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**Statement by Ms. Nadya Rasheed, Counsellor, before the Special Political and Decolonization Committee (4<sup>th</sup> Committee), Agenda item 52: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, 65<sup>th</sup> Session of the U.N. General Assembly, 5 November 2010 (Check against delivery)**

At the outset, I wish to convey Palestine's appreciation to the members of the *Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, H.E. Ambassador Palitha T. B. Kohona of Sri Lanka, Chair of the Committee, H.E. Ambassador Hamidon Ali of Malaysia, and Minister Counsellor of Senegal, Mr. Momar Gueye. We thank the Special Committee for the comprehensive report submitted, including for the important recommendations therein, and for the presentation made today which presents a graphic and disturbing account of just some of the countless human rights violations endured on a daily basis by the Palestinian people under Israel's occupation in the Occupied Palestinian Territory, including East Jerusalem.

Mr. Chairman,

We had hoped to come before this Committee today with a message celebrating the dawning of a new era of peace, hope and prosperity in our region. An era that saw a definitive end to the Israeli military occupation that began in 1967 and all of the human rights violations emanating from it and an era that saw the independence of the State of Palestine with East Jerusalem as its capital. Yet, as has been the case in past years, we are obliged to come before this Committee to discuss the reasons why peace, hope and prosperity remains as elusive as ever. The reasons for this are well known, namely the continued denial of the basic human rights of the Palestinian people resulting from Israel's flagrant and relentless disrespect for international law and its continuing brutal occupation.

Mr. Chairman,

In contrast to Israel's facade of actively pursuing peace, the occupying Power has and continues to do everything possible to undermine any future prospects for a peaceful settlement. Indeed, Israel's unlawful actions on the ground provide the starkest evidence of this and include, but are not limited to, its systematic and deliberate human rights violations, including killing, injuring, imprisoning, displacing and collectively punishing Palestinian civilians; the destruction of Palestinian homes, properties, infrastructure and lands; and the infliction of immense losses and humanitarian suffering, especially in the Gaza Strip as a result of Israel's unlawful blockade. Simultaneously, Israel has continued its unlawful colonization campaign by constructing and



expanding settlements and settlement outposts, the Wall, bypass roads, and checkpoints in the Occupied Palestinian Territory, including East Jerusalem. It is important to highlight that all of the above illegal practices and policies that took place during the reporting period, especially its unlawful colonization campaign, coincided with the intensification of international efforts, aimed at resolving the Israeli-Palestinian conflict via the two-State solution for peace.

While time limitations prevent an exhaustive discussion of the violations by Israel, the occupying Power, our delegation will attempt to highlight the most egregious practices and policies affecting the human rights of the Palestinian people and how far this has taken us from the path of truly achieving peace.

Let us begin with the Occupied Gaza Strip, in which the Palestinian civilian population continues to be victimized by an occupation regime that systematically imposes collective punishment in violation of Article 33 of the Geneva Convention and to reel from the pain and suffering caused by Israel's twenty-two day military aggression launched in December 2008. The magnitude of the humanitarian and psychological suffering, despair and de-development deliberately inflicted on the Palestinian people in Gaza cannot be overemphasized with a large percentage of the population living under extreme socio-economic distress, including abject poverty, food insecurity and near-total aid dependency.

Children continue to bear the brunt of the consequences arising from this unlawful blockade and suffer from alarming levels of malnutrition, stunted growth, anemia and other diseases. It should be stated that the humanitarian crisis persists in spite of recent assertions by the occupying Power regarding the "easing" of its illegal, inhumane blockade. Today, the occupying Power continues to obstruct the entry of essential goods with barely 25% of needed goods and supplies allowed to enter into Occupied Gaza and severe restrictions continue to be imposed in particular on materials needed for reconstruction, including for thousands of destroyed homes and refugee shelters, vital infrastructure and UN facilities, as well as the prohibition on Palestinian exports.

Moreover, Israel's so-called "ease" did not include measures to address the almost total ban on the movement of people. The confinement of the 1.5 million Palestinians in Gaza with much-delayed or the denial of exit permits by the occupying Power, even in life or death situations, further denies the basic rights of the civilian population of health, education, as well as even interfering with normal social patterns based on family and friendship. The nature of this blockade was addressed by the latest report by the *Special rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Professor Richard Falk*, in which he stated that the "comprehensive effort by the Israeli occupying forces to keep goods, services and persons from entering or leaving Gaza is more in the nature of a prison lockdown than a traditional blockade, what in medieval times was described as a state of siege."

