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Barrie Cassidy: The United Nations has set up an inquiry into the killings of almost 60 Palestinians in Gaza last Monday. Now, there are 47 nations on this Human Rights Commission. Two opposed the inquiry. Two of them. Who are they Karen?

Karen Middleton: The United States and Australia were the only two countries Barry to oppose this resolution in the Human Rights Council. Australia's campaigned to get onto the Human Rights Council for a couple of years – and it seems in order to vote "no". There were three countries that abstained – Britain, Germany and Japan – but Australia decided to go that step further. Now, Julie Bishop the Foreign Minister says this is justified because she believes the Council had predetermined its position because it issued a statement last week condemning what it said was "disproportional and indiscriminate use of force by Israel". So, she said that was pre-judging. And she also said that the resolution to set up an inquiry doesn't mention Hamas and should. So, they were the reasons that she says Australia voted "no".

Barrie Cassidy: Hamas would come up though in any investigation of the killings.

Karen Middleton: Well you'd hope so and you would think so. She said she's not ruling out supporting other external inquiries, in future, depending on their merit. But they weren't going to support this one.

David Crowe: But if Teresa May's government can abstain, surely that would be an option for Australia to abstain. We looked like – you know, Britain, Germany and Japan all abstaining. That's certainly a legitimate option

Karen Middleton: Well absolutely, wonder why we're on the Council –

Gerard Henderson: – but it's also legitimate to oppose. I mean, the Council referred to peaceful protests. They weren't peaceful protests. They were violent protests. A Hamas official has admitted that of the 65 fatalities, at least 50 were Hamas activists.

Karen Middleton: Do you think they should be investigated?

Gerard Henderson: Well should Hamas be investigated?

Karen Middleton: – the killings? Do you think the killings should be, the whole situation –

Gerard Henderson: Well not by a Council that's already predetermined that they were peaceful protests –

Karen Middleton: Who then?

Gerard Henderson: – they weren't.

Karen Middleton: Who should investigate?

Gerard Henderson: Well someone other than this Council. We're talking about a vote on a council. Australia supported the United States and some of our close

friends like Germany and Britain have abstained. So there's some opposition to this either in the negative –

Karen Middleton: Clearly, clearly.

Gerard Henderson: – or the abstentions. And we decided to go with the United States on this one. We probably made our own decision on this one. But the idea that these were peaceful protests is completely untrue. If anyone has been to that area of Israel, you understand that if thousands or tens of thousands of people had come over that fence – the fence having been pulled down by Hamas activists – this would've caused mayhem in Israel –

Barrie Cassidy: They didn't –

Karen Middleton: I think, I think –

Barrie Cassidy: – they didn't do that.

Gerard Henderson: Well they didn't –

Karen Middleton: – the protesters were throwing, certainly throwing rocks. That's not peaceful.

Gerard Henderson: Yeah but they didn't –

Karen Middleton: But the question really I think people are asking is whether the response was proportionate or not.

David Crowe: But 600 wounded –

Gerard Henderson: Yes, that's true.

David Crowe: – it's about proportionality

Gerard Henderson: The whole campaign was what was called the march, I mean it was, it was the march. I mean, theoretically, the march on Tel Aviv and the march on Jerusalem. Now, if the fence had come down, there would have been horrendous implications for Israel. And what the IDF, the Israel Defence Force, was doing, as I understand it, was stopping the fence coming down.

Barrie Cassidy: And you think that they can't figure out a way to stop these protesters, unarmed protesters, other than killing them?

Gerard Henderson: Well, they did try to do that. They put up tear gas, they dropped tear gas –

Barrie Cassidy: In the end –

Gerard Henderson: – but they did all the other stuff they could do.

Barrie Cassidy: – their only solution to stopping these people was to kill them.

Gerard Henderson: Well I – it wasn't their only solution. They tried other solutions. But Barrie, if you'd been living say, uh, from parts of settlements in Israel, I mean you've got to bear in mind, this is Israel going back to 1948. This is within the Green Line, this has been Israel territory approved the United Nations 70 years

ago. And a nation that's been in existence for 70 years following the support of the United Nations, is entitled to defend its borders.