

Draft Statement by the Islamic Republic of Iran

On behalf of the NAM

ID with the Special Rapporteur on the situation of human rights in the Palestinian territories

23rd HRC Session, 10 June 2013

Mr President

I have the honour to deliver this statement on behalf of the NAM. The NAM welcomes the Report of Mr. Richard Falk, the Special Rapporteur on the situation of human rights in the Palestinian territories and supports the recommendations provided therein.

The NAM once again highlights and strongly condemns the importunate non-cooperation of Israel, the occupying power, and the incessant disregard and non-compliance with its international obligations under International human rights law and International humanitarian law.

The NAM concur with the Special Rapporteur that IHL, as contained in the Fourth Geneva Convention of 1949 and Additional Protocol I are useful for identifying violations associated with behaviour of the Occupying Power toward the civilian population of the Occupied Territory: including construction of settlements, collective punishments, targeted assassinations, diversion of water, excessive force, conditions of detention and imprisonment.

There is also an additional paucity here arising from the failure of Parties to the Geneva Conventions to uphold the duty set forth in common Article 1. Based on that if a pattern of persistent violation is present and sustained for a period of years, as with Israel's occupation of Palestine, then steps should

be taken to encourage compliance. Such a collective responsibility by all Contracting Parties to “repress grave breaches” is made clearer in Protocol I, Articles 86 and 91, a treaty that has the status of customary international law

As it rightly pointed out in the Report, the unlawful Israeli annexation and demographic manipulations in East Jerusalem have created fundamental threats to the Palestinian right of self-determination. Undoubtedly, such issues bear directly on upholding the right of self-determination, and represent a flaw or insufficiency in the conventional conceptions of IHL and international human rights law. Hence, this important issue should be addressed by either the International Committee of the Red Cross by convening an international conference to draft a convention for Occupations that surpass five years, or the manifold issues related to prolonged occupation be examined by a commission of inquiry composed of relevant international law experts.

Mr. President

While the continued illegal blockade of Gaza by the Occupying Power and its failure to uphold its responsibilities to ensure the protection of civilian, remains of utmost concern, the NAM is alarmed by the use of collective punishment upon the entire civilian population of Gaza by Israel. The NAM also was deeply concerned over the harsh economic, social and health conditions in Gaza Strip and the gravity of the situation which has been dramatized recently as a result of food shortfall.

The Movement continues to be deeply disturbed by numerated UN official reports concerning the cruel treatment of thousands of Palestinians in particular innocent children who are detained or imprisoned without any charge. The results of these reports affirm that Israeli violations of all relevant international human rights law committed on a massive scale. Most regrettably, these violations are punctuated by Israel’s flagrant

disregard of article 76 of the Fourth Geneva Convention.

The Movement is also deeply concerned by Israel's consistent and systematic expansion of settlements through subsidies, expropriations, house demolitions and demolition orders, granting permits for homes in settlements and intensifying the exploitation of Palestinian natural resources. We are of the firm position that the establishment of the illegal and illegitimate settlements in the occupied Palestinian territory prevents the establishment of a contiguous and viable Palestinian State and undermines the right of the Palestinian people to self-determination. Unfortunately, unrelenting settlement expansion and forcible displacement of Palestinian were escalated after the Palestine was granted the status of non-member observer state at the United Nations on 29 November 2012,

Finally, the NAM attention is increasingly drawn to the activities of Israeli and international business enterprises involved in profit-making in occupied Palestine and a range of potential violations that stem from such activities. We maintain that the private companies must assess the human rights impact of their activities and take all necessary steps – including by terminating their business interests in the settlements – to ensure they are not adversely impacting the human rights of the Palestinian people. We further recommend that the Human Rights Council's Working Group on Business and Human Rights be seized of the matter.

