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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, 23 March 2005, at 9 p.m.

Chairperson: Mr. WIBISONO (Indonesia)

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The meeting was called to order at 9 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued) (E/CN.4/2005/26-29 and Add.1; E/CN.4/2005/G5 and 9; E/CN.4/2005/NGO/4, 67, 152, 292, 308, 327 and 347)

1. Mr. M. KHAN (Pakistan), speaking on behalf of the member States of the Organization of the Islamic Conference (OIC), said that OIC called for the end of the Israeli occupation of Palestine, the establishment of an independent, sovereign Palestinian State with Al-Quds Al-Sharif as its capital, the return of all Palestinian refugees to their homeland, the restoration of the dignity and security of the Palestinian people and the rehabilitation of damaged infrastructure in occupied Palestine.
2. Since the previous Commission session, momentous developments had taken place in the Middle East. After the death of President Yasser Arafat, the election of President Mahmoud Abbas had marked the beginning of a smooth democratic transition. The Palestinian people's struggle for its right to self-determination was a defining moment of its history. The revival of the Middle East peace process on the basis of the Sharm el-Sheikh Memorandum and the Quartet's Road Map required a radical shift in Israel's policy, a reversal of its decision to build further settlements around Jerusalem and an end of its human rights violations in occupied Palestine. The international community, and especially the Commission on Human Rights, ought to react as long as the Israeli Defence Forces continued their murderous incursions into the Gaza Strip.
3. In his report (E/CN.4/2005/29), the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 had provided a comprehensive account of the gross, systematic breaches of human rights committed by Israeli forces. Since September 2000, more than 3,850 Palestinians, including women and children, had been killed as a result of Israeli operations, while some 340 people had been assassinated. About 7,000 Palestinians were held in Israeli prisons or detention camps, 1,500 of them without trial. Israeli military operations had disregarded two fundamental principles of international humanitarian law: the principle of distinguishing between civilian and military objects and the principle of proportionality.
4. Israel was continuing to build the separation Wall, despite the international community's disapproval and the advisory opinion issued by the International Court of Justice on 9 July 2004, which had held such construction to be contrary to international law. The international community must urge Israel to halt the construction of the Wall and to dismantle the part already standing. Further construction of the Wall would seriously jeopardize final status negotiations.
5. The establishment of lasting peace in the Middle East depended on a just solution of the Palestine issue. The international community must do its utmost to ensure that Israel respected Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002). On behalf of the OIC, he called upon the Commission to defend the Palestinian people's basic rights and invited member States of the Commission to vote for the draft resolutions on Palestine.

6. Ms. AL-HAJJAJI (Observer for the Libyan Arab Jamahiriya), speaking on behalf of the member States of the Arab Group, endorsed the statement made by the representative of Pakistan on behalf of OIC. She deplored Israel's continuing defiance of resolutions passed by the Commission, the Security Council and the General Assembly, which called upon it to stop flouting international human rights standards and international humanitarian law, in particular the Geneva Conventions. She denounced, among other things, the use of force, arbitrary detention and the confiscation of land. She condemned the building of the Wall in contravention of international law, for the Wall impaired freedom of movement, the right to own property and the Palestinians' economic, social and cultural rights. It was inadmissible that the State of Israel should go on building the Wall regardless of the advisory opinion issued by the International Court of Justice.

7. Paying tribute to the Special Rapporteur for his comprehensive report (E/CN.4/2005/29), she drew attention to the many human rights infringements he had noted, in particular the fact that some 7,000 Palestinians, including 380 women and children, were currently being held in Israeli prisons or detention camps. Only about 1,500 of them had been tried. Many of the detainees said that they had been tortured or subjected to inhuman and degrading treatment. Although the Sharm el-Sheikh Summit had offered a glimmer of hope for peace, it had produced few tangible results. The Commission must therefore once again demand that Israel shoulder its responsibilities and end human rights violations in the Palestinian territory and other occupied Arab territories and abide by all the resolutions adopted by United Nations organs, in particular Security Council resolutions 497 (1981) and 465 (1980). Israel must cease practices designed to alter the composition of the population. The international community must likewise require Israel to stop establishing new settlements on the Golan Heights and discriminating against Syrian citizens of the Golan as a means of forcing them off their land.

8. Ms. GABR (Egypt) subscribed to the statement made by the representative of Pakistan on behalf of OIC. She deplored the innumerable violations of international law endured by the Palestinian people, which the Special Rapporteur had fully recorded in his report (E/CN.4/2005/29). The Israeli armed forces' operations were war crimes under international humanitarian law, and especially under the Geneva Convention relative to the Protection of Civilian Persons in Time of War. Armed operations and the building of the security Wall were also being accompanied by serious breaches of the Palestinians' social and economic rights. It was impossible to remain silent about the daily humiliations suffered by Palestinians at the numerous checkpoints or roadblocks. As the Special Rapporteur had said, Israel's defiance of international law posed a threat not only to the international legal order, but to the international order itself. The Commission on Human Rights must continue to urge Israel to comply with international legal principles and conventions.

9. The Sharm el-Sheikh Memorandum had been a milestone in the peace process and its implementation by Israel would be the first step towards a just and lasting peace in the Middle East. The peace process in that region also affected the situation in Lebanon and Syria. The Arab peoples of the region wanted peace, as had been evidenced by the Saudi initiative adopted at the Beirut Summit in 2004.

10. Mr. AL-BOAINAIN (Qatar) said that he was also extremely worried about the ceaseless human rights violations committed by Israel in the occupied Palestinian territory, the extension of settlements and the demolition of homes. He deplored the fact that the Israeli Government

was ignoring the advisory opinion issued by the International Court of Justice on 9 July 2004. His country's authorities had always favoured a negotiated approach to the Palestinian issue in the Middle East. It was incumbent upon Israel to demonstrate good faith by withdrawing from the territories occupied since 1967, stopping the construction of the Wall and ending restrictions imposed on Palestinians.

11. The international community and the Commission on Human Rights in particular must bring pressure to bear on Israel to persuade it to apply the relevant resolutions of United Nations organs, withdraw from the Palestinian territories occupied since 1967, including Jerusalem and the Golan Heights, and recognize refugees' right to return, so that those who so wished could return to their homes in accordance with resolution 194, adopted by the United Nations General Assembly in 1948.

12. Mr. BERNIS (Observer for Luxembourg), speaking on behalf of the European Union, the acceding countries (Bulgaria and Romania), the candidate countries (Croatia and Turkey), the stabilization and association process and potential candidate countries (Albania, Bosnia and Herzegovina, The former Yugoslav Republic of Macedonia and Serbia and Montenegro), welcomed the prospects for a revived peace process in the Middle East, since the Israelis and Palestinians had expressed their determination to work together in a spirit of cooperation and understanding, thus creating a new political climate which ought to be conducive to improvements in the human rights situation.

13. Respect for human rights was not only the cornerstone of any peaceful, durable democratic system; it averted conflicts and underpinned fruitful relations between peoples. Israel, which was a party to the main human rights instruments, and the Palestinian Authority had undertaken to respect human rights and fundamental freedoms.

