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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE SECOND PART (PUBLIC)\* OF THE 21st MEETING

Held at the Palais des Nations, Geneva,  
on Friday, 28 March 2003, at 4.05 p.m.

Chairperson: Ms. AL-HAJJAJI (Libyan Arab Jamahiriya)

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\* The summary record of the first part of the meeting appears as document  
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The public part of the meeting was called to order at 4.05 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (E/CN.4/2003/31-37, 38 and Add.1, 39, 40 and Add.1, 41, 42, 44 and 45; E/CN.4/2003/G/7, 37, 38 and 47; E/CN.4/2003/NGO/28, 35, 54, 60, 61, 63, 68, 72-76, 102, 109, 117, 130, 136, 157, 162, 164, 166, 181, 188, 191, 194, 195, 204, 212, 226, 231-239, 241-244, 249, 263 and 265)

1. Mr. BAUM (Special Rapporteur on the situation of human rights in the Sudan), introducing his report (E/CN.4/2003/42), said that the peace process in the Sudan, though fragile, was raising high expectations. Peace, democracy and human rights were inextricably linked, and he had made 12 concrete proposals on how human rights should be integrated into the peace process. Unfortunately, although there had been some improvement following the ceasefire agreements, human rights abuses had basically not diminished either in the north or in the south. The newly agreed ceasefire provisions should be implemented fully. The human rights situation in the Sudan should remain on the Commission's agenda.

2. The peace process needed to incorporate ethnic groups and the political opposition, which had so far been left out. The strengthening of civil society was vital to the sustainability of the process and he called upon donors to make that one of their priorities. The High Commissioner had made clear his intention to accompany the peace process and the Secretary-General appeared to favour greater involvement of the United Nations in the Sudan pending the outcome of the peace talks.

3. The situation in Western Upper Nile remained of great concern. Government-allied militias had been carrying out attacks on civilians in recent months, reportedly as an extension of the Government's strategy of depopulating oil-rich areas to clear the way for infrastructure development. Tactics apparently included the abduction of women and children, gang rape, and ground assaults supported by helicopter gunships. Reports had also been received of the forced recruitment of children into Government-allied militias.

4. The conflict in Darfur, in the west of the country, affected a quarter of Sudan's total population: serious conflict-resolution measures were urgently required if the rapidly deteriorating situation was not to destabilize the whole country. The Government's response to the continuing mass executions and aerial bombardment of densely populated areas had not been successful; he called for a genuine peace process for Darfur and fully supported Amnesty International's call for an independent commission of inquiry.

5. Despite the undertakings it had given, the Government had not lifted the state of emergency, had not established a national human rights institution, and had not signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or the Convention on the Elimination of All Forms of Discrimination against Women. Arbitrary detentions and torture continued and censorship still threatened the freedom of opinion and

expression. Freedom of movement and freedom of assembly were generally not guaranteed and discrimination against churches continued. One positive element, however, was that no new cases of abductions of women and children had been reported since June 2002.

6. In the areas controlled by the Sudan People's Liberation Movement/Army (SPLM/A), in the south, military structures had not yet been replaced by civilian ones. In order to strengthen civil society in the south, it would be necessary to revive the judiciary and extricate the traditional chief-led structures from the grip of the military.

7. Sudan needed not only criticism but also help and encouragement; that was his interpretation of his mandate.

8. Mr. MIRGHANI IBRAHIM (Sudan) said his Government was firmly committed to the respect, promotion and protection of human rights and fundamental freedoms, and to full cooperation with the Commission's mechanisms. In that context, it had extended invitations to the Special Rapporteur and many international non-governmental organizations (NGOs) to visit the country. His delegation welcomed the Special Rapporteur's report, which contained many positive comments, and in particular the section dealing with human rights violations in rebel-controlled areas.

9. His Government welcomed the proposal that the United Nations should play a greater role in supporting the current peace process as well as the appeal to the donor community to gear its assistance to long-term development projects. It also appreciated the importance the Special Rapporteur attached to human rights as the central element of the peace talks.

