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COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

SUMMARY RECORD OF THE 253rd MEETING

Held at Headquarters, New York,
on Tuesday, 10 October 2000, at 3 p.m.

Chairman: Mr. KA (Senegal)

CONTENTS

ADOPTION OF THE AGENDA

STATEMENT BY THE CHAIRMAN

CONSIDERATION OF THE DRAFT RESOLUTION ON BETHLEHEM 2000

CONSIDERATION OF THE DRAFT REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY,
CONTAINED IN DOCUMENT A/AC.183/2000/CRP.2

DEVELOPMENTS IN THE MIDDLE EAST PEACE PROCESS AND THE SITUATION IN THE OCCUPIED
PALESTINIAN TERRITORY, INCLUDING JERUSALEM

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The meeting was called to order at 3.20 p.m.

ADOPTION OF THE AGENDA

1. The agenda was adopted.

STATEMENT BY THE CHAIRMAN

2. The CHAIRMAN said that since November 1997, the Bureau of the Committee had been engaged in a dialogue with the delegation of the European Union in an effort to build a constructive relationship on issues of common concern. On 21 July 2000, it had held a meeting with representatives of the European Union and had briefed them on the Committee's ongoing activities, including the project on the modernization of records of the United Nations Conciliation Commission for Palestine, and on activities planned by the Committee during the current session of the General Assembly.

3. On 7 September 2000, the President of the Republic of Senegal, on behalf of the Committee, had hosted a reception in honour of Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization and President of the Palestinian Authority, which had been attended by Heads of State and Government, many high-level United Nations and Palestinian officials, delegates to the United Nations, and other eminent guests.

4. As the Committee was aware, the Occupied Palestinian Territory, including East Jerusalem, had been the scene of massive and deadly confrontations between the Israel Defence Forces (IDF) and police and Palestinian civilians protesting the highly provocative visit to the holy site of Al-Haram al-Sharif by the Israeli opposition leader, Mr. Ariel Sharon, with a group of Likud Knesset members, and the disproportionate force used by IDF to quell the protests. The total number of casualties exceeded 80 dead and 2000 wounded, and most tragically, the victims included Palestinian children. Subsequently, understandings aimed at ending the violence had been reached in Paris and Sharm el-Sheikh. In reaction to the situation on the ground and the escalating violence, he had addressed a letter dated 2 October 2000 to the Secretary-General (A/55/440-S/2000/936), which had been circulated by the Secretariat.

5. An urgent meeting of the Security Council had been held on 3, 4, 5 and 7 October 2000 to consider the item entitled "The situation in the Middle East, including the Palestinian question". On 4 October 2000, he had made a statement in his capacity as Chairman of the Committee. On 7 October 2000, the Council had adopted resolution 1322 (2000).

6. As part of the Committee's 2000 training programme for staff of the Palestinian Authority, two Palestinian Authority staff had been staying with the Division for Palestinian Rights since the start of the current session of the General Assembly, familiarizing themselves with the work of the United Nations and its Secretariat. It was hoped that the training would be beneficial to them and would enable them to better understand the goals and activities of the Organization and the work of its Secretariat and other organs.

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CONSIDERATION OF THE DRAFT RESOLUTION ON BETHLEHEM 2000

7. The CHAIRMAN said that the text of the draft resolution to be submitted to the General Assembly at its fifty-fifth session under agenda item 36 had been considered and approved by the Bureau. The draft resolution had been updated through the addition of two new preambular paragraphs and slight amendments to some of the other paragraphs. He expressed the hope that, as in the case of General Assembly resolutions 53/27 and 54/22, the draft resolution would be adopted by consensus.

8. He took it that the Committee wished to approve the draft resolution entitled "Bethlehem 2000".

9. The draft resolution entitled "Bethlehem 2000" was approved.

10. The CHAIRMAN drew attention to the letter he had addressed to the Secretary-General (A/55/370) outlining the Committee's activities in the course of the past year in support of the Bethlehem 2000 project of the Palestinian Authority.

CONSIDERATION OF THE DRAFT REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY, CONTAINED IN DOCUMENT A/AC.183/2000/CRP.2

11. Mr. BALZAN (Malta), Rapporteur, introducing the draft report (A/AC.183/2000/CRP.2) said that the draft report had been considered and approved by the Bureau of the Committee. It covered developments since the adoption of the previous report, and last-minute additions had been made to reflect the outbreak of violence in the region and the Security Council's deliberations in that regard.