14. Human rights had again been violated repeatedly in the Palestinian territories the previous year and both Israelis and Palestinians had been the victims of deplorable violence. According to the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/2005/29 and Add.1), tens of thousands of Palestinians and thousands of Israelis, most of them civilians, had been wounded or killed since September 2000. Many of the victims had been children, and that was particularly alarming, for they were protected by humanitarian law and human rights which were internationally recognized, inter alia in the Convention on the Rights of the Child, to which Israel was a party and which the Palestinian Authority must respect. In addition, the situation of Palestinian children in Israeli prisons and administrative detention centres was a particular source of concern to which the Special Rapporteur should devote special attention.

15. Although Israel was entitled to protect its citizens from terrorist attacks, the country was also obliged to comply with international law and prevent and punish human rights violations. The European Union once again firmly and unambiguously condemned all forms of terrorism and exhorted the Palestinian Authority to use all the means at its disposal to deal with those who sponsored and carried out terrorist acts. It was therefore pleased that both parties had undertaken at the Sharm el-Sheikh Summit, held on 8 February, to end all acts of violence and cease all military activity, and it invited them to honour those commitments speedily.

16. The European Union shared the Special Rapporteur's concern about Israel's repeated military incursions into the Gaza Strip, which had resulted in a large number of deaths and injuries and the wholesale destruction of homes and infrastructure, thereby exacerbating the precarious situation and economic recession which were still harming the Palestinians.
17. The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War was a binding international instrument which applied fully to the occupied Palestinian territories, including East Jerusalem. The European Union condemned Israel's violations thereof and urged the country to comply fully with that Convention by ceasing settlement expansion, removing settlements and no longer confiscating land for building the separation Wall. It was gratifying to note that Israel had decided to remove some settlements, an encouraging development that ought to be pursued.
18. The situation of women, who were particularly vulnerable to the effects of the Israeli occupation, was also disquieting. It emerged from the report of the Special Rapporteur on violence against women (E/CN.4/2005/72/Add.4) that restrictions on freedom of movement were having the worrying consequence of preventing pregnant women from receiving immediate medical care and were seriously hampering their rights to health and education. Moreover, as the Special Rapporteur on violence against women had recommended, the Palestinian Authority must adopt laws criminalizing violence against women, notably domestic violence and honour crimes, and it must protect their rights and promote both gender equality and women's political representation.
19. The European Union was determined to strive for the universal abolition of the death penalty. It therefore called upon the Palestinian Authority to begin by introducing a moratorium on executions and invited all States concerned to abide by article 14 of the International Covenant on Civil and Political Rights and to suspend executions until all remedies had been exhausted. Furthermore, it condemned extrajudicial executions of Palestinians suspected of collaboration with the Israelis and was glad that Israel had undertaken at Sharm el-Sheikh to end extrajudicial executions.
20. As for the separation fence, which was also discussed in the Special Rapporteur's report, it was a matter of particular concern that the fence's route deviated from the Green Line and was likely to make it physically impossible to create a viable and continuous Palestinian State. The International Court of Justice, in its advisory opinion, had held that the building of the separation fence in the occupied Palestinian territories, including East Jerusalem and the surrounding area, was contrary to the relevant provisions of international law. The United Nations General Assembly, in resolution ES-10/15 of 20 July 2004, had demanded that Israel comply with its legal obligations as mentioned in the advisory opinion. The creation, between the Green Line and the separation fence, of a "Closed Zone" which isolated whole villages and forced the inhabitants to leave their homes, was deplorable. The Israeli Government's approval of a new route for the fence was welcome, but that positive move would not dispense with the "Seam Zone".
21. The European Union was pleased to learn of the tangible improvements in the human rights situation which the Special Rapporteur had noted in his visit at the end of February, especially the announcement that some restrictions on freedom of movement would be lifted, that several hundred prisoners would be released and that extrajudicial executions and targeted

assassinations would cease. It approved of the announcement of the Israeli withdrawal from the Gaza Strip and some parts in the north of the West bank as the first stage in the process aimed at achieving a comprehensive, just and lasting peace, provided that the withdrawal was carried out in keeping with the conditions defined by the European Council in March 2004.

22. The European Union was committed to the Road Map approved by the Security Council in resolution 1515 (2003), which provided for the existence side by side, in peace and security, of two States, Israel and an independent, democratic and viable Palestinian State, and of their neighbours. A comprehensive, just and lasting peace must fulfil the legitimate aspirations of the Israeli and Palestinian peoples and extend to Lebanon and Syria as well.

23. In conclusion, the European Union hailed the efforts of both parties and invited them to continue along the path of dialogue and political negotiation. It earnestly urged all the parties concerned to honour the pledges given at Sharm el-Sheikh in order to facilitate a revival of the peace process.

24. Mr. SINGH PURI (India) said that West Asia was at a crossroads. Despite the death of President Arafat, the Palestinian people had again demonstrated its commitment to democracy. The Sharm el-Sheikh Summit on 8 February 2005 and the meeting between Israeli and Palestinian leaders - the first in four years - marked an important stage in the resumption of the peace process, which deserved the support of the international community. Notwithstanding the encouraging statements of both leaders there were, however, some important issues which still needed to be addressed.

25. Negotiations should lead to the realization of the Palestinian people's inalienable and legitimate right to self-determination, a homeland and to just, comprehensive and lasting peace in the region based on Security Council resolutions 242 (1967) and 338 (1973), as well as on the "land for peace" principle. His Government fully subscribed to the principles set forth in Security Council resolution 1397 (2002) and it unreservedly approved of resolutions 1402 (2002) and 1403 (2002), which called on both parties to observe an immediate meaningful ceasefire and on Israel to withdraw its troops from Palestinian towns, including Ramallah. It supported the international community's peace initiatives, especially the Road Map drawn up by the Quartet, and its call to resume negotiations. It was therefore to be hoped that further progress would be made in the peace process and that it would lead, within a reasonable time frame, to a sovereign independent Palestinian State with secure and recognized borders, living in peace with the State of Israel.

26. India had always defended the cause of the Palestinian people. It had voted against the partition of Palestine and recognized the Palestine Liberation Organization (PLO) as the sole, legitimate representative of the Palestinian people. It had recognized the Palestinian State in 1988 and had opened its mission to the Palestinian National Authority in 1996. Over the previous decade of the Middle East peace process, it had executed various projects and programmes aimed at capacity-building and institutional support. It regularly provided assistance in the form of fellowships, technical cooperation programmes and financial backing for the United Nations Relief and Works Agency (UNRWA). It had reiterated its support for the Palestinian people and informed its leaders that it was ready to provide any assistance they might need.

27. The tragic events in the Middle East were a source of widespread international concern; the world had watched with growing consternation the violence which had flared up in Jerusalem, the West Bank, the Gaza Strip and in other parts of the Palestinian territory and Israel. Not only did such events inflict immense suffering on innocent people; they also compromised regional stability. The full promotion and protection of human rights required a secure environment and the achievement of a just and comprehensive peace. That was why his authorities had always urged all the parties to end the violence. It was necessary to start work immediately on making tangible political progress and adopting the requisite measures to secure permanent peace based on the recognition and security of both sides and on the normalization of relations between them.

