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Chair: Mr. Messone (Gabon)
Later: Ms. Borland (Vice-Chair) (Belize)

Contents

Agenda item 53: Report of the Special Committee to Investigate Israeli Practices
Affecting the Human Rights of the Palestinian People and Other Arabs of the
Occupied Territories

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

Agenda item 53: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/67/332, A/67/338, A/67/372, A/67/375, A/67/511 and A/67/550)

1. **Mr. Kohona** (Sri Lanka), speaking as Chair of the Special Committee and introducing its report (A/67/550) examining the human rights situation in the Occupied Palestinian Territory and the occupied Syrian Golan, said that it contained information gathered during the Special Committee's one-week mission to the region in July 2012 and through consultations with Member States that had sponsored General Assembly resolution 66/76. It was regrettable that, as in previous years, the Government of Israel had failed to respond to repeated requests to meet and allow access to the occupied territories. The Committee had sought information from a wide range of sources regarding Israeli practices affecting human rights in the occupied territories.

2. He drew attention to the report's deeply troubling conclusion that Israeli practices amounted to a strategy to either force the Palestinians off their land or so severely marginalize them as to establish and maintain a system of permanent oppression. The systematic application of that strategy cast doubts on Israel's claim that it was committed to the objective of two States living side by side in peace and security. He also drew attention to the report's recommendations.

3. **Mr. Šimonović** (Assistant Secretary-General for Human Rights), introducing five reports of the Secretary-General under agenda item 53, said that the report on the work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/67/511) outlined the activities undertaken by the Special Committee from August 2011 to July 2012 and by the Department of Public Information in support of the Special Committee's work.

4. The report on the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories (A/67/332) indicated that, despite the Secretary-

General's requests and for the second consecutive year, no reply had been received from Israel or any of the High Contracting Parties to the Fourth Geneva Convention regarding action they had taken to implement the relevant General Assembly resolution.

5. The report on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan (A/67/375) was based on monitoring carried out by the human rights office in the Occupied Palestinian Territory, as well as on information received from the Office for the Coordination of Humanitarian Affairs office in the Occupied Palestinian Territory and from Israeli and Palestinian non-governmental organizations, and described human rights issues related to Israeli settlement activities and violence by Israeli settlers. It focused on how Israeli policies and practices related to settlements in the West Bank, including East Jerusalem, led to the violation of the right to self-determination of the Palestinian people. The report called on Israel to comply with its international legal obligations and its commitments in the road map, to fulfil its obligation to maintain public order in the West Bank and to investigate all serious allegations concerning criminal acts committed by settlers or its security forces. The report also noted that Israel's violation of Palestinians' right to self-determination was a matter of concern to all States.

6. The report on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem (A/67/372) focused mainly on the blockade of Gaza; the firing of rockets from Gaza toward Israel; excessive use of force by Israeli security forces in the West Bank; Israel's practice of arbitrary detention; and Israeli efforts to alter the character, status and demographic composition of the Occupied Palestinian Territory.

7. The final report, on the occupied Syrian Golan (A/67/338), summarized the responses of the Syrian Arab Republic, Algeria, Argentina, Qatar and the Sudan to the Secretary-General's request for information from Member States on action taken to implement General Assembly resolution 66/80.

8. **Ms. Rasheed** (Observer for Palestine) said that the Committee had clearly based its examination of the situation on the human rights covenants and humanitarian law, including the Geneva Convention

relative to the Protection of Civilian Persons in Time of War and the Hague Regulations . Yet Israel, the occupying Power, had again refused to cooperate and had violated its obligations to respect the relevant resolutions and to cooperate with United Nations mechanisms, including the Human Rights Council . Israel continued to commit grave breaches of international law , with impunity, to the detriment of the people suffering under its illegitimate, oppressive, 45-year military occupation. That matter warranted the same indignation expressed when other Member States breached such obligations, especially as Israel had done so repeatedly, deliberately and over such a prolonged period of time.

9. The Special Committee's reports, along with the recent reports of the Human Rights Council's Special Rapporteur on the situation of human rights in the Palestinian territories , conveyed a grim picture of the situation in the Occupied Palestinian Territory. Regrettably, the situation had deteriorated over the past year as Israel had intensified its illegal measures. One of the many alarming statistics reported was the 237 per cent increase in Israeli settler violence during the reporting period as compared to 2009. The escalating violations should be cause not only for concern, but for the international community to uphold its responsibilities under international law in respect of human rights and the protection of civilians in armed conflict.

