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Fifty-seventh session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 28 March 2001, at 6 p.m.

Chairperson: Mr. DESPOUY (Argentina)
later: Mr. DE MENDONÇA E MOURA (Portugal)

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* The summary record of the second part (closed) of the meeting appears as document E/CN.4/2001/SR.20/Add.1.

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The meeting was called to order at 6.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued) (E/CN.4/2001/3, 7, 27 to 30, 108 to 114, 118, 121, 130, 133, 136 and 142; E/CN.4/2001/NGO/7, 18, 53, 74, 118 and 149; E/2000/112-E/CN.4/S-5/5 and Add.1, E/CN.4/S-5/3)

1. Mr. WISNUMURTI (Indonesia), after referring to the decisions taken by the Commission at its Fifth Special Session devoted to the situation in the occupied Palestinian territories, expressed his delegation's gratitude to the High Commissioner for Human Rights for the visit she had made to those territories from 8 to 16 November 2000. His delegation endorsed the High Commissioner's conclusions and recommendations. In particular it agreed with her on the need to establish an international monitoring presence in the region, and also to reconvene the meeting of the High Contracting Parties to the 1949 Fourth Geneva Convention, so as to establish an international mechanism to take the urgent measures needed.
2. His delegation noted with regret that of the eight human rights special mechanisms mandated by the Fifth Special Session to carry out missions in the territories, only four had expressed an interest in visiting the region. His delegation urged all the special mechanisms to respond to the Commission's request.
3. It was now incumbent on the Commission to analyse the follow-up to the recommendations made, and, in particular, to determine what actions should be taken to protect the rights of all Palestinians in the occupied territories. The situation in those territories remained a source of grave concern. The occupying Power must abide by its obligations under the Fourth Geneva Convention and the international community must ensure full compliance by Israel with the provisions of that Convention. Until such time as the foreign occupation had been brought to an end, only respect for the provisions of the Convention would ensure that the situation in the territories returned to some form of normality.
4. There was no alternative other than for Israel to pursue the peace negotiations in earnest, on the understanding that the realization of the right of the Palestinian people to self-determination included the right to establish its own State.
5. Mr. SEYDOU (Niger) said that his country's concern to see a return to peace in the Middle East had led it, in October 2000, to become a sponsor of what was now resolution S-5/1 adopted by the Fifth Special Session of the Commission. Pursuant to that resolution, the High Commissioner for Human Rights had paid a historic visit to the occupied territories, a visit she had herself described as "difficult". Since then, the situation in the Palestinian territories had not improved, in spite of the presence, as Minister for Foreign Affairs, of Mr. Shimon Peres, who in the past had greatly contributed to the success of the Oslo negotiations. Israeli defence forces continued to have excessive recourse to force and the Israeli Government had sealed off extensive Palestinian areas.

6. It was high time that the Palestinians were able to live in peace within secure and recognized boundaries, something that would not be possible until Israel finally made up its mind to implement Security Council resolutions 242 (1967) and 338 (1973). As the High Commissioner had stressed, Israel must also accord equal treatment to Israeli Arabs, who were currently victims of discrimination.

7. In its response to the report of the High Commissioner (E/CN.4/2001/114), Israel asserted that it was merely reacting to attacks on its citizens. Yet those attacks were the result of the frustration felt by Palestinians at the denial of their fundamental right, the right to live in freedom. No people in the world could be expected to live in eternal subjection without rebelling. That was the explanation for the revolt by young Palestinians. After 54 years of the Palestinian tragedy, little remained to be said or written about the situation in the Middle East. If Israel eliminated the causes of the Palestinians' profound frustration, peace would prevail in the region.

8. Mr. de Mendonça e Moura (Portugal) took the Chair.

9. Ms. GERVAIS-VIDRICAIRE (Canada) said that the tragic events of the past few days had once again demonstrated the fragility of the peace process in the Middle East. Canada held the Israelis and Palestinians jointly responsible for ending the violence, and saw negotiations as the only viable path to a comprehensive and just peace. Canada would continue to work towards that goal, together with local non-governmental organizations (NGOs) that shared those principles.

10. It was Canada's view that persisting human rights problems for Palestinians over the past year were principally due to the continuing Israeli occupation of large areas of the West Bank, Gaza and East Jerusalem, and to failures of governance by the Palestinian Authority. Canada continued to have strong concerns over Israeli settlement activities in the occupied territories, land confiscation, destruction of farmland and other violations by Israel of the Fourth Geneva Convention. The most troubling aspect of the crisis was the large numbers of civilians, notably children, killed and injured. The disproportionate use of force by Israel included the use of live ammunition by Israeli troops against youths throwing stones. The sealing off of the territories had resulted in increased economic and social hardship for Palestinians, particularly affecting health. Israel should ease the closure policy and transfer to the Palestinian Authority the tax revenues it was owed. While denouncing terrorism, Canada believed that the attacks by Israeli security forces on individuals suspected of terrorist activities were unlawful.

