

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



البعثة المراقبة الدائمة
لدولة فلسطين
لدى الأمم المتحدة

Statement by Ms. Feda Abdelhady-Nasser, Ambassador, Deputy Permanent Observer of the State of Palestine to the United Nations, before the Special Political and Decolonization Committee (4th Committee), Agenda Item 50: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, 71st Session UN General Assembly, 31 October 2016:(Check against delivery)

Mr. Chair,

At the outset, I renew the State of Palestine's deep 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* – Ambassador Amrith Rohan Perera of Sri Lanka, Chair of the Committee, Ambassador Ramlan bin Ibrahim of Malaysia and Ambassador Mame Baba Cisse of Senegal – for the report presented on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan and the serious recommendations made therein and thank them for their efforts in upholding their General Assembly mandate.

We also thank the Secretary-General and the Office of the High Commissioner for Human Rights for the reports issued pursuant to General Assembly resolutions 70/89 and 70/90, respectively, on "*Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan*" (A/71/355) and "*Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem*" (A/71/364).

These reports, along with the recent report of the Human Rights Council's *Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967* and relevant reports by other UN bodies and agencies, including UNRWA, ESCWA, OCHA and UNICEF, portray with painful accuracy the critical human rights situation in Palestine as a result of the illegal, oppressive policies being pursued by Israel, the occupying Power, since the onset of its nearly-half century foreign military occupation. These reports examine the situation through the clear lens of the United Nations Charter and international law, including humanitarian and human rights law, all of which are applicable to the Occupied Palestinian Territory, including East Jerusalem, as determined by the General Assembly, Security Council and International Court of Justice. We thus firmly reject any attempts to portray them as one-sided or biased.

Despite blatant defiance of UN resolutions and denial of cooperation to UN mechanisms and bodies, often combined with hostile smear campaigns against independent experts, Israel persists with a cynical narrative of being "singled-out" and "targeted" by the UN and international community. We reject such distortions portraying aggressor as victim, when the reality is of a State contravening this organization's core principles in a manner that has seriously denigrated the rules of international law governing all States and with total impunity.

We deplore Israel's continuing refusal to cooperate with the Special Committee, and echo the Committee's call for efforts to address Israel's long track record of non-cooperation with the UN and to accordingly hold it accountable.

Mr. Chair,

Nearly 70 years have passed since the *Nakba*, the tragedy in 1948 by which the majority of Palestinians were forcibly uprooted and expelled from their homes and lands in Mandate Palestine, or fled in fear for their lives following massacres perpetrated by Israeli forces and terrorist militias against thousands of Palestinians in a clear act of ethnic cleansing. This injustice continues to this day as Israel persists with its five-decade long occupation and subjugation of millions of Palestinians by all illegal means and methods, many of which are only comparable to colonization and apartheid.

That we have entered the 50th year of this belligerent foreign occupation – whereby three generations of Palestinians have known only the misery of a demeaning life under occupation, denied freedom, rights and human dignity – is incomprehensible. This situation not only undermines international law, but tarnishes the international community and credibility of the international system as a whole, and remains a root source of the instability and turmoil in our region, a constant threat to international peace and security. As we approach the occupation's 50th anniversary, beyond reflection, it is high time for real action based on conscience, responsibility and the rule of law to end this prolonged occupation and make peace a reality.

Mr. Chair,

Against the backdrop of continued international paralysis, however, Israel, the occupying Power, has, of course, persisted with its deliberate, systematic and gross violations with full impunity. As detailed in relevant reports, the past year witnessed non-stop demolition of Palestinian homes, confiscation of land, expansion and construction of settlements and the wall, forced displacement of Palestinian civilians, and annexation threats by Israeli officials. The year also witnessed daily military raids, often causing death or injury to Palestinian civilians; constant intimidation against and humiliation of the population; settler terror and violence; provocations and extremist incitement against holy sites; arrest and detention of civilians, particularly young men; and continuation of Israel's blockade of the Gaza Strip, where 2 million Palestinians are being collectively punished, enduring extreme deprivation and isolation that has inflicted a dire humanitarian crisis and socio-economic conditions at their lowest point since 1967.

