

Statement by Ambassador H.E. Amrith Rohan Perera,  
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**General Assembly Fourth Committee (71<sup>st</sup> Session)  
31 October 2016**

**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 (A/71/352)**

Mr. Chairman, Excellencies, ladies and gentlemen,

*On behalf of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, I am pleased to present its 48<sup>th</sup> report.*

This year, the Special Committee delegation consisted of my self as Chair, alongside H.E. Mr. Ramlan Bin Ibrahim, Permanent Representative of Malaysia, and H.E. Mr. Mame Baba Cisse, Permanent Representative of Senegal to the United Nations in Geneva. Pursuant to General Assembly resolution 70/87, this report examines the human rights situation in the Occupied Palestinian Territory and the occupied Syrian Golan.

As we approach the 50<sup>th</sup> year of occupation, I regret to inform the Assembly that once again, Israel failed to respond to this Committee's request to allow access to the Occupied Palestinian Territory. In the absence of access to the Occupied

Palestinian Territories, the Committee visited Amman from 2 to 5 May 2016, and held prior consultations in Geneva with Member States from 21 to 22 March 2016.

Mr. Chairman,

Earlier this year in Amman, civil society representatives, victims and witnesses of Israeli violations, as well as Palestinian and United Nations officials, briefed the Special Committee on the situation of human rights within the occupied Palestinian territories and the occupied Syrian Golan. These briefings and testimonies once again brought to the attention of the Committee the daily violence and humiliation suffered by Palestinian men, women and children, whose every aspect of life continues to be controlled by the Israeli occupation.

The report before you today aims to convey in detail the information and testimonies received in Amman. If many of the issues and incidents described in this report, such as settlement expansion, demolitions and obstruction of humanitarian assistance, forcible transfer and excessive use of force by Israeli security forces appear familiar and repetitive of reports from past years, it is because it reflects the unchanging, and in some instances worsening, realities on the ground.

First and foremost of concern, has been Israel's determined pursuit of settlement expansion and related activities. There is no justification for settlements in occupied territory, which is a clear violation of international law.

Israeli practices have included state-sanctioned land seizures, retroactive legalization of outposts, demolition of Palestinian homes and livelihood structures, denial of Palestinian building permits, restrictions of movement or access to livelihoods, or lack of accountability for settler violence. Year after year, for the best part of a half-century since the establishment of this Committee, the information received has affirmed the trends and patterns of human rights violations associated with the occupation and its inextricably linked settlement enterprise. The mission to Amman this year has once again reaffirmed our belief – shared by many, that illegal settlements and related activities remain at the core of human rights violations in the occupied territories.

The Special Committee also fully shares the view that Israel's continuing policy of illegal settlement expansion and related activities is eroding the viability of the two-state solution. The report of the Quartet on the Middle East Peace Process issued in July reached similar conclusions, and prominent human rights organizations rang the alarm bells ever more loudly during the

Security Council Arria-Formula meeting co-hosted by Malaysia, Angola, Egypt, Senegal and Venezuela in October.

Mr. Chairman,

I will now turn to other disturbing issues of concern regarding Israel's occupation policies and practices covered in this year's report. Some of these policies and practices have made news headlines over the past year, including the all too frequent excessive use of force by Israeli security forces against alleged attackers, protesters and bystanders, often resulting in Palestinian deaths and injuries. Some incidents have even appeared to be cases of extra-judicial executions.

The latest statistics from the United Nations Office for the Coordination of Humanitarian Affairs indicates that as of mid-October, 83 Palestinians were killed in the occupied West Bank, and 8 Palestinians killed in Gaza by Israeli security forces in 2016. During the same period, 2,978 Palestinians were injured in the occupied West Bank, and 184 Palestinians injured in Gaza. Many of these incidents involved attacks reported to have been perpetrated by young Palestinians, or during security raids into the homes of Palestinians suspected of involvement in these attacks, but a significant number were also reported to have been taken place in the context of clashes between Palestinians and Israeli security forces. These numbers speak for

themselves and illustrate the scale of the violence confronted on a daily basis by Palestinian men, women and children.

The Special Committee viewed the video footage of the killing of the Palestinian man, Abd Al-Fatah al-Sharif in Hebron in March this year. Sadly this was not one isolated incident, but the most publicized following the uploading of the video on YouTube. The Palestinian Commission of Detainees and Ex-Detainees reported at least 17 separate cases of alleged extrajudicial executions, including of children, carried out by Israeli security forces since October 2015. The Special Committee once again calls upon the Government of Israel to ensure that Israeli security forces act proportionally and with restraint, in accordance with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. It is also essential that Israel conduct prompt, thorough, transparent and independent investigations into all cases of alleged excessive use of force, particularly when resulting in serious injury or loss of life, and ensure that those responsible are brought to justice.

Mr. Chairman,

I wish to also highlight some equally disturbing, but perhaps lesser-known Israeli practices associated with the occupation. In May, the Special Committee met with the parent of a

Palestinian man killed in the context of one of the alleged attacks against Israelis in the period since October 2015, whose body was being held for months by the Israeli authorities. Dozens of families of Palestinians killed by Israeli security forces have been denied the right to a proper and dignified closure on the basis of 'security concerns'. Over the summer, the Israeli Defense Minister reaffirmed the applicability of this practice. While many of the bodies have now reportedly been released, Israeli authorities imposed conditions to the release of bodies, such as the prohibition of autopsies and limitations on funeral rites. Israeli authorities are still reportedly refusing to release a number of bodies to their families in what can only be described as a punitive practice.