11. The conduct of the Palestinian Authority also remained a matter of concern, particularly with regard to arbitrary arrests and, most of all, its failure to restrict the involvement of children in potentially dangerous situations. Canada urged the Palestinian Authority to ensure that educational materials in schools in the West Bank and Gaza contained no incitement to engage in hostilities, and also to prevent the media from encouraging violence.

12. Canada had reviewed the report of the High Commissioner for Human Rights on her visit to the region and the report of the Human Rights Inquiry Commission. While it could agree with many of the conclusions of the reports, particularly that the construction of new settlements should cease and that Israel should work to remove existing settlements, it also believed that the

international community must encourage cooperation between Israel and the Palestinian Authority before undertaking large-scale initiatives such as the establishment of an international monitoring force.

13. Canada had supported the formation of the Mitchell Committee, the international fact-finding committee agreed to by both parties at Sharm el Sheikh in October 2000. It called on Israel and the Palestinians to allow the committee to carry out its functions.

14. Mr. ATTAR (Saudi Arabia) said that his country strongly condemned the bloodbath unleashed by Israeli forces of aggression in the occupied Palestinian territories. There was no need to describe those tragic scenes, which had been fully covered by the media. Suffice it to say that the sealing off of the territories, demolition of homes, uprooting of trees and murders of civilians were flagrant violations of international law.

15. Notwithstanding the determination of the Commission, expressed in the resolution adopted at the Fifth Special Session devoted to Palestine, Saudi Arabia found it difficult to understand the obstinacy with which certain States refused to condemn Israel or to take steps to halt those tragic events. It was alarming to note that those same States that proclaimed themselves to be defenders of humans rights throughout the world were still turning a blind eye to the massacres of Palestinians, against whom all types of weaponry without exception were being used.

16. Saudi Arabia called upon the Commission to adopt an objective, equitable and transparent approach to that situation. The policy of double standards must be put aside once and for all.

17. Despite Israel's arrogant refusal to cooperate with the persons expressly mandated by the Commission, the reports submitted to the Commission by the High Commissioner, on her visit to Palestine, by Mr. Giacomelli, the Special Rapporteur, and by the Inquiry Commission clearly illustrated the nature of its violations.

18. Measures must be taken forthwith to protect the Palestinian population, hundreds of whom had already been killed and thousands wounded, including a very high percentage of children. The Commission must call upon Israel immediately to halt its military operations in the occupied territories, end the assassinations of defenceless Palestinians, lift the blockade of the territories, comply with the resolutions of the Security Council and the General Assembly designed to safeguard the fundamental rights of the Palestinian people, including the right to an independent State, and remove all the settlements established in the territories since 1967, including those in Jerusalem, where Israel was endeavouring to construct new settlements in open defiance of the Fourth Geneva Convention of 1949.

19. Israel should realize that the dismantling of those settlements would help facilitate the quest for a lasting peace in the Middle East. It must halt its attempts to alter the demographic composition of the Holy City of Jerusalem and to encroach on Islamic holy places. It must realize that any attempt to violate the sanctity of those ancient sites would have disastrous consequences not only for the Palestinians but for the entire Islamic world.

