this. I do not have any authority to edit or change any wording on this conclusion and recommendations. You should have no doubt about that.

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