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Statement by Ms. Nadya Rasheed, Counsellor, before the Special Political and Decolonization Committee (4th Committee), 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, 61st Session, 6 November 2006:(Please Check Against Delivery)

As we meet today in this Committee, Israel, the occupying Power, is deliberately committing gross and systematic violations of international law in the Occupied Palestinian Territory, including East Jerusalem. Israel's brutal actions, in particular in the Gaza Strip, require immediate intervention by the international community to prevent the killing of more innocent Palestinians.

As such, Mr. Chairman, the item on 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* continues to be of utmost importance and relevance to my delegation. In this regard, we would like to extend our appreciation to Ambassador Kariyawasam of Sri Lanka, Ambassador Camara of Senegal and Ambassador Hamidon of Malaysia for their efforts in carrying out the mandate entrusted to them. It is clear that this is a critical issue with far-reaching political, security, humanitarian and socioeconomic implications and consequences for not only the Palestinian people and the Middle East region, but for the entire world. Thus, the work of the Special Committee to Investigate Israeli Practices must be viewed as an important part of the international community's efforts here at the United Nations to address this very serious issue.

I would also like to draw specific attention to the recent report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967, which complements the Special Committee's report (A/61/471). The Special Rapporteur, Professor John Dugard, had the opportunity to actually visit the Occupied Palestinian Territory, including East Jerusalem, and his first-hand account of the situation is as distressing as it is precise. His report, along with the reports of other U.N. Special Rapporteurs' and countless international human rights organizations, irrefutably reveal the harsh realities and deplorable human rights situation of the Palestinian people under Israeli occupation.

Mr. Chairman,

Throughout the thirty-nine years of occupation, the Palestinian people have endured constant threats to their national existence, and systematic violations of their human rights, both individual and collective. It is an occupation that has been transformed into a most insidious form of colonization, with the obvious aim of annexing as much Palestinian land and resources as possible. It is a system of control, backed by legal, political, economic, cultural and psychological structures intent on keeping the entire Palestinian people under its submission.

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

For the purpose of this debate, it is imperative to recall that the Fourth Geneva Convention relating to the Protection of Civilian Persons in Time of War, which governs military occupation, is applicable to the entire territory occupied by Israel since 1967, including East Jerusalem. This has been reaffirmed in twenty-seven Security Council resolutions, countless General Assembly resolutions, and by the International Court of Justice in its Advisory opinion of 9 July 2004. It is also important to recall that the Court and other organs of the U.N. have also affirmed the applicability of the International Covenant on Civil and Political Rights (ICCPR) the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child in the Occupied Palestinian Territory. However, in spite of this, the occupying Power has chosen to continue to deliberately engage in the violation of international law, including international humanitarian law and human rights law in the Occupied Palestinian Territory, including East Jerusalem. Moreover, it is undeniable that Israel has not only committed systematic human rights violations against the Palestinian people, but has committed countless acts constituting war crimes and State terrorism.

Mr. Chairman,

It must be stated clearly that the grave human rights situation of the Palestinian people must be viewed in the context of Israel's belligerent military occupation, which is, in and of itself, a grave violation of the rights of the Palestinian people, including their inalienable right to self-determination and freedom. Despite Israeli attempts to portray the situation otherwise, this is the real context - there is an occupying Power and there is an occupied people, a civilian population, who under international humanitarian law, are considered protected persons and whose safety and well-being the occupying Power is under obligation to ensure.

Having said that, the consequent reality facing the Palestinian people has not been one in which their safety or well-being has been taken into account. Rather, each year their lives have steadily and gravely deteriorated in all aspects. As reflected in the report of the Special Committee, over the past year, Palestinian fatalities continued to mount as a result of the occupying Power's illegal practice of extrajudicial executions and its launching military raids and indiscriminate attacks against Palestinian cities, towns, villages and refugee camps.

