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Statement by Ms. Nadya Rasheed, First Secretary, before the Special Political and Decolonization Committee (4th Committee), Item 31: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories, 60th Session, 7 November 2005:

Item 31, *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*, is of the utmost importance to my delegation. In this regard, we would like to extend our sincerest appreciation to Ambassador Kariyawasam of Sri Lanka, Ambassador Camara of Senegal and Ambassador Abdul Rahman of Malaysia for their efforts in efficiently carrying out the mandate entrusted to them. We would also like to thank them for the comprehensive report they have submitted, especially in light of the difficult circumstances the Committee continues to face as a result of the constant refusal by Israel to cooperate and grant them access to the Occupied Palestinian Territory and the Occupied Syrian Golan. Despite such obstructions, the Committee members visited the region and met with various governments, U.N. agencies and non-governmental organizations as well as conducted interviews with witnesses and attended relevant meetings of the Commission on Human Rights earlier this year.

Overall, the Special Committee's report presents a disturbing account and assessment of the grave human rights violations being committed by Israel, the occupying Power, against the Palestinian population held hostage to its 38-year-old occupation. I urge all delegations to thoroughly examine the report and I would also like to draw specific attention to the report of the Commission on Human Rights' Special Rapporteur on the human rights situation in the Palestinian territories occupied by Israel since 1967(A/60/271). Since the Special Rapporteur, Professor John Dugard, had the opportunity to actually visit the Occupied Palestinian Territory, his first hand account presents invaluable testimony to the human rights violations witnessed, experienced and endured by the Palestinian people on a daily basis.

Mr. Chairman,

Throughout the thirty-eight years of occupation, the Palestinian people have endured constant threats to their national existence, and systematic violations of their human rights, both individual and collective. The occupation has denied them of their most basic rights and freedoms, including their right to self-determination, and is the root cause of the immeasurable suffering and hardship faced by the Palestinian people. The passage of time has not mitigated the extent of their suffering; on the contrary, it has only witnessed its expansion as the occupying Power continues, unabated, with its illegal policies and practices.

Before proceeding with my statement, it is imperative to recall relevant provisions of international law, including international humanitarian law and human rights law. The Fourth Geneva Convention relating to the Protection of Civilian Persons in Time of War, which governs military occupation, is applicable to all of the territory occupied by Israel since 1967, including East Jerusalem. This is a fact that has been affirmed in 27 Security Council resolutions, countless General Assembly resolutions, and by the International Court of Justice in its Advisory Opinion of 9 July 2004. In addition,

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as concluded by the Court and previously by the U.N. Commission for Human Rights and other organs, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child are applicable in the Occupied Palestinian Territory.

Mr. Chairman,

As reflected in the report, the Israeli occupying forces have shown no indication of reducing the harshness of their military occupation. Therefore, the human rights of the Palestinian people continued to be violated and gravely breached. Moreover, in the past five years, the human rights violations by the occupying Power against the Palestinian people increased dramatically in scale and intensity, resulting in the killing of over 3,750 Palestinians, including at least 800 children. Many have been killed as result of the continued illegal practice of extrajudicial executions, which have been carried out in attacks on densely populated civilian areas, resulting in the killing and injury of hundreds of innocent bystanders. Furthermore, more than 40,000 Palestinians have been wounded by the occupying forces, thousands of whom are now permanently disabled.

Even more troubling is the culture of absolute impunity being demonstrated by the occupying Power. According to a recent report by Human Rights Watch, Israel investigated fewer than five percent of deaths of unarmed Palestinian civilians at the hands of the occupying forces. "Most of Israel's investigations of civilian casualties have been a sham," declared a director at Human Rights Watch. "The governments' failure to investigate the deaths of innocent civilians has created an atmosphere that encourages soldiers to think that they can literally get away with murder." This lack of accountability makes a clear statement to the Palestinian people and the international community alike that the occupying Power has a complete disregard for Palestinian life. To be clear, under international humanitarian law, Israel, the occupying power, is obliged to investigate, prosecute and appropriately punish those responsible for serious violations of the law.

Further, according to various reports, violence perpetrated by illegal armed settlers has significantly increased. Israeli settlers continue to torment Palestinians and destroy Palestinian land. On innumerable occasions, Palestinian children have been brutally beaten, terrorized, and even killed by gun-toting Israeli settlers. These crimes, however, continue to go unpunished due to the occupying Power's undeclared policy of leniency and compromise towards illegal settler criminal acts. The constant failure by the occupying Power to prevent attacks by Israeli settlers against Palestinian civilians and to investigate and bring settlers to justice for their crimes has also created an atmosphere of impunity, which has ultimately encouraged further attacks.

