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Statement by H.E. Ambassador Dr. Riyad Mansour, Permanent Observer of Palestine to the United Nations, Agenda Item 16: Question of Palestine, 64th Session of the United Nations General Assembly, 30 November 2009: (Check against delivery)

Mr. President,

Allow me at the outset to express our deep appreciation for your wise leadership and excellent stewardship as President of the General Assembly at its sixty-fourth session, and for your guidance of the efforts being exerted to address the many vital and important issues on its agenda. At the same time, it is my pleasure to express our gratitude and appreciation to the Committee on the Exercise of Inalienable Rights of the Palestinian People, to its Chairman, H.E. Ambassador Paul Badji, and to all members of the Committee and the members of the Bureau. I also wish to thank the Division for Palestinian Rights and the Department of Public Information of the Secretariat of the United Nations for their tireless efforts and serious work to mobilize international support for the Palestinian cause and for the Palestinian people in their endeavor to realize their inalienable rights. I also express gratitude to the Secretary-General of the United Nations, H.E. Mr. Ban Ki-moon, for his support of our cause and his efforts to serve the cause of peace.

Mr. President,

We gathered this morning in the Trusteeship Council Chamber to solemnly commemorate the International Day of Solidarity with the Palestinian People. Our people express their profound gratitude for this solidarity and support for their just cause, which has been reaffirmed on this day from all corners of the world. This day is traditionally observed on 29 November, the date in 1947 when the General Assembly adopted resolution 181 (II), which partitioned historic Palestine into two states, one Arab, which has yet to see the light of day, namely, Palestine, and the other that came into being, namely Israel. This has led to the tragedy and injustice that befell the Palestinian people who were uprooted from their land, dispossessed and dispersed and endured the loss of their homeland in the 1948 Al-Nakba. This day also reaffirms the continuing international commitment, including on the part of the United Nations, to uphold the historic responsibility with regard to the question of Palestine until it is resolved in all its aspects in accordance with international law and UN resolutions. That international support and solidarity has contributed to the strengthening of the steadfastness and perseverance of the Palestinian people over the many decades of struggle against injustice, oppression and occupation, on the long, arduous road towards the realization of their legitimate national aspirations to end the hateful occupation and to enable the realization of their inalienable rights, including the right to self-determination and the right to return, and to achieve a just, lasting and comprehensive peace.

P R E S S R E L E A S E

Mr. President,

The consequences of Al-Nakba are known to everyone. More than half of the Palestinian people, comprised of more than three generations of families, continue to live in exile as refugees after their dispersion and displacement from their homeland. They are scattered in all parts of the world, with millions still languishing in refugee camps and denied the right to return to their homes to live in peace with their neighbors, and they are suffering innumerable hardships. The remainder of the Palestinian people, including refugees, continues to live under Israeli occupation in the Palestinian Territory, including East Jerusalem, and they are continually suffering from repression and violations of their basic rights.

Israel, the occupying Power, continues to deny the rights of the Palestinian people, and to breach international law, including international humanitarian law and human rights law. At the same time, it continues its illegal colonial settlement through the construction and expansion of settlements and construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, aimed at advancing its expansionist plans by creating facts on the ground in order to alter the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem. The Israeli occupying forces are using excessive and indiscriminate military force against Palestinian civilians in flagrant violation of the Fourth Geneva Convention, resulting in the loss of thousands of innocent lives, including children and women, thousands of injuries and cases of psychological trauma among the civilian population, as well as the wanton destruction of property, homes, agricultural fields and the Palestinian infrastructure. Acts of killing, injuring and destruction of property are also continually committed by armed extremist Israeli settlers, who have been unlawfully transferred to the Occupied Palestinian Territory, including East Jerusalem, and they continue to commit acts of violence, harassment, provocation, incitement and terror against Palestinian civilians.

In addition, Israel, the occupying Power, continues to arbitrarily detain and imprison approximately 11,000 Palestinian civilians, including children and women. Ongoing Israeli raids and arbitrary arrests have kept the number of Palestinian prisoners at a high level. Moreover, Palestinian prisoners and detainees continue to be subjected to physical and mental ill-treatment, abuse, solitary confinement and torture. They are denied family visits, adequate medical care and food, and are held in completely unsanitary conditions and inhumane conditions, in violation of all rules and principles of international humanitarian law.

Since its occupation of the Palestinian Territory, Israel has persistently pursued the policy of collective punishment against the Palestinian people through the imposition of closures and restrictions on the movement of persons and goods within, into and out of the Occupied Palestinian Territory, including East Jerusalem, which has been virtually cut off from the rest of the Occupied Palestinian Territory. This policy has led to the obstruction of Palestinian access to schools, hospitals, farms and work and to the holy places and to prevent the arrival of food supplies and humanitarian aid, in violation of numerous of their human rights. This policy is reflected in its ugliest forms through the complete blockade of the Gaza Strip in suffocation of the 1.5 million civilians there and the establishment of more than 550 checkpoints and roadblocks in the West Bank, in addition to settlements, bypass roads and the separation wall, the permit regime, and residency restrictions imposed on the Palestinian inhabitants of Jerusalem in particular.

