



Mission permanente d'Israël
auprès de l'Office des Nations Unies
et des Organisations Internationales à Genève

משלחת ישראל
ליד משרד האומות המאוחדות
והארגונים הבינלאומיים בג'נבה

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Statement by H.E. Ambassador Itzhak Levanon
Permanent Representative

6th Regular Session
Human Rights Council

Regarding the Report of the
Special Rapporteur on Human Rights and Counter-Terrorism

13 December 2007

Mr. President,

Let me begin by expressing our deepest condolences to the victims of the terrorist bombings in Algiers. As I expressed in my statement before this Council two days ago: regardless of any grievance, or alleged cause, those who commit acts of intentional terrorism stand in direct contravention to the very ideals and essence of the United Nations.

Mr. President,

We welcomed the visit of Mr. Scheinin last July as part of our overall policy of transparency and openness to international scrutiny. Israel recognizes the value and merit of engaging in a constructive exchange of views and dialogue with all those human rights mechanisms whose mandates are equitable, fair and balanced. Thus, in 2007, in addition to Mr. Scheinin, Israel also hosted Ms. Coomaraswamy, the Special Representative of the Secretary-General on Children and Armed Conflict. Ms. Asma Jahangir, the Special Rapporteur on Freedom of Religion or Belief, is expected to visit Israel in January 2008.

Mr. President,

In recognition of the constant daily threats of terrorism facing Israel, the Special Rapporteur rightly called attention to the fact that the devastating consequences of terrorism are not limited to physical losses and emotional bereavement, but that terrorist attacks result in traumatic psychological consequences which can endure. In considering Israel's conduct, or that of any country facing terrorism, it is crucial to examine the situation in its proper context. It is imperative to acknowledge the acute dilemmas and daily challenges facing Israel as part of its ongoing efforts to combat terrorism, as it strikes a delicate balance between competing human rights considerations and security concerns.

Mr. President,

It is specifically because of such constant and imminent threats that Israel is compelled to remain under a state of emergency. The outbreak of violence and hostilities since 2000 is a recent vivid testament to this ongoing threat. We would disagree, however, with the Special Rapporteur's assertion that this state of emergency is incompatible with Israel's strong democratic legacy. In the face of daily threats, which are clearly unique and unprecedented by any standard, Israel remains vibrantly open and pluralistic, with both an active judiciary and dynamic civil society. Judicial scrutiny and review exists at every level of the Israeli justice system, and the doors of its highest civil legal body – the Supreme Court sitting as High Court of Justice – are directly open not only for Israeli residents and citizens, but also to any non-residents, including inhabitants of the West Bank.

Mr. President,

While we appreciate the effort made by the Special Rapporteur to learn more about Israel's considerations in its fight against terrorism, we are inclined to challenge some of his conclusions. For example, while we note the Special Rapporteur's remarks about the effectiveness of the security fence against suicide attacks initiated from the Palestinian territories, we disagree on his assessment of the extent that the fence may negatively impact the Palestinian fabric of life. It is important to emphasize that the underlying reason why the barrier does not necessarily follow the so-called "Green Line," is specifically because it is first and foremost a *security* fence and *not a political one*. It is not intended to pre-judge the borders of any future Palestinian state, and once the security threat to Israel is removed, the barrier can be dismantled, as Israel has not hesitated to do on previous occasions.

Mr. President,

We welcome and concur with the Special Rapporteur's views of international law regarding Israel's full withdrawal from Gaza in 2005. We are also mindful of his concerns regarding the humanitarian situation of Palestinians in Gaza. We are open to suggestions as to how to improve the humanitarian circumstances while remaining vigilant about the reality on the ground and against the security threats which emanate relentlessly from that area. At the same time, one cannot ignore the devastating humanitarian situation of Israeli civilians, who are faced with numerous attacks and indiscriminate shelling of Kassam rockets. Just this morning, 14 rockets fired from Gaza landed in southern Isarel.

Mr. President,

Israel has carefully studied the Special Rapporteur's remarks regarding our existing counter-terrorism laws. We differ on some of his findings, such as his assessment that Israel's definition of terrorism is overly broad. Nonetheless, as the Special Rapporteur notes in his report, we have invited him to comment upon new counter-terrorism bill that is currently being drafted by the government, prior to its introduction to our parliament. Israel welcomes Mr. Scheinin's designation of this cooperation as a "best practice," and looks forward to future exchange of views on this subject.

Thank you, Mr. President.