HUMAN RIGHTS COUNCIL DISCUSSES FOLLOW-UP TO ITS NINTH AND TWELFTH SPECIAL SESSIONS ON THE OCCUPIED PALESTINIAN TERRITORY

High Commissioner for Human Rights Presents Reports

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The Human Rights Council this morning heard a presentation by the United Nations High Commissioner for Human Rights on reports concerning the human rights situation in Palestine and other Occupied Arab Territories and then held a general debate on follow-up to the ninth and twelfth Special Sessions of the Human Rights Council concerning the same topic.

Navi Pillay, United Nations High Commissioner for Human Rights, presenting four reports, said the report of the Secretary-General on Human Rights in the Occupied Syrian Golan was submitted pursuant to Human Rights Council resolution 10/17, which requested the Secretary-General to disseminate the resolution as widely as possible and report on the matter to the Council. Her second periodic report contained information on the implementation of recommendations in resolution S-9/1 on grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the Occupied Gaza Strip, and in response to the Council’s request for reports in sections A and C of resolution S-12/1 on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem. It also examined a trend of increasing violence and discrimination against Palestinian women, who suffered not only as a group living under occupation, but also as a group subject to a patriarchal value system. On the report of the Secretary-General on the status of implementation of paragraph three of Human Rights Council resolution S-12/1 B, this paragraph endorsed the recommendations contained in the report of the United Nations Fact-Finding Mission on the Gaza Conflict, and called upon all concerned parties, including United Nations bodies, to ensure their implementation in accordance with their respective mandates. Ms. Pillay wished to draw the attention of the Council to the issue of Palestinian pregnant women giving birth at Israeli checkpoints. The report noted that there had been no case of concern within the reporting period. From now on, this issue would be addressed in periodic reports as appropriate. Respecting, protecting and fulfilling human rights obligations required that perpetrators of violations be brought to justice. All parties in the Middle East conflict, as well as the international community, should be steadfast in demanding accountability for violations of human rights and international humanitarian law.

Israel, speaking as a concerned country, said Israel would focus particularly on investigations, legal proceedings, and lessons learned in relation to the actions of the Israeli Defense Forces in Gaza from 27 December 2008 though 18 January 2009. Israel recognized the importance of conducting the investigative process in a timely manner, but it also noted the need to ensure that legal processes were conducted thoroughly and with full due process, and in a manner comparable with that of other States, guided by a respect for the rule of law.

Palestine, speaking as a concerned country, said it was very pleased with the report of the Secretary-General. Nonetheless, it was surprised at the delay of the publication of that report. Palestine suggested that the recommendations in the report now needed to be implemented. Palestine called for the immediate reconstruction of Gaza, which had still not happened because of the unfair blockade against it by Israel. Palestine stressed its right to self-determination and a State so that a solution could be found for both parties.

In the general debate, speakers were worried about the consistent breaches of international law by both sides, and once again reiterated that settlements were illegal under international law. The respect for international human rights and humanitarian law in all circumstances remained an essential precondition for achieving just and lasting peace in the Middle East. Speakers urged Israel to permit the access of humanitarian goods and rebuilding equipment into the occupied territory and strongly condemned the expansion of settlements, especially in East Jerusalem, which was a flagrant violation of international law and threatened the establishment of a sovereign Palestinian State. The occupation was the main cause of the violation of the human rights of the Palestinian people. Israel had repeatedly violated principles of international humanitarian law, and this indiscriminate use of force amounted to state-sponsored terrorism. The Gaza blockade affected 1.5 million people, half of whom were children, with devastating effects on the rights such as to health, food, water, employment and education. There must be an end to the illegal settlements and the launching of rockets from the Occupied Palestinian Territory against Israel. Israel and the Palestinian Authority must live up to their obligations under international law and investigate, immediately and in keeping with international standards, denunciations of human rights violations committed by both sides.

Speaking in the general debate were Spain on behalf of the European Union; Sudan on behalf of the Arab Group, Egypt on behalf of the Non Aligned Movement, Pakistan on behalf of the Organization of the Islamic Conference, Cuba, Egypt, Chile, China, Saudi Arabia, Brazil, Bahrain, Jordan, Senegal, Norway, Djibouti, Japan, South Africa, Bangladesh, Algeria, Yemen, Venezuela, Libya, Iran, League of Arab States, Tunisia, Iraq, United Arab Emirates, Malaysia, Syria, Switzerland, African Union, Sudan, Organization of the Islamic Conference and Lebanon.

The following non-governmental organizations also took the floor: Union of Arab Jurists, World WIZO Organization, Women’s International League for Peace and Freedom, International Commission of Jurists, BADIL Resource Centre for Palestinian Residency and Refugee Rights, Al-Haq, Law in the Service of Man, Palestinian Centre for Human Rights, Mouvement contre le Racisme et pour l’Amitié entre les Peuples, Human Rights Watch, United Nations Watch, North-South XXI, International Association of Jewish Lawyers and Jurists, Cairo Institute for Human Rights Studies, Amnesty International, World Union for Progressive Judaism, and General Arab Women’s Federation.

When the Council reconvenes at 3 p.m. this afternoon, it will hold a general debate on the human rights situation in Palestine and other Occupied Arab Territories.

Documents

The report of the Secretary-General on human rights in the occupied Syrian Golan (A/HRC/13/52) is submitted pursuant to Council resolution 10/17, which, among others, calls upon Israel to comply with the relevant United Nations resolutions declaring null and void Israel’s decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan, and demanding that Israel rescind that decision. In view of Israel’s refusal to cooperate with OHCHR requests to conduct a mission to the area or to supply information, the report contains a summary of replies from Member States on this issue received from Morocco, Pakistan, Algeria, Egypt and Syria.

The report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1 (A/HRC/13/54), covering the period 1 May to 3 February 2010, contains a follow-up report on the situation in the Occupied Palestinian Territory, as well as an examination of the human rights situation in Gaza. It concludes that impunity for violations of human rights and international humanitarian law remains widespread, and needs to be addressed by all parties as a matter of the highest urgency. Investigations launched by the Israeli Government into alleged violations related to the military operations in Gaza of December 2008-January 2009 remain inadequate and, while not much information is available, there is at this point also no indication of credible investigations having taken place with regard to allegations of violations by Palestinian armed groups.