28. India attached the greatest importance to peace, development and stability in the region and was prepared to assist in every possible way, as had been demonstrated by the recent appointment of a special envoy for West Asia and the Middle East peace process, who had already held high-level consultations in several countries. In the final analysis, however, it was the parties themselves which must find a lasting solution by demonstrating a spirit of reconciliation and the political will to arrive at a just, comprehensive peace. Recent events were heartening and it was to be hoped that a constructive dialogue would continue. All sides must ensure that human rights standards and international humanitarian law were respected at all times.

29. Mr. CHERNIKOV (Russian Federation) said that the settlement of the Israeli-Palestinian conflict through the resumption of political negotiations was one of the main objectives of the foreign policy of the Russian Federation, which (together with the other members of the Quartet), was trying to facilitate the conclusion of an agreement guaranteeing the existence of two independent States, Palestine and Israel, and the stability of all countries and peoples of the region. The conflict could never be resolved by armed operations or unilateral acts, but only at the negotiating table. It was vital to sustain the momentum towards the halting of confrontation and the reopening of talks between Israel and the Palestinian National Authority, a momentum built up first at Sharm el-Sheikh, then at the London Meeting on Supporting the Palestinian Authority and the ministerial meeting of the Quartet.

30. Palestinian leaders must undertake a genuine reform of the Palestinian National Authority to make it better able to guarantee security and put an end to violence once and for all. In that connection, it was gratifying to note that representatives of Palestinian organizations meeting in Cairo from 15 to 17 March had agreed to maintain the lull in fighting and to collaborate with the leadership of the Palestinian National Authority.

31. Israeli policy, notably the construction of the separation Wall and the expansion of settlements in the West Bank, was still a matter of concern. Obviously the Palestinian economy would be better without the restrictions on the movement of goods and persons described in the Special Rapporteur's report (E/CN.4/2005/29).

32. That being so, Israel's decision to transfer control of two West Bank towns to the Palestinians was welcome and it was to be hoped that it would not remain an isolated move. That type of measure was consistent with the purpose of the Road Map, i.e. the creation of a sovereign Palestinian State coexisting in peace and security with Israel. It should be noted that the peace plan known as the "Road Map" had acquired legal value since, at the initiative of the

Russian Federation, it had been approved by the Security Council in resolution 1515 (2003). The Quartet mediators were playing a growing role in the new situation created by the development of Israeli-Palestinian relations. The time had come for the Israeli withdrawal from the Gaza Strip to be followed up by the application of all the provisions of the Road Map. It was also important that the auspicious omens should not be cancelled out by the appearance of new sources of tension in the region. Moreover, the situation in Lebanon and Syria must be seen in relation to the peace process and form part of a comprehensive, lasting settlement in the Middle East in keeping with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003).

33. Mr. MENGA (Republic of the Congo) said that, as far as international humanitarian law and human rights were concerned, the situation in Palestine was showing signs of improvement in the shape of a ceasefire and measures to promote détente, such as the freeing of hundreds of Palestinian prisoners and the transfer of control over five West Bank towns to the Palestinian police force in pursuance of the agreement reached between Palestine and Israel on 8 February in Sharm el-Sheikh.

34. His delegation welcomed that progress and trusted that the agreement would constitute a long-term commitment. It ardently hoped that the Road Map, which envisaged a permanent settlement of the Israeli-Palestinian conflict on the basis of the existence of two States, would receive full support and very soon lead to a final, overall resolution of the conflict. In that connection, the convening of the London Meeting on Supporting the Palestinian Authority had been commendable and should hopefully lead to the international conference required by the Road Map in order to revive final status negotiations and arrive at a credible peace agreement. The international community and the Commission on Human Rights ought therefore to endorse current peace efforts with a view to achieving a negotiated settlement resulting in the creation of an independent, viable, democratic Palestinian State living side by side with Israel and other neighbouring countries in peace and security.

35. In conclusion, his delegation hoped that such a resolution of the conflict would end the occupation which had lasted since 1967 and that it would be consonant with Security Council resolutions 242, 338 and 1397 and with earlier agreements reached between the parties and approved by the League of Arab States at its Beirut Summit.

36. Mr. SHA Zukang (China) said that deadlock on the Middle East issue not only endangered peace and stability in the region, but also threatened the human rights and fundamental freedoms of its inhabitants. Fortunately, some positive trends had emerged in recent months. Leaders from both sides had opted decisively for the ceasefire and the resumption of talks, while the international community had also intensified its peace efforts. History showed that the resolution of the issue required not only determination and will on the part of the Palestinians and Israelis, but also assistance from the international community. The Commission had played its role in that respect by adopting annual resolutions upholding the Palestinian people's endeavours to recover their legitimate rights. It must continue to defend the principles of the Charter and the relevant General Assembly and Security Council resolutions and must do its utmost to facilitate a fair and just solution in the Middle East.



37. As a permanent member of the Security Council, China had supported the peace process at all times. At the end of 2004, the Chinese representative had visited Palestine and Israel to present a four-point proposal on the Middle East issue. His Government had also attended the London Meeting on Supporting the Palestinian Authority. All the parties concerned must make joint efforts to build mutual confidence and resume peace talks. The Road Map must be reactivated and a Palestinian State established. The international community must become more closely involved in the pursuit of that goal, especially in the context of the Security Council.

38. Mr. HARIYADHI (Indonesia), recalling the Special Rapporteur's words that the previous year had seen the worst violence in the occupied Palestinian territory since the start of the second intifada in September 2002 and that human rights violations in the territories continued to destroy the social fabric, said that that state of affairs was largely due to Israel's refusal to comply with Security Council resolutions and the advisory opinion of the International Court of Justice, which had held that Israel was under an obligation to stop the construction of the Wall and to dismantle it. As the Special Rapporteur had indicated, the Wall had not been built simply for reasons of security, but in order to extend settlements, build new ones and incorporate them within Israel.

39. The settlements and the separation Wall were therefore illegal. Israel must dismantle them so as to allow Palestinians renewed access to the education, health care and employment they were currently denied. The construction of the Wall was having substantial economic and political repercussions on Palestinians' lives. The World Bank considered that the recession in Palestine was the worst in modern history. It estimated that 47 per cent of Palestinians were living below the poverty line, while the International Labour Organization (ILO) put that figure at 62 per cent. Those figures were set to rise if the current situation continued. For that reason, Israel must not merely cease its military activities against Palestinians; it must repair the damage done by those activities and stop confiscating land and expanding illegal settlements. Only if settlements were abandoned could a lasting settlement be found and two States established.

40. Nevertheless, the commitments given at the recent Sharm el-Sheikh Summit were encouraging. Both parties' decision to end all acts of violence and seek a peaceful solution was indeed a positive step. It was to be hoped that, in the wake of that summit, Israel would abandon its construction of the Wall and order that it be taken down. Israel's decision to withdraw unilaterally from the Gaza Strip was likewise welcome. The Road Map was certainly the most appropriate means of achieving peace between Palestinians and Israelis. It was also to be hoped that the truce would lead to a permanent and unconditional withdrawal from the Gaza Strip and other settlements.