Mr. President,

At the same time, Israel continues to defy the consensus of the international community demanding the cessation of its illegal settlement activities by continuing its colonization campaign in the Occupied Palestinian Territory, including East Jerusalem, in grave breach of the Fourth Geneva Convention and its Additional Protocol I, and in violation of UN resolutions, and in complete disregard for the 9 July 2004 Advisory Opinion of the International Court of Justice, and it flagrantly flouts the commitments made in the peace process. The city of East Jerusalem, is subjected to a rabid campaign through the continued expansion of settlements and the transfer of settlers, the destruction and seizure of Palestinian homes, the displacement of its inhabitants, severe residence restrictions, and serious excavations beneath and around Al-Aqsa Mosque that threaten its foundation. All of these illegal Israeli measures and actions are clearly aimed at changing the character, status and demographic composition of the city.

These Israeli actions to forcibly displace Palestinians and replace them with illegal settlers are blatantly illegal and must be condemned and seriously and immediately addressed by the international community. Moreover, such actions constitute war crimes according to article 8 of the Rome Statute of the International Criminal Court and constitute a violation of article 49 of the Fourth Geneva Convention and, in accordance with article 147, constitute grave breaches of international humanitarian law. They are also in violation of numerous UN resolutions, including Security Council resolutions 476 (1980) and 478 (1980).

The continuing Israeli Government planning and approval of the further building colonial settlement units in the Occupied Palestinian Territory, including in and around East Jerusalem, is stark evidence of Israel's continued policy of seizure and confiscation of Palestinian land and reflects its absolute arrogance of power and disdain towards the international will and consensus in this regard and the resolutions of international legitimacy, which affirm that Occupied East Jerusalem is an integral part of the Occupied Palestinian Territory and that all Israeli colonial and annexation measures in the city are null and void and have no legal validity.

Allowing Israel to continue its campaign of illegal colonial settlement seriously jeopardizes the chances of achieving peace in the future. This campaign not only undermines the contiguity and unity of the Occupied Palestinian Territory but also the efforts aimed at achieving the two-State solution: Palestine and Israel living side by side in peace and security on the basis of the 1967 borders.

Mr. President,

The brutal and ruthless military aggression launched by Israel on 27 December 2008 against the defenseless Palestinian civilians in the Gaza Strip brutally killed more than 1400 people, including hundreds of innocent children and women, and left more than 5,500 injured. Undoubtedly, that was an appalling and fatal illustration of Israel's complete disregard for human rights and for the sanctity of the human life. At the same time, Israel has continued its illegal, unjust blockade of the Gaza Strip in collective punishment of the entire Palestinian population of Gaza. This blockade has transferred the Gaza Strip into a big prison and deepened the humanitarian crisis, causing massive and deep poverty, hunger, disease and unemployment.

Regrettably, the selectivity and inaction by the international community, including the Security Council, has only permitted Israel, the occupying Power, to continue its violations of

international law, international humanitarian law and human rights law against the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem. Undoubtedly, the international community's failure to hold Israel accountable for its violations and war crimes has reinforced Israel's impunity and lawlessness, permitting it to continue using military force and collective punishment against the defenseless Palestinian people under its occupation.

The investigation carried out by the "United Nations Fact Finding Mission on the Gaza Conflict", which was headed by Justice Goldstone, clearly confirmed that Israel, the occupying Power, has committed serious human rights violations and grave breaches of international humanitarian law, including of the Fourth Geneva Convention, amounting to war crimes and even crimes against humanity, against the Palestinian people. It also concluded that the absence of accountability and - worse still - the lack in many instances of any expectation thereof, is what allowed Israel to a large extent to continue its violations and revel in the culture of impunity, which it has enjoyed for more than four decades. This has not only gravely deepened the injustice and suffering endured by the Palestinian people, but has also undermined the credibility of international law and of the international system as a whole.

In this regard, resolution 64/10 adopted by the General Assembly on 5 November 2009, is an important step in the direction of beginning the process towards ensuring accountability and justice. In addition to the efforts made to address this serious issue in the General Assembly, we will continue to call on all relevant United Nations entities, including the Security Council, to shoulder their responsibility and on the High Contracting Parties to the Fourth Geneva Convention to shoulder the individual and collective legal obligations and responsibilities in order to embark on a new era for our people and the entire world based on respect for international law, the true guarantor of peace, freedom, security and human dignity.

