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Chairman: Mr. Acharya (Nepal)

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The meeting was called to order at 10.15 a.m.

Agenda item 32: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/61/327-A/61/331 and A/61/500)

1. **Mr. Kariyawasam** (Sri Lanka), speaking as Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, introduced the Special Committee's eighth report (A/61/500). He pointed out that the 2006 report was unusual in that it was based on documentary sources from non-governmental organizations and United Nations agencies, since the Special Committee had been forced, first by funding constraints and then by the worsening security situation in the area, to postpone its field visit. He said that an updated report would be submitted to the General Assembly in early 2007, following the rescheduled field visit, from 11 to 22 November 2006.

2. Noting with concern the culture of impunity which continued to characterize Israel's actions in the occupied Palestinian territories, he regretted that hopes engendered by recent positive developments in the area had not been realized. Instead the situation in the occupied territories had deteriorated further, following intensified military controls by Israel and the paralysis of the new Palestinian Government, provoked by its rejection of previously agreed conditions and its refusal to recognize Israel. The conditions in the occupied territories were exacerbated by the economic effects of the Israeli blockade, which hit women, children, the disabled and the elderly with particular severity, and by continuing hostilities between Palestinian militants and the Israeli military. In that context, it was reported that a major Israeli operation had killed at least 156 Palestinians, bringing the total Palestinian casualties over the previous six years to 2,300.

3. Reviewing the continued extension of the separation wall being built by Israel, he said that 365 km of its projected total length of 702 km would be in place by the end of 2006, and he enumerated the deleterious effects of the barrier on the lives of the affected Palestinian populations. In addition, the Israeli authorities had placed further restrictions on access to Israel by Palestinians, aggravating the humanitarian

crisis in the West Bank and the Gaza Strip and impeding access by Palestinians to health care and other services. In addition, there had been numerous reports of the destruction during Israeli military operations of Palestinian property and infrastructure, including bridges, schools and a major power plant in Gaza, of ill-treatment of Palestinian civilians at crossing points by Israeli soldiers and of torture and ill-treatment of Palestinian detainees in Israeli jails, including women and children.

4. With reference to the Syrian Arab Republic, the report indicated that the Israeli settlement and land-confiscation practices were continuing unabated and provided details of new Israeli settlements and businesses in the occupied Syrian Golan. Concern was also caused by the depletion of water resources of the occupied Syrian Golan to supply Israeli enterprises and the dumping near the Syrian border of Israeli nuclear waste.

5. In conclusion, he conveyed the Special Committee's conviction that the continuing deterioration of the situation in the occupied Palestinian territories would lead to further violence and despair and, ultimately, to the very collapse of Palestinian society and its concern that the policies pursued in 2006 by the Quartet, including the European Union and other major donors, were counterproductive and perceived by the Palestinian people as unjustified sanctions. The Special Committee had essentially reiterated its 2005 recommendations, with the significant addition that the Security Council might consider imposing sanctions against Israel if it continued to flout its international obligations.

6. **Ms. Rasheed** (Observer for Palestine) expressed appreciation to the Special Committee for its report and drew attention also to the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (A/61/471), which provided a first-hand account of the harsh realities and deplorable human rights situation of the Palestinian people under Israeli occupation. Throughout the 39 years of Israeli occupation, the very existence of the Palestinian nation had been threatened and their collective and individual human rights had been systematically violated under a system of subjugation that represented an insidious form of colonization. In that context, she affirmed that Israel's systematic violations of international law, including the Fourth

Geneva Convention relative to the Protection of Civilian Persons in Time of War, international human rights treaties and numerous Security Council and General Assembly resolutions, were tantamount to war crimes and State terrorism.

7. Noting the concern expressed in the Special Committee's report at the deteriorating situation in the Occupied Palestinian Territories and the mounting fatalities among the Palestinian population, due to extrajudicial assassinations and indiscriminate raids by the Israeli military, she drew attention to the particular plight of the besieged population in the Gaza Strip, where more than 350 Palestinians had been killed by Israel over the previous five months alone. In all, since September 2000, the disproportionate use of force by Israel had caused the deaths of more than 4,300 Palestinian civilians, including many women and children, and had injured more than 50,000. In that context, she stressed that Palestinian civilians — and especially children — were protected under international law and deplored the failure of the international community to provide such protection against the brutality of the occupying Power.