12. The letter of transmittal drew attention to the Committee's concerns at a crucial point in the history of the Palestinian people. Chapter I outlined the Committee's objectives and its perspective on the events which had taken place in the course of the year. Chapters II and III summarized the mandates of the Committee, the Division for Palestinian Rights and the Department of Public Information and contained information on the organization of the Committee's work during the year.

13. In Chapter IV, which reviewed the situation relating to the question of Palestine as monitored by the Committee during the year, the Committee took note of a number of encouraging steps taken in implementation of the Sharm el-Sheikh Memorandum. To reflect the action taken by the Security Council on 7 October 2000, a new sentence would be added after the last sentence of paragraph 18 which would read:

"The Committee followed with great attention the deliberations in the Security Council with respect to the outbreak of violence and welcomed the adoption, on 7 October 2000, of resolution 1322 (2000) (see paras. 29-31)."

14. Chapter V reviewed the action taken by the Committee. Section A described action which the United Nations and other intergovernmental bodies had taken to promote Palestinian rights. In the light of the action taken by the Security

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Council over the past weekend, the penultimate line of paragraph 29 would be updated to read: "3, 4, 5 and 7 October 2000", and a new paragraph would be added after paragraph 30, which would read:

"On 7 October 2000, at its 4205th meeting, the Security Council adopted resolution 1322 (2000), submitted by Bangladesh, Jamaica, Malaysia, Mali, Namibia, Tunisia and Ukraine. In the resolution, the Council deplored the provocation carried out at Al-Haram al-Sharif in Jerusalem on 28 September 2000, and the subsequent violence there and at other Holy Places, as well as in other areas throughout the territories occupied by Israel since 1967, resulting in over 80 Palestinian deaths and many other casualties; condemned acts of violence, especially the excessive use of force against Palestinians, resulting in injury and loss of human life; called upon Israel, the occupying Power, to abide scrupulously by its legal obligations and its responsibilities under the fourth Geneva Convention; called for immediate cessation of violence, and for all necessary steps to be taken to ensure that violence ceases, that new provocative actions are avoided, and that the situation returns to normality in a way, which promotes the prospects for the Middle East peace process; stressed the importance of establishing a mechanism for a speedy and objective inquiry into the tragic events of the last few days with the aim of preventing their repetition, and welcomed any efforts in this regard; called for immediate resumption of negotiations within the Middle East peace process on its agreed basis with the aim of achieving an early final settlement between the Israeli and Palestinian sides; invited the Secretary-General to continue to follow the situation and to keep the Council informed; and decided to follow closely the situation and to remain seized of the matter."

15. Section B contained an account of the implementation of the programme of work of the Committee and the Division for Palestinian Rights, and it gave a brief account of the various international meetings organized in the course of the year. Section C reflected action taken in accordance with General Assembly resolution 54/22 entitled "Bethlehem 2000". Chapter VII contained the conclusions and recommendations of the Committee.

16. In accordance with established practice, the Secretariat would continue to update the draft report, in consultation with the Rapporteur and as necessary, in order to reflect any new developments that might take place before the draft report went to the General Assembly.

17. The CHAIRMAN said that he took it that the Committee wished to adopt the draft report for submission to the General Assembly.

18. It was so decided.

DEVELOPMENTS IN THE MIDDLE EAST PEACE PROCESS AND THE SITUATION IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING JERUSALEM

19. The CHAIRMAN said that the belief that the Millennium Summit meetings, in particular those between President Arafat of Palestine, Mr. Barak, Prime Minister of Israel, President Clinton and other world leaders, would give a

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fresh impetus to the peace negotiations in the Middle East and allow the negotiating teams to resume their work had been disappointed as the negotiation process had broken down yet again as a result of the events at the sanctuary of Al-Haram al-Sharif and the subsequent violent confrontations and bloodshed. The Committee had welcomed the subsequent determined efforts to revive the peace process at meetings the previous week held in Paris and Sharm el-Sheikh and the Security Council had remained seized of the matter and, on 7 October, had adopted resolution 1322 (2000).