10. He was pleased to report that, on 4 February 2003, the Government had signed a joint communiqué on strengthening the Memorandum of Understanding on the cessation of hostilities. On 18 February 2003, it had agreed to extend the ceasefire for three months, starting 30 March 2003, and the agreement on humanitarian access had been renewed for one year up to 31 March 2004.

11. His Government was acting to put a stop to the abduction of women and children and many of the 2,000 identified victims had been reunited with their families. The President had also issued a decree, on 8 February 2003, establishing the National Commission for International Humanitarian Law.

12. The Special Rapporteur's statement that the Government was implicated in the fighting in the Western Upper Nile was misleading. The militias were in fact tribal military men who had defected from the rebel movement in the late 1990s. All that currently linked them with the Government was the fact that they had a common enemy: the SPLM/A.

13. The situation in Darfur was the result of environmental deterioration: desertification caused by a lack of water and pasture land was pitting nomadic tribes against farmers. The Government had adopted a three-pronged solution, involving the revival of traditional processes of reconciliation, implementation of rural development schemes and combating the illicit arms trade.

14. The report referred to certain individuals as political detainees. His Government, however, considered those cases to fall under the jurisdiction of the ordinary courts.

15. With regard to discrimination and harassment on the basis of religion, he said that no Sudanese any longer required an exit visa to leave the country; and Christians were currently able to take courses in Christianity in public schools and to sit examinations on the subject.

16. Referring to the security measures imposed under the state of emergency, he said that the state of emergency had been declared in response to national security needs arising out of the war in the south and banditry in the west, and that human rights and freedoms were not affected by the measure.

17. Mr. CUTILEIRO (Special Representative of the Commission on the situation in of human rights in Bosnia and Herzegovina and Serbia and Montenegro), introducing his report (E/CN.4/2003/38), said that the recent proclamation of a state of emergency in Serbia, following the assassination of the Prime Minister, Zoran Djindjić, had involved substantial derogations from the State's obligations under article 4 of the International Covenant on Civil and Political Rights. While he understood that exceptional measures were required to deal with the threat to democratic institutions, he was nevertheless concerned that the derogations had been stated in insufficiently precise terms to admit clear application and appeared to permit measures that went beyond those strictly required to meet the exigencies of the situation. Objective mechanisms for monitoring such measures should be put in place.

18. He hoped that the state of emergency would not further undermine the independence of the judiciary, a problem referred to in his report: certain judges and prosecutors had already been summarily removed in the past few weeks.

19. One of his major concerns was the lack of progress in investigating the mass graves in Serbia: another one had recently been discovered at a military/police compound near Belgrade. The evidence pointed to a large-scale, clandestine criminal operation, yet not a single criminal prosecution had been initiated. The problem appeared to be a lack of genuine commitment, and of cooperation between, in particular, the police and the State prosecutor's office.

20. If the reforms the late Prime Minister had so vigorously and courageously pursued were to be maintained, and if organized crime was to be successfully eliminated from Serbian society, the reformist Government must be given full support by the international community.

21. Turning to Kosovo, he said that, since his report had been finalized, the Special Representative of the Secretary-General (SRSG) had decided to accelerate the transfer of many of his powers to the Provisional Institutions of Self-Government (PISG). While the encouragement of greater responsibility and accountability on the part of local institutions was welcome, it was to be hoped that the eight benchmarks introduced by the SRSG in May 2002, would continue to be applied in evaluating the devolution process, particularly with regard to the capacity and political commitment of the Albanian majority. Injudicious application of the policies and neglect of human rights standards might lead to premature, unsustainable devolution. Kosovo would require ongoing attention from the international community, if human rights were to be properly upheld by the various authorities there.