The report of the Secretary-General on the status of implementation of paragraph 3 of A/HRC/S-12/1 (A/HRC/13/55) reviews the status of implementation of all the recommendations contained in the report of the United Nations Fact-Finding Mission on the Gaza Conflict, looking at actions taken by the Human Rights Council, the Security Council, the Prosecutor of the International Criminal Court, the General Assembly, the State of Israel, Palestinian armed groups, the responsible Palestinian authorities, the international community, the Secretary-General and the Office of the United Nations High Commissioner for Human Rights.

The report of the United Nations High Commissioner for Human Rights on the issue of Palestinian pregnant women giving birth at Israeli checkpoints (A/HRC/13/68/Rev.1) observes that there has been no case reported since January 2009 and recommends that the separate reporting requirement on this issue be discontinued. OHCHR stands ready include a section on births at checkpoints in its periodic reporting.

Presentation of Reports by High Commissioner for Human Rights

NAVI PILLAY, United Nations High Commissioner for Human Rights, presenting four reports, said the report of the Secretary-General on Human Rights in the Occupied Syrian Golan was submitted pursuant to Human Rights Council resolution 10/17, which requested the Secretary-General to disseminate the resolution as widely as possible and report on the matter to the Council. The report reflected the views of Member States in this regard. Her second periodic report contained information on the implementation of recommendations in resolution S-9/1 on grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the Occupied Gaza Strip, and in response to the Council’s request for reports in sections A and C of resolution S-12/1 on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem. In the latter section, the Human Rights Council welcomed the first periodic report of the High Commissioner, and endorsed that report's recommendations, also calling upon all concerned parties, including United Nations bodies, to ensure their implementation in accordance with their respective mandates. Consequently, the second periodic report contained information on the implementation of these recommendations. This included addressing the need for accountability for serious human rights violations, and the negative impact on human rights of the continuing blockade on Gaza. The second periodic report also examined a trend of increasing violence and discrimination against Palestinian women, who suffered not only as a group living under occupation, but also as a group subject to a patriarchal value system. Other topics included the human rights situation in and around East Jerusalem, in particular in relation to forced evictions and home demolitions, Israeli settlement activity in East Jerusalem and the West Bank and violence that appeared to be linked to such settlement activity.

On the report of the Secretary-General on the status of implementation of paragraph three of Human Rights Council resolution S-12/1 B, this paragraph endorsed the recommendations contained in the report of the United Nations Fact-Finding Mission on the Gaza Conflict, and called upon all concerned parties, including United Nations bodies, to ensure their implementation in accordance with their respective mandates. In this context, the Secretary-General's report focused on the status of the implementation of the broad range of recommendations contained in the report of the Fact-Finding Mission, and reviewed every recommendation of the Fact-Finding Mission. The information contained in the report was based on monitoring carried out by the field presence of the Office of the High Commissioner for Human Rights in the Occupied Palestinian Territory. It was also based on information received from States, inter-Governmental organizations and other entities to which the Mission addressed recommendations.

Ms. Pillay wished to draw the attention of the Council to the issue of Palestinian pregnant women giving birth at Israeli checkpoints. The report noted that there had been no case of concern within the reporting period. From now on, this issue would be addressed in periodic reports as appropriate. Respecting, protecting and fulfilling human rights obligations required that perpetrators of violations be brought to justice. All parties in the Middle East conflict, as well as the international community, should be steadfast in demanding accountability for violations of human rights and international humanitarian law.

Statements by Concerned Countries

AHARON LESHNO-YAAR (Israel), speaking as a concerned country, said Israel would focus particularly on investigations, legal proceedings, and lessons learned in relation to the actions of the Israeli Defense Forces in Gaza from 27 December 2008 though 18 January 2009. Israel had published two papers on the topic. The first, from July 2009, addressed a range of factual and legal issues related to the Gaza operation and described Hamas’ rocket attacks on Israel, more than 12,000 in the past eight years, and smuggling of weapons and ammunition through tunnels on the border with Egypt, among other issues. A second paper, presented in late January 2010, provided a clear and updated picture of the current status of Israel’s investigations. Israel’s system for investigating alleged violations of the Law of Armed Conflict was comparable to the systems adopted by other democratic nations. It had multiple layers of review to ensure impartiality and independence, including the Military Advocate General’s Corps. Of 150 incidents, so far 36 had been referred for criminal investigations, and through the end of January 2010 investigators had taken information from almost 100 Palestinian complainants and witnesses. The 150 investigations initiated following the Gaza operation were not limited to incidents in the Human Rights Council report of the United Nations fact-finding mission on the Gaza conflict. The indictment of two soldiers, as described, was an example of an investigation of an incident not mentioned in that report. Israel disagreed with the findings and recommendations of the report, which reflected many misunderstands and fundamental mistakes with regard to the Gaza operation, its purposes, and Israel’s legal system. Regarding the incidents described in the human rights fact-finding report, even prior to the publication of that report, Israel had already investigated 22 of the 34 incidents it addressed. The remaining 12 incidents, none of which had previously been brought to the attention of the Israeli authorities, had been promptly referred for investigation. Israel recognized the importance of conducting the investigative process in a timely manner, but it also noted the need to ensure that legal processes were conducted thoroughly and with full due process, and in a manner comparable with that of other States, guided by a respect for the rule of law.

IBRAHIM KHRAISHI (Palestine), speaking as a concerned country, said Palestine was very pleased with the report of the Secretary-General. Nonetheless, it was surprised at the delay of the publication of that report. That had led to some astonishment. Palestine would like to know why there had been this delay. Palestine suggested that the recommendations in the report now needed to be implemented. The Security Council had not yet reacted to the report. It had been necessary to call for a draft resolution for a follow up to the fact-finding mission, and a group of legal experts. Palestine reiterated the importance of the role of the Secretary-General of the United Nations, who had called for the recommendations that arose from the fact-finding mission. Palestine called for approaches, measures and policies, which could create a reconstruction fund for the Palestinian people, most of whom were victims. In that regard, Israel would contribute the most as it had caused the most damage. The Goldstone Report showed it was good to call upon stakeholders to set up dialogue of a legal nature. On the Fourth Geneva Convention, Palestine recalled that all parties had to provide provisions in that regard. It called on Switzerland to hold a conference before the end of the year. Palestine called for the immediate reconstruction of Gaza, which had still not happened because of the unfair blockade against it by Israel. It would be necessary to require the highest level of accountability. Palestine stressed its right to self-determination and a State so that a solution could be found for both parties.