Mr. Chairman,

Unfortunately, the killing and injury of Palestinian civilians are not the only human rights violations committed by the occupying Power. Each day, every Palestinian is subject to systematic humiliation by the occupying Power in every aspect of their lives. This inhumane treatment affects the dignity of individuals, families, institutions and the nation at large. Such humiliation is particularly evident at the more than 600 checkpoints which have been placed throughout the Occupied Palestinian Territory, including East Jerusalem. These restrictions of movement have resulted in skyrocketing levels of poverty and unemployment, exacerbating the already dire economic and social conditions of the Palestinian people, where food insecurity is already the harsh reality for 40 percent of the Palestinian population.

Moreover, these restrictions continue to hamper, and often completely obstruct, access to jobs, schools, health care, holy places, sufficient food supply and clean water. Ambulances continue to be subject to long delays, with instances of expectant mothers, including newborns, dying due to the lack of emergency medical care. This was case for more than 61 Palestinian women, who were forced against their will to give birth at one of Israel's many checkpoints between September 2000 and December 2004. Even more frightening and inhumane, 36 infants died as a direct effect of Israeli obstruction at checkpoints. The forcible obstruction of pregnant Palestinian women at checkpoints represents a violation of the most basic human right - the right to life, which should not be breached under any circumstances.

Mr. Chairman,

The occupying Power continues the illegal detention and imprisonment of thousands of Palestinians in Israeli jails. Many of these detainees are subjected to severe harassment and punishment, physical abuse and even torture by the occupying forces. Today, there are more than 8,500 Palestinians, including more than 300 children and 120 women, who continue to be held in Israeli prisons or detention centers with extremely restricted access to the outside world, including families and legal representation, and in the most deplorable and unsanitary conditions. Furthermore, over 600 of those imprisoned are in administrative detention, that is, they are persons held without trial.

Mr. Chairman,

During the period under review, the widespread destruction of hundreds of homes, shelters and properties by the occupying Power throughout the Occupied Palestinian Territory, including East Jerusalem, continued unabated. Such destruction was committed by the occupying Power to pursue its illegal policies and practices aimed at seizing and colonizing more Palestinian land, particularly through its unlawful construction of the Wall and its expansion of its network of illegal colonial settlements and bypass roads in the Occupied Palestinian Territory, including East Jerusalem.

Despite countless United Nations resolutions and repeated calls by the international community, the occupying Power has continued with its illegal settlement campaign, especially in Occupied East Jerusalem, where Israel has embarked on efforts to change the character of Jerusalem to further entrench its illegal annexation of the city. In this regard, the announcement of Israel's intention to construct some 3600 housing units to be constructed in the so-called "E-1" area, a corridor connecting Jerusalem to the West Bank illegal settlement of "Ma'aleh Adumim," is of grave concern. This illegal measure will slice the West Bank in half and effectively seal the fate of Palestinian movement, while isolating East Jerusalem from the rest of the Palestinian territory.

Mr. Chairman,

In July 2004 the International Court of Justice found that the construction of the Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, is contrary to international law. In this regard, it is necessary to reiterate that Israel is under obligation to cease its construction of the Wall, to dismantle the structure situated therein, to repeal or render ineffective all legislative and regulatory acts relating thereto, and to make sure reparation is made for all damage caused by its construction. Regrettably, the occupying Power has been doing exactly the opposite. In flagrant disrespect for the Court's ruling and in direct violation of General Assembly resolution ES-10/15 of 20 July 2004, Israel has continued to confiscate Palestinian land and to inflict more damage as it has fervently continued its construction of the Wall, especially in Occupied East Jerusalem.

The route of the Wall as released by the Israeli Ministry of Defense on February 20, 2005 is 670 km long, more than twice the length of the Green line, which is also known as the 1949 armistice line. This revised wall route, including the expanded boundaries of East Jerusalem, incorporates approximately 10% of the West Bank land where it deviates from the Green line built on Occupied Palestinian Territory. According to the report by the Commissioner for Human Rights, the construction of the Wall and the de-Palestinization of the "closed zone" which is the zone between the Wall and the Green line, makes it abundantly clear that the Wall is designed to be the border of the State of Israel and that the land of the "closed zone" is to be annexed.

This can be easily understood as Israeli settlers or any person of Jewish decent from anywhere in the world can move freely in and out and around the "closed zone," while Palestinians living or working between the Wall and the Green line must apply for apartheid-like permits to continue living in their own homes and to access their means of livelihood. Within this zone, live some 49,000 Palestinians. An even greater number of Palestinians, however, live on the West Bank side of the Wall while their lands are in the "closed zone." Hundreds of Palestinian civilians now find themselves confined in Wall enclaves and thousands more are imprisoned between the Wall and the Green line.