10. Israel sought not a just peace, but rather to entrench its illegal expansionist agenda through colonization of the Palestinian land and subjugation of the Palestinian people. The Government of Israel's brutal and illegitimate practices discredited its claim of commitment to the principle of two States living side by side in peace and security. In fact, there was a human rights crisis in the Occupied Palestinian Territory. Israel continued to deliberately pursue policies and practices that systematically violated international law, denying the Palestinian people their inalienable rights and freedoms. During the reporting period, Israeli military attacks had resulted in the killing of 90 Palestinians in the Gaza Strip and the injury of another 371, including 85 children. In the West Bank, including East Jerusalem, 9 Palestinians had been killed by the occupying force and another 2,453 had been injured, the majority as a result of Israel's excessive use of force against peaceful protesters. Nearly 5,000 Palestinians remained

imprisoned in deplorable conditions and subject to all forms of ill-treatment. In addition, between 500 to 700 children had been detained every year by Israel and subjected to horrific mistreatment.

11. The colonization and confiscation of Palestinian land, with daily construction and expansion of settlements, the wall and related colonial infrastructure, had a devastating impact on the human rights of the Palestinian people, the contiguity of the Territory and the viability of the two-State solution. Moreover, over 85 per cent of the length of Israel's wall deviated from the 1967 border deep into the Occupied Palestinian Territory and, when it was completed, an estimated 25,000 Palestinians would be trapped in isolated, walled-in enclaves. Malicious attacks by Israeli settlers and settler militias had increased dramatically, raising tensions and destabilizing the situation. The Israeli Government should bear full responsibility for all illegal colonization activities in the Occupied Palestinian Territory and must be held accountable for those crimes.

12. Israeli demolition of Palestinian homes and other properties had increased sharply in recent years, with 378 Palestinian properties destroyed in the first 6 months of 2012 alone, including 120 family homes, which had left more than 500 Palestinians homeless, over half of them children. Over 60 per cent of demolitions had taken place in areas near the illegal Israeli settlements and the wall, which exposed the direct connection between those illegal policies. In the Gaza Strip, the illegal Israeli blockade and military aggression had left 80 per cent of Palestinians in Gaza dependent on humanitarian aid for basic sustenance. According to a recent report by the United Nations Team in the occupied Palestinian territory, "Gaza in 2020: A liveable place?", Gaza would be unliveable by 2020 if the situation persisted.

13. The delegation for Palestine called for Israel to lift the inhumane blockade and take measures to ensure the regular and sustained movement of persons and goods, including humanitarian aid necessary for economic revival. Remarkably, despite Israel's policies of repression, the Palestinian people and their leadership remained committed to the peace process, and to negotiations to resolve all issues and bring an end to the occupation and achieve the two-State solution of Palestine and Israel living side by side in peace and security on the basis of the pre-1967

borders. That peace, however, could never be realized as long as Israel remained defiant of the law and remained an unwilling partner in the peace process.

14. The international community, including the Security Council, should hold Israel accountable and ensure its compliance with the human rights covenants, the Fourth Geneva Convention and relevant United Nations resolutions. That was fundamental for salvaging the rapidly diminishing prospects for peace and for allowing the Palestinian people to finally fulfil their national aspirations to live as a free and secure people in their independent State of Palestine, with East Jerusalem as its capital.

15. **Mr. Vrailas** (Observer for the European Union), speaking also on behalf of the acceding country Croatia, the candidate countries Montenegro, Serbia and the former Yugoslav Republic of Macedonia, the stabilization and association process countries and potential candidates Albania and Bosnia and Herzegovina, as well as Ukraine, said that ending the Arab-Israeli conflict remained one of the main priorities of the European Union. Ongoing developments in the region made the need for progress in the peace process all the more urgent. Heeding the aspirations of the people in the region, including those of Palestinians for statehood and those of Israelis for security, was a crucial element for lasting peace, stability and prosperity in the region as a whole. He reaffirmed the European Union's commitment to a negotiated two-State solution, stressing the central role of the Quartet and recalling its latest statement of 11 April 2012. A comprehensive peace agreement should be based on the relevant United Nations Security Council resolutions, the Madrid principles, the road map, the agreements previously reached by the parties and the Arab peace initiative. He recalled the applicability of international humanitarian law in the Occupied Palestinian Territory, including the applicability of the Fourth Geneva Convention. As stated in the conclusions adopted by the European Union Foreign Affairs Council on 14 May 2012, the European Union called on the parties to pursue actions to ensure meaningful negotiations, to refrain from actions that undermined the credibility of the process and to prevent incitement to violence.