General Debate on Follow-Up to Ninth and Twelfth Special Sessions

JAVIER GARRIGUES (Spain), speaking on behalf of the European Union, said the European Union appreciated the opportunity to address the Human Rights Council with respect to the High Commissioner's second periodic report, which raised many serious concerns. The European Union once again conveyed its concern about the humanitarian and human rights situation in the Occupied Palestinian Territory. The European Union was worried about the consistent breaches of international law by both sides, and once again reiterated that settlements were illegal under international law. The respect for international human rights and humanitarian law in all circumstances remained an essential precondition for achieving just and lasting peace in the Middle East. The European Union underlined the importance it attached in all contexts to ensuring accountability and to countering impunity for violations of international law, including gross human rights violations, as it was essential in preventing further violence and advancing the peace process. The European Union deeply deplored the curtailment of freedom of movement into and out of Gaza, import restrictions and prohibition of exports that had severely impaired the enjoyment of a wide range of economic, social and cultural rights, as well as civil society, and asked the High Commissioner how she assessed the evolution of Israeli policy towards Gaza regarding freedom of movement of persons and goods.

HAMZA AHMED (Sudan), speaking on behalf of the Arab Group, said the Arab Group welcomed the second periodic report of the High Commissioner and supported the recommendations contained therein. The Arab Group called on Israel to permit the access of humanitarian goods and rebuilding equipment into the occupied territory; to work on the release of Palestinian prisoners and representatives of political leadership; and to guarantee the freedom of movement in accordance with international accords, among others. The Arab Group strongly condemned the expansion of settlements, especially in East Jerusalem, which was a flagrant violation of international law and threatened the establishment of a sovereign Palestinian State. It also called on Israel to end excavations around the Al-Aqsa mosque, also condemning Israel’s listing of mosques and other places on the heritage list, which was counter to international law and international treaties. The Group reaffirmed the rights of Palestinian people, including their right to the establishment of an independent State, called on the occupying power to abide by international law, and called on the international community to shoulder its responsibility.

HISHAM BADR (Egypt), speaking on behalf of the Non Aligned Movement, said the Non-Aligned Movement appreciated the High Commissioner’s report. It was satisfied with the content despite the delay. Regrettably, since last October, Israel had continued its unlawful practices and violated human rights in the Occupied Palestinian territories. It had obviously not learnt from the past. Furthermore, Israel had foregone all presumptions for a peaceful settlement. The Non-Aligned Movement supported a call for an independent committee to investigate the situation in the Occupied Territories. It called on the High Commissioner to appoint experts in that regard. The Non-Aligned Movement welcomed the High Commissioner and supported her recommendations. It agreed that occupation was the main cause of the violation of the human rights of the Palestinian people. That had pushed them further into depravation. It concurred with the High Commissioner that occupation had led to the fragmentation of the West Bank. The Non Aligned Movement further welcomed the High Commissioner’s assertion that all occupation was illegal, believing that there should be an independent inquiry into violations of human rights law. In closing, the Non-Aligned Movement said the international community should put an end to the persistent situation of impunity. It could not turn a blind eye. It should send a message that there could be no justification for violations of human rights. Finally, the Non-Aligned Movement called on all members of the Council to support the draft resolution.

ZAMIR AKRAM (Pakistan), speaking on behalf of the Organization of the Islamic Conference, said Israel had not relented in violating the human rights of the people of the Occupied Palestinian Territory, in keeping with its traditional disregard for international opinion. Israel's aggression and human rights violations were deliberate and pre-meditated. Its excuses of fighting terrorism could not justify indiscriminate and unprecedented violations of human rights of innocent, unarmed, and non-combatant Palestinians. Each Israeli attack raised the concern that war crimes continued to be committed by the occupying power. Israel had repeatedly violated principles of international humanitarian law, and this indiscriminate use of force amounted to state-sponsored terrorism. Israel continued to obstruct an impartial and independent investigation of its repressive policies in defiance of its international obligations. The two reports of the Secretary-General and the High Commissioner further testified to these facts. Notwithstanding the criticism of the international community, impunity for violations of human rights and international humanitarian law remained widespread under the Israeli occupation, and it was time that Israel fulfilled its obligations under the Fourth Geneva Convention, as an occupying power, by ensuring the supply of all essential goods of day-to-day use for the innocent people of Gaza to live their lives. The follow-up resolution tabled by the Organization of the Islamic Conference in this session endorsed and demanded sincere implementation of the recommendations made by the reports of Justice Goldstone and the High Commissioner. The resolution should be adopted by consensus, which would send the desired signal that the international community could not and would not overlook the grave violations of human rights committed by Israel.

RODOLFO REYES RODRIGUEZ (Cuba) said Israel had once more ignored the resolutions of this Council, as it had done repeatedly with decisions of the General Assembly and Security Council. Israel had expanded its illegal settlements on Palestinian territory. Cuba condemned that energetically and demanded the immediate cessation of such activities. The Palestinian Nation continued to be deprived of its most basic rights; the human rights situation in the Occupied Palestinian Territory required the Human Rights Council’s priority attention and the Council’s decisions must be implemented immediately. Cuba demanded the immediate and impartial investigation of violations of international human rights law during operation Cast Lead. Further, Cuba reaffirmed its support to the cause of the people of the occupied Arab territories, particularly the full enjoyment of the Occupied Palestinian Territory’s people of their right to self-determination in a Palestinian State that was independent and sovereign, with East Jerusalem as its capital.

HISHAM BADR (Egypt) said Egypt had taken note of the recommendations in the Goldstone report, which it would like to see applied. Unfortunately, the picture was just as black as last year. Israel was still in defiance of those resolutions. It was time for Israel to apply international laws. The international community must remind Israel that it was not above the law. Israel had refused to cooperate with Mr. Goldstone and to follow the recommendations in his report. Egypt called on all Member States to apply the recommendations in the report. There was a need to investigate war crimes committed by both sides. There was also a need to put an end to impunity. It was impossible to continue respecting the Council, if day after day, Israel maintained its attitude of scorn and defiance. Egypt called for all of the Council’s mechanisms to be used under the appropriate mandate. It also asked the Council to fulfil its responsibilities. Aggressions against East Jerusalem and the holy sites were wholly unacceptable. Israel had always worked towards peace in this region. That could only happen once the Palestinians could enjoy their right to self-determination.