We also continue to call on the international community to take whatever steps necessary to break the blockade and to compel Israel to immediately open Gaza's border crossings for the regular, sustained movement of persons and goods. Upholding the rule of law, including respect for resolution 1860 (2009), and our collective conscience demands immediate redress of this unjust, inhumane situation. We continue to call for accountability for the perpetration by the occupying Power of the war crimes committed in its military aggression in Gaza at the end of 2008 as



was comprehensively documented in the Goldstone Report as well as its series of international law violations committed during its illegal interception of the Gaza Freedom Flotilla in order to end Israeli impunity and to realize justice for the victims.

Mr. Chairman,

The humanitarian crisis caused by the Israeli aggression at the end of 2008 and the continuation of its blockade of Occupied Gaza since 2007 is indeed severe and requires the highest level of attention by the international community. However, due attention must also be given to the grave situation that exists in the Occupied West Bank, including East Jerusalem, which regrettably remains volatile.

Of particular concern is Israel's ongoing settlement colonization campaign throughout the Occupied Territory, carried out in grave breach of the 4<sup>th</sup> Geneva Convention and Additional Protocol I, in violation of UN resolutions and in total disrespect of the 2004 International Court of Justice (ICJ) Advisory Opinion as well as its Road Map obligations. This unlawful colonization campaign has included countless human rights violations and has impacted all aspects of Palestinian life.

It is well-known that Israel's intransigence and refusal to comply with its legal obligations and the Road map requirement to cease all settlement activities, including so-called "natural growth", was the most glaring reason why the proximity talks launched this year did not make tangible progress. Even though Israel's so-called ten-month partial moratorium stated that settlement construction would halt beginning in November 2009, this was far from the truth. In reality, the moratorium, which never included Occupied East Jerusalem, never ended illegal settlement activities.

On the contrary, according to the February 2010 report by the Special Committee, new building construction was documented by the Israeli Ministry of Defense and by an Israeli non-governmental organization in over 30 settlements. A 33 percent increase in construction and a 300 percent rise in Government-initiated construction projects in settlements between October and December 2009, prior to and in the initial stages of the moratorium were also reported. Upon its expiration at the end of September of this illegal and destructive practice - and despite the global consensus affirming that the settlements are illegitimate and unquestionably constitute a major obstacle to peace and the two-State solution - the Israeli government chose, as remains the case today, to carry on with its illegitimate colonization campaign at the expense of the prospects for peace and security.

Mr. Chairman,

With illegal settlements come illegal settlers, including the 8,000 who were illegally transferred by the occupying Power to the Occupied West Bank since January alone. And it is these settlers, with the 271,400 in Occupied West Bank and 191,000 in Occupied East Jerusalem, who continue to terrorize, harass and intimidate Palestinian civilians, and destroy and vandalize Palestinian properties, including homes and agricultural lands and orchards, and places of worship and even cemeteries. The Office for the Coordination of Humanitarian Affairs (OCHA) has reported that, between January and July 2010, there were 168 attacks by Israeli settlers, with



many more incidents going unreported due to the lack of confidence in the law of enforcement system by the occupying Power, which has ultimately encouraged further attacks and impunity by the illegal settlers. As the Special Rapporteur correctly stated in his report, the acquiescence to settler violence by the occupying forces is *“particularly objectionable from the perspective of international humanitarian law because the settlers are already unlawfully present in the occupied territory, making it perverse to victimize those who should be protected (the Palestinians) while offering protection to those who are law-breakers (the settlers).”*

The situation continues to be severe in and around Occupied East Jerusalem, where the occupying Power continues pursuing measures aimed at the “quiet transfer” or de-population of the indigenous Palestinian inhabitants and at ensuring a Jewish majority in the city. Regarding this, Israeli peace activist and former member of the Knesset, Uri Anverly has noted “ethnic cleansing can be carried out dramatically or in a quiet and systematic way, by dozens of sophisticated methods as is happening now in East Jerusalem.” Obviously, illegal settlement activities are a lynchpin of this policy, but in addition to this Israel utilizes a variety of other methods to carry out its measures of de-population, including by arbitrary revocation of their residency rights and obstruction of family unification efforts; expropriation of properties; excavations near and around holy and historic sites; closure of Palestinian institutions in the City; obstruction of freedom of worship; use of excessive force against worshippers on several occasions, and imposition of a permit regime and movement restrictions that have isolated the City from its natural environs and from the indigenous population.

Moreover, the past year witnessed ongoing home demolitions in Occupied East Jerusalem, further displacing and rendering homeless hundreds of Palestinians, including children. There are currently 15,000 demolition orders outstanding in Occupied East Jerusalem and another 3,000 in the Occupied West Bank. Such illegal and provocative measures, all intended to alter Jerusalem’s demographic composition, legal status and distinctly Palestinian Arab character and identity and to sever it from the rest of the Palestinian Territory, have dramatically raised tensions and inflamed religious sensitivities, resulting in an extremely volatile situation in the City. The situation has been further aggravated by the enactment of an Israeli military order in April 2010, threatening the arbitrary arrest, imprisonment and deportation of thousands of Palestinian civilians from the West Bank and particularly from in and around East Jerusalem.