16. He deplored the continuing Israeli settlement activities, including the decisions to build 797 new housing units in the Gilo settlement and additional units in the nearby Har Homa settlement, which

contributed to the process of separating East Jerusalem from the rest of the Occupied Palestinian Territory and made the resumption of negotiations more difficult. Settlements were illegal under international law and the Government of Israel should immediately end all settlement activities in the West Bank, including in East Jerusalem, in line with its obligations under the road map. A way must be found through negotiations to resolve the status of Jerusalem as the future capital of two States.

17. The European Union would continue to support the Palestinian State-building process. As the largest donor to the Palestinian Authority, the European Union called on Israel and international donors to help to avoid a deepening of the Palestinian financial crisis and a related negative impact on the State-building efforts which had been commended by the Ad Hoc Liaison Committee, the World Bank and the international community. The transfer of tax and customs revenues collected by Israel for the Palestinian Authority was an obligation under the Paris Protocol and remained a key element of those efforts.

18. The European Union was deeply concerned about the worsening living conditions of the Palestinian population in Area C, which was its main land reserve. Serious impediments prevented the Palestinian Authority from accessing the area and promoting economic development. The many problems encountered included demolitions of Palestinian housing and infrastructure, complicated administrative procedures to obtain building permits and have master plans approved and limited access to water. The European Union called on Israel to work out improved mechanisms of access, administration and cooperation, including with regard to international donors. For its part, the European Union would continue to support the economy and infrastructure development in the Palestinian Area C, as set out in the new five-year Joint Action Plan adopted in the framework of the European Union's so-called Neighbourhood Policy.

19. The European Union condemned in the strongest terms the continuing settler violence and deliberate provocations against Palestinian civilians. It called on the Government of Israel to protect Palestinian civilians from violence, to bring the perpetrators of any such acts to justice and to comply with its obligations under international law.

20. Fully recognizing Israel's legitimate security concerns, the European Union was appalled by recurring instances of rocket attacks from Gaza and condemned in the strongest terms any violence deliberately targeting civilians. All partners in the region should work to prevent arms smuggling into Gaza, but the situation in Gaza and southern Israel would remain unstable as long as Gaza remained politically separate from the West Bank.

21. The European Union continued to call for the immediate, sustained and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from the Gaza Strip. To that end, the European Union called for the full implementation of Security Council resolution 1860 (2009), the full respect of international humanitarian law and full implementation of the 2005 Agreement on Movement and Access. Intra-Palestinian reconciliation behind President Mahmoud Abbas was an important element for the unity of a future Palestinian State and for reaching a two-State solution.

22. On the specific issue of human rights, the European Union and Israel engaged in regular dialogue on those matters in the framework of their bilateral relationship. The European Union had called on Israel to resume full cooperation with the Human Rights Council, the Office of the High Commissioner for Human Rights and the universal periodic review. Neither Israel nor the work of those institutions benefited from Israel's withdrawal from those mechanisms.

23. The European Union considered that in both Israel and the occupied Palestinian territory, human rights defenders played an important role in promoting the common values of democracy, peace and human rights. The Palestinians had the legitimate right to engage in peaceful demonstrations. Israel's extensive recourse to administrative detention of excessive duration without charge was a cause for concern. In accordance with international law, Israel should bring formal charges against those individuals. The European Union welcomed the recent agreement reached on conditions of detention in Israeli prisons and urged both sides to abide by their undertakings. In conclusion, he said that the European Union would continue to work with its partners within the Quartet, and with the international community, to contribute to a comprehensive settlement of the Arab-Israeli conflict.

24. **Mr. Al Habib** (Islamic Republic of Iran) speaking on behalf of the Movement of Non-Aligned Countries, said that the Movement was seriously concerned about the findings of the Special Committee, especially those that addressed mass imprisonment of Palestinians, administrative detention, routine demolition of homes, intensification of settlement activities, the blockade of Gaza, widespread violence by settlers and the lack of an effort to hold them accountable. He called for the implementation of the recommendations contained in the report, in order to ensure compliance with international human rights and humanitarian law by Israel and to end its impunity in all the Arab territories that it had continued to occupy since 1967. He added that the impact of illegal Israeli measures on the civilian population, including the most vulnerable such as women, children and refugees, must be seriously considered and measures taken in accordance with international law to remedy the situation.

