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## Special Political and Decolonization Committee (Fourth Committee)

### Summary record of the 21st meeting

Held at Headquarters, New York, on Tuesday, 4 November 2008, at 3 p.m.

*Chairman:* Mr. Argüello . . . . . (Argentina)  
*later:* Mr. Elsherbini (Vice-Chairman) . . . . . (Egypt)  
*later:* Mr. Argüello . . . . . (Argentina)

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*The meeting was called to order at 3.10 p.m.*

**Agenda item 30: 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/63/273, A/63/482-484)**

1. **Mr. Palihakkara** (Sri Lanka), speaking as Chairman of the Special Committee, introduced its report (A/63/273). Israel's denial of access to the occupied territories had again compelled the Special Committee to examine the human rights situation in those territories by relying on a wide variety of written sources and contacts and travelling to neighbouring States to obtain first-hand information from witnesses.

2. Despite the continuation of political negotiations intended to reach a two-State solution by the end of 2008, the human rights and humanitarian situation on the ground had deteriorated and the right of the Palestinian people to self-determination remained elusive. Lack of protection for civilians and the escalation of violence had been significant factors in the overall human rights situation in the territories; Israel had continued rocket and artillery attacks, air strikes and military incursions into Gaza, while Palestinian militants continued to fire Qassam rockets from there into Israel. Despite the recent ceasefire, Gaza borders remained largely closed, and the severe restrictions on the movement of goods and people were causing significant deterioration in the humanitarian and human rights situation. Restrictions on the movement of Palestinians between the West Bank, Gaza and East Jerusalem had also been tightened, severely damaging the social and economic structures of those areas and resulting in increased reliance on humanitarian assistance. Moreover, the route of the separation wall, the steady expansion of illegal settlements, and the closure regime and associated controls were fragmenting communities and seriously infringing on virtually every right of the Palestinian people. The Special Committee was particularly concerned that those conditions would have a significant negative impact on society as a whole.

3. The human rights situation in the occupied Syrian Golan had also been deteriorating. Israeli settlements had expanded and the number of settlers had increased; Syrian citizens of the occupied Golan were reportedly denied access to water resources, and prisoners from the Golan were being held in unacceptable conditions

and subjected to torture; moreover prison authorities made it difficult for relatives to visit.

4. After drawing attention to a number of recommendations, he said that the Special Committee expected its report to be taken into account in the spirit in which it had been prepared — which was to ascertain the facts without rancour and take action to ease the suffering of the people, and facilitate the overall process of ensuring security and bringing about sustainable peace in the territories concerned.

5. **Ms. Abdelhady Nasser** (Observer for Palestine) said that, although members of the Special Committee had been unable — due to Israel's non-cooperation — to visit the occupied territories, the report accurately reflected the critical human rights situation in the Palestinian Territory and the Syrian Golan. Though ostensibly engaged in a peace process, Israel continued to breach all human rights standards. The hardships of the Palestinian people had been exacerbated in the past year, as the continuing violation of their dignity and their basic human rights had impinged on all aspects of Palestinian life, with both short- and long-term consequences.

6. Israel's occupying forces had used indiscriminate and excessive force against civilians, causing loss of innocent lives and destroying still more Palestinian property, farmland and infrastructure. The attacks had been particularly intense in the Gaza Strip. Furthermore, armed, extremist Israeli settlers illegally transferred to the Occupied Territory continued to commit acts of violence causing death and injury to Palestinian civilians, with impunity, and destroying homes and crops. That situation had been especially disturbing in Al-Khalil (Hebron).

7. The occupying Power continued to arbitrarily detain approximately 11,000 Palestinian civilians, including about 400 children and 100 women, and its ongoing campaigns of arrest, particularly in the West Bank, had kept the numbers high. According to reports by international human rights organizations, they endured mental and physical ill-treatment, solitary confinement and torture, especially during interrogations, and were denied due process. They were routinely denied family visits and continued to be transferred to prisons in Israel itself.

8. Moreover, Israel's imposition of closures and of restrictions on Palestinian freedom of movement within, into and out of the Occupied Palestinian

Territory, was, in effect, a form of collective punishment and was in violation of article 33 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. As a result, virtually all other human rights, including the right to health, education, adequate livelihood, food, water and even life were being violated. The restrictions were strangling the Palestinian economy, causing the standard of living to plummet. The situation in the Gaza Strip — now virtually an open-air prison — was particularly acute; 80 per cent of the population was dependent on food aid for survival, 90 per cent of businesses were closed and the infrastructure was collapsing.