20. Mr. AL-KIDWA (Observer for Palestine) said that, prior to the dangerous and deteriorating situation that had arisen in the occupied territories as a result of Israeli policies and practices, there had been high hopes on all sides that a real breakthrough could be achieved in the Middle East peace negotiations and that Palestine was on the point of becoming a full Member of the United Nations. In his statement during the general debate in the General Assembly he had explained in detail the position of Palestine concerning the negotiating process and the events that had taken place at Camp David and subsequently.

21. On 28 September 2000, Mr. Ariel Sharon, a member of the Israeli Parliament and leader of the Likud Party, had led a group on a dangerous and provocative visit to Al-Haram al-Sharif the purpose of which had been to assert illegal Israeli claims to sovereignty over the site. Hundreds of members of the IDF had accompanied Mr. Sharon, thus aggravating tension and leading to clashes between Palestinian civilians and the IDF both at Al-Haram al-Sharif and in the rest of East Jerusalem. On the next day and following Friday worship, the IDF had stormed Al-Haram al-Sharif, the third holiest shrine in Islam, using rubber bullets and live ammunition against the worshippers. Five Palestinian civilians had been killed and about 200 others wounded. Needless to say those actions constituted a war crime under the fourth Geneva Convention of 1949.

22. Clashes between the IDF and Palestinian civilians had later spread to other places including Bethlehem and Ramallah and throughout the Occupied Palestinian Territory. In its campaign of terror, the Israeli security forces had used high-velocity ammunition as well as anti-tank missiles, rockets, grenades and even helicopter gunships. Israeli tanks had advanced on several Palestinian cities and on several posts manned by Palestinian police and had been used at a later stage. By Sunday, 8 October, the Israeli security forces had killed 76 Palestinians and injured about 2,500 others, many of whom were in a critical condition.

23. Illegal Israeli settlers had also been committing criminal acts, having repeatedly been engaged in harassment and violence directed against Palestinian civilians one of whom had been tortured and killed on 8 October.

24. After three days of such violence, some Palestinian police, appalled at the severity of the Israeli attacks against Palestinian civilians had used their weapons in an exchange of fire with the Israeli forces. However, there had been no pattern of overall engagement by the police with the Israeli army. The events constituted a wholesale campaign of violence by an occupying army against an entire civilian population in grave breach of the fourth Geneva Convention, relevant United Nations resolutions and existing agreements between the two sides.

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25. A great deal of misinformation had been disseminated by Israel in connection with the issue of Joseph's Tomb near Nablus. The occupying Power had effectively transformed the place into a heavily fortified military post and in recent days 18 Palestinians had been killed there, a fact that explained the anger of the population and the destruction that had taken place after the withdrawal of the Israeli security forces. The Palestinian side had already taken prompt action to repair the damage and to provide for effective protection of the site.

26. He also drew attention to the continuation of barbaric acts against Israeli Arabs in Israel itself, which was a matter quite separate from the campaign of the occupying Power against the Palestinian population in the occupied territories. The Israeli police had been waging a brutal campaign in response to demonstrations by Israeli Arabs in solidarity with their brethren in Palestine. Furthermore, Israeli mobs had been looting and harassing Israeli Arab communities. The historic mosque in Tiberias, in Galilee, had been desecrated and set ablaze only two days previously, and in Nazareth 1,000 Israelis had attacked the inhabitants killing two people, thus bringing the total number of deaths of Israeli Arabs to 13 during the current year, with many others injured. The campaign was continuing. That very day, news agencies had reported the death of another 12-year-old boy at the hands of the Israeli forces in Gaza and the admission to hospital of another boy who was considered brain-dead.

27. In recent days, efforts had been made to stop and reverse the course of events. The meetings held in Paris involving the Palestinian and Israeli leaders, the President of France, the Secretary of State of the United States and the Secretary-General of the United Nations had unfortunately proved inconclusive. The day after the meetings ended, similar meetings had been scheduled to take place in Sharm el-Sheikh but the Israeli Prime Minister had declined the invitation to participate made by the President of Egypt. The Israeli Government, under the leadership of its Prime Minister had, moreover, taken several measures to increase tension, including its ultimatum issued three days previously. However, efforts were continuing: the Secretary-General was currently meeting with leaders in the region and efforts were being made to convene a summit, although so far without success. The Palestinian position was that an international committee was needed to undertake a speedy and effective enquiry into the recent tragic events with the aim of preventing a repetition.