25. Condemning Israel's unlawful campaign of arrest, detention and forced interrogation of Palestinians under harsh and inhumane conditions, he called for their immediate release and for their plight to be addressed by the Security Council and the Human Rights Council. He also demanded an end to settlement activities, the blockade of the Gaza Strip, occupation of the Syrian Golan and all actions aimed at altering the demographic composition of the occupied territory, calling on Israel to constructively cooperate with efforts to bring about negotiations for the achievement of a just and lasting peace in the Middle East based on the realization of the rights of the Palestinian people and the two-State solution. In that context, he stressed the need for the international community to remain united in its demand that Israel respect its legal obligations as an occupying Power and cease forthwith all its violations.

26. **Mr. Haniff** (Malaysia) said that, despite the many obstacles imposed by Israel, the Special Committee was familiar with the situation on the ground and had obtained the testimonies of many Palestinians who had fallen victim to Israeli human rights violations. Malaysia was disappointed at Israel's continued policy of non-cooperation with the Special Committee. The situation in the Occupied Palestinian Territory was not improving, and, in fact, had worsened. Israel's continued practice of administrative and arbitrary detention of both children and adults was appalling, as

were the harsh and cruel treatment of those being detained and the application of military law against children, among other practices. Without a doubt, the occupying Power was in flagrant violation of its commitments under applicable international and human rights laws. More crucially, it appeared to have abandoned minimal standards of human decency by denying Palestinians not only their basic human rights but also their human dignity.

27. Malaysia condemned the Judaization policy in the Occupied Palestinian Territory, as described in the report, including the systematic demolition of Palestinian homes and the active encouragement of illegal settlement activity. It was clear that Israel intended to change the demographics and reality on the ground. If Israel was committed to a solution to the question of Palestine, existing illegal settlements had to be dismantled and no new illegal settlements should again be built on Palestinian land. He called on the General Assembly to adopt new measures to address Israel's long track record of non-cooperation with the United Nations. Israel must accept that a lasting and just solution not only benefited the Palestinians, but would contribute to Israel's own safety and security.

28. Malaysia supported all the recommendations in the report of the Special Committee, and requested that it should be conveyed to the High Commissioner for Human Rights and made available for the consideration of the Human Rights Council.

29. **Mr. Seck** (Senegal) said that his delegation was alarmed at the systematic and large-scale violations by Israel ranging from abusive restrictions on mobility and assembly to evictions and confiscation of land, acts which were in complete violation of international law and international humanitarian law.

30. He lamented the excessive use of force by the Israeli security forces, especially the police and border forces, most of whose victims were peaceful and unarmed, and risked their lives daily by simply expressing their opinions in public. The situation of Palestine youth should also not be ignored; Israel was obliged to honour its obligations under the Convention on the Rights of the Child. The great hardship stemming from the Gaza blockade had severe consequences, and Senegal called for its complete lifting. Senegal also denounced the impunity taking root in the occupied territory. The Israeli authorities must uphold legality and fulfil their responsibilities

through independent and effective investigations. Senegal supported the creation of a sovereign and independent Palestinian State based on 1967 borders, whose establishment would contribute decisively to preserving the human rights of the Palestinian people.

31. **Ms. Comesana Perdomo** (Cuba) said that her delegation expressed appreciation for the work of the Special Committee, especially since it was conducted under difficult circumstances. Increasing violence by Israel against Palestinians in the occupied territories was a growing concern, particularly in Gaza, where rates of poverty and displacements were alarming. She also raised the issue of the blockade, under which it was impossible to import the necessary materials to build new schools, thereby limiting education prospects for young people. Further, armed force was being used against a defenceless population that included women, children and the elderly.

32. Efforts by the international community to resolve the conflict had been fruitless, and Israeli authorities had brazenly scorned international law. The Security Council could still not deal seriously with the subject; there was a double standard at work with one of its members using or threatening to use its veto power. Israeli policies of closures, settlements, and confiscations of large amounts of land cast doubt on whether Israel truly wanted peace. All of its actions as an occupying Power were aimed at changing the legal and demographic situation on the ground. Cuba had condemned those actions since 1967, including in the Syrian Golan, as they constituted violations of international law, the United Nations Charter and various resolutions. Cuba supported the Palestinian people's inalienable right to an independent sovereign State with East Jerusalem as its capital, and demanded the unconditional return of all Palestinian land, which was the only way to achieve a just and lasting peace.