9. In the West Bank, not only was movement obstructed by settlements, the separation Wall and bypass roads prohibited to Palestinians, but Israel still had a permit regime in effect and maintained over 600 military checkpoints, where Palestinians were daily humiliated and harassed. Palestinian access to occupied East Jerusalem had been impeded by illegal settlements, the Wall and by archaeological excavations. Palestinian institutions there had been closed, homes demolished, residency permits revoked — all in an attempt to alter the city's demographic composition and status.

10. Those human rights violations went hand in hand with Israel's ongoing settlement campaign, a massive scheme that involved continuing confiscation of Palestinian land; at least 450,000 settlers in about 150 settlements and 100 "outposts" had already been transferred to that land. The simultaneous construction of the Wall in the Occupied Palestinian Territory had separated at least 50,000 Palestinians into isolated enclaves, cutting off from the rest of the West Bank and from their own farmlands, schools, hospitals and workplaces. Settlement activity had been particularly intense in and around East Jerusalem, in the hope of ensuring a Jewish majority in the city.

11. The settlements, the Wall, bypass roads, checkpoints and other Israeli military installations, occupied about 50 per cent of the land area of the West Bank and served to further Israel's expansionist agenda. The cumulative result of that policy had been to undermine the integrity and unity of the Occupied Palestinian Territory, deepen the Palestinian human rights crisis and alter the character of the Territory. The policy was making establishment of a viable and

independent State increasingly difficult and was jeopardizing the realization of the two-State solution.

12. That was a painful assessment to have to make following the positive momentum for change generated by the Annapolis Conference. On the one hand, the Palestinian leadership continued to make every effort to advance the peace process and strengthen its national institutions. On the other hand, Israel continued its illegal practices against the Palestinian people, persisted with military operations and illegal settlement activities and violated its peace process commitments, thereby obstructing progress and calling into question its legitimacy as a partner for peace. The Palestinian people and their leaders were cognizant that a political process was the means to ending the Israeli occupation and achieving a just and lasting settlement of the question of Palestine, the core of the Arab-Israeli conflict, in all its aspects, including a just solution for the Palestine refugee problem.

13. It was the collective duty of the international community to hold Israel accountable for its illegal practices and to ensure that it complied with international law and United Nations resolutions. Political will, good faith and the rule of law were needed in order to salvage the peace process and achieve the two-State solution, which envisaged Palestine and Israel living side by side in peace and security on the basis of the pre-1967 borders, and to fulfil the national aspirations of the Palestinian people to live free, secure, and with dignity in their independent State of Palestine, with East Jerusalem as its capital.

14. **Mr. Lacroix** (France), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries and potential candidates Albania, Montenegro and Serbia; and, in addition, Armenia and Ukraine, expressed full support for the continuation of Israeli-Palestinian negotiations and encouraged both parties to take bold steps within the framework of the dialogue initiated at the Annapolis summit. That dialogue should facilitate the creation of a viable, independent, democratic and fully sovereign Palestinian State living side by side in peace with Israel and its neighbours.

15. In the meantime, the parties must desist from any action that threatened such a solution and must cooperate more with each other on the ground. In that

regard, the European Union welcomed the continuing calm between Gaza and southern Israel and hoped that it would bring further relief to the civilian population of Gaza. Stopping both parties from committing any acts of violence and terror was of the utmost importance. The European Union remained concerned at the civilian casualties caused by Israeli incursions into Palestinian areas, and strongly condemned the firing of rockets by Palestinian militias into Israeli territory. While recognizing Israel's right to self-defence, the European Union called upon it to exercise the utmost restraint and not to engage in disproportionate or unlawful action.

16. In view of the advisory opinion of the International Court of Justice, Israel must also halt and reverse the construction of the separation barrier in the Occupied Palestinian Territory, including in and around Jerusalem, wherever it diverged from the 1949 Armistice Line and was contrary to international law. Israeli settlement activities in and around East Jerusalem and in the rest of the West Bank were also contrary to international law and to Israeli commitments under the road map and must be stopped, and any new plans for settlement expansion must be abandoned. The European Union would not recognize any changes to the pre-1967 borders other than those agreed to by the parties.