41. Mr. FATT (Malaysia) said that his Government, which was the current Chairman of the Non-Aligned Movement and the tenth Summit of the Organization of the Islamic Conference, felt compelled to add its voice to all those which had denounced the continuing violation of Palestinians' human rights in the occupied territories, including East Jerusalem since, despite a few encouraging developments which had resulted in some improvements in living conditions there, major violations of human rights and international humanitarian law were still being committed in those territories on account of the settlements, the building of the

Wall, checkpoints, roadblocks, the encircling of Gaza and the continued incarceration of more than 7,000 Palestinians. Those violations went on despite all the resolutions, decisions and declarations of the Commission on Human Rights and other United Nations organs and notwithstanding the advisory opinion of the International Court of Justice. The key to peace lay in the implementation of the Security Council resolutions and in the creation of two States living side by side in peace and security, within secure and recognized borders, as envisaged in the Road Map.

42. The Israeli-Palestinian conflict had reached a critical juncture and all the parties concerned must seize the opportunity to revive the peace process by honouring the commitments they had given and refraining from all action which might prove detrimental to the implementation of the Road Map and prejudicial to the outcome of negotiations on the final status issue.

43. Mr. ATTAR (Saudi Arabia) said that the optimism generated by the resumption of the Palestinian-Israeli negotiations was being largely dampened by the policy of Israel, which had clearly not given up its settlement schemes, the construction of the separation Wall or the expansion of its existing settlements in flagrant violation of United Nations resolutions. In the wake of the advisory opinion issued by the International Court of Justice, on 2 August 2004 the General Assembly had unanimously adopted a resolution in which it had demanded a cessation of the construction of the Wall and the dismantling of the part already standing. Yet Israel was going ahead with its construction and still allocating funds for the establishment of new settlements. Despite the Palestinians' efforts to achieve a truce, there were no signs that Israel had any intention of terminating its policy of creating new installations or setting up roadblocks.

44. There was no doubt that the security and stability desired by both Israel and the Palestinian people was predicated upon Israel building confidence by proving that it sincerely intended to put an end to the conflict and upon it abandoning its settlements policy and the building of the Wall and no longer putting in place roadblocks and closures. Israel must immediately give up its attempts to alter the character of the city of Jerusalem and sever links between it and the West Bank by constructing the separation Wall and expanding settlements within that area, which were disrupting the lives of Palestinians and preventing the creation of an independent State with Jerusalem as its capital. Lastly Israel must abandon partial solutions and realize that, if it wanted security and stability, any attempt at prevarication would be fatal.

45. The signs of détente that had followed the Sharm el-Sheikh Summit had to be followed by real measures aimed at the implementation of the Road Map and the proclamation of an independent Palestinian State. Israel must apply United Nations resolutions, including those of the Commission, cease its practices against the Palestinian people and respect international law and international humanitarian law. The Arabs had reaffirmed their unwavering desire for peace in the initiative they had adopted at the Beirut Summit in 2002.

46. Israeli practices were targeted not only at the Palestinian people, but also at the population of the southern Lebanon and of the occupied Syrian Golan. Israel was completely ignoring the Commission resolutions calling upon it to hand over all maps of minefields in southern Lebanon. Furthermore, despite German mediation, Lebanese citizens were still missing or detained in Israeli prisons. His delegation again wished to emphasize, in the forum of the Commission, the Syrian people's right to recover the occupied Syrian Golan and it called upon

the Israeli Government to comply fully with the Security Council and General Assembly resolutions on that subject. Lastly, it thanked the Special Rapporteur for his report (E/CN.4/2005/29) which reflected the true situation in the occupied Palestinian territory and the extent to which the Palestinian people's rights were being violated. It would welcome any steps taken by the Commission to halt the current inhuman practices in the occupied Arab territories and to protect the human rights of their inhabitants.

47. Mr. OULD MOHAMED LEMINE (Mauritania) subscribed to the statements made by the representatives of Pakistan and Malaysia and the observer for the Libyan Arab Jamahiriya. The situation in the occupied Palestinian territory, as depicted in the Special Rapporteur's report (E/CN.4/2005/29), was really tragic. It again alerted the international community to the urgent need to end the suffering of the population living in that territory and was a reminder that Israel was under an obligation to make its policies and practices conform to the law. Instructions on the matter had been clearly formulated by the International Court of Justice in its advisory opinion of 9 July 2004 and then confirmed by the General Assembly in a resolution. That resolution, which reaffirmed the legitimacy of the Palestinian people's rights, was one of many issued by the main organs of the United Nations that had constantly asserted the right to self-determination of the population living in all the territories occupied by Israel, including the Syrian Golan and the Sheba farms. Human rights violations in those territories stemmed from the occupation and would not cease until Israel withdrew.

48. Happily, the current context seemed to offer a glimmer of hope. There was no way out of the Israeli-Palestinian conflict other than through the resumption of negotiations based on the Madrid platform and the Quartet's Road Map. The peace initiative launched by Arab countries' leaders in Beirut in 2002 had defined the parameters of a final, overall solution to the conflict. The Arab leaders had just reiterated that peace offer, thus bearing witness to their commitment to a just solution. The international community must seize the opportunity to become more actively involved in peace efforts by demanding Israel's withdrawal from all the territories in question and the creation of a Palestinian State with Al Quds as its capital.

49. Mr. MTSHALI (South Africa) commented that, although the twentieth century had seen some major advances with the demise of colonialism and the apartheid system, the Palestinian people's plight remained unchanged. The status in the Middle East was antithetical to the creation of the independent homeland to which the Palestinian people aspired and which was the solution supported by his Government. Israel's ongoing domination and occupation of Palestinian territory constituted not only a denial of the Palestinian people's right to self-determination, but also a denial of its human rights and fundamental freedoms. Israel's refusal to abide by the international community's resolutions was equally unacceptable, as were the continual repression of the Palestinian people, the confiscation of their land, the demolition of their houses, the imposition of curfews, the setting up of roadblocks and the construction of the Wall in the West Bank in defiance of the advisory opinion of the International Court of Justice. As the Special Rapporteur had pointed out in his report, there seemed to be three purposes to building the Wall: the incorporation of settlers within Israeli territory, the seizure of Palestinian land and making life intolerable for Palestinians so that they would be encouraged to abandon their land and their homes. A few weeks earlier, the Committee on the Exercise of the Inalienable Rights of the Palestinian People had met in Geneva and had invited the international community to renew its commitment to the advisory opinion of the International Court of Justice on the separation Wall and to persuade Israel to abide by it.

50. His delegation firmly believed that peace in the Middle East could be achieved only through negotiation and that only a political solution could guarantee just, lasting and comprehensive peace in the region. It was to be hoped in that connection that the talks launched in February 2005 between the Israeli Prime Minister Ariel Sharon and the President of the Palestinian Authority Mahmoud Abbas would ease the current deadlock and create a favourable environment for the full implementation of the Road Map.

51. Mr. BOSCHWITZ (United States of America) said that his Government and its Quartet partners were determined to progress towards the goal of two States, Israel and Palestine, living side by side in peace and security. The international community must therefore focus its attention on Israeli disengagement from the Gaza Strip and from several settlements in the West Bank, and it must support the Palestinian Authority's political, economic and security efforts.