8. During the reporting period, the occupying Power continued to detain Palestinians, and more than 10,000 Palestinians, including over 120 women and 430 children, were held in deplorable conditions in Israeli prisons with restricted access to the outside world, including to family and legal representation. It also kidnapped more than 30 democratically elected Palestinian officials. Israel continued its widespread destruction of property and land, in particular by expanding the separation wall. According to the Palestinian Central Bureau of Statistics, 14,500 people had been forcibly displaced, and B'Tselem, the Israeli Information Centre for Human Rights in the Occupied Territories, predicted that the wall would forcibly displace approximately 90,000, in a practice elsewhere labelled ethnic cleansing. Should construction of the wall continue, in blatant disregard of the advisory opinion of the International Court of Justice, approximately 60,500 Palestinians would live in the zone between the wall and the Green Line, and more than 500,000 would have no access to their families, farms or employment.

9. The wall was being built through Palestinian neighbourhoods in East Jerusalem and neighbourhoods on the eastern side of the wall were considered part of the West Bank, in order to make Jerusalem

predominantly Jewish. A similar barrier had ghettoized Bethlehem and decimated a number of its Palestinian neighbourhoods. Both had serious human rights implications for resident Palestinians. The wall was a form of collective punishment and had compounded the severe restrictions on movement imposed by the occupying Power. Palestinians found themselves imprisoned in Bantustans or cantons as a result of those restrictions, which also hampered the delivery of emergency humanitarian relief assistance. The Palestinian economy had virtually collapsed with over 50 per cent of the population in the West Bank and Gaza Strip living below the poverty line. Health and education sectors had declined dramatically and sustainable development was impossible. Her delegation was studying the report of the Secretary-General pursuant to General Assembly resolution ES-10/15 as it was of the utmost importance that the Register of Damage recommended therein should serve its intended purpose.

10. Israel was continuing its illegal settlement activities by transferring more settlers into the Occupied Territory and into the Occupied Syrian Golan. The total number of settlers had reached 460,000, of which 200,000 lived in East Jerusalem. The armed settlers were authorized to act with impunity and without regard for the human rights of the Palestinian people. Israel had acknowledged that its wall served the political purpose of annexing its illegal settlements. The wall, the settlements and the nearly 500 Israeli checkpoints were destroying the territorial integrity of the Palestinian Territory and the fabric of Palestinian society, and were an obstacle to achieving the two-State solution.

11. With regard to the situation in Gaza, any attempts to distort the facts must be rejected: Israel controlled its air and sea space and its external borders. Despite an agreement to open the Rafah border crossing, all crossings remained largely closed. The closure of the Karni crossing for substantial periods of time had had serious consequences as it blocked access to the most basic necessities. Recent violent actions by Israel, including the deliberate killing of hundreds of Palestinian civilians, the wanton destruction of vital infrastructure, and the tactic of letting loose deafening sonic booms, had caused widespread fear and panic. Those actions had caused immeasurable hardships to refugees, who accounted for nearly 70 per cent of Gaza's population.

12. Illegal Israeli policies and practices had catastrophic consequences for the human rights situation of the Palestinian population. The occupying Power must be held accountable for its crimes against the Palestinian people. It must accept and comply with the Fourth Geneva Convention. It must also comply with international law and with agreements made with the Palestinian side, including the transfer of money belonging to the Palestinian Authority under the 1994 Protocol on Economic Relations between the Government of Israel and the Palestine Liberation Organization. It was not possible to reconcile Israel's commitment to the rule of law with the human rights violations it committed. The occupation was the root cause of all problems and the remedy was a negotiated, just, political solution. In that regard, she urged the international community to work towards the attainment of a final settlement, with two States living side by side in peace and security.

13. **Mr. Taleb** (Syrian Arab Republic) deplored the fact that the Special Committee, which had been producing useful reports since its inception, had been kept from ever fully implementing its mandate by Israel's refusal to admit its representatives into the Palestinian and other Arab territories it had occupied and by security issues stemming from the unsafe situation created there by the barbaric Israeli war machine. The Special Committee must continue its investigative work, and the international community must bring the shameful chapter of Israel's criminal practices to an end. The world had been horrified when, in the summer of 2006, Israel had deliberately expanded its aggression to target Lebanon and the wider region, killing countless civilians and even United Nations peacekeepers, and not for the first time.