17. The European Union remained concerned by continued sporadic violence and the critical humanitarian situation in Gaza. Emergency and humanitarian assistance and essential services must be allowed to continue uninterrupted. The potentially severe consequences of any reduction in the supply of electricity and fuel to Gaza were deeply troubling. The 2005 Israeli-Palestinian Agreement on Movement and Access must be implemented in full, and the parties must work urgently to reopen the Gaza crossings for both humanitarian and commercial reasons. The European Union reiterated its willingness to resume its assistance mission at the Rafah crossing as soon as conditions permitted.

18. The European Union once again urged the immediate release of the abducted Israeli soldier. It was determined to help resolve the Israeli-Palestinian conflict and bring peace and stability to the Middle East.

19. **Ms. Núñez Mordoché** (Cuba), speaking on behalf of the Non-Aligned Movement (NAM),

expressed grave concern at the deterioration of the humanitarian and economic situation in the Occupied Palestinian Territory, including East Jerusalem. The excessive and indiscriminate use of force and policy of collective punishment against the Palestinian civilian population had resulted in alarmingly high numbers of deaths, injuries, displacements and a poverty rate exceeding 65 per cent in the Occupied Palestinian Territory.

20. The Movement condemned the Israeli military occupation of the Palestinian Territory, which spanned more than four decades and had been marked by the occupying Power's grave human rights violations, including reported war crimes, against the Palestinian people. During that time, Israel had also adopted illegal practices deliberately aimed at altering the demographic composition, character and nature of Palestinian land. In addition, the occupying Power continued to restrict the movement of persons and goods and to fragment the integrity of the Territory by means of a vast network of checkpoints and the sealing-off of the Gaza Strip. It continued to arrest and detain thousands of civilians and to conduct military incursions into Palestinian population centres causing extensive loss of life.

21. In grave violation of international law and relevant United Nations resolutions, and contrary to the advisory opinion of the International Court of Justice, Israel continued to pursue its illegal colonial settlement campaign in the Occupied Palestinian Territory, expanding those illegal settlements and building bypass roads to serve them and to maintain settlement outposts. Moreover, ongoing construction of the separation wall facilitated settlement expansion and entrenchment, as well as attempts to de facto annex more Palestinian land. Israeli settlers transferred illegally to the Occupied Palestinian Territory continued to kill, injure and intimidate Palestinian civilians and destroy their property.

22. By destroying the territorial integrity and unity of the Occupied Territory, such actions were seriously undermining the prospect of establishing a viable Palestinian State and thus diminishing the likelihood of achieving a just and lasting peace settlement through a two-State solution, on the basis of pre-1967 borders. The members of the Movement reiterated their condemnation of all such illegal activities on the part of the occupying Power, and called for their immediate cessation.

23. They declared null, void and without legal effect all Israeli measures intended to alter the legal, physical and demographic status and institutional structure of the Occupied Syrian Golan, or to extend its jurisdiction to that Territory. They reiterated their support for the Palestinian people and its leadership in bringing an end to Israeli occupation, and reaffirmed their commitment to a just and lasting solution of the Israeli-Palestinian conflict and to the inalienable right of the Palestinian people to exercise self-determination in its independent State of Palestine, with East Jerusalem as its capital.

24. **Mr. Ja'afari** (Syrian Arab Republic) said that the report of the Special Committee highlighted Israel's deliberate and systematic practices aimed at altering the demographic and legal characteristics of the occupied Syrian Golan. Despite the fact that Israel's decision to impose its laws in the occupied Syrian Golan had been deemed null and void and without international legal effect by Security Council resolution 497 (1981), and despite the fact that General Assembly resolution 62/110 called upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, it nonetheless persisted in confiscating Arab lands and expanding its illegal settlements.

25. Israel continued to refuse to supply information regarding the location of the nearly one million landmines it had planted in the occupied Syrian Golan. It had also continued to bury nuclear waste in the occupied Syrian Golan, endangering the health of its citizens and the environment. The occupying Power had also refused to permit the resumption of family visits through the Quneitra crossing point, unjustly denying the right of the citizens of the occupied Syrian Golan to family reunification.

26. The catalogue of Israel's collective punishment of the Palestinians was extensive and included confiscation of lands, closure of border crossings and forced population displacement. Gaza had become the largest prison in the world, and its population were denied the essentials of life, such as food, water, electricity and medicines. It should be noted that certain international parties had defended those criminal Israeli actions and had prevented the Security Council from taking measures to end the blockade of the Occupied Palestinian Territory.