22. He called for continued monitoring of the human rights situation of ethnic minorities living in Kosovo or displaced to other parts of Serbia and Montenegro. Owing to the complexities of the applicable legislation, victims of human rights violations might not have adequate remedies available to them. He welcomed the efforts made by the United Nations Interim Administration Mission in Kosovo (UNMIK) to increase the representation of ethnic minorities within the judiciary, although the process of recruitment had been unacceptably delayed by the Kosovo Assembly's politicization of the issue.
23. The problems of Bosnia and Herzegovina stemmed directly from the internal conflicts of the 1990s. The country had still to deal with the legacy of war. A considerable amount of legislation had been adopted, not all of which was internally coherent, however, and implementation lagged far behind. In the economic sphere, the Government was currently drafting a development strategy to deal with the problems, but it appeared to be a somewhat unfocused process. The implementation of property laws had progressed and a rate of 72 per cent repossession of pre-war property had been achieved, but the repossession was largely technical, with property owners still reluctant to return to their residences. In some areas, separate schools for different nationalities still existed.
24. War crimes prosecutions and cases of missing persons were a microcosm of the general situation of the rule of law in the country. With insufficient qualified judges to deal with such cases, and no system of witness protection, there had been few national prosecutions in Bosnian courts. In particular, family members reported that their repeated requests for information had remained unanswered. That issue was linked to other problems, such as trafficking in women, corruption and organized crime.
25. The Bosnian Government was not entirely to blame for the situation. The international organizations still wielded enormous influence in the country and there were often competing interests within the international community, facts that increased the inherent weakness of the Government, which was still unable to make fully independent decisions on vital policy issues. Bosnia and Herzegovina could not yet be said to function as an independent sovereign State.
26. Mr. VUKASINOVIC (Observer for Bosnia and Herzegovina) said that the human rights situation in his country had significantly improved and a comprehensive process of reforms and democratization was under way. Free and fair general elections had been held in October 2002 and, since its admission to the Council of Europe in April 2002, Bosnia and Herzegovina had accelerated the process of legal reforms.
27. The implementation of the Decision on the Constituency of all the Peoples on the territory of Bosnia and Herzegovina was continuing in order to guarantee the equality of all peoples throughout the country and there had also been an outstanding improvement in the implementation of property laws under annex VII to the Dayton-Paris Peace Agreement. In September 2002, the overall rate of repossession of pre-war property had reached 62 per cent and it was hoped the process would be accelerated, since property repossession was a precondition for the return of refugees and internally displaced persons.
28. His Government had established a Special Council for processing war crimes which would cooperate with the International Criminal Tribunal for the Former Yugoslavia in the

Hague. It hoped that such cooperation would help to remove the false impression of collective responsibility and be a crucial element for reconciliation among the signatories to the Dayton-Paris Peace Agreement.

29. Trafficking in human beings was an important regional issue and an action plan to prevent it had recently been adopted. Agreements had also been signed on cooperation in the field of protection of trafficked victims with NGOs and the International Organization for Migration (IOM). The Criminal Code of Bosnia and Herzegovina provided a legal framework for the prosecution of the perpetrators of such trafficking.

30. The authorities of his country were cooperating actively with the European Union, the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE) to harmonize their legislature and judiciary with European standards as a crucial element towards further improving human rights protection.

31. Mr. SCEPANOVIĆ (Observer for Serbia and Montenegro) said that the recent constitution of the Parliament, election of the President and inauguration of the Council of Ministers marked the finalization of the process for establishing institutions under the State union of Serbia and Montenegro. Meanwhile, the establishment of the new Ministry for Human and Minority Rights and the adoption of a Charter of Human Rights, Minority Rights and Civil Liberties provided an important domestic legal framework for strengthening democracy and promoting human rights.

32. Serbia and Montenegro had been invited to become the forty-fifth member of the Council of Europe in appreciation of the efforts made towards the democratic transformation of the country and respect for and protection of human rights.

33. A great deal had been achieved in the two years since democratic authorities had taken office - Serbia and Montenegro had signed and ratified all the key international conventions in the field of human rights and reaffirmed its commitment to all the international conventions regarding human rights concluded by the former Socialist Federal Republic of Yugoslavia within the framework of the United Nations. It was also firmly committed to promoting and cooperating with the International Criminal Tribunal for the Former Yugoslavia.

