
Human Rights Council Holds Interactive Dialogue with Special Rapporteur on Situation of Human Rights in oPt

The Human Rights Council in a midday meeting today held an interactive dialogue with Richard Falk, the United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

Mr. Falk said his report focused on several developments pertaining to Israeli violations of human rights in the Occupied Territories. It also lamented Israel's failure to implement the [Goldstone Report](#) or to take account of the [fact-finding report](#) mandated by the Human Rights Council on the flotilla incident of 31 May 2010. Such failures undermined respect for international law and peaceful methods of conflict resolution, and eroded the credibility of the Human Rights Council in relation to the Israeli-Palestinian conflict. It also confirmed Palestinian scepticism about the will and capacity of the international community, and specifically the organs of the United Nations, to uphold the human rights of the Palestinians living for so long under a burdensome occupation. Mr. Falk took this opportunity to draw the Council's attention to the intensifying deterioration of human rights in occupied East Jerusalem. Israeli settlers continued to take over Palestinian homes and expel Palestinians from their homes of decades and generations, while the Israeli authorities supported their illegal actions. In the Gaza Strip, the illegal blockade continued to violate the human rights of Palestinians in Gaza, despite the much proclaimed "easing" of the blockade by Israel in 2010. In conclusion, the Special Rapporteur repeated the emphasis of the full report on the rigours of prolonged occupation and refugee status, and reminded the Council that the fundamental right of Palestinian self-determination was constantly abridged by Israeli settlement expansion in East Jerusalem and the West Bank.

Palestine, speaking as a concerned country, welcomed the report of the Special Rapporteur and condemned the fact that Israel had not cooperated with him to discharge his mandate. The [report](#) made by the Special Rapporteur did not cover all of the allegations of human rights violations in Palestine; for example, in East Jerusalem identity cards had been withdrawn from the original inhabitants, historical sites in the city had been destroyed and restrictions had been imposed on the ability of people to worship. There were also acts of vandalism and violence by settlers in the Occupied Palestinian Territories and the blockade of the Gaza Strip which violated the human rights of Palestinian citizens. Palestine supported the draft resolution on Israel's violation of human rights in East Jerusalem and the Occupied Palestinian Territories and called for its adoption along with a renewal of the Special Rapporteur's mandate.

In the interactive dialogue with the Special Rapporteur, speakers said that his report demonstrated the evidence of Israel's lack of cooperation with the investigations, its total contempt for the mechanisms of the Human Rights Council and its continuing violations of the rights of the Palestinian people. The death of over 1,000 children, the continued building of illegal settlements, and the ill treatment of prisoners were barbarities that could not continue. The continuing nature of the violations of several fundamental legal obligations by Israel as the occupying power and the failure of Israel to uphold international humanitarian law had led to acute suffering endured on a daily basis by the civilian population of the Occupied Palestinian Territories. The international community could not remain in silence on this carnage. The measures to annex East Jerusalem were against international law and there was an increase in settlement activity. A lasting and just peace could only occur with a full withdrawal of Israel from the Occupied Palestinian Territories and with the achievement of a Palestinian State with Jerusalem as its capital. The blockade of the Gaza Strip was inhumane and Israel was urged to immediately lift it. Many speakers endorsed the renewal of Mr. Falk as the Special Rapporteur.

Other speakers were concerned by reports of violations from both sides. They regretted the unbalanced mandate of the Special Rapporteur and were also concerned that parts of the report included political considerations. Future reports should be based on a more factual and legal analysis. Speakers were dismayed by the Council's disproportionate focus on Israel as exemplified by this standing agenda item. They encouraged the Council to seek an alternative to highly politicized resolutions and a permanent agenda item focused on one country. The report's conclusions and [recommendations](#) were seriously flawed. The Special Rapporteur failed to adequately address serious abuses and violations of international law by Hamas in Gaza as it sought to promote its radical agenda and entrench itself in power including unlawful killings, extrajudicial detentions based on political affiliation, restrictions on expression, religion, assembly and association, discrimination against women and harassment of non-governmental organizations limiting their ability to provide humanitarian assistance. One speaker was concerned that Mr. Falk's justifications for Hamas reflected a broader policy governing his work when it came to terrorism.