27. His delegation supported the Special Committee's recommendations, including the call for the Security

Council to consider sanctions against Israel if it persisted in paying no attention to its international legal obligations. It also called on the community of nations to take concrete measures to compel Israel to return the Arab lands it occupied, as required by international law. Peace would not be achieved until those lands had been returned.

28. **Ms. El Alaoui** (Morocco) said that, over the past few years, there had been an escalation in the gravity of the human rights violations being committed by Israel against the Palestinian people. Those violations included assassinations, economic blockade, destruction of property, settlement expansion and the seizure of land. Israel also continued to deny the Palestinians their legitimate right to self-determination. The financial blockade imposed on the Palestinian Authority had rendered it incapable of providing vital services, thus contributing significantly to the deterioration of the human rights situation.

29. Her country had always sought to bring about comprehensive and lasting peace in the Middle East on the basis of international resolutions and of the agreements concluded between the parties, with the ultimate goal of creating an independent Palestinian State, with Al-Quds al-Sharif as its capital. In that connection, her delegation called for an end to all human rights violations. Finally, she said that her country was extremely concerned by Israeli efforts to Judaize the area adjacent to the Al-Aqsa Mosque.

30. *Mr. Elsherbini (Egypt), Vice-Chairman, took the Chair.*

31. **Mr. Berrah** (Algeria), noted the Special Committee's assessment, in its report, that prospects for resolving the Israeli-Arab conflict were dim and expressed grave doubts about Israel's willingness to work towards the establishment of a viable Palestinian State, given its pursuit of policies aimed at fragmenting the Territory, and its refusal to seriously address the questions of Palestine refugees and the status of Jerusalem.

32. His delegation was particularly concerned at the occupying Power's consistent pattern of human rights violations in the Occupied Territories and its utter disregard for international law and the views of the international community. Successive Israeli administrations had invoked the right to self-defence; that was a complete distortion of reality whereby executioner was characterized as victim and vice versa.

33. It was hard to understand how democratic nations founded on the principle of human rights and fundamental freedoms could remain passive in the face of the suffering inflicted upon Palestinian and Syrian populations by Israeli occupation forces and settlers. Israel's systematic refusal to fulfil its commitments vis-à-vis the Palestinians was equally baffling, as was the inability of the United Nations and the Quartet to take concrete steps towards a just and lasting peace that would safeguard the Palestinian people's right to exist within a viable State with internationally recognized borders.

34. It was essential for the international community to take action — rather than just talking — to halt and reverse the construction of the separation wall; put an end to the expansion of settlements; reach a just and lasting settlement of the Palestine refugee question; end the closure policy and the economic restrictions that were making Palestinians increasingly dependent on Israel for food and water; and stop the annexation of Palestinian lands. Failure to take decisive action would jeopardize the political process relaunched at Annapolis the year before.

35. The United Nations and the Quartet must also redouble their efforts to implement the road map. Given the general consensus regarding the need to establish a viable and sovereign Palestinian State a way must be found to bring an end to the violence once and for all. The parties should be pressed to undertake serious final status negotiations and to fulfil their commitments and respect the principles of the Charter of the United Nations and of international law. Furthermore, Member States must honour their collective commitment to provide the Palestinian Authority with the necessary support. Finally, the donor community must also support the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and other humanitarian organizations.

36. **Mr. Al Hadhrami** (Yemen), noting that the Israeli occupation authorities continued to pursue policies designed to undermine the peace process, such as settlement building, blockade and collective punishment — all of which contravened the Fourth Geneva Convention — and that Israel had imposed an economic blockade on the nearly 1.5 million Palestinians living in the Gaza Strip, as a result of which nearly 80 per cent of the population now relied on food aid from international organizations, said that

the community of nations must uphold its responsibility towards the Palestinian people. His delegation condemned Israel's illegal attempts to annex the Occupied Syrian Golan and pledged its renewed support for the inalienable rights of the Palestinian people and for their struggle to establish an independent State, with East Jerusalem as its capital.

37. Finally, his delegation supported the Special Committee's recommendations, including its call for the Security Council to ensure the implementation of the advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15 and to consider sanctions against Israel if it persisted in paying no attention to its international legal obligations.

38. **Mr. Amil** (Pakistan) said that the Special Committee's report corroborated the information contained in many other reports by the United Nations and other international bodies. The hopes generated by the Annapolis conference in 2007 had been predicated on the creation of an environment conducive to good-faith and result-oriented negotiations. However, Israel's incessant use of force, and its collective punishment of the Palestinian people had, instead, undermined prospects for peace. He therefore called on all sides to shun violence and to respect their obligations under international human rights law and international humanitarian law.