52. Democracy was really beginning to flower in the Middle East and in other regions of the world, as was evidenced by the elections in Afghanistan, Iraq and Palestine. The Lebanese people was clamouring for its sovereignty and the Libyans, having foregone the acquisition of weapons of mass destruction, were seeking to rejoin the family of nations. The international community, and especially the Commission on Human Rights, must nurture that movement towards democracy and peace. It must refrain from singling out one country for censure; one-sided anti-Israeli resolutions undermined the credibility of the United Nations and of the Commission in particular. A balanced approach had to take account of other important issues in the Middle East, such as Lebanon's sovereignty and political independence. Despite Security Council resolution 1559 and the clear demands of the Lebanese people, the Syrian Government was continuing to interfere in Lebanon's internal politics and was maintaining a significant presence in that country. The Syrian Government must withdraw from Lebanese territory before Lebanon's forthcoming parliamentary elections. Furthermore, those elections must be monitored by international observers.

53. There were unprecedented hopeful signs of change in the Middle East. The emergence of a Palestinian leadership committed to reform, continued progress by Israel towards disengagement and renewed dialogue between Israel and the Palestinian Authority offered an opportunity to promote the peace process and implement the Road Map. The hatred of a few could no longer hold hostage the hopes of many. The steps taken by President Abbas to reform the security services and honour his obligation to secure an environment free from the threat of terror were encouraging. Israel also had responsibilities; it must facilitate the movement of Palestinians, freeze settlement activity and dismantle unauthorized outposts. As President Bush had said in Brussels, only democracy could serve the hopes of the Palestinians and make Israel secure. Democratic reform was the key to the future for the peoples of the Middle East, a future that all deserved.

54. Mr. FERNÁNDEZ PALACIOS (Cuba) first paid a very warm tribute to President Yasser Arafat, who had personified the cause of a whole people determined to win its legitimate right to the establishment of a fully independent State. The death of President Arafat had caused consternation among millions of persons throughout the world. The cause of the Palestinian people had been the one that had aroused the most worldwide solidarity and sympathy. The international community had always unequivocally recognized that people's inalienable national rights and had rejected the illegal occupation of Arab territories by Israel. Yet Israel and the

United States persistently ignored that unanimous will and hampered United Nations action. The United States had the shameful record of placing 29 vetoes on Security Council resolutions designed to prevent the extermination of a whole nation. A quarter of those vetoes had been recorded in the four previous years under the administration of President George W. Bush.

55. The most recent report of the Special Rapporteur (E/CN.4/2005/29) described Israeli practices in the occupied territories in detail. It showed that the number of dead and injured was rising all the time and most of the victims were civilians. The Israeli regime's construction of the racist Wall around the West Bank and Jerusalem was its latest attempt to plunder the Palestinians, annex their land, block any negotiations and make life impossible for an oppressed and humiliated people. The route taken by the Wall clearly showed that Israel intended to incorporate the largest possible number of settlers within Israel, to confiscate the most fertile agricultural land and water resources and to force Palestinian residents into exile. In spite of the advisory opinion issued by the International Court of Justice, Israel was still building the Wall. His country, which had been subjected to a genocidal blockade by the United States for 45 years, was firmly convinced that no Wall could ever break the Palestinian people's resilience and longing for freedom.

56. Mr. SHAW (Australia) said that he was opposed to the retention of agenda item 8 because it concerned solely the human rights situation in one country, Israel, whereas the state of affairs in other countries was considered under item 9.

57. Welcome progress had been made recently in the peace negotiations, especially in the shape of the Palestinian Authority's decision to put an end to terrorism and Israel's decision to pull out of Gaza. As for the construction of the Wall, Israel was entitled to defend itself against terrorist attacks.

58. Mr. O.D. MOHAMED (Sudan) endorsed the statement made by the Observer for the Libyan Arab Jamahiriya on behalf of the Group of Arab States. Although commendable results had been achieved at Sharm el-Sheikh, notably the freeing of Palestinian prisoners and the truce between both parties, Arab territories, including the Syrian Golan, were still under occupation in open violation of international law and the construction of the Wall was continuing in defiance of the advisory opinion issued by the International Court of Justice. Clearly that Wall was not being built for security purposes, but because Israel was determined to confiscate Palestinian land and make life impossible for the Palestinians. Israel's flagrant disregard for the international community's decisions conflicted with all the principles adopted since the Second World War. All the practices mentioned by the Special Rapporteur in his report (E/CN.4/2005/29), i.e. torture, administrative detention, extrajudicial executions, etc., were in fact acts of war by Israel and they reflected that country's policy of aggression in the Middle East.

59. Mr. CHIPAZIWA (Zimbabwe) refused to join those who considered that the Palestinians' plight had to be accepted as a fait accompli on the pretext that the situation was longstanding. It was necessary to seize every opportunity offered by the new tide of peace in the Middle East, even if the Special Rapporteur's account of the situation was rather sobering. At all

events, President Mahmoud Abbas deserved the international community's unlimited support during his negotiations for a lasting peace with the State of Israel. That was why his Government called on Israel to heed all the relevant Security Council resolutions on Palestine and to stop establishing settlements in the West Bank and hampering Palestinians' access to East Jerusalem.

60. The stance of those who denounced any interference in the affairs of certain countries, but who thought that they were entitled to meddle in the affairs of Arab countries was deplorable. It was up to the peoples of the region to force the internal political alignments which suited them and to exercise their sovereign right to create the international alliances that they desired. Admittedly, the establishment of a sovereign Palestinian State was desirable, but it must not be subordinated to the security interests of another State in the region or elsewhere.

61. Mr. SAJJADPOUR (Observer for the Islamic Republic of Iran) said that, as the Special Rapporteur's report (E/CN.4/2005/29) illustrated, 2004 had witnessed the highest level of violence in the occupied Palestinian territory since the second intifada had begun in September 2002. Human rights violations there had become systematic and were reflected in the rising number of Palestinians dead and wounded and further devastation of Palestinian infrastructure and property. Moreover, by treating the advisory opinion of the International Court of Justice disrespectfully, Israel showed how little it cared about the will of the international community.

62. The basic cause of the grave and systematic human rights violations in occupied Palestine was the occupation itself and the denial of the Palestinian people's fundamental right to self-determination. That was why any steps to promote the achievement of that right would be welcome. The Commission on Human Rights must adopt more effective measures to publicize the Israeli forces' crimes and it must do its utmost to protect the defenceless Palestinian people.

63. Mr. MARAFI (Observer for Kuwait) commended the Special Rapporteur's report (E/CN.4/2005/29) and said that it again highlighted the fact that a just and lasting peace could be established in Palestine only if the occupying power respected Security Council resolutions, especially those providing for the creation of a Palestinian State with Jerusalem as its capital. Israel must also withdraw from the Golan Heights, which it had occupied since 1967, and the Sheba farms area of southern Lebanon. The Sharm el-Sheikh Summit had been a chance for reviving the peace process. The Commission on Human Rights must take advantage of that opportunity in order to demand that the occupying forces comply with international law and cooperate fully with United Nations mechanisms.

64. Mr. ABU-KOASH (Observer for Palestine) expressed his gratitude to all the delegations which had displayed their support for the new Palestinian Authority and for the Palestinian people which was fighting for its rights. The Palestinian Authority was holding out its hand to its Israeli neighbours in the hope that, once the occupation had ended, the two communities could live and cooperate in peace and harmony.