Speaking in the interactive dialogue were Venezuela, Pakistan on behalf of the Organization of the Islamic Conference, Kuwait, Syria, Brazil, Egypt on behalf of the Non-Aligned Movement, Iraq on behalf of the Arab Group, Algeria, Turkey, Nigeria on behalf of the African Group, Djibouti, the European Union, Cuba, Indonesia, the United States, Tunisia, Malaysia, the Russian Federation, United Arab Emirates, Sudan, Bangladesh, Lebanon, Maldives, Qatar, Jordan, Saudi Arabia and Iceland.

The following non-governmental organizations also took the floor: Commission of the Churches on International Affairs of the World Council of Churches, Badil Resources Centre for Palestinian Residency and Refugee Rights, North South XXI and United Nations Watch.

The Council today is holding a full day of meetings from 9 a.m. to 6 p.m. In the afternoon meeting, the Council will hear the United Nations High Commissioner for Human Rights present her reports under the agenda item on the annual report of the High Commissioner – the report on the implementation of the follow-up to the [first report](#) of the Committee of Experts, the periodic report on the human rights situation in the Occupied Palestinian Territories, the report on the status of implementation of follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla, and the Secretary-General's report on human rights in the occupied Syrian Golan. This will be followed by a general debate on the human rights situation in Palestine and other occupied Arab territories.

Documents

The Report of the Special Rapporteur on the situation of human rights in the Palestinian Territories Occupied Since 1967, Richard Falk ([A/HRC/16/72](#)), addresses Israel's compliance with its obligations under international law, in relation to the situation in the Palestinian territories that it has occupied since 1967. Israel's persistent lack of cooperation with the fulfilment of the mandate of the Special Rapporteur, as well as other United Nations human rights mechanisms, is highlighted. The Special Rapporteur focuses attention on concerns regarding the expansion of Israeli settlements, in particular in East Jerusalem, the consequences of the Israeli blockade of the Gaza Strip and the treatment of Palestinian children detained by Israeli authorities.

Statements

RICHARD FALK, United Nations Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967, said that he intended to undertake a mission in April 2011 to gather information for the report that he would present to the General Assembly during the second half of 2011. He had sent a request to this effect to the Israeli authorities and hoped that they would allow his entry into the territories, but if not, he intended to pursue other avenues. The report focused on several developments pertaining to Israeli violations of human rights in the Occupied Territories. It also lamented Israel's failure to implement the [Goldstone Report](#) or to take account of the [fact-finding report](#) mandated by the Human Rights Council on the flotilla incident of 31 May 2010. Such failures undermined respect for international law and peaceful methods of conflict resolution, and eroded the credibility of the Human Rights Council in relation to the Israeli/Palestinian conflict. It also confirmed Palestinian scepticism about the will and capacity of the international community, and specifically the organs of the United Nations, to uphold the human rights of the Palestinians living for so long under a burdensome occupation.

Mr. Falk took this opportunity to draw the Council's attention to the intensifying deterioration of human rights in occupied East Jerusalem. Israel defied the international community by annexing East Jerusalem in 1967, a move that had no legal or political bearing on its future. Continued and even accelerated settlement expansion in East Jerusalem aggravated the underlying unlawfulness of the activity. The so-called "moratorium" on settlement activities in 2010 unacceptably failed to include East Jerusalem. Israeli settlers had continued to take over Palestinian homes and expel Palestinians from their homes of decades and generations, while the Israeli authorities supported their illegal actions. In his previous statements to the Council, Mr. Falk said he had documented the human rights situation in the Gaza Strip and he drew the Council's attention to the developments in Gaza since the beginning of 2011. The illegal blockade continued to violate the human rights of Palestinians in Gaza, despite the much proclaimed "easing" of the

blockade by Israel in 2010. In a recent move, Israel closed one of the main crossings into Gaza, further suffocating the population trapped there. Since 2007, Israel had closed three of Gaza's four commercial crossings. Currently, Israel was allowing 40 per cent of Gaza's need for incoming trucks, and just 1 per cent of its outgoing needs. The lack of construction material was preventing Gaza's economy from recovering and was keeping its factory and construction workers unemployed and dependent on international assistance. At the present time, the unemployment rate for 2011 in Gaza was 45 per cent, one of the highest in the world. It was not an exaggeration to report that a continuing humanitarian crisis existed in Gaza.