The persistence of this situation, without consequence or remedy, has inflicted immense human suffering and undermined all efforts to date for realizing a just peace based on the two-State solution and fulfilling the rights of the Palestinian people, including the Palestine refugees in accordance with resolution 194 (III). The international community must be firm in demanding respect by Israel, the occupying Power, of its obligations under international law. Given Israel's proven unwillingness and failure to investigate serious violations by its occupying forces, we call again for international accountability for these crimes, to end the culture of impunity, deter further violations, bring justice for the victims, and ultimately promote peace.

Mr. Chair,

Every passing day reconfirms that Israel is more interested in its colonial, expansionist agenda, rather than a just peace and security. Nothing demonstrates this more visibly than the settlement enterprise in the Occupied Palestinian Territory, including East Jerusalem, pursued relentlessly by successive Israeli governments since the start of the occupation in 1967, in grave breach of the Fourth Geneva Convention.

Over the past year, Israel continued illegal construction of settlements and network of Israeli-only bypass roads linking the settlements, as well as construction of the Wall,

expropriation of vast land areas, and transfer of Israeli settlers, flagrantly pushing ahead with its plans to colonize and *de facto* annex more Palestinian land. Such plans have also involved the forcible transfer of Palestinian civilians, destruction of homes and infrastructure, denial of basic services and obstruction of humanitarian assistance, and imposition of checkpoints and other movement restrictions accompanied by a strict “permit” regime. Other measures have been intentionally designed to segregate the indigenous Palestinian population and the Israeli settler population, privileging the settlers and institutionalizing a discriminatory regime aimed at altering the demographic composition of the Occupied Palestinian Territory, particularly East Jerusalem, and facilitating the pillage of natural resources.

In absolute defiance of the international community’s calls for a cessation of all such policies and measures, Israel has persisted, in contempt of international law, including humanitarian, human rights and criminal law, UN resolutions, the 2004 ICJ Advisory Opinion, Roadmap obligations and the international consensus, which recognizes the destructive impact of settlement activities on the viability of the two-State solution based on the 1967 borders and that they constitute a main obstacle to a peaceful solution to the Palestinian-Israeli conflict.

Moreover, this unlawful, colonial campaign constitutes the main infringement of the Palestinian people’s inalienable right to self-determination. As noted by the International Fact-Finding Mission on Israeli Settlements: *“The existence of the settlements has had a heavy toll on the rights of the Palestinians. Their rights to freedom of self-determination, non-discrimination, freedom of movement, equality, due process, fair trial, not to be arbitrarily detained, liberty and security of person, freedom of expression, freedom of access to places of worship, education, water, housing, adequate standard of living, property, access to natural resources and effective remedy are being violated consistently and on a daily basis.”*

Mr. Chair,

Israel’s illegal practices and policies in Occupied Palestine indeed violate the entire range of the Palestinian people’s human rights. With due consideration to the time constraints of the Committee, I will circulate the entirety of my statement and only highlight some of the gross human rights violations and crimes committed during the period covered by the Special Committee’s report:

- Israeli occupying forces continued to carry out military raids in Palestinian cities, towns, villages and refugee camps, killing, injuring and traumatizing civilians, including children, journalists, medics, human rights defenders and peaceful protesters through the use of excessive, indiscriminate force and extrajudicial killings. The protection crisis endured by our defenseless people has continually deepened. Since October 2015, occupying forces killed more than 200 Palestinians, at least 17 of them cases of extrajudicial executions. Israel also continues withholding bodies of Palestinians killed in attacks, violating international law and denying dignity to the deceased and their families. The pervasive climate is one in which Palestinian lives are devalued, disregarded and dehumanized.
- Occupying forces continued to damage and destroy Palestinian homes and civilian infrastructure in violation of international law. According to OCHA, in 2016 alone, 958 structures have been demolished and at least 1,447 Palestinians have been displaced, including 719 women and 690 children, in addition to 5,919 other civilians affected, including 1,571 women and 1,763 children. Since October 2015, Israel has punitively demolished or sealed 37 Palestinian homes, which, as stated, *inter alia*, by the UN Special Rapporteur on adequate housing, are acts constituting collective punishment.