34. All his Government's efforts were being made in an economy devastated by protracted crisis, wars and sanctions and the process of establishing the rule of law was rendered more difficult by the heavy burden of the past. One of the key issues with the greatest impact on democratic reforms was the fact that Serbia and Montenegro continued to provide shelter to over 350,000 refugees from Bosnia and Herzegovina and Croatia. A further issue was the province of Kosovo and Metohija, where the results of reforms to date were far from satisfactory, especially with regard to ensuring security for Serbs and other non-Albanians and the safe return of over 230,000, mainly Serb, displaced persons. He emphasized that the local institutional structure in the province should be established only through strict implementation of Security Council resolution 1244 (1999) as the core legal framework and that far more intensive and substantial cooperation between all responsible parties was required.

35. Organized crime, one of the most serious forms of violation of human rights, was a serious regional problem. However, he wished to point out that the steps taken by the Government and Parliament of Serbia following the recent tragic assassination of Prime Minister Djindjić, such as the proclamation of a state of emergency, were of a provisional nature and were being conducted strictly in accordance with the law.

36. The countries of south-eastern Europe had one common goal: to become a part of all European and Euro-Atlantic integration processes. To that end, they would rely primarily on their own potential and on mutual cooperation at the regional level but, they also counted on further support and assistance from the international community.

37. Mr. HOSSAIN (Special Rapporteur on the Situation of Human Rights in Afghanistan), introducing his report (E/CN.4/2003/39), said that the effect of the security deficit in Afghanistan on the overall situation undermined people's confidence in the peace process, hampered economic activities, limited reconstruction assistance and threatened the most basic human rights. On the positive side, a Transitional Administration had been established, 3 million children had returned to school, including more than 1 million girls, nearly 2 million refugees had returned to their homeland and women were emerging once again as a political and economic force.

38. There was still reason for concern regarding certain issues, such as the fact that women in many parts of the country still suffered serious violations of their rights and restrictions similar to those in force under the previous regime. It had been reported that some 17 Afghan civilians had been killed as a result of bombing by coalition forces in Helmand province on 12 February 2003. There was a serious deficiency in resources and the Afghan Support Group Meeting had been urged to increase the commitment of aid in order to meet the critical humanitarian and reconstruction needs. He drew the Commission's attention to the seven recommendations in paragraph 40 of this report.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued) (E/CN.4/2003/27-29, 30 and Add.1 and 130; E/CN.4/2003/G/2, 3, 5, 6, 8-12, 14, 16-21, 24-27, 29, 30, 33, 39 and 40; E/CN.4/2003/NGO/19, 34, 47, 128, 129, 133, 180, 211, 215, 221 and 261; A/57/366 and Add.1)

39. Mr. KRIEKOUKIS (Observer for Greece), speaking on behalf of the European Union, the acceding countries of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia and the associated countries of Bulgaria, Romania and Turkey, said that Israel and the Palestinian Authority had committed themselves to respecting human rights and fundamental freedoms and he called upon them to live up to their commitments.

40. During the past year, the Israeli presence and military operations in the occupied territories, including the illegal presence of Jewish settlers, had led to repeated human rights violations and the killing and injuring of many innocent civilians. Notwithstanding its right to fight terrorism, Israel bore the full responsibility for preventing such violations. At the same time, terrorist attacks by Palestinian groups had continued. The Union reiterated its strong and unequivocal condemnation of Palestinian terrorist acts and pointed out that the Palestinian

Authority bore full responsibility for fighting terrorism with all the legitimate means at its disposal. The killing and wounding of children on both sides was particularly alarming and it should not be forgotten that children were protected under international humanitarian law and human rights law. The Union regretted the failure of the Government of Israel to cooperate with the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and with other relevant thematic rapporteurs and called upon it to do so.