In conclusion, the Special Rapporteur repeated the emphasis of the full report on the rigours of prolonged occupation and refugee status, and reminded the Council that the fundamental right of Palestinian self-determination was constantly abridged by Israeli settlement expansion in East Jerusalem and the West Bank. It had been assumed by the international community that self-determination for the Palestinian people would be realized by Israeli withdrawal from the entire territory occupied in 1967, with minor border adjustments, which would allow for the establishment of a Palestinian State on the remaining 22 per cent of historic Palestine.

IBRAHIM KHRAISHI (Palestine) speaking as a concerned country, said it welcomed the report of the Special Rapporteur and condemned the fact that Israel had not cooperated with him to discharge his mandate. The made by the Special Rapporteur did not cover all of the allegations of human rights violations in Palestine; for example, in East Jerusalem identity cards had been withdrawn from the original inhabitants, historical sites in the city had been destroyed and restrictions had been imposed on the ability of people to worship. There were also acts of vandalism and violence by settlers in the Occupied Palestinian Territories and the blockade of the Gaza Strip, which violated the human rights of Palestinian citizens. There were daily acts of aggression such as random shelling and the occupying power had deliberately killed over 85 Palestinian citizens since the cease fire was announced in 2009. Palestine valued the role of the Special Rapporteur and called on those with special mandates to carry out visits to the Occupied Palestinian Territories to find out first hand how Israeli practices violated international law. Palestine supported the draft resolution on Israel's violation of human rights in East Jerusalem and the Occupied Palestinian Territories and called for its adoption along with a renewal of the Special Rapporteur's mandate.

Interactive Dialogue

GERMAN MUNDARAIN HERNANDEZ (Venezuela) said that the Special Rapporteur's report demonstrated the evidence of Israel's lack of cooperation with the investigations, its total contempt for the mechanisms of the Human Rights Council and its continuing violations of the rights of the Palestinian people. The death of over 1,000 children, the continued building of illegal settlements, and the ill treatment of prisoners were barbarities that could not continue. Venezuela condemned the blockade of the Gaza Strip and the violations of international law and international humanitarian law committed by Israel on a daily basis. Venezuela called on Israel to lift the blockade of the Gaza Strip and to take steps to ensure cooperation with the international community. ZAMIR AKRAM (Pakistan), speaking on behalf of the Organization of the Islamic Conference, said that the Organization of the Islamic Conference welcomed the balanced and objective report on the situation of the Occupied Palestinian Territories occupied since 1967. The Organization of the Islamic Conference condemned Israel's refusal to cooperate with the Special Rapporteur and with human rights mechanisms and preventing them from carrying out their mandate. Israel had not cooperated with other recent important initiatives of the Human Rights Council to the Occupied Palestinian Territories. This pattern of non-cooperation with official undertakings of the Human Rights Council required a concerted effort by this Council and the Office of the United Nations Secretary-General to ensure the future cooperation of the Government of Israel. The continuing nature of the violations of several fundamental legal obligations by Israel as the occupying power and the failure of Israel to uphold international humanitarian law had led to acute suffering endured on a daily basis by the civilian population of the Occupied Palestinian Territories. The international community could not remain in silence on this carnage. The Organization of the Islamic Conference endorsed the renewal of Mr. Falk as the Special Rapporteur and the call by his predecessor for a referral of the situation to the International Court of Justice for an authoritative decision as to whether elements of the Israeli occupation constituted forms of colonialism, apartheid and ethnic cleaning.

SADIQ M.S. MARAFI (Kuwait) said it had examined the Special Rapporteur's report with close interest and it condemned the violation of human rights in Palestine. Kuwait said Israel was responsible for violations of international law in the Occupied Palestinian Territories. The measures to annex East Jerusalem were against international law and there was an increase in settlement activity. The Special Rapporteur said that Palestinian children had suffered from ill treatment by the Israeli authorities and such practices were in violation of the Geneva Conventions. Children should be given due respect and their rights should be protected during conditions of war and terror. Kuwait requested that Israel be held responsible for its acts and respect its obligations as an occupier under international law. The Council should ensure that Israel respected international law. Kuwait reiterated that a lasting and just peace could only occur with a full withdraw of Israel from the Occupied Palestinian Territories and with the achievement of a Palestinian State with Jerusalem as its capital.