33. *Ms. Borland (Belize), Vice-Chair, took the Chair.*

34. **Mr. Abzakh** (Jordan) said his Government had taken note with deep concern of the report, which painted a bleak picture of the situation in the Occupied Palestinian Territory. Jordan fully endorsed its recommendations. The human rights situation and humanitarian conditions of people in that area were deteriorating, owing to Israeli actions that violated international law. He called for a cessation of all Israeli violations and unilateral measures, especially against Muslim and Christian holy sites in Jerusalem.

35. It was equally imperative to stop the excavations below the temporary wooden bridge leading to the Mughrabi Gate Pathway, as well as efforts to remove the Arab presence in Jerusalem. Israeli settlements there had no legal validity under international law, a point reaffirmed in various Security Council resolutions. Jordan condemned Israel's declared intent to build new ones, as well as a planned military academy in East Jerusalem. Furthermore, the right to self-determination was an international legal principle obliging all States to promote its realization in respect of Palestinians, as affirmed by the International Court of Justice's 2004 advisory opinion. The Palestinian question was the core regional problem, and warranted collective attention to achieve a peaceful solution.

36. **Ms. Tohme** (Lebanon) said that administrative detention in Israel was formerly known as internment, a procedure used in the colonial period to remove individuals from society despite the absence of criminal charges. The reports before the Committee confirmed that the practice of administrative detention in Israel had caused persons not engaged in violent activities and who did not pose a security threat to suffer prolonged confinement and exceedingly harsh treatment, in particular Palestinian women and children. Noting the finding in the report of the Secretary-General of a 73 per cent increase in the detention of Palestinian children since December 2011, she said that it was high time for those children to regain their freedom and be able to dream of a better future.

37. The destruction of Palestinian homes, infrastructure projects, roads and agricultural land and facilities continued apace, but the international community had yet to act to put an end to the abuses of Palestinian human rights. The separation wall and its permit regime were enforcing an apartheid policy on the Palestinian people in violation of the International Court of Justice's advisory opinion, yet Israel continued to construct the barrier, imposing severe restrictions on movement and access in all aspects of life. She therefore called on the international community to support the people of Palestine in their right to live in dignity, justice and peace.

38. **Mr. Ben Sliman** (Tunisia) said that the Special Committee must continue its work until the Israeli occupation had been ended, to remind the international community of the daily suffering of the Palestinian people and other Arabs in the occupied territories.

Despite promises, there had been a sharp drop in international assistance to the Palestinians at a time when prospects for the resumption of peace efforts were totally paralysed. After six decades of Israel's occupation of Palestinian lands and the Syrian Golan, the international community had yet to act decisively to put an end to the occupation and enable the Palestinians to establish an independent State.

39. The deadlock increased tension and instability in the region, and the daily violations of human rights were the work, not only of the Israeli army and Government, but also of extremist settlers acting openly, before the eyes of the Israeli Government, amid international silence. People were being uprooted and ethnic cleansing was being carried out with total impunity, while the historical lands of the Palestinians were being steadily confiscated. That had made the two-State solution difficult if not impossible. It was to be hoped that the international community would accede to Palestine's just and legitimate quest for status as a Member State of the United Nations, which would send the message that there was a real basis for peace.

40. **Mr. Hamed** (Syrian Arab Republic) noted with satisfaction the role of the Special Committee, whose reports were very professional, neutral and reliable. For 60 years, the international community had witnessed massive and systematic human rights violations and violations of legal instruments and moral, ethical and humanitarian norms. In the seventh decade of the conflict, he wondered how much more time must pass and how many more people must suffer before serious measures were taken to end the occupation, and whether the inhabitants of Gaza would have to die of hunger in order for the blockade to be lifted. The reports of dozens of investigative committees had been submitted over the years—were those not sufficient to attest to the gravity of the situation? Numerous resolutions had called upon Israel to end the occupation in the Arab territories and had condemned the systematic and gross violation of human rights—were they not sufficient to induce Israel to put an end to the occupation and to persuade countries to stop supporting Israel?

41. There was an ongoing tragedy in the occupied Golan, where Syrians were suffering under an Israeli occupation characterized by oppressive terrorist policies, racial discrimination and arbitrary detentions. Syrians were prevented from travelling outside the

occupied territory, while Israelis continued building settlements at a feverish pace in an attempt to redraw the map. Mines and cluster bombs planted by the Israeli military had claimed more than 726 victims, 227 of them children. It was the duty of the international community to ensure a return to the pre-1967 borders. The credibility of the United Nations was at stake: the Organization must assume its responsibilities. Moreover, a just, comprehensive peace in the Middle East would not be possible without a resumption of the peace process initiated in Madrid in 1991.

The meeting rose at 12.10 p.m.