- The occupying Power continued to forcibly displace Palestinians from their homes and lands. The correlation to areas marked for settlement expansion is undeniable. As noted by the Special Committee, measures have also been undertaken to create a “*coercive environment*”, in the form of harsh living conditions, for civilians in areas intended for settlement expansion. Examples include imposition of movement restrictions that obstruct access to basic livelihoods, markets and grazing lands; destruction or disconnection of infrastructure; imposition of discriminatory legislation; enforcement of military orders demanding closure of businesses; and harassment and intimidation by settlers. Currently, 46 Bedouin communities in rural areas of the West Bank are at risk of forcible transfer to pave the way for construction in and around the illegal “Maale Adumim” settlement.
- Extremist Israeli settlers continued to terrorize Palestinians, particularly in the Nablus, Jenin, Al-Khalil, Bethlehem and Jerusalem areas. Palestinian families are routinely assaulted, harassed and intimidated, under the consenting eye of occupying forces. This includes the horrendous practice by settlers of running over vulnerable Palestinian schoolchildren with their cars. The Israeli government fuels settler crimes through hateful rhetoric and incitement against Palestinians, and must be held responsible for the ensuing violence.
- Israeli officials and extremists continued provocations and incitement against Palestinian people and holy sites, particularly Al-Haram Al-Sharif, threatening to ignite a religious conflict with grave impact on the security and stability of the entire region and far beyond.
- In the Gaza Strip, the devastating impact of Israel’s illegal blockade and lasting impact of the trauma, destruction and displacement inflicted by its military aggressions, the most devastating in 2014, continued to affect every human right and disrupt every aspect of life. This overt situation of unlawful, gross collective punishment has led, *inter alia*, to chronic “de-development” of Gaza, with unemployment at 42% - a shocking 60% for youth, food insecurity affecting over half the population, 80% dependence on humanitarian aid, and the real GDP figure dropping by 20 points from 2005 to 2015, as the right to development, along with all other human rights, is being deliberately denied. As noted in UN country team reports, if this situation persists, the human habitability of Gaza by 2020 would be in doubt.
- The occupying Power also continued to violate the right to health of Palestinians via the blockade’s obstruction of access to essential medical supplies and equipment and severe restrictions on access to medical treatment outside Gaza, as well as obstruction by Israeli forces of ambulances from reaching Palestinian patients, live fire at ambulances, assault of medical personnel and imposition of checkpoints near hospitals in the West Bank.
- Israel continued the destruction of Palestinian agricultural land and other measures aimed at depriving Palestinians of sources of livelihood and food. Since 2001, estimates are that 1.5 million olive trees have been uprooted or burned by occupying forces and settlers. In Gaza, Israel has declared large swaths of land as “buffer zones” which Palestinians are prevented from entering. These zones comprise about 35% of Gaza’s farmland, and inaccessibility to those lands has caused an estimated lost agricultural output of 75,000 tons per year, in addition to the destruction of farmlands and agricultural businesses in military operations. Israel has also restricted access to the Mediterranean Sea off the Gaza coast, preventing Palestinian fishermen from accessing important sources of livelihood.
- The occupying Power has also continued entrenching a water and sanitation crisis. It has prevented construction and maintenance of Palestinian water infrastructure in 59% of the West Bank, and water resources continue to be diverted for Israeli use, including for the privilege of settlements, leaving Palestinians with an inadequate supply. In Gaza, the dire

state of the water and sanitation infrastructure due to the blockade and military aggressions has rendered 95% of Gaza's water supply unfit for human consumption, with multiple health and socioeconomic consequences, making realization of the "Desalination facility" project ever more urgent.