At the same time, Israel’s expansionist Wall, 85 percent of which is being constructed on lands in Occupied Palestinian Territory, including in and around East Jerusalem, continues unabated. The Wall is both a violation of the basic obligation of the occupying Power to respect the territorial integrity of the land occupied since 1967 and a serious infringement on the Palestinian right to self-determination. This assessment was affirmed by the ICJ in its 2004 Advisory Opinion, which was later accepted in a resolution by the overwhelming majority in the General Assembly and is supported by the independent judgment of a vast number of international law specialists. Indeed, the route of the Wall seeks to set the stage for future *de facto* annexation of Occupied Palestinian Territory between the Wall and the Green Line, and at the same time incorporate into Israel what it deems as the most important illegal settlements, containing as much as 98 percent of the West Bank settler population along with key water aquifers. The Wall is enclosing tens of thousands of Palestinians in walled-in enclaves or



Bantustans, isolating them from the rest of the West Bank and separating them from their farmlands, schools, workplaces, and medical centers, resulting in innumerable violations of their human rights by the occupying Power.

Combined, the settlements, Wall, bypass roads, checkpoints and other Israeli military installations are making the establishment of a contiguous, viable and independent Palestinian State more difficult to physically achieve, endangering the realization of the two-State solution based on pre-1967 borders, in accordance with relevant Security Council resolutions, including resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008), and the Madrid terms of reference, including the land for peace principle, the Arab Peace Initiative and the Road Map. The international community, including the Security Council, must therefore act with urgency to compel Israel to halt its illegal settlement activities, abide by all of its legal obligations, and genuinely commit to the pursuit of peace.

Before summing up, it is critical to also mention the plight of the approximately 11,000 Palestinian civilians, including nearly 400 children and more than 100 women that continue to be arbitrarily detained and imprisoned by Israel, the occupying Power, in grave violation of international humanitarian law and human rights law. As has been documented by the Special Committee, as well as countless human rights organizations, the physical and mental ill-treatment, abuse, degradation and torture of prisoners and detainees, particularly during forced interrogations also continues. Most recently, it has been reported that the occupying Power is cruelly holding an unknown number of bodies of Palestinians who died in Israeli prisons in military cemeteries and refrigerators, making it impossible for families of the deceased to bury their loved ones and to grieve properly for them.

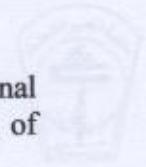
Mr. Chairman,

As I had stated at the outset, this is not the positive analysis we or anyone else had hoped for. However, despite the bitter, brutal realities of Israel's continuing violations, the Palestinian people and their leadership remain committed to the goal of peace. For its part, the Palestinian leadership continues to exert all efforts to advance the peace process and to uphold its commitments, including promoting security and the rule of law, as well as reforming and strengthening its national institutions. Prime Minister Salam Fayyad's plan "*Palestine: Ending the Occupation, Establishing the State and Homestretch to Freedom*" is being pursued with determination, with wide support from the international community. And, the Palestinian people are working hard to repair and build their national institutions and to heal and develop their society as they strive for fulfillment of their legitimate national aspirations for self-determination and freedom in their homeland.

However, the many examples of Israel's violations of international law, human rights and its peace process commitments that have been noted in the report by the Special Committee and in our statement today make it clear that Israel is not on the same path to peace and calls into question its legitimacy as a partner for peace. Clearly, a complete cessation of all settlement activities and human rights violations is required to both stem the human suffering caused by this occupation. It is also necessary for creating a more stable, conducive environment to salvage the peace process and achieve the goal of a two-State solution of Palestine and Israel, living side by side in peace and security on the basis of the pre-1967 borders, and the realization by the



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Palestinian people of their human rights and the long-awaited fulfillment of their national aspirations to live as a free, secure, dignified, self-reliant people in their independent State of Palestine with East Jerusalem as its capital.

In conclusion, Mr. Chairman, I reiterate Palestine's appreciation to the Special Committee for its efforts to raise awareness of the critical human rights situation of the Palestinian people under Israeli occupation. We deplore the continued lack of cooperation by the occupying Power with the Special Committee, which is indicative of its deep-rooted contempt for the UN bodies mandated to address the various aspects of the question of Palestine. In this regard, we reaffirm our gratitude to all of the U.N. committees and agencies exerting efforts to address the question of Palestine; to provide vital assistance to the Palestinian people; to protect their human rights; and to promote the achievement of peace, justice and stability for our people and the Middle East region as a whole, and express appreciation as well to all Member States consistently supporting these important efforts.

I thank you, Mr. Chairman.