The international community, particularly the Security Council, must shoulder its responsibility by sending a clear and firm message to the occupying Power that the international community will no longer tolerate its illegal practices and violations and crimes, because the duty to abide by the principles of international law should be above all other considerations that will make mockery of our international system. Such principled commitment to the law will help us break this vicious and shameful cycle of impunity and bring an end to the crimes that have caused so much suffering and prolonged this tragic conflict, as well as truly ensure the protection of the Palestinian civilian population. There is no doubt that this will bring an end to human suffering caused by the Israeli occupation of our people and create an appropriate and more stable environment to achieve peace and the two-State solution and put an end to the Palestinian-Israeli conflict and the Arab - Israeli conflict as a whole. We affirm that a political solution to the conflict in our region should include all occupied Palestinian, Syrian and Lebanese territories in order to achieve peace and security for all peoples and all countries of the region.

Mr. President,

The Palestinian leadership has made every effort to promote national dialogue towards the restoration of Palestinian national unity and preserve the unity, integrity and contiguity of the Palestinian Territory, which the entire Palestinian people strive for. The Palestinian land is one land, and the Palestinian people are one people and will never be divided. The Palestinian leadership has and continues to support efforts exerted by our brothers in the Arab Republic of Egypt in this regard.

Mr. President,

Peace, security and stability in the Middle East can not be achieved as long as the question of Palestine remains unresolved. It cannot be achieved as long as Israel continued to defy the law and not to fulfill its legal obligations, remaining absent or an unwilling partner in the peace process, and constantly trying to impose a unilateral solution based on military force. A peaceful settlement, including reaching a just solution to the issue of Palestinian refugees, is the only way that can put an end to this conflict and bring stability and security, which we all seek, and is a right of all peoples.

We are going through a stage of serious political movement in order to launch a political process aimed at achieving a comprehensive peace agreement. But, again we emphasize that the launch of this process should be based on each party, in particular Israel, implementing its obligations under the first phase of the Road Map, which basically calls for complete cessation of settlement activities in all its forms and commitment to resolving the final status issues in accordance with the known terms of reference, especially Jerusalem, refugees, borders, water, security and others. This position is the core of the Arab Peace Initiative, which we and all international powers, without exception, and in particular the Quartet, have been pursuing.

We assure you that the Palestinian leadership in any future political move will adhere to its firm commitment to the national program and the Palestinian peace initiative endorsed by the Palestinian National Council, as stated in the Declaration of Palestinian Independence on 15 November 1988, and to its obligations in the peace process in the Middle East, which began in 1991, and the two-State solution for the establishment of the independent State of Palestine, with East Jerusalem as its capital, in the Palestinian Territory under Israeli occupation since 1967. The Palestinian leadership remains committed to Madrid terms of reference and the principle of land for peace, Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008), and the Arab Peace Initiative and the Road Map.

But we reiterate that the Palestinian leadership rejects outright any ideas or schemes of the type of resettlement or repatriation alternative or a state with provisional borders. These are not subject to debate or compromise, because the State of the Palestinian people will be based on the entire territory occupied since 1967, and no other alternative is acceptable.

The obligations of the Palestinian and Israeli sides are specific and unambiguous. The Palestinian side has fulfilled all of its obligations, unlike Israel, which has not complied with any of its obligations, including the cessation of settlement activities, as stated in the Road Map. A just solution to the Palestine refugees issue is imperative in accordance with General Assembly resolution 194(III) of 1948. The right of return is a right guaranteed by international legitimacy and clearly emphasized by the Arab Peace Initiative and was included implicitly in Security Council resolution 1515(2003), by which the Council endorsed the roadmap of the Quartet. The issue of the Palestine refugees remains a high priority that can not be waived.

Mr. President,

We come back to the General Assembly to reiterate our calls on the international community to continue and intensify efforts to break the deadlock in the peace process in order to achieve a peaceful and just solution to the Palestinian issue in all its aspects.

In conclusion, I wish to reiterate the immense gratitude and appreciation of the Palestinian people for all the support and solidarity extended to them over the years by the international community, including the United Nations. The Palestinian people continue to hope for the continued support and assistance of the international community. In this connection, we express our hope that all countries will vote in favor of all of the draft resolutions submitted under the agenda items on the question of Palestine and the situation in the Middle East and all other draft resolutions relevant to Palestine that will come before the Assembly. We firmly believe in the principles and purposes of the Charter of the United Nations and of international law, and that all free and peace-loving nations of the world stand for peace and justice and support the question of Palestine because it is a just and noble cause, and because these nations wish to see an end to the suffering and pain of our people through realization of their rights, freedom, and to an independent state of Palestine, and to see an end to decades of occupation and cycles of violence, so that to peace, security and stability, justice and prosperity will be achieved for all peoples of the Middle East region.. We express our hope that one day soon we shall gather here to celebrate the inclusion of the free and independent State of Palestine among the family of nations.

Thank you, Mr. President.