FAYSAL KHABBAS HAMOUI (Syria) said that Syria welcomed the Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967 and thanked him for his bold efforts to reveal the violations committed by Israel against the Palestinian people. Syria supported his call to the international community and the Human Rights Council to bring pressure to bear on Israel to allow him and all other Special Procedures and United Nations mechanisms to enter the Occupied Palestinian Territories to get first hand information about the violations and massacres being committed. Syria was concerned about the complicity of some countries that pretended to defend human rights, but remained silent about the violations in the Occupied Palestinian Territories, while other States tried to justify the acts of Israel. The violations by Israel ran counter to international law and the right to self-determination of the Palestinian people. There was a need for urgent action by the Human Rights Council to protect the Palestinian people and to establish the Palestinian State with Jerusalem as its capital. In closing, Syria said that the blockade of the Gaza Strip was inhumane and called on Israel to immediately lift it.

CIRO LEAL MARTINS DA CUNHA (Brazil) said Brazil invited Israel to cooperate with Mr. Falk and grant him access to the occupied territories. Brazil was encouraged by the High Commissioner's recent visit to Israel and by Israel's cooperation with her Office in preparation of its reports. However, Brazil was concerned by reports of violations from both sides, and especially about a new law that restricted the freedoms of non-governmental organizations in Israel, the demolition of Palestinian family homes, as well as arbitrary detentions and extrajudicial executions in Gaza. While recognizing Israel's legitimate concerns, Brazil called upon Israel to lift the Gaza blockade, which had caused so much pain and yet had not served its purpose, and urged Palestinian groups to stop rocket launchings. Brazil agreed with the Special Rapporteur on the illegality of Israeli settlement activities in Palestine and regretted that the Security Council had not reiterated that illegality in a draft resolution last February. Halting settlement activities should be seen not as a concession, but as lawful conduct under international law. Brazil reiterated its support for the creation of a cohesive, secure, democratic and economically viable Palestinian State.

HEBA MOSTAFA RIZK (Egypt), speaking on behalf of the Non-Aligned Movement, said the analysis of the Special Rapporteur on the situation in the Occupied Palestinian Territories drew the attention of the Council to an overall pattern of combined forced expulsions of Palestinians and of Government-supported transfer of Israeli settlers which reflected a systematic policy by Israel to set the stage for an overall dispossession of Palestinians and the establishment of permanent control over territories occupied in 1967. The Non-Aligned Movement asked the Special Rapporteur what specific measures the Council should take to induce a more serious international reaction to the flagrant human rights violations that had occurred over 60 years and how did he see the Council giving voice to the voiceless victims in the Occupied Palestinian Territories? The Non-Aligned Movement supported the renewal of the Special Rapporteur's mandate and the in his report.

MOHAMED ALI ALHAKIM (Iraq), speaking on behalf of the Arab Group, said that the Arab Group reiterated the inalienable rights of the Palestinian people, particularly the right to life, the right to an independent and free State with Jerusalem as its capital, and the return of their ancestral lands in line with relevant United Nations resolutions. It was necessary for the international community to take its legal obligations seriously and call upon the occupying power to immediately put an end to the violations of the rights of the Palestinian people, including putting an end to the construction of the illegal settlements, the release of prisoners, lifting of the Gaza blockade and ending the construction of the separation wall. Those activities of Israel undermined the construction of the Palestinian State and the solution of two States living side by side. The Arab Group welcomed the visit to the region by the High Commissioner who insisted that the respect for international humanitarian law could not be subject to negotiations and that States must realise their obligations under this law. The annexation of East Jerusalem was contrary to international customary law and was illegal and had not been recognised by any State in the world. There should be an end to all administrative and legal practices that forced the Palestinians to leave Jerusalem. The international community must take all necessary measures to force the occupying power to put an end to systematic violations of human rights and to ensure international protection of the Palestinian people.

IDRISS JAZAIRY (Algeria) said it was very saddening to realize both the continued intransigence by Israel, which led to non-cooperation with the Special Rapporteur, and its reaction to the [recommendations](#) by Judge Goldstone which confirmed Israel's non-abidance to its commitments under international law. The report was a good one that allowed the Council to see for itself the suffering of the Palestinian people. Algeria was very concerned by the continued gross human rights violations as a result of the oppressive practises by the occupying power, particularly in East Jerusalem, and it condemned the heinous blockade on Gaza and the ill-treatment of Palestinian children, as mentioned in the report. Algeria reiterated that the occupation was the root cause of all violations of human rights committed against the Palestinian people, as was the case for all territories under the yoke of foreign occupation.