20. Saudi Arabia called upon the Security Council and its permanent members, particularly the United States of America, to assume their responsibilities by taking measures under Chapter VII of the Charter of the United Nations.
21. Saudi Arabia assured the Palestinian people of its solidarity. It called upon the Commission on Human Rights to take all requisite steps to encourage the resumption of negotiations in the context of the peace process.
22. Mr. DEMBRI (Algeria) noted with appreciation the presence at the Commission's 20th meeting of the three members of the Human Rights Inquiry Commission, Professor John Dugard (South Africa), Professor Richard Falk (United States of America) and Dr. Kamal Hossain (Bangladesh), three great representatives of the contemporary world's moral conscience. Professor Dugard had appealed to the European Union to draw on its members' great historical tradition of mediation. In that regard, he paid tribute to Mr. Molander for his admirable statement made on behalf of the European Union. In that statement, he had reaffirmed the historical principle of "land for peace", a principle already affirmed at Madrid and Oslo, which thus reflected a common will to consider ways of definitively restoring the legitimate rights of the Palestinian people. It was time to overturn the old order and to proclaim that the Palestinian people at last enjoyed the legitimate right to live within the secure and recognized boundaries of its own established State.
23. Compassion must be extended to the innocent victims, and in that connection his delegation expressed surprise that one Special Rapporteur and the Chairman of a Working Group had not yet responded to the Commission's request to investigate the situation in the Palestinian territories.
24. It was no longer possible to turn a blind eye to the tragedy of the Palestinian people, who, as could be seen every day on the world's television screens, were the victims of a massive collective punishment. The report of the High Commissioner, on her visit to the occupied Palestinian territories, and the report of the Human Rights Inquiry Commission also painted an apocalyptic picture of the situation. Indeed, the High Commissioner had referred to the "terrible cost in terms of human lives". The task now was to make every effort to protect a people in danger of annihilation.
25. The two reports reaffirmed the obligation to ensure compliance, in the occupied Palestinian territories, with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. In that regard, his delegation supported the request addressed to the Government of Switzerland, as depositary of the Convention, to reconvene the Conference of High Contracting Parties to the Convention, a request supported by 70 countries.
26. By pursuing its policy of illegal establishment of settlements in the Palestinian territories, which it was transforming into bantustans, Israel was relentlessly gnawing away at the territories, and had no intention of allowing the Palestinian people to exercise its right to self-determination. It was for the international community to take steps to force Israel to return to the negotiating table with the Palestinian Authority, as it had done at the time of the Oslo Accords, for there

could be no peace in the region until the Palestinian people had recovered each and every one of its rights. Southern Lebanon and the occupied Syrian Golan were in similar situations. Their populations were subjected to the same violations and, there too, the same logic of peace must prevail. It was also time to settle the problem of the occupation of the Shebaa farms.

27. Mr. BJØRNDAL (Norway) said that his country was deeply concerned at the continuing violence in the Middle East, and particularly at the use of excessive force, which had claimed many innocent victims, as well as the extrajudicial executions carried out by Israel and the Palestinian Authority. Norway called on the Palestinian Authority to do its utmost to put an end to attacks against Israeli civilians.

28. A number of reports made available to the Commission, including those by NGOs such as B'Tselem and Amnesty International, described how the confrontations between Palestinians and Israelis had not only undermined the peace process but had also caused severe damage to the Palestinian economy. Norway believed, in particular, that the sealing off of the Palestinian territories should be halted immediately. It also urged Israel to transfer to the Palestinian Authority the tax revenues due to it, as the non-payment of those funds prevented it from delivering essential public services, thereby ultimately harming Israel's own interests. In February 2001, Norway had granted US\$ 10 million to the Palestinian Authority, to help it overcome its budget difficulties.

29. Israel had a duty to respect international humanitarian law, as set forth in the Fourth Geneva Convention, in all the territories occupied in June 1967, including East Jerusalem. Norway also called on Israel to end the construction of new settlements and the expansion of existing settlements, a policy that was in breach of the Fourth Geneva Convention. Lastly, it called on the two parties to resume negotiations on the basis of Security Council resolutions 242 (1967) and 338 (1973), and on the basis of other relevant United Nations resolutions and the Oslo Accords. Like the High Commissioner, Norway was convinced that lasting peace in the Middle East could be achieved only through negotiations and full respect for human rights and humanitarian law.

30. Ms. HUSSAIN (Malaysia), speaking on behalf of the Organization of the Islamic Conference (OIC), said that the report of the Human Rights Inquiry Commission (E/CN.4/2001/121) reflected the gravity of the situation in the occupied Palestinian territories. OIC also welcomed the report of the High Commissioner on her visit to the territories, and the report of the Special Rapporteur, Mr. Giacomelli, both of which contained recommendations that should be implemented forthwith. OIC regretted, however, that some of the Commission's special mechanisms had failed to fulfil their mandate, in violation of a resolution of the Commission, not only by failing to request a visit to the occupied Palestinian territories, but by omitting even to submit information received from various sources. OIC intended to pursue that matter. Israel, for its part, by refusing to cooperate with the members of the Inquiry Commission, had demonstrated the contempt in which it held the Commission on Human Rights.

31. Her delegation had singled out various salient points in the report of the Inquiry Commission: excessive use of force by the Israeli Defence Force; extrajudicial executions and political assassinations, whose perpetrators ought to be brought to justice, as were the

perpetrators of such abuses elsewhere in the world; the expansion of Israeli settlements, in a policy reminiscent of colonialism; and denial of the economic and social rights of the Palestinian people, resulting from closures, curfews, restrictions on movement and destruction of property. Lastly, OIC saw the practice of collective punishments as a crime of genocide within the meaning of article II, subparagraph (c) of the Convention on the Prevention and Punishment of the Crime of Genocide. Those violations undeniably stemmed from one root cause, namely, the denial of the right of the Palestinians to self-determination, a right set forth in the Charter of the United Nations, in the International Covenants on human rights, and in the relevant United Nations resolutions.