41. The Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) was fully applicable to the Palestinian occupied territories, including East Jerusalem, and the Union noted that, since 1967, more than 200 settlements had been constructed in the West Bank, Gaza Strip and within the administrative boundaries of Jerusalem, in violation of the Convention. The Israeli Government's settlements policy of building inside existing settlements, creating new settlement outposts, confiscating Palestinian land and offering financial support for settlers continued. There were also frequent incidents of violence committed by settlers against Palestinians. The Union urged the Israeli Government to reverse its settlement policy and intended to table a resolution on Israeli settlements in the occupied Arab territories.

42. The Union was also concerned about the construction of by-pass roads in the West Bank and Gaza Strip and of a so-called security fence within the occupied territories. Such measures would isolate many Palestinian towns, result in the displacement of communities and have a devastating impact on access to water resources.

43. The numerous checkpoints and blockades of cities had almost suppressed the free movement of people and goods, including preventing Palestinians from going to work. The Union called upon Israel to take all the necessary steps to allow the normalization of economic life in the occupied territories. It welcomed the steps taken so far by the Government of Israel to disburse arrears of payment to the Palestinian Authority.

44. The Union strongly condemned the extrajudicial killings of Palestinians by Israel and the disproportionate and indiscriminate recourse to force, as well as the use of human shields. It urged Israel to ensure that its security forces observed international standards regarding the use of force. His delegation was also concerned at the large number of people held in administrative detention without charge or trial.

45. The Union was also dismayed by the failure of the Israeli Defence Forces to protect and respect ambulances and medical personnel and the recent refusal of the Israeli authorities to allow humanitarian authorities access to the occupied territories. It called upon the Government of Israel to lift all imposed obstacles preventing those organizations from carrying out their functions effectively.

46. The overall human rights situation under the Palestinian Authority was also a matter of concern, with cases of arbitrary arrest, absence of due process, torture, unexplained deaths of detainees and death sentences pronounced pursuant to unfair and summary processes by the State Security Courts. The Union urged the Palestinian Authority to take steps to ensure full respect for the independence of the judiciary. Steps must also be taken to ensure freedom of expression,



freedom of assembly and the free choice of leaders and the rule of law. Further rapid advances were also required in the Palestinian reform process, such as the presentation of a new constitution, the holding of elections and judicial reform.

47. The Union emphasized the need to reinvigorate the Middle East peace process through the immediate implementation of the “road map”, as endorsed by the Quartet of international mediators on 20 December 2002. The objective of the “road map” was to enable the parties to reach a final and comprehensive permanent status agreement to end the Israeli-Palestinian conflict in 2005 through a settlement negotiated between the parties on the basis of Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002).

48. Mr. WESTDAL (Canada) said that every effort must be made to encourage the negotiation of a comprehensive, just and durable peace in the Middle East. Positive developments should be emphasized and reinforced by the international community. The appointment of Mr. Mahmoud Abbas as the first Palestinian Prime Minister could constitute a significant step forward in good governance. It was to be hoped that his appointment would help to rebuild the trust necessary for a resumption of the dialogue between Palestinians and Israelis. The United States and the other members of the Quartet should redouble their efforts to implement the “road map” to Middle East peace. The implementation of constitutional and security reforms would have a positive impact on the human rights of ordinary people throughout the region.

49. The Commission should focus on its own task of protecting human rights and not on extraneous issues. Declarations singling out one of the parties did not contribute to the resolution of a conflict. Moreover, the Commission’s tendency to allocate so much of its time to one regional conflict had detracted from international consideration of other critical issues. In that context, he commended the fair-minded approach to the Middle East crisis displayed by the High Commissioner and the Secretary-General.

50. His delegation unequivocally condemned terrorist attacks and called on all parties in the region who truly sought peace to follow suit. No cause could ever justify suicide bombings or other actions intended to harm civilians. There were no legitimate targets for actions that violated international law. Those in positions of influence, both State and non-State actors, must rein in the terrorist threat; the climate in which such acts were tolerated or even rewarded was poisonous and destructive.