CARLOS PORTALES (Chile) said Chile welcomed the report of the High Commissioner. In its paragraph 65, the report stated that impunity for violations of human rights and international humanitarian law remained widespread, and needed to be addressed by all parties as the matter of highest urgency. In this regard, the report indicated that investigations undertaken by the Israeli Government continued to be inadequate in providing effective reparations. The report also indicated that while the investigation process was put in place by the Palestinian authorities, there were at this point no credible investigations of reports of human rights violations by Palestinian groups. There was no respect of the right to life, arbitrary detentions, obstacles to the right to health, torture and other cruel and degrading treatment, violence against women and girls, and many other points. The Gaza blockade affected 1.5 million people, half of whom were children, with devastating effects on the rights such as to health, food, water, employment and education. There must be an end to the illegal settlements and the launching of rockets from the Occupied Palestinian Territory against Israel. Israel and the Palestinian Authority must live up to their obligations under international law and investigate, immediately and in keeping with international standards, denunciations of human rights violations committed by both sides. The blockade must be lifted to put an end to the dire humanitarian situation for the population of Gaza. The Human Rights Council had a moral imperative to establish a dialogue with the involved parties with a view to promoting compliance by States in the area of human rights, but the dialogue would not be successful if all parties were not committed to making it successful - in which case the Human Rights Council must raise its unified, collective voice, for the victims.

QIAN BO (China) said China appreciated the active efforts of the High Commissioner for Human Rights. China called on all concerned parties to stop any acts that could further complicate the situation in the Middle East. Also, it hoped that the Human Rights Council would continue to pay attention to tensions in that region as well as the human rights situation in East Jerusalem in order to guarantee the full enjoyment of human rights. China was convinced that political mediation was the only means to resolve the situation in the Middle East and underscored that China was committed to resolve Middle East tensions and supported humanitarian assistance and efforts based on the principle of land for peace. The international community should make greater efforts to help the concerned parties formulate an agreement, the delegation further said, highlighting that China was ready to play a constructive role in the promotion of effective and lasting peace in the Middle East.

ABDULWAHAB ABDULSALAM ATTAR (Saudi Arabia) said Saudi Arabia had reviewed the report of the High Commissioner for Human Rights with interest. It expressed its appreciation for efforts made in the preparation of the report. Saudi Arabia was concerned because the report came late. While the Council worked on the follow-up of the two sessions, Saudi Arabia found that human rights violations had continued in the Occupied Territories. It was unfortunately escalating. Israel’s decision in the past two days to build over one hundred new settlements was a further cause for concern. It was all the more important to implement international resolutions. Turning to the report’s conclusions and recommendations, Saudi Arabia said that those must be implemented to alleviate the suffering of the Palestinian people. It hoped that the adoption of the follow- up to the recommendations would be adopted with consensus.

ALEXANDRE GUIDO LOPES PAROLA (Brazil) said the report of the High Commissioner provided the Council with an updated account of the overall human rights situation in the Occupied Palestinian Territories, in particular with regard to the investigations of violations in the context of the military operations conducted in Gaza, in a balanced and non-selective manner, considering violations committed by all sides. Ongoing domestic procedures had not proven to comply with international standards, and Brazil reiterated the importance of accountability, and called upon concerned parties to further strengthen domestic investigations and to fully cooperate with the United Nations system in this regard. The human rights situation in the Gaza Strip remained of particular concern, mostly as a consequence of the blockade. Israel should grant expeditious and unrestricted access into the Gaza Strip to humanitarian material and personnel, and to reconstruction goods and services. The Palestinian Authority should implement the recommendations made by the High Commissioner to prevent violence against women. The occupation was the main cause of violations of Palestinians' human rights. Brazil reiterated its support for a peaceful, negotiated solution resulting in the establishment of an independent, geographically united, democratic and economically viable Palestinian State, living side-by-side with Israel, in peace and security, within internationally-recognized borders.

MUNA ABBAS RADHI (Bahrain) thanked the United Nations Secretary-General and the High Commissioner for Human Rights for their reports. The report of the High Commissioner concluded that occupation remained the main cause of the large-scale violations of the human rights of Palestinian people, including their economic, social and cultural rights, and underscored that the situation in the Occupied Palestinian Territory remained extreme. The report further highlighted that Palestinian people suffered from the blockade which led to a degradation of the humanitarian situation and had an impact on these people’s implementation of the right to health, water and decent housing. The report of the High Commissioner demonstrated that Israel’s colonization continued, including in East Jerusalem, which was a violation of international humanitarian law, among others. The Bahraini delegation underscored that it was necessary to implement the recommendations contained in the reports of the High Commissioner and the Secretary-General and in earlier reports.

SHEHAB MADI (Jordan) said Jordan thanked the High Commissioner for her report, which continued to give a bleak picture of the situation and the suffering of the Palestinian people, reaffirming that the human rights situation remained of serious concern due to the occupation. It was alarming to note that Israel had added two Palestinian shrines as its own heritage sites. Jordan supported the conclusion of the High Commissioner on the imperative need to protect civilians, the need to enjoy rights, to ensure an end to impunity, the enjoyment of the effective right to remedy and reparations and the right of the Palestinian people to self-determination. Jordan hoped that they would not have to sit here again to discuss yet another report. For that to happen, Israel’s occupation must end.

BABACAR CARLOS MBAYE (Senegal) said the situation of human rights in the Occupied Palestinian Territories continued to be a source of grave concern. The report showed that it was more than urgent to find adequate solutions to the difficulties undergone by the Palestinian population when seeking to enjoy their fundamental freedoms and human rights. The persistence of the restrictions of access to water and freedom of movement, as well as other impediments to the effective enjoyment by Palestinians of decent conditions of living, were of concern as was the degradation of the humanitarian situation in Gaza. The recommendations in the report were fully supported by Senegal, which appealed to all parties to abstain from any acts that could compromise peace efforts and impede the creation of a Palestinian State within safe and viable borders, living side-by-side with Israel, with peace and security for all.