14. Israel refused to respect human rights and comply with international law as embodied in United Nations resolutions. It had repeatedly flouted, for example, the successive resolutions adopted by the Security Council, the General Assembly and the Commission on Human Rights that had condemned its annexation of the occupied Syrian Golan and had declared null and void the imposition of Israeli nationality on Syrian civilians and its attempt to change the Syrian nature of the Golan. As further evidence of its expansionism, Israel had since the occupation forced Syrian inhabitants off their lands and destroyed about 250 villages, and on the ruins of Arab villages it had thus far built almost 50 settlements, perpetuating its colonization of the Golan. Recently, it

had launched a major project to attract 50,000 more Israeli settlers. His Government had informed the Office of the United Nations High Commissioner for Human Rights (UNHCHR) of Israel's most recent displacement of village inhabitants from expropriated Arab land and had called for an investigation. A dam being built by Israel was also in violation of international law. The world was not aware of the full extent of the situation in the occupied Syrian Golan. The many landmines still buried in farmland, for instance, were an ever-present threat, most often harming Syrian children; and Israel was burying its nuclear waste there with no outside monitoring. Syrian citizens in the occupied Syrian Golan, however, had begun resisting by establishing their own State Council and flying the Syrian flag.

15. In the Occupied Palestinian Territory, including East Jerusalem, Israel was systematically conducting a lethal military campaign. It would soon complete construction of its separation wall on confiscated land, despite condemnation by the International Court of Justice and the General Assembly. As brought out in the Special Rapporteur's report, such actions violated the Fourth Geneva Convention ban on collective punishment of an entire people, as did the destruction of infrastructure and the restrictions on freedom of movement with their impact on the health, education and food security of the population. Furthermore, although Israel had left the Gaza Strip, it was using its continuing control of the airspace to make life even more difficult for the Palestinians.

16. At a July 2006 meeting of the Human Rights Council on the situation in the Occupied Palestinian Territory and Other Occupied Arab Territories, the Council had called for the dispatch of an urgent mission by the Special Rapporteur, and had called upon Israel to end its military operations and release detained Palestinian leaders. His Government supported the Special Committee's recommendations regarding an urgent fact-finding mission by the Special Rapporteur and the payment of compensation by Israel for damage done as a result of its military incursions and operations.

17. The Israeli authorities had exploited the silence and impotence of the international community, but it was the responsibility of the United Nations to compel Israel to stop its crimes and genocide in the Occupied Palestinian and other Arab Territories. The Arab-Israeli conflict was the oldest conflict on the United Nations agenda, as old as the Organization itself, and many decades had passed since Israel had occupied Arab

lands. A solution was possible if there was political will. Arab States had put forward constructive peace proposals, the most recent being the Arab Peace Initiative presented at the 2002 Beirut summit of the Council of Arab States. Yet Israel, strong in its military power, held to its irresponsible position and refused peace.

18. **Mr. Adaileh** (Jordan) observed that the solution to the Arab-Israeli conflict, at the core of which lay the question of Palestine, would be the ending of the Israeli occupation and the establishment of an independent Palestinian State living side by side with Israel in peace. Through the Quartet, the international community should help the parties resume substantive negotiations so that peace could be achieved through partnership, mutual trust and respect for the fundamental rights of all the peoples of the region, rather than through the pursuit of pointless or irresponsible unilateral measures.

19. Jordan believed that the Special Committee should continue to carry out its mandate until Israel ended its occupation of Palestinian and other Arab Territories and a final peace agreement was reached, and it urged Israel to cooperate with it. Both the report of the Special Committee and that of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1997 (A/61/470) documented a dangerous deterioration of the humanitarian situation in the West Bank and Gaza. Unemployment and poverty had soared; some 5,000 Palestinians had been killed and some 35,000 more injured by the deplorable shelling of civilians by Israel; targeted killings also continued, and large numbers of Palestinians remained in Israeli jails; the proliferation of checkpoints had cut Palestinian towns off from each other — to cite but a fraction of what the Palestinian people were enduring on a daily basis. The Government of Israel must discontinue its settlement activity and its construction of the separation wall in Palestinian territory, both of which contravened international law, and it must guarantee free movement of persons and goods and facilitate humanitarian assistance to the Palestinians. That would assist in the process of rebuilding confidence.

20. The Israeli practices in the Golan Heights, which included ongoing settlement activity, were also in violation of international law. Jordan called on Israel to desist from all illegal practices in the Occupied Arab Territories and to work instead with all concerned parties to achieve just and lasting peace in the region.

21. **Ms. Toledano** (Cuba) said it was regrettable that the Government of Israel had yet to authorize a visit by the Special Committee, whose work her delegation fully supported, to the Occupied Territory. It was evident that the Palestinian people continued to be systematically massacred and that the international community was unable to establish efficient mechanisms to put an end to that tragedy. Security Council draft resolutions designed to achieve a balanced approach to the crisis had been vetoed 29 times by the United States of America, whose veto use and double standards had effectively paralysed the Security Council on the question. Israel's lack of commitment was evident in a number of reports of the Secretary-General and its refusal to provide the necessary information required to carry out the General Assembly's mandate with respect to the question of Palestine.