39. Israeli policies and practices, including its restriction of the Palestinian population's freedom of movement and the continuing blockade of the Gaza Strip, were responsible for a whole range of human rights violations and hardships for the people of the occupied territories. The damages resulting from the occupation must be compensated justly in accordance with international law.

40. The 60th anniversary of the dispossession of the Palestinian people was a stark reminder of the international community's obligation to bring about a just and lasting settlement of the question of Palestine. To realize that objective, it was essential to end the occupation of all Arab territories and achieve a durable solution to the Arab-Israeli conflict through dialogue and negotiation in accordance with the relevant United Nations resolutions and the norms of international law. Accordingly, it was incumbent upon the international community to revive the peace process and reiterate its commitment to the establishment of an independent,

sovereign and viable State of Palestine with pre-1967 borders and Al-Quds al-Sharif as its capital.

41. **Mr. Laher** (South Africa) said that the report of the Special Committee showed that the illegal Israeli practices in the occupied territories had not only continued but also intensified, with accelerating settlement expansion and resumption of house demolitions in the West Bank, notwithstanding the dramatic improvement in the security situation for Israel as a result of the sustained Palestinian ceasefire, as well as positive developments on the political front. Given Israel's clear and specific obligations under international law, the report's accounts of widespread violations of rights of all kinds and of the failure to investigate and prosecute those responsible were disturbing. His delegation endorsed the view of the Special Committee that such a culture of impunity effectively rendered meaningless the human rights of the Palestinians. Meanwhile, the international community had done little to address the situation, or to lift the siege on the civilian population of Gaza.

42. Israel's right to self-defence did not entitle it to violate the rights of innocent civilians, particularly those who had been living under its military occupation for more than 40 years. Moreover, illegal Israeli practices undermined the basic rights and aspirations of people throughout the region, including Israelis, because they fuelled the continuing cycle of violence and the collapse of the Palestinian economy. It was therefore necessary to continue publicly to object to those policies and actions which were illegal and immoral.

43. **Mr. Siam** (Lebanon) said that, contrary to its assertions, Israel was not seeking peace; that fact was borne out by its practices in the Occupied Palestinian Territory, which had been thoroughly documented both by the Special Committee and by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

44. According to his most recent report (A/63/326, paras. 3 and 5), further prolongation of the occupation constituted a deepening threat to and a cumulative encroachment upon the right of self-determination of the Palestinian people. It was also clear that, from the perspective of international law, the Gaza Strip remained under Israeli occupation, with legal responsibilities attendant on being the occupying

Power, and that the Geneva Conventions remained fully operative.

45. If Israel truly desired peace, it should uphold the Charter of the United Nations, and enter into serious negotiations aimed at achieving a just settlement of the Israeli-Palestinian conflict. Such a settlement would be predicated on total Israeli withdrawal from occupied Arab lands and the establishment of a Palestinian State, with Al-Quds al-Sharif as its capital.

46. It was incumbent on the Organization to take greater responsibility for resolving the Arab-Israeli conflict, starting with urgent measures aimed at ensuring that Israel fulfilled its obligations as the occupying Power.

47. *Mr. Argüello (Argentina) resumed the Chair.*

48. **Mr. Mbaye** (Senegal) said that despite the fact that the international community was celebrating the sixtieth anniversary of the Universal Declaration of Human Rights, the Palestinian people had yet to enjoy their basic rights to, inter alia, self-determination, freedom of movement, health, life, liberty and security because Israel persisted in ignoring the international instruments to which it was a Party. Full enjoyment by the Palestinian people of those rights therefore depended upon Israel's withdrawing from the occupied territories, and putting an immediate halt to the expansion of settlements and the construction of the separation wall, and on the establishment of a viable, sovereign and independent Palestinian State.

49. His delegation therefore urged the State of Israel to find, on the basis of its own people's history of suffering, the will to end the suffering inflicted daily on the population of the occupied territories. It urged the negotiators to find a solution that would allow the peoples of the region to live together in peace. It urged the State of Israel to allow the Special Committee to visit the occupied territories in order to carry out the mandate given the Special Committee by the General Assembly. Finally, it called on the international community, and in particular the Security Council, to ensure that the Special Committee's recommendations were effectively implemented with a view to promoting and protecting the rights of the Palestinian people and other Arabs of the occupied territories.

*The meeting rose at 5.45 p.m.*