65. Mr. AL-MAKTARI (Observer for Yemen) first wished to express his solidarity with the Palestinian people who had been fighting against the occupation for more than half a century. The occupation was viewed as something particularly obnoxious in modern times. His Government therefore supported the efforts being made at all levels to settle the Palestinian issue

and revive negotiations like those held in Madrid in 2000. It condemned all Israeli practices in the occupied Palestinian territory, especially the excessive use of military force against the population, the establishment of new settlements and the building of a separation Wall in defiance of the advisory opinion issued by the International Court of Justice on 9 July 2004. Lastly, it joined with all those who were demanding that the occupation of Palestinian land should cease forthwith, so as to halt the endless cycle of violence.

66. Mr. AL-RIYAMI (Observer for Oman), having denounced the attitude of Israel which was defying United Nations resolutions and flouting all international human rights standards, said that the Palestinian people's situation had constantly worsened with the construction of the separation Wall which Israel was still erecting despite the advisory opinion issued by the International Court of Justice recommending that it should be dismantled. Nonetheless, the Sharm el-Sheikh Summit had been a big step towards the resumption of dialogue between both parties. The London meeting had rightly called upon the international community to back that process. The restoration of peace and security in the region required, however, the complete ending of the occupation of Arab territories, including the Syrian Golan and Sheba farms. The Commission on Human Rights must meet its responsibilities in that respect.

67. Mr. VIGNY (Observer for Switzerland), having noted the encouraging developments which had taken place since the Sharm el-Sheikh Summit, notably the undertakings given by Israel and the Palestinian Authority to halt armed operations and Israel's decision to end its policy of demolishing houses, to free 500 Palestinian prisoners and to withdraw from several towns, said that that improvement contrasted somewhat with the many human rights violations in 2004 which the Special Rapporteur had observed.

68. Moreover, it was worth looking beyond the implementation of the disengagement plan. The international community's aim was the existence of two States, Israel and Palestine, living side by side in peace and security, in keeping with Security Council resolution 1397 (2002) and the Road Map. The only reasonable option would be to make disengagement an integral part of the Road Map process and for both Israel and the Palestinian Authority to honour simultaneously their respective obligations, as set forth in the Road Map, in respect of measures to curb terrorism, ensure security, conduct reforms, freeze settlements and dismantle outposts. In that connection, the international community must pay particular attention to developments in the West Bank, including East Jerusalem. Notwithstanding recent alterations to its route, the construction of the separation Wall remained contrary to international law. Its current route, which was closely tied to the location of settlements, was likely to prejudice the results of future peace negotiations by gradually imposing a fait accompli. Israel's decision to build several thousand new housing units in the West Bank and East Jerusalem in 2005 was extremely worrying. The expansion of a road network reserved for settlers was having a drastic effect on various towns and villages, for example on Hebron.

69. No real improvement in the situation in the occupied Palestinian territory could be expected until the true causes of the worsening socio-economic conditions and humanitarian crisis, namely the obstacles to freedom of movement, were addressed. Vigorous measures were needed to combat unemployment, poverty and malnutrition and to develop education.

70. The advisory opinion of the International Court of Justice had confirmed the applicability of the Fourth Geneva Convention and, by extension, of human rights in the occupied Palestinian territory. Respect for international law was crucial to the restoration of the confidence which would be needed before an overall negotiated solution to the conflict could emerge.

71. In conclusion, Switzerland was pursuing consultations under the mandate which it had received from the General Assembly in resolution ES-10/15 and would report to the General Assembly as soon as possible.

72. Mr. ALFARARGI (League of Arab States) said that, judging by the Special Rapporteur's report (E/CN.4/2005/29) and that of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/59/471), there were no signs of any improvement in the situation of the Palestinian population. Israeli forces were still committing war crimes during their military operations. They had transformed the Gaza Strip into a huge prison kept under surveillance by means of electronic devices. The separation Wall was still being built despite the advisory opinion of the International Court of Justice and even the opinion of the Supreme Court of Israel, which had declared that there was no security without law. The proliferation of the settlements was whittling away at Palestinian territory. It was obvious that Israel was trying to take possession of East Jerusalem. The League of Arab States therefore requested the Commission on Human Rights to adopt a clear stance denouncing those abuses. As Martin Luther King had once said, man's inhumanity to man was not only perpetrated by the actions of those who were bad, but also by the inaction of those who were good.

73. Mr. STRØMMEN (Observer for Norway) welcomed the holding of the Sharm el-Sheikh Summit, but said that there were few visible signs on the ground of any visible improvement in the political climate. The daily incidents in the occupied territories did not necessarily make the headlines. Checkpoints, closures and settlers were constant reminders of occupation and humiliation. The security barrier divided neighbourhoods and families, separated children from their schools and prevented farmers from working their land. Civilians were being harassed more than ever before. The lawlessness experienced by Palestinians in the occupied territories was unacceptable. No conflict was above international humanitarian law and international human rights standards. The advisory opinion of the International Court of Justice had been a timely reminder of that. Israel had a clear duty to respect international humanitarian law in the occupied territories, especially the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

74. His Government strongly condemned terrorist attacks by armed groups and commended the new Palestinian leadership's efforts to control the situation through dialogue with militant factions.

75. A peaceful settlement of the conflict could be found only if the fundamental rights of Palestinians and Israelis were respected. Palestinians were entitled to demand an end to the occupation and the establishment of a democratic, independent State. For their part, the Israelis had the right to live in peace and security within internationally recognized borders. As for the



international community, it must act in a concerted manner to bring about peace in the Middle East. Just as it had called upon the Palestinian Authority to improve security and combat terrorism, Norway called upon the Israeli Government to freeze settlement activities, as stipulated in the Road Map, to ease the closures and to halt construction of the security barrier.

76. Mr. AL FAIHANI (Observer for Bahrain) thanked the Special Rapporteur for his report (E/CN.4/2005/29), which unfortunately painted a very gloomy picture of the situation of the Palestinian people in the occupied territories. The perpetuation of that situation, despite some recent positive developments, rather than contributing to the much-desired advent of peace, could only whip up violence and extremism. His delegation therefore requested the Israeli occupying authorities to abandon their inhumane practices, to withdraw immediately from the Palestinian territories and to give the Palestinian people a chance to create an independent State with Jerusalem as its capital. The Commission on Human Rights must denounce the practices to which the Palestinian people was being subjected, take the necessary steps to see that they were ended and that the occupying authorities respected the rights of the Palestinians.

77. It was to be hoped that the United Nations High Commissioner for Human Rights would bring Israeli practices to public attention and would recommend that the appropriate United Nations organs took the requisite measures to secure respect for the Palestinian people's rights, along the lines of the action pursued in certain other countries.

78. In conclusion, his delegation wished to pay tribute to the Palestinian people and its leaders for the flexibility, wisdom and sense of responsibility that they had shown at all times in order to calm the situation. It rested its hopes on the resumption of the peace process and emphasized the need to promote the Palestinians' rights and fundamental freedoms by insisting that Israel withdrew from the whole of the occupied territory.