Further evidence of the fact that Israel views the Wall as in international boundary is provided by the construction of checkpoint terminals in the Wall which resemble international crossing points in size and structure. For example, Israel has already begun to transform Qalandiya checkpoint in the West Bank into such an international crossing point. These actions are a clear measure that will prejudge any final status settlement through stealing more Palestinian land to unilaterally define the permanent borders of a future Palestinian State

Moreover, the Wall has aggravated the already crippling restrictions on the freedom of movement of Palestinian persons and goods, and imperils essential access to education, work, water and family life. The Wall route reinforces the irreparable human rights consequences of Israeli illegal settlements in the Occupied Palestinian Territory, including East Jerusalem. A clear example of this is the plan to surround the three major illegal settlement blocs of "Gush Etzion," "Ma'aleh Adumim", and "Ariel" by the Wall, which will effectively divide the Palestinian territory into cantons or Bantustans.

Apart from the immediate and long-term humanitarian consequences, the presence and continued construction of illegal settlements and the Wall are seriously undermining the territorial integrity and contiguity of the Palestinian territory and are thus making the vision of a two-state solution nearly impossible- for this vision is unattainable without a viable Palestinian territory. It has become starkly clear; the colonization of Palestinian land and the peace process are incompatible- for there can be no peace with the continued colonization of the Occupied Palestinian Territory, including East Jerusalem.

Mr. Chairman,

At this time, I would like to briefly touch on the issue of Gaza. At the outset, the Palestinian side considers the dismantling of illegal Israeli settlements and the pull out of the Israeli occupying forces from within the Gaza Strip as an important step towards reversing the Israeli colonization of the Palestinian territory occupied since 1967, including East Jerusalem, and ultimately towards ending this 38-year long occupation in accordance with international law. However, since the Israeli disengagement was unilaterally planned and implemented, it failed to recognize any Palestinian concerns and left many critical issues unresolved.

Among the critical issues which remain unresolved are: the border crossings, especially Rafah, the airport, and seaport, the permanent link between the Gaza Strip and the West Bank, and the tons of rubble left behind following the destruction of the settlements and infrastructure by Israel. Reaching agreement on all these issues is vital for affecting a positive change on the living conditions of the people of Gaza and for the overall atmosphere in the Occupied Palestinian Territory. The immediate rehabilitation of the airport and construction of the seaport in Gaza are necessary for changing the socio-economic situation in Gaza, both in terms of job creation and freedom of movement. Moreover, it is imperative that a permanent link be established to allow for freedom of movement between the West Bank and Gaza. It must be reiterated, Gaza, isolated and alone, cannot be economically or politically sustainable.

It is also vital for the recent developments in Gaza to be put in the overall political context and similar steps must be taken in the West Bank. This should include the immediate implementation of the Sharm el-Sheikh understandings, including in particular the withdrawal of Israeli forces to pre-September 2000 positions, the implementation of the Road Map and an immediate resumption on negotiations on final status issues towards the achievement of a final peace settlement.

The withdrawal of Jewish settlers from Gaza should be seen as the decolonization of Palestinian Territory but does not change the legal status of Gaza as an occupied Territory. Therefore, Israel still remains an occupying Power in Gaza bound to the rules and provisions of the Fourth Geneva Convention. In this regard, the international community has a crucial role to play by ensuring that the disengagement from Gaza is an opportunity to revive the peace process and should not be manipulated and exploited by Israel in order to complete its colonization and *de facto* annexation of huge areas of the West Bank, including East Jerusalem.

Mr. Chairman,

It is clear that the overall impact of the above-mentioned illegal Israel policies and practices of the human rights situation has been disastrous. Israel, the occupying Power, must be held accountable for all of these violations and crimes against the Palestinian people. In this regard, the importance of an active role and strong support by the international community, including the United Nations, cannot be underestimated. The United Nations, in particular, continues to have a unique and critical role to play in its permanent responsibility towards the question of Palestine until it is satisfactorily resolved in all its aspects. By establishing this Committee in 1968, the United Nations had expressed its commitment to contribute to resolving this situation and we hope that innovative ways are formulated, as recommended in the Special Committee's report, to strengthen its work.

The time has come to reverse the human suffering that has been caused by 38 years of occupation and continuous Israeli military assaults and to finally grant the Palestinian people their right to live in freedom, dignity, and peace. In this regard, every effort must be undertaken by the international community to revive the peace process and bring the parties back to negotiations towards the implementation of the Road Map and the achievement of a final, peaceful two-state settlement, based on the pre-1967 borders. The United Nations continues to play an important role with its ongoing efforts to uphold international law. Thus, we trust we will receive the necessary and deserved support by Member States on all the resolutions under this item.

I thank you, Mr. Chairman.