BEATE STIRO (Norway) said Norway had emphasized since the outbreak of the Gaza conflict that parties to the conflict bore the primary responsibility to investigate and prosecute possible violations of humanitarian law conducted by forces under their command. That was necessary in societies based on the rule of law, for the long-term prospects of peace and prosperity in the region, and for reconciliation between people, the Norwegian delegation underscored. In the follow-up of the Goldstone report it was essential to secure a coordinated and coherent approach by relevant United Nations organs; competing or even contradicting processes must be avoided, the delegation added. Norway supported the United Nations General Assembly resolution 64/254 and that decision was clear; further action with regard to monitoring national investigations would be considered, based on the content of the Secretary-General’s report to the United Nations General Assembly in July 2010. A decision by the Council during this session that established a new monitoring mechanism contradicted the decision by the General Assembly. Norway was determined to contribute to a meaningful and credible process on the Goldstone-report, both in the General Assembly and in this Council. Norway encouraged the main sponsors to work with all actors towards a decision by the Human Rights Council that enjoyed broad support and added value to the process in the General Assembly. Norway was a strong supporter of the peace process and a two State solution.

MOHAMED SIAD DOUALEH (Djibouti) said Djibouti lauded the efforts of the High Commissioner to address the human rights situation in the Occupied Palestinian Territories. It noted that Israel had continued to commit serious violations with an alarming frequency. That should be put to an end. The latest decision to build over 1,000 settlement homes attested to the fact that Israel was still aggressively pursuing policies that violated international human rights and humanitarian law. Djibouti reiterated its support to the fact-finding mission of Justice Goldstone. Furthermore, allegations of misconduct must be investigated.

SHINICHI KITAJIMA (Japan) said Japan was seriously concerned about the increasing number of civilian casualties that were taking place in armed conflicts worldwide, in Palestine and other occupied territories, and the human rights situation affecting persons. In order to ensure ordinary citizens not only the right to life but also the right to health, the right to housing and freedom of movement in the Palestinian Territories, all States concerned should take the necessary measures to have humanitarian assistance delivered to the people in need, including securing safe humanitarian corridors, especially in Gaza. Japan would continue to extend humanitarian assistance to the Palestinian people and its support, to the greatest extent possible, for the improvement of the situation of human rights in the Palestinian Territories. Japan welcomed that both Israel and the Palestinian Authority had agreed to start indirect talks. Japan urged all the parties concerned to allow free and safe movement of humanitarian aid and humanitarian aid personnel, and strongly hoped that both Israel and the Palestinian Authority would make every effort to make progress on the peace process, and Japan would continue to make efforts to contribute to completing a comprehensive peace process in the Middle East, together with the international community.

JERRY MATTHEWS MATSILA (South Africa) thanked the High Commissioner for Human Rights for her presentation and welcomed the recommendations contained in her report. Missions had been dispatched and had provided recommendations, the South African delegation said, but noted that those recommendations had not been implemented by Israel. South Africa therefore urged the concerned parties to implement those recommendations, particularly those of the Goldstone report. It also urged both sides to the conflict not to resort to violence, which had taken too many lives and caused much destruction; the future could only be resolved by a peaceful process. There could be no impunity for grave human rights violations, the South African delegation further said, and underscored that the Council had a responsibility to ensure that Israel complied with international human rights law and its humanitarian obligations. In concluding, South Africa requested that checkpoints be removed; building material be allowed into Gaza; prisoners be released; the type of weapons used in Gaza be investigated; and negotiations be taken up.

MUSTAFIZUR RAHMAN (Bangladesh) said the two reports confirmed gross violations of human rights that had been perpetrated by Israel. What was worse was that they were deliberate and premeditated. Impunity that Israel enjoyed had led to further violations. Demolitions of Palestinian houses and the Israeli expansion of settlement activities had pushed the people to the limit. Peace would only be possible if Israel took responsibility and stopped the occupation. Bangladesh agreed with all the recommendations in the report. What was needed now was compliance by Israel. Palestinians had the right to a life of dignity and to have human rights. Bangladesh called on those who could exert influence on Israel to bring it to the negotiation table, without conditions.

IDRISS JAZAIRY (Algeria) said once again the Council was meeting to review the serious human rights violations in the Occupied Palestinian Territories, in keeping with numerous preceding resolutions. The available reports showed that for more than a year since the last military incursion into Gaza by the Israeli military, the area still suffered from a blockade, with a violation of the most basic rights, including the right to life, without mentioning the rights to food, housing, water and education. No headway had been made on the need for accountability for those who committed crimes in Gaza, despite United Nations resolutions on the need for investigations. The complete responsibility lay on the shoulder of the Israeli occupying forces. Occupation was the main source of violation of the Palestinian people's rights. The ongoing blockade must be lifted so that the Palestinians could enjoy the most basic human rights. Israel must implement the Goldstone report's recommendations, and uphold the provisions of the Geneva Conventions. The right for self-determination for the Palestinian people should be ensured so that they could live in an independent State on their own lands.

IBRAHIM SAIED MOHAMED AL-ADOOFI (Yemen) thanked the High Commissioner for Human Rights for her second periodic report. That report highlighted the gross human rights violations committed by Israel against the Palestinian people, including violations of the rights to enjoyment of health, freedom of movement, and torture and other cruel and inhuman treatment following the Gaza blockade. Yemen agreed with the High Commissioner for Human Rights that the situation in the Occupied Palestinian Territory continued to deteriorate, which gave rise to concern. The Human Rights Council had made historic progress, particularly through the Goldstone report, the delegation said, but underscored that it was regrettable that impunity continued to the detriment of the Palestinian people.

GERMAN MUNDARAIN HERNANDEZ (Venezuela) said Venezuela had denounced crimes committed by the occupying power in the Palestinian Occupied Territory throughout the years. The Palestinians had been subjected to torture, arbitrary arrests and degrading treatment. Venezuela also expressed its grave concerns over the impact of the Gaza blockade against the Palestinian people. This Council could not continue waiting while there was non-compliance by Israel to all United Nations resolutions and to recommendations made in the Goldstone Report. Venezuela called for urgent action to ensure that Israel responded before the international community for multiple violations that it had committed against the fundamental rights of the Palestinian people.

