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Statement by Ms. Feda Abdelhady Nasser, First Counsellor, before the Third Committee, Agenda item 70 (c): Human Rights Situations and Reports of Special Rapporteurs and Representatives, 62nd Session of the United Nations General Assembly, 31 October 2007

Mr. Chairman,

At the outset, my delegation conveys its appreciation to the High Commissioner for Human Rights as well as to the Special Rapporteurs and Representatives that have come before the Committee for their important reports and presentations. In specific, Palestine reiterates its appreciation to the *Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, Professor John Dugard, for his report, which starkly conveys the human rights situation of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem; a situation in which the rights of an entire people continue to be systematically violated and gravely breached by Israel, the occupying Power. In this regard, we also recall the important work of the Human Rights Council on the question of the human rights of the Palestinian people earlier this year.

Mr. Chairman,

Before proceeding, it is imperative to reaffirm the applicability of the instruments of international law, including humanitarian and human rights law, relevant for the promotion and protection of human rights to the situation of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem. The Palestinian people's existence as an occupied and stateless people does not negate their entitlement to enjoy those human rights to which all people are entitled.

We recall the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Right of the Child, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Geneva Convention relative to the Protection of Civilians in Time of War, Protocol I Additional to the Geneva Conventions, and the Hague Conventions. Moreover, we reaffirm the continuing validity of all relevant U.N. resolutions and the 9 July 2004 Advisory Opinion by the International Court of Justice. Combined, these provisions of international law constitute the fundamental basis for an accurate examination of the human rights situation of the Palestinian people.

Any such examination reveals that the rights of the Palestinian people living under Israel's 40-year military occupation in the Palestinian Territory, including East Jerusalem, are being grossly, systematically and gravely breached by the occupying Power by means of the unlawful policies and practices it is deliberately carrying out against the Palestinian civilian population, both collectively and individually. As concluded in the report, Israel's occupation "*has resulted in numerous violations of international humanitarian law and human rights law*" and, moreover, "*Israel has*

violated the most fundamental rules of international humanitarian law, which constitute war crimes in terms of article 147 of the Fourth Geneva Convention and article 85" of Protocol I.

The occupying Power's transgressions of international humanitarian law and human rights law have resulted in a tragic human rights situation and a humanitarian crisis in the Occupied Palestinian Territory. The rights to self-determination, to life, to property, to food, to livelihood, to housing, to education, to health, to development, to freedom of movement, to freedom of worship – all are being breached. The cumulative impact of four decades of unrelenting and intensifying violations under this illegitimate occupation has been the shredding of the Palestinian society, the devastation of families, the destruction of communities, and the further fragmentation of the unity, contiguity and integrity of the Palestinian Territory.

Time limits prevent presentation of an exhaustive expose of Israel's violations against the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem. Nevertheless, the seriousness of this issue compels at least a brief review in this forum. In this regard, it cannot be disputed that the following practices by Israel, the occupying Power, constitute serious violations of humanitarian law and human rights law, in many cases amounting to war crimes against the Palestinian people:

- The denial and prevention of the Palestinian people's right to self-determination by a prolonged, illegal military occupation, markedly characterized by oppression, colonization, collective punishment and apartheid.
- The killing, injuring and maiming of civilians, including children, women, elderly and disabled persons, by use of excessive and indiscriminate force.
- The perpetration of extrajudicial killings and targeted assassinations.
- The perpetration of acts of terror against the civilian population, whether committed by the occupying Power's military forces or by the armed settlers it has illegally transferred to the Occupied Palestinian Territory, including East Jerusalem.
- The arbitrary detention and imprisonment of thousands of civilians, including children and women.
- The physical and mental ill-treatment, degradation and torture of prisoners and detainees.
- The denial of family visits, denial of adequate medical care and food, denial of due process of law, and deplorable living conditions for prisoners and detainees.
- The construction and expansion of colonial settlements and bypass roads in the Occupied Palestinian Territory, including East Jerusalem.
- The daily transfer of Israeli settlers to the Occupied Palestinian Territory, including East Jerusalem, currently amounting to half a million settlers.
- The construction of the Wall in the Occupied Palestinian Territory, including East Jerusalem, and imposition of the associated regime.

- The confiscation of land for the purposes of unlawful settlement activities and construction of the Wall, and attempts to de facto annex large tracts of land, especially in and around Occupied East Jerusalem.
- The displacement of civilians as a result of its unlawful settlement and Wall activities and other illegal policies and practices, including home demolitions and economic strangulation practices.
- The wanton destruction of homes and other civilian properties, including agricultural lands, vital infrastructure, cultural and social institutions, and places of worship.
- The confiscation and exploitation of natural resources.
- The imposition of arbitrary and discriminatory restrictions on freedom of movement of Palestinian civilians by means of complete closures, hundreds of military checkpoints and roadblocks at which civilians are subject to humiliation, harassment and abuse, a racist permit regime, the Wall and the settlements.
- The collective punishment and imprisonment of the entire civilian population, particularly in the Gaza Strip, which remains under a debilitating siege.
- The destruction of livelihoods, obstruction of securing an adequate standard of living, and causing of widespread poverty.
- The obstruction of access to medical care.
- The obstruction of access to education.
- The obstruction of access to adequate food supply.
- The obstruction of access to humanitarian aid and supplies.
- The obstruction of access to places of worship, including in the holy cities of Jerusalem and Bethlehem.
- The imposition of arbitrary restrictions on residence in Occupied East Jerusalem in attempt to further the city's Judaization.

Mr. Chairman,

These are the facts; this is the reality of life for the Palestinian people living in the Palestinian Territory occupied by Israel since 1967. Attempts by Israel, the occupying Power, to dispute or to distort these facts are absolutely refuted by the situation that exists on the ground as a direct consequence of the illegal policies and practices it carries out on a daily basis in the Occupied Palestinian Territory, including East Jerusalem.

All of the above-mentioned violations of international humanitarian and human rights law are being committed by the occupying Power flagrantly, with utter disrespect for the law and U.N. resolutions, and all before the eyes of the international community. If Israel, the occupying Power, is

never held accountable for these human rights violations and crimes, it will only be further emboldened to continue acting with impunity in its trampling of the law. This will lead only to more suffering, hardship and loss for the Palestinian people and will take us all so much farther away from the peace we so desperately seek. In this regard, it must be stressed that enjoyment of human rights cannot be conditioned on or postponed until the resolution of conflict. Human rights must be respected and protected in all circumstances.

Indeed, achieving peace has a basic requirement – respect for international law. In accordance with international law, Palestinian civilians under Israeli occupation constitute protected persons towards which Israel has numerous obligations by virtue of its status as an occupying Power. Israel must cease all violations of the human rights of the Palestinian people and instead respect international law. The international community has clear responsibilities in this regard, including in particular the High Contracting Parties to the 4th Geneva Convention. All efforts should be exerted to uphold these responsibilities and ensure respect for the law, thus helping to bring an end to the grave human rights violations and to promoting the realization of the human rights of the Palestinian people, including their right to self-determination, and ultimately the realization of peace.