22. The humanitarian situation in the Occupied Territory had deteriorated as unemployment and poverty had risen. The security situation had also deteriorated since the launching of Operation Summer Rain. Her delegation condemned Israel's intensive settlement of Palestinian territory and its serious breaches of international law by destroying and confiscating land and property, limiting the movement of and displacing Palestinians.

23. In blatant disregard of the advisory opinion of the International Court of Justice and of General Assembly resolution ES-10/15, Israel had completed the construction of nearly half of the separation wall which separated and isolated millions of Palestinians. At its fourteenth Summit, the Movement of Non-Aligned Countries had condemned the illegal construction of the wall, which caused considerable physical and economic damage as well as social chaos and would make it impossible to achieve a solution to the crisis. The Movement had also stressed that the serious violations of the occupying Power and its policy of colonialism continued to be the primary obstacle to a peaceful solution.

24. Cuba welcomed the report of the Secretary-General on the general framework for the establishment of a register of damage pursuant to General Assembly resolution ES-10/15 and hoped that the future office of the Register of Damage would implement the advisory opinion of the International Court of Justice. She reiterated once again the Palestinian people's inalienable right to a sovereign State with East Jerusalem as its capital and called for the unconditional

return of all Arab land occupied in June 1967, as the only way to achieve just and sustainable peace.

25. **Mr. Maqungo** (South Africa), welcoming the Special Committee's comprehensive, balanced report, expressed serious concern over Israel's continued lack of cooperation with either the Special Committee or the Special Rapporteur. Israel was denying itself a valuable opportunity to engage meaningfully with the international community and was undermining confidence in its commitment to a peaceful resolution of the Israeli-Palestinian crisis, the root cause of instability and violence throughout the Middle East.

26. The deteriorating human rights situation in the Occupied Territories could not be addressed in isolation. Since violence gave rise only to more violence, Israel must stop using air strikes in heavily populated areas and end its extrajudicial killings and illegal detentions; at the same time, the Palestinian militants must stop firing rockets on Israel. South Africa called upon Israel to immediately release the members of the Palestinian Legislative Council from detention and it encouraged the Palestinian Authority to work to secure the release of the Israeli soldier captured by Palestinian militants.

27. Israel, as an occupying Power, must, in line with the Fourth Geneva Convention, comply with its treaty obligations and recognize the applicability of the Convention to the Occupied Palestinian Territory and other Arab Territories.

28. The financial crisis the Palestinian Authority was experiencing — primarily due to Israel's withholding of Palestinian tax and customs revenues — contributed to instability and caused untold hardship to ordinary Palestinians. Such collective punishment was a contributing factor to the recent violence. A way must be found to enable the Palestinian Authority to deliver essential services to its people and improve social conditions. The economic embargo of the democratically elected Palestinian Government by some countries must also stop immediately. The Temporary International Mechanism set up by the European Union was helpful in alleviating some of the suffering, but it was only a temporary measure. The international community must act decisively to create a framework for the Palestinian Authority to receive funds from abroad. On the other hand, the failure of the Palestinian leaders to form a unity government would only result in further hardship.

29. No party to the conflict should take unilateral action in order to predetermine issues that could be resolved only through negotiation, as in the case of Israel's unlawful construction of the separation wall or its settlements, which must be dismantled. The checkpoints operated by Israel were a further source of tension and disgruntlement as the Palestinian people continued to be subjected to unjustified, degrading treatment; and they were also a major stumbling block to economic growth. Free movement and access must be guaranteed.

30. The peoples of both Palestine and Israel had a genuine desire for peace, and the security of the State of Israel was interwoven with that of its neighbours. The current hatred and violence could only be dispelled if Israel withdrew to the pre-1967 borders. At the same time, lasting peace and security could be achieved only through the full integration of Israel into the Middle Eastern community of nations. It was imperative for the Israeli Prime Minister and the Palestinian President to enter without delay into direct negotiations on a mutually agreed settlement within the framework of the road map.

31. South Africa reiterated its unwavering support for the establishment of an independent State of Palestine, with East Jerusalem as its capital, living side by side with Israel, both of them enjoying secure and internationally recognized borders. That vision of a two-State solution and the principle of land for peace underpinned any permanent settlement of the Middle East conflict.