ADEL SHALTUT (Libya) said the report presented in application of the two resolutions adopted in the Human Rights Council's Special Sessions did not respect what was set out in the articles of the resolutions, particularly resolution eleven, which called for the High Commissioner to report on the grave violations of human rights against the Palestinian people, nor resolution twelve, which called for an examination of the situation and its impact on the property of the Palestinian people. This meant that the reports spoke for the occupying power. The reports did not name the Israeli occupation, and in many paragraphs they spoke of criminal issues, such as theft of wallets and credit cards, but did not speak of war crimes carried out by Israel, such as the use of internationally-prohibited weapons. The reports also used certain terms that divided the Palestinian people, which were part of the same Arab people.

ASADOLLAH ESHRAGH JAHROMI (Iran) said Iran attached high importance to the second periodic report of the High Commissioner for Human Rights and reiterated the importance of full and prompt implementation of the recommendations contained therein. The international community had been witness to full fledged military aggressions committed by Israel against the Gaza Strip; a wide range of gross and systematic human rights violations had been perpetrated in breach of international human rights law and humanitarian law. During that brutal aggression, more than 1,500 Palestinians had been brutally massacred, others had been inured, and a large number of homes, mosques, schools and hospitals had been indiscriminately targeted, using weapons and munitions such as flechette missiles and white phosphorus. The United Nations fact-finding mission, in its final report, rightly recognized those heinous actions as war crimes and crimes against humanity. Nevertheless, no concrete measures had been taken to stop these human rights atrocities and Israel continued its aggressive policies and practices in clear defiance of the decisions of the international community, including the resolutions of the Human Rights Council, and in a climate of impunity.

SAAD ALFARARGI, of League of Arab States, said that the Human Rights Council had adopted a number of resolutions that condemned the serious Israeli violations in the Occupied Palestinian Territory, including the report of the Fact-Finding Mission to study the attack on Gaza. Despite these resolutions and others from the General Assembly, Israel continued to defy international norms and peaceful efforts, even from the countries which were closely supporting it. Measures that Israel was undertaking now in Jerusalem were a clear example of Israel’s refusal to follow international conventions. These measures included digging around and beneath the Al-Aqsa mosque; confiscating and destructing homes in Jerusalem to make way for settlements; and destroying a number of buildings and Islamic monuments in Jerusalem to build tunnels. The League of Arab States drew attention to the Council of Europe’s report, which violently criticized Israel’s violent policies against Palestine. The League of Arab States called on the international community to make Israel stop its actions that went against the enjoyment of basic human rights and implement the Goldstone report recommendations.

ABDELWAHEB JEMAL (Tunisia) said Tunisia welcomed the report on the implementation of the resolutions adopted by the Human Rights Council, and supported the recommendations therein. The report had confirmed without any doubt the many violations of the rights of the Palestinian people. Oppression was continued by the Occupying Power, with a siege on the Gaza Strip and all crossing-points and borders. The right to movement was oppressed, and all was tantamount to collective punishment, running counter to international human rights and humanitarian law. The report referred to the fact that there were 1,500 destruction orders to be executed in East Jerusalem, raising the number of displaced up to 6,000. The excavations in and around the Al-Aqsa mosque should cease, as should all action that could change the Islamic and Christian nature of holy sites. The peace process should be reinvigorated, and an end be put to the bloody conflict, however, Israel continued in blatant disregard of international will, and challenged international instruments. All parties, including the United Nations mechanisms, should work on the implementation of the recommendations in the report of the Fact-Finding Mission.

ABBAS KADHOM OBAID ABBAS (Iraq) said the Goldstone report had shown the gravity of the perpetrated crimes. The report also called on the international community to bring to responsibility those responsible for war crimes and highlighted that impunity encouraged violence. The Israeli report on the events in the Gaza Strip, by contrast, included a number of mistakes that were refuted by facts on the ground as well as by experts. The international community shouldered the largest responsibility to end the human rights violations in Gaza, the Iraqi delegation said, highlighting that those who were responsible for grave human rights violations could not benefit from impunity. Iraq called on the international community to put an end to the tragic humanitarian situation in Gaza as soon as possible.

SAEED AL-HABSI (United Arab Emirates) said with regard to the Goldstone Report and Israel’s aggression against Gaza, despite repeated demands to lift the blockade against Gaza, it was still difficult to bring in supplies and humanitarian goods into the territory. The United Arab Emirates called on Israel to carry out an independent investigation into violations it had caused in those territories. The United Arab Emirates reiterated its call to the international community to deploy efforts to compel Israel to stop all violations. Finally, among other things, the United Arab Emirates called for means to provide sanctity for the Palestinian people.

HASHIM OTHMAN (Malaysia) said Malaysia fully supported the conclusions and recommendations in the report of the High Commissioner. Over one year since the most devastating assault by the occupying power against the impoverished and blockaded Palestinian citizens of the Gaza Strip, it was extremely disappointing and of concern that the blockade not only remained but had been further tightened, resulting in continued gross violations of a number of core human rights such as the right to health, water, food, shelter, work and education. Impunity for human rights violations in the area must remain a central and continuing preoccupation of the international community. Fully cognisant of the challenges imposed upon the Palestinian Authority as a result of the continuing occupation, the steps taken to undertake their own investigations as highlighted in the report were welcomed, and Malaysia encouraged them to continue making progress in that regard. The occupying power should lift the blockade against Gaza and as a matter of priority allow immediate and unfettered access to humanitarian aid, medical, and other essential services.

FAYSAL KHABBAS HAMOUI (Syria) thanked the High Commissioner for Human Rights for her report but regretted that two reports on the human rights situation in the occupied Syrian Golan and the Occupied Palestinian Territory had been published very late. Syria welcomed the visit of the fact-finding mission in August last year and thanked the High Commissioner for the efforts she had made in order for that mission to take place. However, it was regrettable that the results of that visit were not reflected in the report. As for Israel’s refusal to receive the fact-finding mission and cooperate with it, the Syrian delegation said that was a well-known habit of Israel. That conduct should be firmly condemned, particularly by those who remained silent on Israel’s settlement policy and its violations of the rights of the Palestinian people.

MURIEL BERSET (Switzerland) said the High Commissioner’s reports on the matter were important for the work of the Council. A follow up to them would have to be available at the start of the session concerned. Switzerland noted with regret that parties to the conflict had not taken up deep studies, especially with regard to human rights violations in the Palestinian Occupied Territories. Switzerland supported the establishment of a mechanism of experts in charge of supervising national procedures taken by both parties, to evaluate progress and efficiency of such procedures. A number of the Goldstone recommendations had still to be implemented. Fighting impunity was indispensable to ensuring a lasting peace and for preventing crimes in the future.