Israel has also reportedly demolished or sealed at least 37 homes since October 2015 to punish relatives of Palestinian who attacked Israelis or were suspected of such attacks leaving dozens of innocent Palestinian families and their children homeless and displaced. These punitive demolitions and other punitive practices constitute a form of collective punishment, which is a clear breach of international law and must be brought to an end.

An emerging issue of particular concern brought to the attention of the Special Committee has been the threats and intimidation against human rights defenders and non-

governmental organizations, particularly local Palestinian and Israeli organizations, working to promote human rights in the occupied territories. This has involved hacking of email accounts, threatening anonymous letters and phone calls, repeated arrests on spurious charges, intimidation, and even death threats in the most extreme cases. Those affected have included non-governmental organizations such as Al Haq and Youth Against Settlements, amongst others. The latest thread in attacks against human rights organizations and the democratic space has been the reaction of the Israeli Government to the briefing by the Israeli human rights organization, B'Tselem, to the Security Council, including calls for the United Nations to stop funding an 'extremist organization'.

Mr. Chairman,

This year's report also raises concerns about the narrowing separation of powers between the judiciary and the executive branches in Israel with implications for independence of the judiciary and the decisions of the courts. The loss of faith in the Israeli military court system was summed up by the view from civil society that it "served mostly to reinforce the impression that efforts were being made to get to the truth, and did not resolve the system's substantive problems". The unprecedented announcement by the B'Tselem, that it would no longer file complaints to the Israeli military law enforcement system that

serves as a "whitewash mechanism" reflects the depth of the lack of confidence in the available judicial mechanisms to pursue accountability for alleged violations in the Occupied Palestinian Territory.

Mr. Chairman,

The situation of Palestinian detainees, including women and children, remains a serious concern of this Committee. Latest statistics as of August 2016 suggest that there are an estimated 7,000 Palestinian detainees held in Israeli custody, including 340 children under 18 years-old, 56 female detainees, and 6 members of the Palestinian Legislative Council. The Special Committee was especially concerned this year by rising numbers of Palestinians arrested for posting allegedly incendiary comments on Facebook and other social media, which raises questions about the excessive restrictions placed by Israel on the freedom of expression and opinion.

An estimated 700 Palestinians continue to be held under administrative detention without charge or trial, for an indefinite period of time. Dozens of Palestinian detainees, including notably Bilal Kayed, took to hunger strikes this year to protest Israel's practice of administrative detention. These protests, including that of Bilal Kayed, ended in negotiated agreements reached once the detainees reached a precarious health

condition, but this is far from an acceptable outcome. Israel must either release these administrative detainees without delay, or promptly charge or prosecute them with all the judicial guarantees required by international human rights law and standards.

Mr. Chairman,

The Special Committee's report also covers the situation in Gaza, where Israel's land closure and naval blockade entered its tenth year. Two years after the most devastating escalation of hostilities, the Special Committee was informed that donor pledges for reconstruction had yet to be fulfilled, and that an estimated 85,000 Palestinians remained displaced. The Committee also heard that all economic indicators pointed to chronic de-development over the past nine years, with per capita incomes up to 30 per cent lower than in 2005. Daily power outages and lack of electricity continue to affect every aspect of life for families in Gaza that most of us elsewhere take for granted - from refrigeration of food to hospital services. Unemployment in Gaza stood at 38.4 per cent, with youth and women's unemployment at a staggering 60 per cent and 84 per cent respectively. The economic situation has not been helped by Palestine's state of energy dependence, and Israel's exploitation of its natural resources, including oil and gas, which is also covered in this report. In this regard, it was suggested

that Israel's enforcement of access-restricted areas extending beyond the 6 nautical mile mark off the coast of Gaza not only had a detrimental effect on the livelihoods of Palestinian fishermen and their families, but also ensures that Palestinian oil and gas reserves remained undeveloped.

Mr. Chairman,

Briefings and submissions received on situation of human rights in the occupied Syrian Golan again detailed Israel's discriminatory policies relating to land, housing and development, which benefit settlers at the expense of Syrians. The Special Committee also heard that new curriculum introduced in schools in the occupied Syrian Golan sought to diminish the Syrian identity and culture of the local communities with the Syrian population having little say in how its educational institutions are run and what Syrian children are taught.

Distinguished Delegates,

The testimonies and briefings heard by the Special Committee this year and contained in this report captured glimpses of the daily suffering of the Palestinian people and Other Arabs under occupation. But a series of snapshots of the routine violence and violations of international human rights and humanitarian

law should be more than enough to conclude that the current status quo is unsustainable. Israel's pursuit of settlement expansion, its practice of administrative detentions and collective punishment, the attacks against human rights defenders and human rights organizations, and lack of accountability for human rights violations will only hasten the next escalation of conflict. As time runs out for a two state solution, the international community must redouble its efforts, after half a century, to identify concrete options for peace, and finally bring an end to the occupation.

I thank you Mr. Chairman.