79. Mr. JA'AFARI (Observer for the Syrian Arab Republic) said that, in the advisory opinion on the separation Wall built by Israel around the Palestinian territory, including Jerusalem, the International Court of Justice had declared that its construction was contrary to international law and international humanitarian law and that Israel must destroy the section of the Wall already built. It had also ruled that the Fourth Geneva Convention applied to the Palestinian territory and that Israel must respect the provisions thereof. What was Israel doing to honour its obligations? It was continuing to build the Wall in defiance of the advisory opinion of the International Court of Justice and the pertinent General Assembly resolution. Just three days earlier, Prime Minister Ariel Sharon had given permission to proceed with the construction of more than 300 additional housing developments in the occupied territories annexed to Jerusalem. An official from the Prime Minister's Office had formally stated that Israel was going to continue to build settlements in the zones earmarked for that purpose, which would never be handed back to the Palestinians. Israel had thereby revealed its true intentions. However much the Israeli delegation denied the facts before the Commission on Human Rights, events on the ground revealed the nature of Israel's objectives: to annex Palestinian territory and force the Palestinians into exile so as to prevent them from creating a viable State. The Israeli delegation had therefore lied shamelessly before the Commission. Such twisting of the facts was even comic, when that delegation went so far as to claim Israel's right to self-determination, as it had done at a previous meeting, as if it was Israel that was occupied. The observer for Israel should read the Special Rapporteur's report with care.

80. Israeli practices in the Syrian Golan were really no different from those currently employed in Palestine. Israel had exiled Syrians from their villages and encouraged the building of Israeli settlements. Sharon had even told some settlers that the settlements on the Golan were Zionism's finest achievement. In 1991, Israel had purely and simply announced the annexation of the Syrian Golan, an act which had given rise to the Security Council's adoption of resolution 497 (1981), which makes it clear that any measure intended to change the demographics of the Golan was illegal. But Israel, which set itself above the law, had nonetheless turned areas into Israeli localities. In resolution 242, the Security Council had confirmed that the acquisition of territory by force was inadmissible, but that was exactly what Israel had been doing ever since 1967. Lastly, notwithstanding the "land for peace" principle proclaimed in Madrid and despite the fact that the Arabs had opted for a peaceful solution, as was evidenced by the initiative they had taken in Beirut in 2002, it seemed that Israel had chosen aggression and occupation. Israel was thus the last colonial power in the twenty-first century, although it claimed to be the victim of "the rest of the world."

81. Mr. BURAYZAT (Observer for Jordan) said that it was hard to form a clear idea of the current position with regard to the Palestinian question. The Special Rapporteur had painted a very bleak picture. The Sharm el-Sheikh agreements had seemed, however, to turn a new page in Palestinian-Israeli relations and the two parties had adopted encouraging measures in the wake of the agreements. But the hopes spurred by that event seemed to have been confounded by the reality of events on the ground with the intensification of Israeli settlement activities in the West Bank, the resumption of military onslaughts against Palestinian activists and restrictions on freedom of movement in the occupied territories. Israel's obstinacy and defiance of the international community's will in continuing to build a Wall which not only had a detrimental impact on Palestinians' living conditions, but also reduced the territorial basis of a future Palestinian State, was a graphic illustration of that alarming situation.

82. Mr. HILALE (Observer for Morocco) said that the humanitarian situation in the occupied Palestinian territory was still giving rise to deep anxiety. The construction of the separation Wall, which was adversely affecting the enjoyment of human rights, was continuing despite the advisory opinion of the International Court of Justice. The Palestinian people had demonstrated its attachment to democracy by freely choosing its new Government, an act which prompted hope of a lasting, peaceful settlement of the conflict. The influential powers and the United Nations must take advantage of that opportunity by supporting all goodwill initiatives and by helping the parties to create propitious conditions for political negotiations in keeping with international law and resting on clearly defined bases, so as to prevent any drifting off course in the future. The Road Map was a suitable platform for such endeavours. His Government was therefore determined to promote the quest for a lasting, just solution to the conflict.

83. Mr. LEVANON (Observer for Israel) said that, although the undertakings given at the Sharm el-Sheikh Summit by the Israelis and Palestinians had created a new reality in the Middle East, the Commission was behaving as if nothing had happened and kept on playing the same diskette. It was little wonder that its credibility had been dented. The Commission's credibility deficit, which had been sharply criticized by the High-level Panel on Threats, Challenges and Change and the Secretary-General and acknowledged by a growing number of delegations, was made all the more apparent when the Commission singled out one country by devoting a separate agenda item to it, whereas item 9 was supposed to cover human rights violations anywhere in the world, when it appointed a Special Rapporteur to examine the

conduct of only one of the two parties to the Israeli-Palestinian conflict, when it presented draft resolutions in which the Palestinians had only rights and a monopoly on suffering, while the Israelis had only obligations and were the cause of all evil and, lastly, when the Commission ignored the suicide bombers and arms smuggling which had forced Israel to construct a security fence and set up checkpoints. His delegation hoped that the Commission would move forward and accompany both parties on the path towards peace.

84. Mr. LABIDI (Observer for Tunisia) said that, although recent events in the region, especially the Sharm el-Sheikh Summit, were fuelling hopes, the suffering of the Palestinians in the occupied territories remained a source of deep concern. The Special Rapporteur showed in his report that violations of human rights and international law were still taking place in the occupied Palestinian territory: the continued construction, against the wishes of the international community, of the Wall, which was adversely affecting the population's rights and living conditions; the establishment of new settlements; the imposition of curfews and restrictions on the freedom of movement. His Government supported all just causes, especially that of the Palestinians, and unreservedly backed the search for a just and lasting peace which would enable Palestinians to exercise their legitimate rights.

85. Mr. JAZAÏRY (Observer for Algeria) endorsed the declaration made by the observer for the Libyan Arab Jamahiriya on behalf of the Arab countries. It was astonishing that a State which claimed to be the sole democracy in the region could, with impunity, proceed with the extrajudicial execution of opponents, including disarmed civilians. If another State Member of the United Nations were to commit such acts, its membership would be suspended and its assets frozen. It would also be subjected to a drastic embargo. The repressive and humiliating measures employed in the occupied Arab territories were being imposed by an administration which had ignored virtually all United Nations resolutions. The only way to put an end to such practices was to ensure Israeli withdrawal from all the occupied territories and a halt to the building of further settlements which had been termed illegal by the Security Council. It would also be necessary to stop the construction of the separation Wall, which was continuing in defiance of the advisory opinion rendered by the International Court of Justice on 9 July 2004. His delegation hoped that the revival of the peace process would mark a step forward in the promotion of the human rights of a scorned and humiliated people.

86. Mr. AL MAHRI (Observer for the United Arab Emirates) subscribed to the statements made by the Arab Group and by OIC. He called attention to the deplorable human rights situation in the occupied territories, and especially in Palestine, where serious human rights violations were still occurring, some of which, such as the assassination of civilians, could even be regarded as war crimes within the meaning of the Fourth Geneva Convention. Israel was continuing its defiance of the international community by refusing to implement the resolutions of the Commission, the General Assembly and the Security Council and by rejecting the advisory opinion of the International Court of Justice and was thereby preventing peace efforts from bearing fruit. The international community had the heavy responsibility of persuading Israel to meet its obligations. The Arab States which had met in Algiers for the Summit of the League of Arab States had reaffirmed their determination to achieve just and lasting peace in the Middle East.

87. Ms. MASSAGEE, speaking on behalf of Al-Haq, the International Federation for Human Rights and the World Organisation Against Torture, welcomed current efforts to achieve a solution to the Israeli-Palestinian conflict, but emphasized that any such solution must be based on the principles of international law. Reality on the ground showed, however, that those principles were being compromised. The Israeli authorities were continuing to injure Palestinians' rights through numerous restrictions and repressive measures, to confiscate their land, to build the Wall, thereby unilaterally delineating the area which could become the future Palestinian State and to extend their settlements in order to annex part of the West Bank.