32. Like the Inquiry Commission, OIC considered that Israel was bound to respect not only the Fourth Geneva Convention but also the 1979 Code of Conduct for Law Enforcement Officials and the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

33. The continuing deterioration in the situation in the occupied Palestinian territories was an indication of the powerlessness of the international community to deal with the question. OIC urged the Commission to endorse the requests made to the Security Council to adopt mechanisms envisaged under Chapter VII of the Charter so as to protect the Palestinian population.

34. Mr. WANG Shijie (China) said that the previous year the peace process begun in Madrid in 1991 had registered some significant progress, witnessed by Israel's withdrawal of its troops from southern Lebanon and the start of the final status negotiations. Those were important elements in the restoration of the legitimate rights of the Palestinian people and the achievement of a lasting peace in the Middle East. Unfortunately, the eruption of violence between Israelis and Palestinians in September 2000 had severely compromised that process.

35. In October 2000, the Commission on Human Rights had convened a Special Session which had strongly condemned the disproportionate use of force in the occupied Palestinian territories and had called upon the international community to take the necessary steps to put an end to the grave violations of the human rights of the Palestinian people. However, those violations continued, and the situation was all the more disturbing in that it not only endangered the peace process between Palestinians and Israelis but also posed a threat to peace and security in the region.

36. The decades-long sufferings of the Palestinian people, destitute and deprived of its rights, cast a shadow over the dawn of the twenty-first century. The international community, including the Commission, must seek solutions to the Middle East conflict, in accordance with the purposes and principles of the Charter of the United Nations and the relevant resolutions of the General Assembly, the Security Council and the Commission.

37. In China's view, the international community, and especially the Commission, must urge certain countries to end their policy of double standards and to adopt effective measures conducive to a lasting settlement in the Middle East, for only through progress with the peace process could security be safeguarded, guaranteeing the Palestinians the full enjoyment of their fundamental rights, including the right to self-determination.

38. As a permanent member of the Security Council, China had always supported the Palestinian people in its struggle to restore its legitimate rights, and had always considered that the principle of “land for peace” should provide the basis for peace talks on the Middle East.
39. Because of the exercise of its veto by one State, the Security Council had not been able to adopt a resolution dispatching a monitoring force to the occupied Palestinian territories. That was extremely regrettable, for the international community had an obligation to help the parties to the conflict to overcome the obstacles to the achievement of peace.
40. Mr. SITNIKOV (Russian Federation) said that since the eruption of the latest wave of violence in the Middle East, his country had spared no efforts to restore the dialogue between the parties to the conflict. The President of the Russian Federation, Mr. Putin, and the Russian Minister for Foreign Affairs, Mr. Ivanov, had worked to achieve that aim.
41. Unfortunately, the situation in the territories was worsening, because Israel, using war tactics, was attempting to isolate the West Bank and Gaza. Furthermore, the blockade was having disastrous effects on the already very difficult humanitarian situation in the occupied Arab territories, and was causing new sufferings for the population, especially refugees. There was a vicious cycle of provocation followed by reprisals resulting in new victims, as could be seen in the latest incidents in Hebron and Jerusalem.
42. As a sponsor of the peace process in the Middle East, the Russian Federation had studied with great interest the report of the High Commissioner on her visit to Israel, Egypt and Jordan, and also the report of the Human Rights Inquiry Commission, the conclusions of which it fully endorsed. Those reports rightly condemned the disproportionate use of force, the destruction of Palestinian property, the establishment of settlements in the Palestinian territories, the restrictions on freedom of movement, the economic blockade and the measures to obstruct humanitarian aid. However, the reports also referred to legitimate Israeli concerns regarding security and anti-Jewish propaganda broadcast on Palestinian television and radio.
43. It was essential to resume the peace negotiations in order to break the vicious cycle of violence. It was vitally important to end the economic blockade and the sealing off of the Palestinian territories. Accordingly, his delegation appealed to both parties to show wisdom and moderation. More than ever before, a spirit of compromise was called for. The two parties must establish contacts at high level, on the basis of Security Council resolutions 242 (1967) and 338 (1973) and the Madrid principles, so as to secure a return to normality in the region.
44. Mr. AL-THANI (Qatar) paid tribute to the High Commissioner for Human Rights for her report on the situation in the occupied Arab territories. The High Commissioner had had the courage to let the facts speak for themselves, in spite of attempts by Zionists to cast doubt on her mission.
45. His delegation could not but express concern at the violations of human rights committed by Israel in the territories it occupied. The Israeli practices flagrantly violated the principles of international humanitarian law and human rights. The continued policy of constructing settlements was also a breach of international law. In that regard, he paid tribute to Mr. Giacomelli, the Special Rapporteur, who had roundly condemned Israel’s violations of the

