

**United Nations General Assembly 63rd Session – Special Political and
Decolonization Committee (Fourth Committee)**

***Item 30, The Report of The Special Committee to Investigate Israeli Practices
Affecting the Human Rights of the Palestinian People and Other Arabs of the
Occupied Territories***

**Statement by Ambassador H.M.G.S. Palihakkara,
the Chairman of the Special Committee
4 November 2008 – Fourth Committee**

Mr. Chairman, distinguished delegates,

I have the honour to present the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, contained in document A/63/273. The report being made to this session is the 40th one of the Special Committee and was prepared by my predecessor along with the other two members of the Committee, the distinguished Ambassadors of Malaysia and Senegal following their visit to the region. I would like to express my appreciation to them and to the Secretariat for their work. The report sets out in detail comprehensive information concerning the Committee's work and my statement serves to introduce the document briefly.

Noting the continued refusal by the Israeli authorities to provide access to the occupied territories pertaining to its mandate, the Committee once again examined the situation of human rights in the Occupied Territories by inter-alia, travelling to Egypt, Jordan and Syria and by making use of a variety of sources for information. In the three countries, the members of the Committee met with a number of witnesses and representatives from Palestinian and Israeli organizations and civil society entities as well as individuals from the Syrian Arab Republic and occupied Syrian Golan. The report is accordingly based on information from written material, contacts with governments in the region, United Nations actors, civil society, NGOS, academics and private individuals.

Among the matters dealt with in the report are the all important issues of the right to self determination, the right to life, the right to freedom of movement, the right to liberty and security of person, the separation wall, settlements, the right to an adequate standard of living, including subsistence, clothing and housing; the right to food and to water, as well as the rights to work, education and health; settler violence, and the situation of human rights in the occupied Syrian Golan.

The Committee felt it particularly noteworthy that, despite the continuation of the political negotiations, namely the Annapolis Conference of 27 November 2007, which declared the intention to reach a two-State solution by the end of 2008 - the human rights situation on the ground has deteriorated and the right to self-determination of the Palestinian people remains elusive. The Committee cannot but reiterate that the protection of human rights is an essential element for peace efforts to succeed.

Mr. Chairman,

The Committee highlights the deteriorating human rights and humanitarian situation in the occupied territories and specifically in the Gaza Strip. The lack of protection for civilians and the escalation of

violence have been significant factors in the overall human rights situation in the territory. Israel has continued rocket and artillery attacks, air strikes and military incursions into Gaza, and Qassam rockets continued to be fired by Palestinian militants from the Gaza Strip into Israel. All crossings into the Gaza Strip have been essentially closed since June 2007, with only sporadic openings. Despite the ceasefire Gaza borders remain largely closed. The severe restrictions on the movement of goods and people entering and leaving Gaza resulted in a significant deterioration of the humanitarian and human rights situation, with shortages of food, medical and relief items, spare parts for critical health and water sanitation installations, materials for humanitarian projects and raw materials for commerce and industry in Gaza. Shortages of fuel and electricity translated into electricity cuts of 8 to 10 hours per day, and disruptions in water distribution, sewage treatment and, to a lesser extent, health care.

The restrictions on the movement of Palestinians between the West Bank, Gaza and East Jerusalem and within the West Bank were tightened further. These measures severely damage the social and economic structures of the West Bank and Gaza, contributing to increasing unemployment and poverty, and resulting in increased reliance on humanitarian assistance.

The route of the separation wall, the steady expansion of settlements, which are illegal under international law, curfews, and the closure regime and associated controls fragmented communities and seriously infringe on the right to freedom of movement and virtually every other human right of the Palestinian people.

The Special Committee members are particularly concerned about the long term impact of Israeli policies and practices infringing on the human rights of the Palestinian people. The closure of Gaza has had a serious impact on economic and social rights, has disabled the economy and will have a detrimental impact on the environment; within the West Bank, three separate entities, described by witnesses as "enclaves", "cantons" and "Bantustans", have been created de facto, and movement and access to East Jerusalem has become ever more difficult for Palestinians. The long-term impact on the social fabric, the severance of family ties and the Palestinians' link with their land, beyond mere economic necessity, is feared to have a significant impact on society as a whole, including Palestinian children, a very vulnerable group, which in Gaza makes up half of the population. The economic hardships in the occupied Palestinian territory further intensified because of the border control regime and other trade-related obstacles, resulting in increasing dependency on humanitarian aid with a direct impact on the enjoyment of economic and social rights.

The human rights situation in the occupied Syrian Golan has also been deteriorating: the number of settlers has increased and existing settlements have expanded; Syrian citizens of the occupied Golan are reportedly denied access to water resources; prisoners from the Golan are subjected to harsh forms of torture in prison and also have to contend with the difficulties and obstacles that the occupation authorities put in the way of relatives trying to visit them in prison. The prisoners are held in unacceptable conditions, resulting in their contracting various illnesses.

Finally the Committee wishes to invite the attention of the distinguished delegates to the recommendations made in its report addressed to the General Assembly, the Government of Israel and to the Palestinian Authority.

The recommendations speak for themselves and I would only give a brief summary of the main points. The Committee recommends the General Assembly to urgently consider all means at its disposal to fulfill its responsibilities regarding all aspects of the question of Palestine until it is

resolved in conformity with relevant United Nations resolutions and international law and until the inalienable rights of the Palestinian people are brought to fruition. To this end the Committee recommends renewal of its mandate. The Security Council is urged to ensure the implementation of the advisory opinion of the ICJ and the General Assembly resolution ES-10/15, and consider further measures concerning the construction of the separation wall. The General Assembly is also requested to encourage the members of the Quartet to fully implement the road map leading to a comprehensive, just and lasting settlement based on the United Nations resolutions and international law.

The recommendations addressed to the Government of Israel focus on the applicability of the Fourth Geneva Convention to the occupied territories and distinguishing between military objectives and civilians. The Committee calls for the respect for international law and the appropriate use of means and methods of warfare, and cessation of the excessive use of force and extrajudicial executions and destruction of property. The cessation of confiscating Palestinian land and expanding Israeli settlement in violation of international law and impairing the territorial integrity of the future Palestinian state and the protection of Palestinian civilians and property against violence by the settlers are called for.

Among other measures recommended are, the restoration of freedom of movement for Palestinians throughout the occupied Palestinian territories; taking urgent steps to end the current man-made crisis and suffering of the people of Gaza and deprivation of all their rights; stopping the construction of the separation wall in compliance with the provisions of the advisory opinion of the International Court of Justice and the General Assembly resolution ES-10/15; the cessation of mass and arbitrary detention and ensuring proper treatment for detainees; the implementation of obligations set forth in the road map and with regard to its military presence in the occupied Palestinian territory and the Syrian Golan.

The Committee has recommended that the Palestinian Authority should also abide by the provisions of the human rights law and international humanitarian law; aim to resolve the urgent human rights and humanitarian crisis currently facing the occupied Palestinian territory, and to fully restore the rule of law in areas under its control and comply with the requirements of the road map as laid out by the Quartet.

Mr. Chairman, the Committee expects its report to be taken into account by all concerned in the spirit in which it is addressed to the parties concerned, namely to ascertain facts without rancour and take action to ease the suffering of the people in territories covered by its mandate and facilitate the overall process of ensuring security and making sustainable peace in the territories concerned.

Thank you.