The besieged population living in the Gaza Strip has especially suffered at the hands of Israel's brutal aggression. In the past week alone, Israeli military aggression against the northern town of Beit Hanoun has resulted in the killing of at least 50 Palestinians, bringing the total number of Palestinians killed by Israel in the Gaza Strip alone to over 350 just in the past five months. During the latest aggression, a number of children have been killed. The most recent tragedy occurred today when Israeli Occupying forces fired a missile at group of youths on their way to school, killing a 16-year-old and injuring six other children. And, on Saturday a 12-year-old Palestinian child was killed by Israeli sniper fire. Since September 2000, the disproportionate and indiscriminate use of force by Israel, the occupying Power, against the defenseless civilian Palestinian population resulted in the killing of more than 4,300 Palestinians, including over 250 women and 850 children as well as the injury of more than 50,000 people, many of whom are now permanently disabled.

Israel's killings of Palestinian civilians constitute flagrant violations of the inalienable right to life and constitute grave breaches of international humanitarian law. We reiterate in this regard that, under international law, the Palestinian civilians - and especially children - are protected

persons, for whom the international community has thus far failed to ensure their protection from the brutality of the occupying Power.

Mr.Chairman,

During the reporting period, the occupying Power continued to arrest and detain Palestinians. In March of this year, Israeli occupying forces, backed by helicopters, tanks, bulldozers and armoured personnel carriers, carried out a military attack against the prison in Jericho. The attack resulted in the killing of two Palestinians and the injury of more than 35 others. They demolished its walls with armoured bulldozers and, using megaphones, called on the 200 Palestinians prisoners and guards inside the prison to surrender or else they would be killed. Israeli occupying forces proceeded to force over 170 Palestinian prisoners to leave the prison without their clothes on and captured six Palestinian prisoners who they illegally transferred to an undisclosed location in Israel. Moreover, during the reporting period, the occupying Power has also kidnapped more than 30 democratically elected Palestinian officials. Today, there are more than 10,000 Palestinians, including over 120 women and 430 children, who continue to be held in Israeli prisons or detention centers in the most deplorable and unsanitary conditions, with extremely restricted access to the outside world, including families and legal representation. Their have been countless reports of Palestinians being subjected to severe harassment and humiliation, physical abuse and even torture by the occupying forces.

Mr. Chairman,

Israel, the occupying Power, has also continued to deliberately cause widespread and wanton destruction of property throughout the Occupied Palestinian Territory, including East Jerusalem. Hundreds of more homes have been destroyed, rendering thousands of families' homeless and water, sewage and electricity networks, irrigation wells, municipal and social institutions and hundreds of roads have been severely damaged. Thousands of dunums of agricultural land have also been flattened and hundreds of thousands of productive trees have been uprooted.

The destruction of property specifically in connection with the building by Israel of its expansionist Wall in the Occupied Palestinian Territory, including East Jerusalem, has been extensive. Thousands of Palestinians have been dispossessed and displaced once again. The Palestinian Central Bureau of Statistics has estimated that nearly 14,500 persons have been displaced by the Wall and B'Tselem, the Israeli human rights organization, has estimated that the Wall will displace some 90,000 Palestinians. In other parts of the world, the forced displacement of persons by means of human rights violations is labeled ethnic cleansing.

At present over 50 percent of Wall is completed. Eighty percent of the Wall is built within the Occupied Palestinian Territory, mainly in an attempt to incorporate the illegal settlement of "Ariel", extending some 22 km into the West Bank. If Israel continues to build its unlawful Wall, in defiance of the calls of the international community and in flagrant disrespect of the International Court of Justice's Advisory Opinion, an estimated 60,500 West Bank Palestinians living in 43 villages and towns will reside in the closed zone between the Wall and the Green Line. More than 500,000 Palestinians living within the 1km of the Wall will be cut off from their farms and jobs as well as from family.

Moreover, the 75 km Wall being built around Jerusalem (of which only 5 km are on the Green Line) is the instrument being used to effect major changes in the city by seeking to ensure that

Jerusalem assumes a predominately Jewish character. This is being done by constructing the Wall through the Palestinian neighborhoods in East Jerusalem and classifying neighborhoods on the eastern side of the Wall as belonging to the West Bank. Indeed, this has severe human rights implications for the some 230,000 Palestinians living in Jerusalem. The Special Rapporteur Professor Dugard states in his report that "the construction of Wall in order to achieve the Judaization of Jerusalem is a cynical exercise in social engineering that imposes severe hardships on all aspects of Palestinian life." Unfortunately, the historic city of Bethlehem has suffered the same fate as Jerusalem, as it is surrounded by a mix of concrete slabs, razor wires fences, trenches and sniper towers which completely undermine the historic character of the city. The Wall has ghettoized Bethlehem and has decimated a number of Palestinian neighborhoods.