51. The human rights record of the Palestinian Authority was a matter for serious concern. It continued to detain political prisoners and had been accused by human rights organizations of using arbitrary arrest to restrict freedom of expression and intimidate individuals, including those who had publicly criticized the leadership. It was to be hoped that the new Prime Minister would change that situation.

52. In responding to attacks against civilians, Israel must conform to the standards of international humanitarian law, including the principle of proportionality. His delegation was concerned about the use of force in built-up areas of civilian population in excess of military

necessity, the lethal targeting of individuals without trial, the use of civilians as human shields, the punitive demolition of homes and other civilian infrastructure and the reliance on the use of administrative detention.

53. The dire situation in the Palestinian territories must also be addressed. Deepening poverty and malnutrition, particularly among women and children, were chilling indications of the seriousness of the situation. Widespread curfews had impeded humanitarian access to those in need. Israel must facilitate the delivery of humanitarian aid and ensure that Palestinians had full access to basic needs. Moreover, illegal settlements had proliferated, supported by financial incentives. Such a process prejudiced the prospects for a fair-minded peace.

54. Mr. HUANG He (China) said that, over the past three years, vicious terrorist attacks, causing a large number of casualties among innocent civilians, including Chinese citizens, had grown more and more frequent. The loss of innumerable lives and vast amounts of property had inflicted irremediable psychological trauma.

55. The key to a lasting peace lay in an early end to the conflict between Palestine and Israel, the restoration of all the Palestinian people's legitimate rights, including their right to self-determination, and a just settlement of the Palestinian question. In November 2002, his Government had, for the first time, sent a special envoy to six countries in the Middle East on a good offices mission. Countering violence with violence would only create deeper mutual hatred and mistrust and the most immediate task was to stop all the violence immediately and improve the humanitarian situation in Palestine-controlled territory so as to create conditions for the resumption of peace talks. The new Israeli Government should immediately end its military action and economic blockade so that the dispute could be settled through political negotiations on the basis of the relevant United Nations resolutions and the principle of "land for peace".

56. The international community had made efforts to improve the situation over the years and it was regrettable that, in 2002, the then High Commissioner had been refused permission by the Government of Israel to tour the occupied Arab territories. His delegation welcomed the new High Commissioner's proposal to visit the region and hoped that the request would be accepted by both parties, in the interests of human rights in the occupied Palestinian territories.

57. Mr. MONTWEDI (South Africa), speaking on behalf of the African Group, endorsed the position of the Non-Aligned Movement, which had expressed grave concern at the continued destruction of Palestinian society and the Palestinian Authority by the Israeli occupying forces since 29 September 2000. It also condemned the systematic human rights violations and reported war crimes committed by the Israeli forces. The wilful killing of Palestinian civilians, including extrajudicial, summary and arbitrary executions, the indiscriminate use of force resulting in extensive loss of life and mass injury among civilians and humanitarian workers, the wanton destruction of homes, infrastructure and agricultural lands, the detention of thousands of Palestinians without trial and the imposition of collective punishment on the entire Palestinian population, coupled with severe restrictions on the movement of persons and goods, cumulatively amounted to a dire humanitarian crisis that must be addressed with the greatest urgency.

58. The African Group called for the Special Rapporteur's recommendations to be implemented without delay. The policies and practices of the Government of Israel had undermined the Oslo Agreements and the peace process. The recommendations of the Mitchell report had not been implemented, largely because of a lack of cooperation by the Israeli authorities. The Israeli occupying forces should withdraw from the Palestinian towns and the relevant Security Council resolutions, including resolutions 1322 (2000), 1397 (2002), 1403 (2002) and 1435 (2002), should be implemented in full.

59. The international community should strengthen its efforts to ensure the protection of the Palestinian population. The Fourth Geneva Convention and Additional Protocol I should be fully respected in all circumstances and enforced in the occupied Palestinian territory, including East Jerusalem. The international community should take practical steps to end the illegal Israeli settlements.