Fourth Geneva Convention of 1949. Accordingly, his delegation called upon the High Contracting Parties to the Convention to reconvene with a view to reaffirming the applicability of the Convention to the occupied Palestinian territories and to demand compliance with the Convention in those territories.

46. The Commission on Human Rights must firmly condemn the acts committed by the Israeli Defence Force in Palestine and in the occupied Syrian Golan. It must also affirm that peace in the Middle East required Israel's withdrawal from all the territories it had occupied since 1967, as well as implementation of all the resolutions on the question adopted by the General Assembly, the Security Council and the Commission on Human Rights.

47. Ms. JAMIL (Pakistan) said that her delegation fully endorsed the statement made on behalf of the Organization of the Islamic Conference by the representative of Malaysia. She expressed her gratitude to the High Commissioner for Human Rights and to the members of the Inquiry Commission for their important reports on the situation of human rights in the occupied Palestinian territories. Her delegation fully endorsed the conclusions of the Inquiry Commission concerning the occupation to which the Palestinian people remained subjected, and the humiliating presence of Jewish colonies on the West Bank and in Gaza. Her delegation shared the view of the Inquiry Commission that the United Nations Conciliation Commission for Palestine had been incapable of carrying out its functions because of the obstacles of every kind it had encountered from its inception. Pakistan believed that the United Nations must assume an active role in bringing the conflict to an end, and that Palestinian civilians were in urgent need of international protection. The parties must resume the dialogue in good faith with a view to establishing a lasting peace.

48. Mr. AL-NIMA (Observer for Iraq) said that at a time when the struggle of the third world countries against colonialism and for independence was being commemorated, the international community was witnessing the most terrible form of that colonialism, namely, the Zionist occupation of Palestine and other Arab territories. That occupation was accompanied by acts of discrimination and murders. Israel showed open contempt for all the resolutions of the international community guaranteeing the Palestinians the right to self-determination. That criminal policy of the Zionist entity could not endure without the unconditional support accorded to Israel by the United States of America, which nevertheless claimed to be the defender of international law. The previous day's events in the Security Council offered further proof that that was so.

49. The Zionist occupation of the Palestinian and Arab lands constituted flagrant aggression and a denial of all human rights. Thus, to invoke respect for human rights in those territories without demanding an end to the occupation was to ignore the root cause of the violations of the Palestinian people's human rights. A policy of double standards was applied in treating the question of the human rights of the Palestinian and Iraqi peoples. That policy once again showed that the issue of human rights was politicized by certain Powers, instead of being regarded as a noble cause par excellence.

50. It was vital that the Commission should adopt a resolution calling for an end to the Zionist occupation. The United Nations must send an international force to protect the Palestinians. An international criminal court must also be set up, in order to try the leaders of the

Zionist entity for crimes committed against defenceless Palestinians. An international conference of the High Contracting Parties to the Fourth Geneva Convention should also be convened as a matter of urgency, to oblige the occupying Power, the Zionist State, to apply the provisions of the Convention in the Arab territories. In that connection, it should be noted that the Supreme Court of Israel had taken the unprecedented decision of authorizing the use of torture against Palestinians.

51. In concluding, his delegation reaffirmed the right of the Palestinians to self-determination and the right of the Palestinian refugees to return to their homeland.

52. Mr. AL-BADER (Observer for Kuwait) said that the resolution adopted by the Commission at its Special Session on Palestine marked an important development. Thanks to the reports submitted to it, the Commission now had all the evidence it needed to assess the seriousness of the deterioration of the situation in the occupied Arab territories and to establish Israel's responsibility in that regard. The Commission must thus assume its own responsibilities in accordance with the Charter and resolutions of the United Nations. It must require Israel to end violations of human rights and breaches of international humanitarian law in Palestine and in the occupied Arab territories. Effective measures must also be taken to protect the population subjected to occupation. Security Council resolutions 242 (1967) and 338 (1973) must be fully implemented, as must the "land for peace" principle. The right of the Palestinians to an independent State with Jerusalem as its capital must be recognized. The occupation of the Golan must also end, with the withdrawal of Israel to the 1967 demarcation line. Lastly, Israel must withdraw from all the territories of southern Lebanon and free all Lebanese prisoners, as required by the Security Council resolutions.

53. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that the occupation of Palestine and of the other Arab territories, which had lasted more than half a century, was itself a serious violation of the human rights of the population of those territories, and also the chief obstacle to Palestinian self-determination. In spite of condemnation by the international community, the most recent expression of which was resolution S-5/1 of 19 October 2000, not only had violations of the human rights of the Palestinians not ceased, but they were taking on increasingly inhuman forms. The excessive use of force by the Zionists since September 2000 had resulted in the deaths of more than 400 Palestinians, many of them women and children. According to the report of the Inquiry Commission, 84 Palestinian children under the age of 17 had been killed, and some 5,000 injured. Those frightening figures meant that more than 27 per cent of the Palestinians killed over the past six months had been children or adolescents. Thus, all the international instruments, whether the Charter, the Universal Declaration of Human Rights, the Convention on the Rights of the Child or the Fourth Geneva Convention, were constantly violated by Israel. Israel's aggressive and expansionist policies were the chief obstacle preventing the Palestinians from exercising their legitimate and inalienable right to self-determination. The situation of the Holy City of Al-Quds, whose character and demographic composition Israel was trying to alter, was also a matter of grave concern. It was for the international community, particularly the United Nations and its relevant bodies, to step up its efforts to put an end to the crimes committed by the Zionist forces in Palestine and in the other occupied territories. The international community in general and the

Islamic world in particular must join forces to end the Israeli occupation and bring about the restoration of the rights of the Palestinian people, including the return of all Palestinian refugees to their homeland, the full exercise of the right to self-determination and the establishment of a Palestinian State.

54. Mr. AIDEED (Observer for Oman) congratulated the High Commissioner for Human Rights on her distinguished role in the defence of human rights. His delegation regretted her decision not to seek a second term of office, and wished her every success in her future activities.

55. There had been a resurgence of violations of human rights in the occupied Arab territories, reflected in the inhuman treatment of Palestinian civilians by the occupying forces. Israel's racist practices flagrantly contravened the resolutions of the international community and were contrary to the universally accepted values and principles of human rights.

56. His delegation had noted with deep concern the report of the High Commissioner for Human Rights, which provided confirmation of the treatment of Palestinian civilians by the Israeli Defence Force, treatment intended to deprive them of their dignity and humanity.

57. His delegation was convinced that there could be no lasting peace in the Middle East unless Israel respected international human rights standards and international humanitarian law and complied with the resolutions adopted by the United Nations over the past 50 years. The Sultanate of Oman supported the Palestinian people in its struggle to achieve the restoration of its rights. It called for the adoption of measures to protect the Palestinians and end the occupation of their territory, and it urged the international community to seek every means of securing them just treatment.

58. Mr. BENJELLOUN-TOUIMI (Observer for Morocco) said that the reports of the High Commissioner for Human Rights, the Special Rapporteur, Mr. Giacomelli, and the Human Rights Inquiry Commission eloquently confirmed the tragic situation of the Palestinian population. It was thus not surprising that most of the speakers in the Special Debate had cited passages from those documents, whose authors he wished to thank.

59. The speakers had also stressed the need to ensure compliance in the Israeli-occupied territories with all the provisions of international human rights instruments. His delegation wished to stress that despite the provisions of the Oslo Accords, which specified that no steps must be taken to alter the status quo in the region, the Israeli authorities unlawfully pursued an irresponsible policy of occupation and colonization. Mr. Giacomelli's report was extremely eloquent in that regard. Hence the urgent need for a definitive halt to Israel's policy of land confiscation, demolition of Palestinian homes and construction of settlements. The maintenance of that policy was one of the root causes of the current crisis and destroyed any prospect of a restoration of the process aimed at achieving a just and lasting peace in the region.

60. The dramatic situation of the Palestinian population called for an appropriate response by the international community, perhaps in the form of an international presence, as suggested in paragraph 114 of the report of the Inquiry Commission.

61. The peace process had currently reached a critical stage, and efforts to relaunch it would come to nothing unless the inalienable rights of the Palestinian people were recognized. Peace was an irreversible choice that called for mobilization of the energies of all concerned. It was also an ambition to which the peoples of the region legitimately aspired. In that regard, he drew attention to the appeal made in August 2000 by King Mohammed VI, who had reaffirmed that peace called for political courage, firm will and the possibility for the Palestinians to recover their rights, including the establishment of an independent State with Al-Quds al-Sharif as its capital. His delegation hoped that hatred and violence would give way to real dialogue and tolerance, so that the Palestinian people could at last live in dignity and respect for its rights.