88. She urged the Commission to call on all parties to ensure that the provisions of international law served as a basis for the negotiation process and any agreement; to ensure that Israel issued a standing invitation to mandate holders under the special procedures; to call on all parties to respect human rights law and humanitarian law, and to invite all parties to the Geneva Conventions and the States members of the General Assembly and Security Council to honour their international obligations, in particular those set forth in the advisory opinion of the International Court of Justice and to ensure the application of the Fourth Geneva Convention in the Gaza Strip even after disengagement.

89. Ms. SHARFEDDIN (International Organization for the Elimination of All Forms of Racial Discrimination) said that, by electing Mr. Abbas as President, the Palestinians had demonstrated their political maturity and commitment to peace. The international community had a duty to help them to achieve their legitimate rights. Violence and terrorism had not created the occupation, but had been products of it. It was the Palestinians, not the Israelis, who needed a partner for peace. The Palestinians were victims of extremely serious violations of their rights and of war crimes, which had been documented by numerous international human rights organizations. The apartheid practised against them was worse than that undergone by the blacks in South Africa, who at least had been regarded as part of the system and not separated from the whites by walls. By trying to squeeze the maximum number of Palestinians into the minimum area of land the Israeli Government was pursuing a policy of ethnic cleansing which was encouraged by the United States. The Arabs and the Palestinians had accepted the international community's decisions and had proposed a peace based on international legality, but their good faith had always been met with more aggression from the Israeli forces. The Palestinians were vulnerable and more in need of help than ever before.

90. Mr. NEUER (UN Watch), speaking also on behalf of Freedom House, Rights and Democracy, the Transnational Radical Party, the Association for Democratic Initiatives, the Association of World Citizens, Fundación "8 de Marzo", Intersos, Liberal International, World Information Transfer and the International Association of Educators for World Peace, said that the "cedar revolution" in Lebanon, in which 1 million courageous men and women had gathered in Beirut to demand their right to freedom and sovereignty, was giving rise to great hopes in the region and the rest of the world. The Lebanese were no longer alone. The Commission had long remained silent about the gross human rights violations regularly committed by the Syrian occupying forces in Lebanon. UN Watch, which had been a lone voice when it had spoken out against those violations at the previous session, recalled the suffering of

hundreds of Lebanese civilians who had been killed or “disappeared”, that of Samir Gea’gea’ and Jirjis al-Khouri, who had been sentenced to 10 years of solitary confinement after an unfair trial, and that of Mohammed Mograby, who had been endlessly persecuted for having demanded an inquiry into judicial corruption and two “disappearances”. UN Watch had submitted a draft resolution to the Commission on the matter in document E/CN.4/2005/NGO/308.

91. Damascus must fully abide by Security Council resolution 1559 (2004) and surrender its police State in Lebanon; in other words, it must stop persecuting human rights defenders and opponents, suppressing freedoms, discriminating against the Kurds and women and protecting terrorists and their backers. The freedom, sovereignty and dignity of Lebanon required not only Syrian withdrawal, but also the withdrawal of the Iranian revolutionary guards, who were illegally occupying the country, and the disarming of Hizbollah, which was funded and armed by Iran.

92. Mr. SEIDERMAN (International Commission of Jurists) stated that Israel had continued in the name of national security to take sweeping measures which were having dire consequences for the Palestinians. His organization unequivocally condemned attacks by armed Palestinians on Israeli civilians, but while it recognized that Israel had the right and duty to protect its citizens, it considered that such action must be in accordance with international law.

93. The Wall that Israel was still building encroached far into the occupied Palestinian territory and would encompass most of the Israeli settlements. It was also creating enclaves where Palestinians were trapped. The International Court of Justice had ruled that the construction of the Wall and the establishment of Israeli settlements in the occupied Palestinian territory were unlawful. It had further stated that Israel was under an obligation to end its violations of international law and to provide compensation for all the damage caused by the construction of the Wall. The Court had held that all States were under an obligation not to recognize the illegal situation resulting from the construction of the Wall and not to render aid or assistance in maintaining the situation created by that construction. The International Commission of Jurists believed that any measure adopted in the name of security, even when combating acts of terrorism, must be lawful and that security and lasting peace were possible only when the rule of law was respected.

94. Mr. BOTHE (Franciscans International) said he regretted that Israel was planning to build 3,500 new housing units in the West Bank and was continuing to erect the Wall. The Special Rapporteur, in his report, had clearly outlined the reasons why Israel was constructing that Wall. Of course, Israel must be able to protect its citizens against attacks by Palestinian groups, but the Palestinians must also be able to live in security. Too many victims had to be mourned on both sides. There would be no peace until the lives of Israelis and Palestinians were regarded as equally precious and duly protected. The humiliating restrictions imposed on Palestinians, administrative detention, the refusal to protect them from Israeli settlers’ attacks and the blocking of prospects for the future all generated violence. In the interests of peace, his organization urged the Israeli Government to comply with the advisory opinion of the International Court of Justice by dismantling the Wall and compensating Palestinians, by fully respecting Palestinians’ right to liberty of movement, by evacuating all settlements in Palestinian territory and by fully cooperating with mandate holders under the Commission’s special procedures.

95. Mr. MARIASCHIM (B'nai B'rith International), speaking also on behalf of the Coordinating Board of Jewish Organizations, said that the Commission on Human Rights was still undermining the peace process in the Middle East by accepting biased, one-sided reports. Israelis and Palestinians had agreed, at various stages in the peace process, to seek first to build an atmosphere of trust and to defer until the last phase of negotiations the consideration of final status issues, in other words settlements, borders, security, Jerusalem and refugees. The international community had joined together to facilitate movement towards peace through the Road Map, which was backed by the Quartet, i.e. the United States, Russia, the European Union and the United Nations. Unfortunately, the Special Rapporteur had gone completely against that trend. In his report to the Commission, he had again acted as the advocate for one side instead of adopting the stance of an impartial observer. He thus eroded the legitimacy of the United Nations as a member of the Quartet. In particular, the Special Rapporteur failed to take into account the reason why Israel had embarked on the construction of its temporary security barrier, namely the four and a half years of Palestinian terrorism unleashed against the Israeli civilian population. The Special Rapporteur minimized the importance of permanent status talks, insisted that those issues be resolved immediately and belittled Israel's confidence-building measures. He actually blamed Israel for the attacks of which it was a victim, while ignoring the terror and hatred that the Palestinian Authority had ceaselessly fomented against Israel and the Jewish people. His report was not only discriminatory, it reinforced that culture of terror and hatred. By allowing the Special Rapporteur to produce that type of report, the Commission undermined its own special procedures. Neither of the parties had asked the Special Rapporteur to be an arbitrator of their negotiations. In his capacity of Special Rapporteur, Mr. Dugard ought to uphold the role of the United Nations in the Quartet as a facilitator and not as a referee. Through his reports, the Special Rapporteur was seeking to create a hierarchy of human rights, with those of Palestinians outweighing those of Israelis. That was blatant discrimination which was out of place in the Commission.

The meeting rose at 12.05 p.m.