Of course, the Wall has also compounded the extremely difficult situation with regard to the freedom of movement as a result of the severe restrictions being imposed by the occupying Power on the movement of persons and goods, including humanitarian assistance, throughout the Occupied Palestinian Territory, including East Jerusalem. At present, there are also more than 73 gates in the Wall, many which are akin to international border crossings, that are closed off to Palestinians. Moreover, Israel has also imposed this form of collective punishment on the Palestinian population through a combination of military closures, curfews and checkpoints and roadblocks throughout the Occupied Territory. Travel is restricted between and, in some cases, even within Palestinian cities and towns. The result has been the immobilization and imprisonment of the Palestinian people in several Bantustans or cantons. As noted in the report of the Special Committee, as well as in the reports of several U.N. agencies in the area, these restrictions have also detrimentally impacted the delivery of emergency humanitarian relief and assistance for the Palestinian people. Moreover, the constant siege and restrictions have caused the virtual collapse of the Palestinian economy, making poverty rampant, with more than 50 percent of Palestinians in the West Bank and over 75 percent of Palestinians in Gaza living below the poverty line. In Gaza, that means that three quarters of the population is unable to feed itself without assistance, a 30 percent increase in just over a year. Having said that, sustainable development remains impossible, and the impact on the social, health and education sectors has been immense. The immediate result has been a severe decline in the socioeconomic and health conditions of the Palestinian people and the potential long-term consequences in this regard are extremely distressing.

It should be noted that the Secretary-General of the United Nations has presented his report concerning the Register of Damage in connection with paragraphs 152 and 153 of the Advisory Opinion of the International Court of Justice of 9 July 2004 on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including in and around East Jerusalem. The present report describes the institutional framework required for the implementation of the decisions contained in paragraph 4 of the resolution ES-10/15 of 20 July 2004 adopted at the tenth emergency special session of the General Assembly. My delegation is in the process of studying the report very closely, as it is of the utmost importance that the Register serves its intended purpose.

The occupying Power has also continued to pursue its illegal settlement activities, including the transfer of even more settlers into the Occupied Palestinian Territory, including East Jerusalem, as well as into the Occupied Syrian Golan. In this year alone, the occupying Power has invited tenders for the construction of more than 950 housing units in illegal settlements in the West Bank. The number of illegal settlers throughout the Occupied Palestinian Territory now numbers over 460,000 persons, 200,000 of those illegal settlers reside in Occupied East Jerusalem. It is evident,

that these armed settlers throughout the Occupied Palestinian Territory are permitted by the occupying Power to act with complete impunity, and with protection, and with total disregard for the human rights of the Palestinian people. In this regard, during the recent period, illegal settlers continued to harass and terrorize Palestinian civilians, including children on their way to school, destroy Palestinian property, steal Palestinian crops and harvests and cause harm to the civilian population, including murder.

It is clear that Israel can no longer justify the Wall, or its illegal settlements for that matter, as a "security measure," as it has openly acknowledged that the Wall serves as a political purpose to annex its illegal settlements. The Wall, along with the settlements and Israel's nearly 500 checkpoints-checkpoints that constantly remind Palestinians of Israel's control of their lives and to humiliate them in the process- are destroying the contiguity and territorial integrity of the Palestinian Territory, isolating Occupied East Jerusalem from the rest of the Territory, devastating the Palestinian economy and destroying the very fabric of Palestinian society and taking us further away from the possibility of actually achieving the two-State solution.