KHADIJA RACHIDA MASRI (African Union) said the situation of human rights in the Occupied Palestinian Territories remained alarming and caused serious concerns. Despite the Sharm Al Sheikh Conference for the reconstruction of Gaza, the Palestinian people in the Gaza Strip had never received adequate assistance, and the report showed that their human rights continued to be systematically violated, mainly due to the blockade. No serious impartial investigation had ever taken place to examine the human rights violations and violations of international humanitarian law committed during military attacks by Israel against Gaza, and thus no reparation had been provided for victims. Despite all efforts of the international community to re-establish dialogue between all parties and find a definitive solution to the conflict, the Israeli authorities continued their illegal activities, denying the peace process. All parties should commit themselves with determination to regularise the situation of the Palestinian people and give the greatest priority to the protection of all the rights of the Palestinians.

HAMZA OMER HASSAN AHMED (Sudan) said Sudan welcomed the second periodic report of the High Commissioner for Human Rights and supported the recommendations contained therein. Sudan called on working to lift the unjust and inhuman siege imposed on Gaza and to allow access of fuel, medication and reconstruction equipment. Sudan further called on condemning the Israeli practices of trying Palestinian children before Israeli military courts as if they were adults. The delegation also reaffirmed Sudan’s condemnation of the destruction and excavation under the Al-Aqsa mosque and Israel’s actions of aggression that targeted Islamic holy sites. Sudan condemned that two mosques were inscribed in the Israeli Jewish heritage and called on the United Nations Educational, Scientific and Cultural Organization to put an end to such actions. Sudan also condemned Israel’s continuing refusal to abide by international legitimacy and called on the international community to ensure that Israel abided by international law and international human rights law. Sudan said Israel must be pressurized to undertake independent investigations while ending impunity.

Mr. BABACAR BA, of Organization of the Islamic Conference, said the situation of violations by Israel in the Occupied Palestinian Territories continued to give rise to grave concerns. It represented a source of profound concern. Serious violations of human rights should not be allowed to continue with impunity. Members of the international community and the Human Rights Council needed to stop violations of the rights of people to live with dignity and enjoy fundamental freedoms and to ensure respect for the protection of civilians, since the occupation was expanding illegal settlements. Israel was thus rendering inapplicable the creation of two separate States. The Organization of the Islamic Conference continued to call on the international community to bring an end to Israel’s occupation of Palestinian Territories.

RANA MOKKADEM (Lebanon) said the most basic human rights and international conventions were ignored in Israel. The Fact-Finding Mission was able to lift the veil on the reality on the ground following the occupation of Gaza and the attacks in 2009. Violations of human rights and international law had been identified, and ignored by Israel, with impunity. Today, attacks had come to an end, but violations of human rights had not come to an end in the Occupied Palestinian Territory. The Palestinian people should enjoy their most basic rights to life, water, education, and many others. The report was applauded, but there should be a part responsible for follow-up of the resolutions. Finally, the Palestinian people should be able to benefit from their rights, as they had the right to live in peace, as did other peoples in the world.

ELIAS KHOURI, of Union of Arab Jurists, in a joint statement with Arab Lawyers Union; and General Federation of Iraqi Women, said Israeli authorities had responded to the international community’s resolutions with more grave human rights violations. The whole world had witnessed the war crimes committed in the Occupied Palestinian Territory and further actions were needed to prosecute all who were responsible for such crimes before an international tribunal; that alone could help achieve comprehensive and just peace. The suffering of Palestinian people called on the Human Rights Council to take all necessary actions to guarantee that Palestinian people exercised all their rights, including that to self-determination.

NOAM SHALIT, of Women's International Zionist Organization, said he was the father of the abducted Israeli soldier Gilad Schalit who had been seized on 25 June 2005 from undisputed Israeli territory. Today, almost four years later, Gilad remained the prize captive of Hamas – a bargaining chip for the release of prisoners. Justice Goldstone had been clear with respect to Gilad; he called for him to receive visits from the Red Cross and to be allowed to communicate with his parents. Mr. Schalit called on all who endorsed the Goldstone report to prove their sincerity; insist that Hamas was true to its word and allowed Gilad the privileges of a prisoner of war and insist that Hamas released Gilad.

MALIN FAST, of Women’s International League for Peace and Freedom, lamented that nothing of any significance had changed for the better in the Occupied Palestinian Territories. Israel had not only occupied the Territories but it had also imposed a stranglehold on them. It had pursued in changing the landscape of East Jerusalem. Israel defied international human rights and humanitarian law with impunity. The Women’s International League for Peace and Freedom called on the Council, by accepting the recommendations, to formulate concrete actions by the United Nations and Member States to end Israel’s violations of the Inalienable rights of the Palestinian people.

LUKAS MACHON, of International Commission of Jurists, said that both parties had failed to meet their responsibilities under international law. Israeli officials and Hamas continued to benefit from impunity. The Hamas administration had failed to provide evidence of having investigated rocket attacks against civilians in southern Israel. As both parties had failed to implement key recommendations of the fact-finding mission on Gaza by Justice Goldstone, the International Commission of Jurists called on the Council, the General-Assembly and the Security Council to take further robust action to respond to the prevailing impunity. The International Commission of Jurists also urged this Council to set up a monitoring group to carry out an investigation in that regard.

RANIA AL MADI, of Badil Resource Center for Palestinian Residency and Refugee Rights, said more than one year after Operation Cast Lead, the Israeli investigations into the attacks suffered from lack of independence, impartiality, effectiveness and transparency. Criminal investigations had not been opened in the vast majority of cases, despite existing prima facie evidence that international crimes were committed. While the majority of the serious violations of international law committed were a result of broader policies and objectives, Israel's investigations merely addressed the misconduct of individual soldiers, and treated all complaints as isolated incidents. The Council should call on Israel to immediately lift the blockade on the Gaza Strip, and use all means at its disposal to hasten the process of accountability and achieve justice for the victims as indicated in the Fact-Finding Mission's report, and call upon the General Assembly to establish an independent Committee of Experts on international law and criminal investigations to monitor and assess the effectiveness and genuineness of domestic investigations carried out by the parties to the conflict.

