

**Permanent Observer
Mission of Palestine
to the United Nations
Geneva**



البعثة المراقبة الدائمة
لفلسطين
لدى الأمم المتحدة في جنيف

Palestine Statement

By

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Before

The Second Session of the Human Rights Council

On

Follow-up to HRC Decisions

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Mr. President
Distinguished delegates

The replacement of the Human Rights Commission by the Human Rights Council prompted a debate among different stakeholders including states, NGOs and legal experts on whether this change represents a major discourse in human rights thinking. Looking through an optimistic lens, the thinking behind the creation of the Council could be an acknowledgement that there is a crisis in promoting human rights globally. This crisis should unfold a process of critiquing past failure in the human rights record of the Commission while building on its achievements through probing alternative options that enable us to alleviate the crisis we face in promoting human rights and achieving tangible results. This serves as a reminder of the necessity of creating cross-cutting alliances, partnership and approaches that cross-cut shared interests that are not manipulated by the hegemony of centres of powers.

From an analytical perspective, the complexities of the global context ranging from war, turmoil and escalation of violence in different parts of the world do raise new concerns and priorities that are broadly shared by the international community, particularly for their serious ramifications on peace, security and human rights worldwide. These contextual factors engender a new challenge in preserving the character of the principles laid out in the numerous conventions and declarations covering international and regional human rights issues. Another pertinent issue related to that challenge is the translation of principle into legal practice.

We are meeting here today to follow up on decisions and resolutions adopted by the Council with a view to ensuring the effectiveness of this Council in implementing its resolutions. The Israeli occupation of Palestinian and other Arab territories constitutes the most flagrant violation of Human Rights, which should be given due attention by this esteemed Council.

The first Special Session on the human rights situation in the Occupied Palestinian Territory affirmed the applicability of the Geneva Convention relative to the Protection of Civil Persons in Time of War to the Occupied Palestinian Territory, including East Jerusalem, and to the other Occupied Arab territories. It also expressed deep concern at the breaches by Israel, the occupying Power, of international humanitarian law and human rights law. It decided to dispatch an urgent fact-finding mission headed by the Special Rapporteur on Palestine. Regrettably, the fact-finding mission has not been dispatched due to Israel's refusal to give access to the mission. Moreover, Israel, the occupying Power, has not implemented any element in the Council's resolution. The Israeli message to this Council is clear: Israel is above the law as ever.

The list of Israeli breaches and infringements of most principles enshrined in international law is open-ended, including continuous bombardment of civilians, sonic bombs, military incursions, shelling and destruction of vital infrastructure, house demolitions, sporadic house arrests, land confiscation, economic siege and closures, which have dire consequences on food and medical supply. In addition to this list of punitive Israeli

measure, the construction of the Wall compounded the suffering of the Palestinian people and generated, inter alia, forced internal displacement of Palestinians. Even the Palestinian government is not spared, with many of its members as well as parliamentarians illegally arrested and detained. Israel has also violated agreements it signed by withholding Palestinian VAT duties and customs revenues. Indeed all conventions on Civil and Political Rights, Economic, Social and Cultural Rights, and Rights to Development are systematically violated by Israel, the occupying Power, on a daily basis in Palestine by an occupying power which expands its list of violations as it counters no effective reaction by the international community.

An occupier armed with the most sophisticated military arsenal, not to mention nuclear weapons, claims that it is being terrorized by primitive hand-made missiles by determined Palestinians who face the daily agony of occupation, humiliation, death and poverty and have no protection whatsoever against its occupier. We call for international protection of our people in Palestine.

Time is ripe now for Israel to realize that the formula for peace and security consists of ending its occupation of Palestine and Syrian and Lebanese territories. Heavy-handed military assaults, coercion and bloodshed can never dissuade oppressed and occupied people from struggling for their freedom, independence and other inalienable rights.

The people of Palestine subjected to daily Israeli ill-treatment and flagrant violation of their rights hope that the international community will help them out of this ill-fated predicament. Indeed the Occupied Palestinian Territory represents a testing ground for the commitment of the international community to peace and the promotion of human rights.

Finally, what matters is not merely what institutions are created but how we work together to achieve results that transform agreements and conventions into prevailing reality instead of statements of aspiration.