- More than 7,000 Palestinians, including 700 administrative detainees, 450 children, 56 women and 6 members of parliament, remain in Israeli prisons and detention centers in conditions breaching fundamental norms of international law, including torture and denial of the right to a fair trial. As highlighted by the Special Committee, Israel allows the detention of children for up to 20 years on charges of "stone-throwing". Children as young as 12 are regularly seized, beaten and prosecuted in the only juvenile military court system in the world. Dozens of detainees have taken to hunger strikes in 2016 to protest such inhumane policies, only to be further abused by methods deemed "tantamount to cruel, inhuman and degrading treatment" as stated by the Special Rapporteur on Torture.
- Israel has also continued to torture Palestinians for repressive and interrogative purposes, systematically using methods such as blindfolding, violent beatings, strangling, hanging from the feet, tightened handcuffing, sleep deprivation and intimidation. Women and children are not exempt from such illegal, inhumane treatment. Over the years, torture and medical negligence of Palestinian prisoners and detainees has resulted in the death of over 200 prisoners, in addition to the traumatic impact on all the victims.
- The occupying Power continued to harass, intimidate and threaten human rights defenders and members of civil society organizations raising awareness of Israeli violations against Palestinians. Numerous Palestinian NGOs, including Al Haq, Al Mezan and Youth Against Settlements, face intimidation and harassment, alongside Israeli NGOs such as the human rights organization B'tselem, which has publicly endured heightened intimidation and threats following its recent briefing to the UN Security Council.

Mr. Chair,

Just these few facts reflect a systematic pattern of Israeli policies and practices – approved at the highest levels – constituting clear violations of international law, many amounting to war crimes and crimes against humanity. Israel's oppression of the Palestinian people has no limits – not a day goes by where the Palestinian people's rights are not violated. The victims – children, women and men – are too many to count; their lives marred by an intricate, unending web of violations, one linked to the other, one facilitating the other, one deepening the other, reaching the point we are at today, where the occupation and the violations are one – synonymous and symbiotic – the occupation as illegal as the violations themselves.

As decade after decade has proven, this grave injustice will remain without remedy in the absence of accountability, prolonging this tragic conflict, with further deterioration and destabilization of the situation and greater human suffering.

Seventy years since the question of Palestine was placed on the UN agenda, it is more than urgent that international law and the UN responsibility to ensure long-overdue justice and peace to our people be upheld and that action be taken to compel Israel's compliance with the law. We remain steadfast in defending and advancing our just cause with all the legal, diplomatic and peaceful means available. And, we remain committed to achieving a just and peaceful solution, based on the two-State solution and in accordance with the relevant UN resolutions, the Madrid principles and the Arab Peace Initiative, a solution that will allow Palestine and Israel to live in peace, security and genuine coexistence.

We thus reiterate our call for the international community to act to end Israel's impunity and justly and comprehensively resolve this conflict. Here, we echo the Special Committee's recommendation to the international community to "*give effect to its legal obligations, as contained in the 2004 ICJ advisory opinion on the Wall*". The Security Council and General Assembly have clear responsibilities, as do States and international organizations, which must pursue policies consistent with international law obligations in regards to illegal Israeli policies in the Occupied Palestinian Territory, including East Jerusalem, including by taking measures to end all support to the Israeli settlement enterprise aimed at ending this illegal situation.

It is the collective duty of the international community, including the Security Council, to ensure Israel's compliance with the Fourth Geneva Convention, the human rights covenants, and relevant UN resolutions. This is fundamental for salvaging the prospects for peace at this critical juncture, finally bringing an end to the Israeli occupation, and enabling the Palestinian people to realize their inalienable human rights and national aspirations to live in freedom, security, peace and dignity in their independent State of Palestine with East Jerusalem as its capital.

I thank you, Mr. Chairman.