28. In the meantime, the Security Council had adopted resolution 1322 (2000) which the Palestinian side regarded as extremely important. It was to be hoped that it would lead to a cessation of violence, in particular the use of excessive force by the occupying Power against Palestinians, and to the compliance of the occupying Power with its legal obligations under the fourth Geneva Convention. It was also hoped that the resolution would lead to the revival of the peace process and to some positive further steps.

29. The resolution had several important dimensions, including the recall of most of the relevant resolutions relating to Jerusalem in the first preambular paragraph, the reference in the last preambular paragraph to the need for full respect by all of the Holy Places of the City of Jerusalem, and the use of the name Al-Haram al-Sharif in the first of the operative paragraphs. Another

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dimension was the identification of the legal framework of the situation, in particular the fact that Israel was an occupying Power bound by the fourth Geneva Convention. In addition, the resolution condemned acts of violence and the excessive use of force against Palestinians, called for a speedy end to the violence, invited the Secretary-General to continue to follow the situation and to keep the Council informed and finally, called for the immediate resumption of negotiations within the Middle East peace process on its agreed basis.

30. Needless to say, the adoption of the resolution had not been easy. One influential permanent member of the Security Council had tried to block any action by the Council and to impose a meaningless presidential statement and, having failed to block the resolution, had tried to water down its provisions. Fortunately, the determination of the overwhelming majority of members of the Council had prevailed and the debate, in which 50 speakers had participated, had resulted in the adoption of a clear position. In that connection, he particularly thanked the Permanent Representative of Namibia, who was the President of the Security Council for the month and the Permanent Representative of Malaysia, the coordinator of the members of the Non-Aligned Movement in the Security Council, as well as members of the Committee who had sponsored the resolution and others whose help and support during the eight difficult days of the Security Council's deliberations had been much appreciated by the Palestinian people. Thanks to their efforts, the international community, through the Council, had been able to send a proper message to both sides that would contribute positively to the creation of a different future for the Palestinian people and for the region as a whole.

31. It was hard to tell what the immediate future would bring, but he hoped that the situation, which could clearly not remain as it was at present, would improve and that the entire international community would prevail on Israel to take the right decisions.

32. Mr. ZACKHEOS (Cyprus) said that the visit to Al-Haram al-Sharif had constituted a provocation that should have been avoided, especially during the current critical phase of the Middle East peace process. His Government welcomed the adoption of Security Council resolution 1322 (2000) and called for its immediate implementation.

33. Cyprus was dismayed and saddened by the eruption of violence at a time when the parties had seemed to be nearing a solution. The Palestine issue was at the core of the Middle East conflict; unless that problem was solved, it would be impossible to achieve a comprehensive and lasting settlement of the Middle East problem as a whole, on the basis of Security Council resolutions 242 (1967) and 338 (1973). The current escalation of violence showed that peace initiatives must be based on international law in order to bear fruit. The solutions proposed must be accepted as fair by the populations concerned and must not be based on ephemeral considerations. In addition, the frustrations of people who had long suffered under occupation and their aspirations to exercise their rights in peace, dignity and security must be taken into account.

34. The recent violence, whose victims had included innocent children, did not serve anyone's interests and should stop immediately. Religious sites should be

respected. Cyprus called upon Israel to abide by its legal obligations and responsibilities under the fourth Geneva Convention.

35. Mr. WEHBE (Observer for the Syrian Arab Republic) said that he appreciated the response of the Committee and regional organizations to Israel's recent massacre of Palestinians. The Palestinians and the Syrian Arab Republic were engaged in a joint struggle for independence, freedom and an end to foreign occupation. No other people in history had undergone the sufferings which the Palestinians had borne for over 50 years. If the human rights of any other people had been violated in that manner, those who claimed to respect human rights would have taken a position quite different from the one they took with regard to the ongoing massacre of Palestinians.

36. The visit to Al-Haram al-Sharif, which had been supported by the Israeli Government, had been the main provocation of the recent violence. Israel's actions against the Palestinian people had been intended to mislead world public opinion and to frustrate the aspirations of Palestinians and Arabs everywhere. The latter had made repeated attempts to achieve the strategic objective of a just and comprehensive peace in the region, but to no avail. Although Israel's leaders said they wanted peace, what they really wanted was to be left in peace so that they could continue their killings, their occupation and their exploitation of all of the region's resources. They ignored Security Council resolutions 242 (1967) and 338 (1973), the principle of land for peace and the goals of the Madrid Conference, and instead used false historical claims to try to control Muslim shrines. The Zionist killing machine was waging a racist war not only in Palestinian territory, but also against Arabs in Israel, with total impunity and with the support of a super-Power that defended those terrorist acts. He asked why the Security Council had not adopted its resolution on the first day of the recent violence and why certain countries that were very vocal in the United Nations had not made a single statement in support of the victims.