62. Mr. LEMINE (Observer for Mauritania) said that the general condemnation of the serious violations of the human rights of the defenceless Palestinian population, reflected in the broad support for the convening of a Special Session of the Commission, on a proposal by the Arab group, had not had the expected effect. On the contrary, the reports submitted portrayed a continuing deterioration in the situation. Hence the need for measures to protect the Palestinian population, in accordance with the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. For the international community, that was not just a moral duty but also a legal and political obligation towards a martyred people that had for several decades been deprived of its essential rights, despite the adoption of countless United Nations resolutions. Implementation of those reservations would lead to a comprehensive, just and lasting settlement of the Israeli-Arab conflict. Negotiation remained the best way of achieving such a settlement. It would require implementation of the "land for peace" principle, in other words, Israel's withdrawal from all the Arab territories occupied in 1967, including the Syrian Golan, and the restoration to the Palestinian people of its legitimate national rights, including the right to establish a Palestinian State with the Holy City of Al-Quds as its capital. What was required was simply respect for international law and the fundamental principles set forth in the Charter of the United Nations, including the right of peoples to self-determination and the unacceptability of acquisition of territory by force.

63. Mr. Despouy (Argentina) resumed the Chair.

64. Mr. NORDMANN (Observer for Switzerland) reaffirmed his country's position with respect to the worsening Middle East crisis. Switzerland urged all the parties and the international community not to abandon efforts to achieve peace, and called for humanitarian workers to be permitted to carry out their missions. Switzerland also made a solemn call for respect for the rule of law.

65. Without wishing to reiterate yet again a catalogue of the violations committed, Switzerland drew attention to the fact that the Fourth Geneva Convention was applicable in all the Israeli-occupied territories. Respect for the law, whether the principles of the rule of law, international humanitarian law or human rights, was not negotiable. Israeli had a particular responsibility in the current context. In that connection, the repeated and arbitrary practice of extrajudicial executions was to be firmly condemned.

66. That being said, the current crisis in no way justified any leniency towards attacks on civilians, whether Palestinians or Jewish settlers. The Palestinian Authority had the means to make its own contribution to preventing violence, and the absence of its own fully equitable

judicial procedures might equally lead to arbitrary executions. All the parties must make it their responsibility to ensure that the distinction was observed between civilians, on the one hand, and armed forces on the other, including armed civilians and the recent disturbing phenomenon of armed settler militias.

67. Nevertheless, many of the problems were entirely the responsibility of the occupying Power. Those problems included the disproportionate use of force, collective punishments and systematic blockades, which risked nullifying development cooperation efforts and even preventing humanitarian aid from reaching its recipients.

68. Another threat to peace was the violation of article 49 of the Fourth Geneva Convention through the maintenance of settlements that were sources of discrimination and segregation in vital areas such as access to water and personal security. The Palestinians paid a very heavy price for the maintenance of those settlements. It was a price paid in human lives or permanent invalidity for many of the wounded. Violations of fundamental rights could not serve as the instrument for a responsible policy. Security would result from peace, and that peace was to be found in respect for the law, which was one of its constituent elements. Security must be security for all, Israelis and Palestinians alike, and security could never be guaranteed for the one party at the expense of that of the other party. Switzerland was convinced that, remaining within its domain, the Commission on Human Rights could contribute to that peace in the Middle East.

69. Mr. IBRAHIM (Observer for Lebanon) said that the occupation of the Arab territories by Israel, including the Syrian Golan and the Shebaa farms in southern Lebanon, was all the more intolerable in that it entailed the displacement of the population and their replacement by Israeli settlers. That was a flagrant violation of the Fourth Geneva Convention.

70. The various reports prepared pursuant to the resolution adopted by the Commission at its October 2000 Special Session condemned Israel's violations of human rights. The facts set forth in those reports came as no surprise to the Lebanese delegation; for it must not be forgotten that in southern Lebanon Israel had established a veritable concentration camp in which the worst atrocities had been perpetrated, and that the Supreme Court of Israel had legalized the torture of Arab prisoners. Israel was currently holding another 19 Lebanese detainees who had still not been brought to trial.

71. Israel's acts of violence in the occupied Arab territories knew no bounds. The entire Palestinian people was the victim of aggression in which every form of sophisticated weaponry was used. The root of the problem in the Middle East was the occupation and Israel's refusal to withdraw from the territories on the basis of the Madrid agreements. Without the occupation there would have been no intifada, and without its violation of the right of the Palestinian people to self-determination, peace would reign in the region.