NADA KISWANSON, of Al-Haq, Law in the Service of Man, said it was because of impunity that Israel had been able to accelerate its confiscation of Palestinian lands, and continue the construction of Israeli settlements, and had been able to maintain its illegal blockade on the Gaza Strip for over 1,000 days, amounting to collective punishment. During its twelfth Special Session, the Council demanded of Israel to respect religious and cultural rights in the Occupied Palestinian Territory, including East Jerusalem. In recent days, Israeli forces had besieged the old city of Jerusalem, controlling the movement of Palestinian residents of East Jerusalem, and Palestinian citizens of Israel, seriously infringing their rights to freedom of movement and religion. The Human Rights Council was a tool through which international law should be respected. The United Nations' endorsement of the Goldstone Report was a step in the right direction, but additional steps should be taken to achieve a just and lasting peace in the Middle East, including the establishment of an expert committee mandated with monitoring and evaluating domestic investigations or lack thereof.

DARAGH MURRAY, of Palestinian Centre for Human Rights, in a joint statement with International Federation of Human Rights Leagues - FIDH, said over six months had passed since the Council had demanded impartial investigations on the events of Israel’s offensive on the Gaza Strip, but nothing had happened. Investigations that were not implemented for a long time or that were inappropriate served one objective: to promote and maintain a culture of impunity. That situation could however not be allowed to persist and the international community must live up to its responsibility.

GIANFRANCO FATTORINI, of Movement against Racism and for Friendship among Peoples, said among the general norms of international law, there were the obligations erga omnes, including non-assistance to the occupying power. Why did the United States, the United Kingdom and France continue their military cooperation with Israel? If Israel had committed war crimes and crimes against humanity, it would be impossible to avoid the issue of complicity. The Council should require all United Nations members to suspend their collaboration with Israel in the military field to promote and protect human rights in the Occupied Palestinian Territory.

JULIE DE RIVERO, of Human Rights Watch, said months after a conflict that killed hundreds of civilians in Gaza, Israel had done too little and Hamas had apparently done nothing at all. In that regard, Human Rights Watch urged the Council and its members to continue the process of accountability such as the Goldstone fact-finding mission. The unwillingness of both parties to carry out thorough investigation defied numerous calls for accountability from the Council and the United Nations. Israel’s violations of human rights had undermined the pursuit of peace.

CINDY TAM, of United Nations Watch, referring to resolution S-9/1, said the mission had adopted a curious attitude towards its founding resolution. Shortly after Justice Goldstone had been appointed, the official letterhead had changed and references to the resolution had changed. Why did the mission delete the reference to its founding instrument? There was a quiet removal of the name of the Council, the body that created his mission. There had been some speculation that he had changed it by obtaining the silence of the Council or by obtaining assent of the sponsors. Legally, none of those had any basis whatsoever. United Nations Watch asked the President whether this was indeed the rule of law.

CURTIS DOEBBLER, of North-South XXI, said North-South XXI welcomed the reports, and hoped that in the future the reports would be made available before the start of the session. North-South XXI supported the concerns of the High Commissioner about the severe restriction of the freedom of movement, and welcomed her statement that she would investigate this matter further. The Goldstone report had identified serious human rights violations, and the High Commissioner had also done so. Even Israel admitted it must conduct investigations, which reminded all that there had been not a single superior military officer indicted for these. These serious human rights violations must stop, as they undermined peace and the authority of the Human Rights Council. The Council and the General Assembly should effectively follow up the Goldstone Report, which had met with procrastination and not the implementation of its recommendations. The Council must take action.

MICHAEL HENEL, of International Association of Jewish Lawyers and Jurists, said the Goldstone Report was flawed and imbalanced. It examined Operation Cast Lead without any regard to its historical context. It did not deal with the nature of Hamas; its terrorist ideology, infrastructure, and total submission to the leadership in Damascus were never mentioned. While the report defined the rocket fire targeting the Israeli population as a war crime, it never assigned responsibility for it to Hamas. Nor did the report mention the documented military use of mosques, hospitals, and educational institutions by Hamas. The Goldstone Report automatically accepted Hamas' claim that its police and internal security services were civilian, while in fact they were indistinguishable from the Izz al-Din al-Qassam Brigades. All members of the Council should uphold the integrity of the body by repealing the Goldstone report.

JEREMIE SMITH, of Cairo Institute for Human Rights Studies, said the Goldstone report had stimulated one of the international community’s most promising attempts to ensure legal accountability for the war crimes committed in the Occupied Palestinian Territories over the last half-century. The Council should not allow this historic opportunity to slowly die due to political expedience. The Cairo Institute for Human Rights Studies further regretted that the report of the Special Rapporteur on human rights violations in the Occupied Palestinian Territories had been delayed due to unclear reasons and strongly appealed to the Council to refrain from arbitrarily delaying any Special Rapporteurs to report in the future.

PETER SPLINTER, of Amnesty International, said Amnesty International considered that both Israeli and Palestinian investigations to date had failed to meet the standards required by the General Assembly: they had not been “credible, independent, and in conformity with international law”. Amnesty International’s field research into operation Cast Lead had identified elements of reckless conduct, disregard for civilian lives and property as well as a consistent failure by Israeli forces to distinguish between military targets, civilians and civilian objects. Amnesty International urged the Council to call on the Secretary-General to conduct an independent assessment of the domestic investigations by the parties to the conflict with the assistance of the High Commissioner and independent and international law experts.

DAVID LITTMAN, of World Union for Progressive Judaism, referred to the Hamas Charter, a Constitution that called for Jews to be killed and Israel to be eliminated. He said six million Germans had read Hitler’s Mien Kampf, yet very few people felt concern by that incitement. How could Judge Goldstone and his colleagues, including the High Commissioner, willingly ignore such blatant calls for children to kill all in the name of Allah? Future historians would ask: why this weird silence to a public incitement for genocide? He ended by quoting ‘Silence that dreadful bell’, by Othello.

JULIETTE SAYEGH, of General Arab Women’s Federation, thanked the High Commissioner for the report on the situation in the Occupied Palestinian Territories. It showed that Israel had continued its colonization practices and its attacks on holy sites as was currently taking place. It was clear that those practices were intensified and the main source was the absence of any dissuasion in that regard. The General Arab Women’s Federation hoped that Council would adopt resolutions in that regard to ensure that the Palestinian people could enjoy the right to life and the right to a life of dignity.

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