32. **Mr. Al-Olaimi** (Kuwait) said that the Special Committee's report showed that Israel was continuing its arbitrary practices directed against the Palestinians and other Arabs in the Occupied Territories, in violation of international humanitarian law and the principles of human rights. As a result, the observance of human rights in the Territories had declined and the Palestinian people were living under extremely difficult economic and social conditions. The inhuman practices of the occupying forces — the use of excessive force which claimed many victims, the destruction of homes and infrastructure, the continuing Israeli settlements, the ban on freedom of movement which affected the general standard of living and access to health services and education, the building of the illegal separation wall — all were in flagrant violation of international humanitarian law, the Fourth Geneva Convention and the principles of human rights.

33. Israel must abide by Security Council resolution 1701 (2006) on Lebanon and pay compensation for the damage done there, and it should withdraw from all Occupied Palestinian Territories. Kuwait hoped that the Security Council itself would become more active and that the United Nations Interim Force in Lebanon (UNIFIL) would ensure the safety and security of that area. Israel was also violating international law, international treaties and human rights in the occupied Syrian Golan.

34. Important international proposals had been put forward, especially by the Quartet and by regional and international bodies to end the Israeli aggression against the Palestinian people but unfortunately Israel had not been prevented from following its unreasonable, uncivilized attacks, which had only recently left dozens more dead and wounded. Kuwait firmly supported the Palestinian people in their struggle to recover their legitimate rights and achieve independence and the creation of a State on all their lands, with Jerusalem as its capital. It also believed that the Special Committee should continue its work until the end of the Israeli occupation. Israel should implement the Special Committee's recommendations, and the international community should put more pressure on it to end its flagrant violations and move towards a peace settlement, on the basis of the road map, the relevant General Assembly resolutions, and the principle of land for peace, so that a comprehensive and just peace could be established in the Middle East. Kuwait supported the Special Committee recommendation that the General Assembly should request the Security Council to consider sanctions against Israel if it persisted in paying no attention to its international obligations.

35. **Mr. Al-Rubai** (Iraq) said that, despite their own difficult circumstances, his countrymen remained mindful of the suffering of their brethren in Palestine. The United Nations had a long history of supporting Palestinian rights, and the concern of the international community for the unique religious and cultural character of the city of Jerusalem was reflected in resolutions condemning Israeli measures designed to alter it. There were also numerous international resolutions, supporting the sovereignty of both the Palestinian people in the Occupied Palestinian Territory and the Arab residents of the occupied Syrian Golan over their land and resources. His delegation supported all these resolutions and also the Arab consensus

condemning Israeli practices in the Golan and occupied Palestinian territory.

36. Referring to the UNRWA Commissioner-General's comment on the persecution of Palestinians in Iraq, he pointed out that the ongoing terrorism in Iraq targeted everybody, including Iraqis and Palestinians. Nevertheless, his Government had opened an investigation into the sporadic attacks on Palestinians, and anyone found guilty of such crimes would be prosecuted to the full extent of the law.

37. **Mr. Alfalahi** (United Arab Emirates) expressed appreciation for the Special Committee's vital efforts to uncover the actual impact of the continuing Israeli occupation of the Palestinian and other Arab Territories, despite the refusal of the Israeli Government to cooperate with its investigations and the attempted Israeli information blackout regarding its inhumane practices and human rights violations.

38. The situation was deteriorating, as Israel continued not only to occupy Palestinian lands, pillage natural resources, loot the cultural heritage and prevent freedom of worship, but also to subject innocent Palestinians to collective punishments such as repeated military attacks, arbitrary arrests, extrajudicial killings, infrastructural destruction, blockades intended to impede freedom of movement, and the withholding of funds needed by the Palestinian Authority to ensure the basic living conditions of its people. Israel had persisted in taking unilateral actions that violated international humanitarian law and fundamental human rights, such as its current military operation in the Gaza Strip, or its illegal construction of further settlements and of an expansionist wall on Palestinian land, all of which could jeopardize the viability of a two-State solution.

39. Israel could not be allowed to go on with such practices with impunity. The international community must act urgently on the recommendations in the Special Committee's report, which should include the imposition of sanctions, the sending of an international commission of inquiry and the payment of appropriate compensation.

40. Other States and donors should reconsider their suspension of assistance to the Palestinian people since the election of the Hamas Government, in order to overcome the current humanitarian crisis and save the situation, which, if not contained, could expand to a conflagration in the entire region.

The meeting rose at 12.15 p.m.