60. The African Group reiterated its commitment to the achievement of a peaceful solution to the Palestinian-Israeli conflict. It reaffirmed its support for the right of the Palestinian people to national independence and sovereignty in their own State, with East Jerusalem as its capital. It endorsed the universally supported vision of Israel and Palestine living side by side within secure and recognized boundaries. It welcomed the Arab Peace Initiative and had duly noted the latest proposals for the "road map" towards the resolution of the Middle East conflict. Broader consultations on the issue in the Commission would be welcome. The African Group was disconcerted by reports that unilateral changes to the "road map", as presented by the Quartet, would make it impossible for the other side to adopt it.

61. The constraints placed on the movements of President Arafat, the elected leader and symbol of the Palestinians' struggle, were deeply regretted. The Israeli Government should treat him humanely and with respect.

62. The African Group, like other regional groups, believed in the importance of an international presence in the occupied Palestinian territories to provide the necessary protection for the Palestinian civilian population and help the parties to implement all the agreements that had previously been reached.

63. Mr. HUSSAIN (Malaysia) said it was frustrating that the international community had been ineffective in addressing the problem of the occupied Palestinian territories for over 50 years. Countless resolutions had been passed and no fewer than 22 United Nations reports or notes had been issued since the Commission's last session. The media continued to report Israeli atrocities and the ever-deteriorating human rights situation in the occupied territories. Yet the Palestinian people continued to be killed, driven out of their homes, humiliated and harassed. Since September 2000, nearly 2,200 had been killed, including 384 children. More than 40,000 had been wounded. Palestinian houses had been bulldozed, sometimes with the residents still inside. Israeli tanks roamed the streets and helicopter gunships roamed the air. Nor were medical personnel spared: at least 22 Palestinian paramedics had been killed and 250 ambulances attacked.

64. The Palestinian problem was the root cause of the instability in the Middle East and the international community must find a solution to end the grave injustice inflicted on the

Palestinian people. The problem must be approached with greater urgency and commitment. Every effort must be made to ensure that the acts of State terrorism by the Israeli aggressors were stopped. The supporters of Israel who claimed to be the champions of human rights should forsake hypocrisy and double standards and apply effective pressure on the Israeli regime.

65. His delegation called on the President of the United States to make good his recent announcement concerning the “road map” for peace in the Middle East, including the establishment of an independent Palestinian State by the year 2005. In the meantime, the killing of Palestinian people and the destruction of their property must cease immediately; Israel must abide by its obligations under the Fourth Geneva Convention and other international humanitarian law; a United Nations protection force should be deployed as a matter of urgency; and the international community, particularly Israel’s supporters, must put pressure on the Israeli Government to cease its policies of terror against the Palestinians.

Statement in exercise of the right of reply

66. Mr. LEVY (Observer for Israel) said that, over the past two days, calls to eliminate “Zionist nazism” and the like had resounded through the hall and no one, including the Chairperson, had seen fit to rebuke them.

67. His Government faced an acute dilemma concerning respect for humanitarian agencies, their facilities and personnel, in the light of the daily abuse of them by Palestinians. For example, on that very day, in flagrant disregard of the principles of the international law of armed conflict, a leading activist of the terrorist organization Islamic Jihad had been apprehended, together with an accomplice, in the offices of the International Solidarity Movement in a building in Jenin which also accommodated the International Committee of the Red Cross (ICRC) and Médecins sans Frontières. The man in question had been directly responsible for the preparation and planning of several suicide attacks. With him had been found two Kalashnikov rifles and a gun.

68. With regard to the planned security fence, his Government had decided that it represented the best way of stopping would-be terrorists, in the absence of effective undertakings by the Palestinian Authority to limit the ability of would-be suicide bombers to enter Israel. Such prevention would actually reduce tension with Israel’s Palestinian neighbours, since there would be no casualties on either side and the dialogue could resume.