37. The only means of ending the tragedy experienced by the Palestinians and other Arabs in the Middle East was peace based on international legitimacy and the restoration of the Palestinian people's inalienable right to establish an independent State in their own territory, with Jerusalem as its capital.

38. Mr. FARHADI (Afghanistan) said that the actions of the Israeli military and police forces, particularly those perpetrated against children, were shocking to the human conscience. The city of Jerusalem was of enormous importance to more than one billion Muslims throughout the world, while the Al-Aqsa mosque was mentioned in the Koran. The visit to Al-Haram al-Sharif had been a provocation aimed not only at the Palestinian people and the Arab nations, but also at the entire Islamic community. He appreciated the fact that many Jews both within and outside Israel had rejected the attitude of the Israeli military and police forces and had sympathized with the Palestinians.

39. Mrs. DIALLO (Senegal) said that the recent shocking images of renewed violence against the Palestinian people, as well as the statement just made by the observer for Palestine, should reinforce the Committee's determination to redouble its efforts towards a just, lasting and comprehensive peace, for which the Palestinian people had already paid dearly. The international community must remain vigilant to ensure that human rights violations against Palestinians

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and other Arabs in the occupied territories were brought to an end. In that connection, she was pleased to note that the Commission on Human Rights would convene a special session to consider the recent violations. She hoped that the negotiations would resume as soon as possible, in the interest of a final settlement that would enable the Palestinian people to exercise all their inalienable rights and would bring peace to all the peoples of the Middle East.

40. The CHAIRMAN suggested that the Committee should adopt the statement on the situation in the occupied Palestinian territory, including Jerusalem, which had been circulated to all the Committee members. The text of the statement read:

"At its 253rd meeting, on 10 October 2000, the Committee on the Exercise of the Inalienable Rights of the Palestinian People discussed the situation in the Occupied Palestinian Territory, including Jerusalem, and the outbreak of violence caused by a visit to the holy site of Al-Haram al-Sharif by the leader of Israeli opposition on 28 September 2000, and made the following statement:

'The Committee expresses grave concern at the continued confrontations in the Old City of Jerusalem and throughout the Occupied Palestinian Territory. Almost two weeks of escalating violence and the use of excessive force by the Israel Defence Forces left more than 80 Palestinians dead, including over 20 children, and well over 2,000 injured. The Committee is greatly dismayed by the loss of life as a result of these confrontations. It is shocked by the tragic deaths of innocent Palestinian children. The Committee views these violent confrontations as a direct result of the policies and practices of the Israeli occupation and the failure of Israel to respect its obligations under the fourth Geneva Convention and the provisions of relevant Security Council and General Assembly resolutions.

'The Committee firmly believes that Israel's refusal to abide by norms of international law, as well as the continued lack of progress in the Israeli-Palestinian peace negotiations, will have a destructive effect on the peace process and may endanger prospects for peace in the region. Aware of the need to salvage the peace process and bring normalcy to the situation on the ground, the Committee reiterates its strong support for the efforts, undertaken in the past several days, by the co-sponsors of the peace process, as well as the United Nations Secretary-General and the Presidents of France and Egypt. The Committee hopes that these steps will contribute to the de-escalation of the violence, lessening of the tensions between the two sides and the early resumption of the Israeli-Palestinian dialogue.

'In light of the above, the Committee welcomed the deliberations in the Security Council on the agenda item "The situation in the Middle East, including the Palestinian question" and the adoption, on 7 October 2000, of resolution 1322 (2000). As the confrontations on the ground continue and human life remains in considerable jeopardy, the Committee calls for the speedy and full implementation of the

aforementioned resolution and for the immediate cessation of all acts of violence.

'The Committee reiterates its position that the United Nations should continue to exercise its permanent responsibility towards all aspects of the question of Palestine, including the issue of Jerusalem, until it is resolved in a satisfactory manner, in conformity with relevant United Nations resolutions and in accordance with international legitimacy, and until the inalienable rights of the Palestinian people are fully realized.' "

41. The statement was adopted.

The meeting rose at 5.10 p.m.