72. The Commission on Human Rights was the international body that must condemn Israel for its violations and require implementation of all the resolutions adopted by the international community concerning the occupied territories as a whole, including the Syrian Golan. Likewise, pursuant to Security Council resolution 425 (1978) Israel must withdraw completely from southern Lebanon, including the area in which the Shebaa farms were located.

73. Mr. AL-ATTAR (Observer for Yemen) commended the High Commissioner for her report on her visit to the occupied Palestinian territories, as well as the Special Rapporteur, Mr. Giacomelli, and the members of the Inquiry Commission. All those persons had spared no effort to throw light on the despicable practices of the Israeli Defence Force in the Palestinian territories and on the crimes that they committed daily.

74. It was now time to consider what could be done to put an end to the atrocities to which the Palestinians were subjected by the occupying Power. They knew that international law was supposed to protect them. Consequently, they did not understand why the international community was capable of taking measures and bringing the perpetrators of similar crimes to trial in other parts of the world, but remained powerless in the face of their own tragedy.

75. The international community must take steps to ensure that its decisions were implemented with equal effectiveness throughout the world, without prevarication and without any form of selectivity. Its powerlessness in the Middle East called its credibility in the field of human rights into question.

76. His delegation fully endorsed the recommendations made by the Inquiry Commission in its report (E/CN.4/2001/121), particularly with regard to the need to provide international protection for the civilian population in the Palestinian territories, in accordance with the Fourth Geneva Convention.

Statements made in exercise of the right of reply

77. Mr. LEVY (Observer for Israel) said that most of the statements heard under agenda item 8 had been noteworthy for their bias. Both peoples, Israelis and Palestinians, were suffering on account of the desire of the Palestinian Authority to pursue a course of violence rather than to continue the negotiations begun at Camp David in the summer of 2000.

78. The question raised by the High Commissioner for Human Rights was entirely to the point: when would it all end? In his view, it was not an accumulation of speeches, reports and inequitable resolutions that would bring about a settlement. To achieve that, a number of conditions must be fulfilled: President Arafat must appeal to the population to end the intifada. He must fight terrorism, as he had undertaken to do in 1993 in an exchange of letters with Mr. Rabin. The Palestinian Authority must keep children out of the conflict. Lastly, the rhetoric must change and the language of peace must replace the language of violence. Negotiations must resume on issues that were still controversial. Those were the terms under which Israel would ease its pressure on the territories.

79. Encouraging reciprocal and simultaneous efforts would be much more effective than unilateral measures, simply because advocates of the former were a majority in the international community. The latter attitude merely encouraged violence and offered the Palestinians no incentive to return to the negotiating table.

80. As for the accusation by Lebanon that the Israeli authorities had failed to communicate to them a letter indicating the location of mines in the south of the country, he announced that he

was in possession of an official document, submitted to the United Nations Interim Force in Lebanon (UNIFIL) on 1 June 2000, containing full information concerning the location of mines in that region.

81. Mr. RAMBLAWI (Observer for Palestine) said that he had just received a communication informing him that, at the very moment when the Commission was holding its current meeting, the Israeli Defence Force was bombarding the cities of Gaza and Ramallah, using war planes, heavy artillery and rockets. The Palestinian territories were thus facing pitiless aggression. Scores of Palestinian civilians were being gunned down by Israeli bullets. Furthermore, the members of the Human Rights Inquiry Commission, who had visited the area, had seen for themselves the extent of the damage caused by those attacks using heavy weaponry.

82. Every minute brought a new Palestinian martyr. The Israeli occupation in itself already constituted an act of aggression under international law. To that occupation must now be added military attacks. The observer for Israel had asked for a continuation of the peace negotiations. But how was it possible to negotiate with an occupying Power? If it wanted peace, Israel must withdraw from all the Palestinian territories, as required by Security Council resolution 242 (1967). That was the condition on which a peace agreement could be reached. The revolt of the Palestinian people was the revolt of a people struggling against occupation, as was affirmed by the various United Nations resolutions.

83. As for the Camp David negotiations, everyone acknowledged that it was Prime Minister Ehud Barak who had failed to assume his responsibilities on that occasion. Now, Prime Minister Sharon declared that he did not consider himself bound by any agreement concluded with the Palestinians. Yet simultaneously the observer for Israel in the Commission on Human Rights invited the Palestinians to resume negotiations. That made no sense. The Commission on Human Rights must not allow itself to be taken in by such words.

The public part of the meeting rose at 8.30 p.m.