69. As stated clearly by the Prime Minister of Israel on several occasions, the fence was not a political instrument. It did not prejudice a demarcation line or border between Israel and whatever future entity or State emerged as a result of negotiations.

70. Those who condemned the construction of the fence should help to end the phenomenon of suicide bombing. Arab delegations could call on would-be suicide bombers, those who sent them and those who backed them to cease their murderous activities. They could label suicide bombing as terrorism or as a crime against humanity. Other concerned delegations could state, on behalf of the Organization of the Islamic Conference (OIC), that such actions contradicted

every moral principle for which OIC stood. Such statements, instead of empty rhetoric condemning an Israeli defence mechanism, could help save the lives of Israelis and Palestinians alike.

71. Mr. RAMLAWI (Observer for Palestine) confirmed that the previous day he had appealed to the world community to put an end to the racist Zionist movement and had compared Zionism with Nazism, which the world community had indeed defeated. Indeed, he would say that the activities of Zionist Israel had, for decades, exceeded those of Nazism in the terror they inflicted on humankind. The Palestinians were in a better position than any to feel the effects of Zionist Nazism and its crimes.

72. As for the “protective” fence, the Israeli Government was within its rights to build it, but not on land stolen from the Palestinian people. Ever since the creation of the State of Israel, Israel had been engaged in wholesale confiscation, the expropriation of land for the fence being the most recent example. Such expropriation had nothing to do with rights or freedoms but was purely and simply theft.

73. Mr. LEVY (Observer for Israel) said he was dismayed that the Chairperson had not stopped the observer for Palestine and that no delegation had spoken up in the face of a call for an end to Israel’s national movement and, by implication, to the State of Israel ...

74. Mr. SOUALEM (Algeria), speaking on a point of order, said that the observer for Israel should confine himself to exercising his right of reply, rather than seeking to act as the Commission’s policeman.

75. Mr. LEWALTER (Germany), speaking on a point of order, said that his delegation could not accept points of order made for the purpose of preventing the observer for Israel from exercising his right of reply. He added that he must register his protest at any comparison between the annihilation of the Jewish community throughout Europe under the Nazis with the current situation in Palestine.

76. Mr. REYES RODRÍGUEZ (Cuba), speaking on a point of order, said he was surprised that delegations should take the floor on questions of procedure, when the Palestinians were being subjected to massacres and genocide.

77. Mr. BIGGAR (Ireland), speaking on a point of order, which he was confident would be endorsed by the other States members of the European Union, said that the previous speaker had made a substantive point. That was not in accordance with the rules of procedure and he urged the Chairperson to ensure that the rule was observed.

78. The CHAIRPERSON said that the representative of Cuba had not raised a matter of substance but had objected to the representative of Germany doing so.

79. Mr. LEWALTER (Germany), speaking on a point of order, said that he had not suggested that the Chairperson should not have allowed the original point of order; he had objected to the raising of the point of order in order to interrupt the speaker.

80. Mr. LEVY (Observer for Israel) said that only calls for an end to the “racist Zionist movement” - in other words, the State of Israel - seemed to be permissible; he could barely imagine the reaction if he made a similar call in relation to any other group of people. The extreme language being used should be borne in mind by delegations urging Israel to compromise, make concessions or take risks for peace. If they were routinely termed Nazis and racists, Israelis’ actions in dealing with suicide bombers could hardly be considered disproportionate.

81. Mr. RAMLAWI (Observer for Palestine) said, in relation to the point made by the representative of Germany, that Palestinian blood was as red as Jewish blood. What had happened in Germany under the Nazis was currently happening in Palestine, as an impartial consideration of the facts would show. The Nazis had burned people to death, committed massacres and carried out terrorist attacks against mankind; and so did Israel. The observer for Israel did not like to hear the link made between nazism and zionism, but zionism had been a racist movement from the very outset: Theodore Herzl had said that the Jewish State should contain no non-Jews so that it would be pure blooded. That was true racism.

The meeting rose at 6.10 p.m.