Mr. Chairman,

I would like to turn the attention of this Committee to the situation in Gaza. In this connection, any and all attempts by the occupying Power to distort the facts on the ground must be rejected, especially any that falsely claim that Gaza is no longer occupied. In fact, it was evident within days after Israel's so-called disengagement that Gaza remained under its effective control. This control was manifested in a number of ways, including Israel's control of Gaza's air space, sea space and external borders. Although an agreement was brokered by US Secretary of State for the opening of the Rafah border crossing to Egypt, to be monitored by European Union personnel, all of the crossings have remained largely closed. The closure of Karni crossing for goods for substantial periods has had particularly serious consequences for Gaza, resulting in the denial of access of the most basic necessities, including basic food supplies, such as flour and even baby milk formula as well as medicine. In effect, as stated by the Special Rapporteur, "Gaza is a prison and Israel seems to have thrown away the key".

Actions speak louder than words and the above dispels any myth asserting that the occupying Power has ended its control over Gaza. Moreover, over the past few months and especially in the past few days, the savage and brutal actions unleashed by the occupying Power against the Gaza population are further evidence of their continued control. This brutal military campaign has involved, *inter alia*, the occupying Power's deliberate use of excessive force, including the firing of an average of 200-250 shells a day since the end of June of 2006 into densely populated civilian areas, which have resulted in the killing and injury of hundreds of Palestinian civilians, including women, children, elderly and disabled persons, the continuation of extrajudicial killings, the vast and wanton destruction of vital infrastructure, such as Gaza's only domestic power plant that supplies 43 percent of Gaza's daily electricity. The occupying Power also destroyed homes, properties, agricultural land, and institutions of the Palestinian Authority, and the continued collective punishment of the entire population. Moreover, the occupying Power has continued to deploy a terrifying new tactic against Palestinian civilians in the Gaza Strip by letting loose deafening sonic booms that cause widespread fear, induce miscarriages and traumatizes children. Palestinians liken the sound to an earthquake or huge bomb. They describe the effect as being hit by a wall of air that is painful on the ears, sometimes causing nosebleeds and "leaving you shaking inside".

The situation in Gaza has especially caused immeasurable hardships to the refugee population, which accounts for nearly 70 percent of the Gaza population. One issue of grave concern relates to the more than 3,400 Palestinians, who are now internally displaced, some for the second and third time in their lives, as a result of the Israeli military aggression in the Gaza Strip. This is mainly due to the fact that hundreds of families living in neighborhoods in Gaza Strip were forced to flee their homes in terror after receiving threatening telephone calls from the Israeli occupying forces telling them they had only a short time to abandon their homes before they were shelled and demolished. In a number of cases, however, fake calls were recorded by the occupying forces and no shelling occurred. This new tactic of psychological warfare, undoubtedly, has caused panic and fear to spread among the Palestinian civilian population already suffering from severe psychological trauma as result of Israel's brutal occupation.

Mr. Chairman,

It is clear that the overall impact of the above-mentioned illegal Israeli policies and practices on the human rights situation of the Palestinian population has been catastrophic. Israel, the occupying Power, must be held accountable for all of these violations, crimes and atrocities against the Palestinian people. Moreover, it must be compelled to accept the *de jure* applicability of the Fourth Geneva Convention and it must fully comply with its provisions and adhere as well to other relevant provisions and instruments of international law, including international humanitarian law, human rights law and U.N. resolutions. It cannot be allowed to continue committing such serious violations and grave breaches with impunity. Israel should also comply with agreements it has signed 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.

All those who respect international law should see eye to eye with the statement made in the report of the Special Rapporteur, in that it continues to remain difficult to reconcile Israel's commitment to the rule of law with the litany of violations of human rights committed against the Palestinian people. How can Israel claim to respect the rule of law when it stands accused of serious violations of human rights and international humanitarian law? It cannot, nor can it continue to use the guise of "security" to persist in subjugating an entire people.

The occupation is the root cause of all ongoing and emerging problems, the real remedy for which is a negotiated and just political solution and not a violent military solution or a unilaterally imposed unjust solution. The international community must work collectively towards ending the occupation and attaining a final settlement with two-States living side by side in peace and security. Part of that important role is the effort here at the United Nations. The United Nations, in particular, continues to have a unique and critical role to play in its permanent responsibility towards the question of Palestine until it is resolved in all its aspects. It is thus our hope that all the resolutions under this item will receive the necessary and deserved support.

Thank you, Mr. Chairman.