OGUZ DEMIRALP (Turkey) said that Jewish settlement activities, restrictions on the movement of Palestinian people and goods and actions, and measures that could alter the character and status of Jerusalem and further isolate East Jerusalem from the rest of the Palestinian territory were policies that seriously hampered the peace process. Turkey urged both parties to come together immediately and solve their problems through dialogue and refrain from actions that would risk the future of Palestine and the future of the region. Turkey called on the international community to take a constructive attitude that would focus on a national agreement rather than separation and isolation. Turkey expected all members of the international community to recognize the independent State of Palestine and Turkey would continue to provide socio-economic support to the Palestinian people. The Israeli-Syria track should also be considered to bring stability in the region; however, the fact that Israel adopted a law in November which envisaged a national referendum or a two-thirds majority in the Knesset for the withdrawal from the Golan Heights raised questions on Israel's sincerity regarding the commencement of peace talks.

FRANK ISOH (Nigeria), speaking on behalf of the African Group, said the African Group noted the continued lack of cooperation by Israel and this was regrettable and condemnable given the importance of the issue at hand. Other Human Rights Council processes, such as the United Nations fact-finding

mission on the Gaza conflict and the report of the international fact-finding mission to investigate the Israeli attacks on the humanitarian flotilla, had not been spared Israel's non-cooperative stance. The African Group supported the call of the Special Rapporteur to continue efforts to ensure cooperation by Israel. Another issue was non-implementation, indicating an apparent lack of political will by the international community to implement which were based on the findings that Israel had been guilty of violations of international humanitarian law. The African Group agreed with the Special Rapporteur that this non-implementation not only weakened respect for international law, but also weakened the credibility of the Human Rights Council regarding its various initiatives. Also, it deprived the Palestinian people living under occupation of their rights to receive protection as defined by international humanitarian law. The African Group fully welcomed the renewal of the call by Mr. Falk for a referral of the situation to the International Court of Justice for an authoritative decision as to whether the elements of the Israeli occupation constituted forms of colonialism and apartheid.

MOHAMED SIAD DOUALEH (Djibouti) thanked the Special Rapporteur for the quality of his report and said Djibouti shared the concern of the Special Rapporteur about Israel's persistent non-cooperation with his mandate and other human rights mechanisms. This cooperation required commitment and was essential in order to implement the of the fact-finding mission. The credibility of the Council would be diminished if it allowed Israel's intransigence to continue. Djibouti was particularly interested in the Special Rapporteur's assessment of the situation in the Palestinian territories after 43 years of occupation, and his view of the cumulated effects of Israel's occupation. Djibouti shared the Special Rapporteur's concern regarding the continued expansion of settlements and the direct threat it posed to the establishment of a constructive atmosphere allowing peace talks. To conclude, Djibouti reiterated its deep concern at the deep suffering and disastrous humanitarian consequences caused by the selective and illegal Gaza blockade, which must be lifted.

JOELLE HIVONNET (European Union) said the European Union continued to regret the unbalanced mandate of the Special Rapporteur and was also concerned that parts of the report included political considerations. The European Union would like to emphasize that future reports should be based on a more factual and legal analysis. The European Union regretted the lack of cooperation of the Government of Israel with the Special Rapporteur. The European Union urged Israel to end all settlement activities immediately as settlements were illegal under international law and the European Union considered Jerusalem as a final status issue in the Israeli-Palestinian conflict and opposed any measures that would prejudice the outcome of peace negotiations. The European Union condemned house demolitions, forced evictions and deportations of Palestinian civilians and would like the Council to be updated on the four Palestinians who saw their residency rights in Jerusalem revoked. Access to and from East Jerusalem remained curtailed. In the Special Rapporteur's assessment, to what extent had the recent measures on easing the closure of the Gaza Strip allowed for better enjoyment by Palestinians of their human rights?

JUAN QUINTANILLA (Cuba) said the Special Rapporteur's presentation emphasized the lack of cooperation by Israel and gave the full picture of the violations of human rights and international humanitarian law by Israel. Cuba condemned the construction of illegal settlements, which was an attempt to annex territories, and the expulsion of Palestinians from East Jerusalem. Cuba agreed that this was another attempt at annexation, which reflected the solid policy of Israel to ensure that Palestinians were driven away. The ongoing blockade of Gaza was a cause of continuing concern and people continued to suffer. Despite the selective easing of the blockade, civilians continued to have a very difficult life. Cuba reiterated its unequivocal support for the cause of the Palestinian people and the establishment of the free and independent Palestinian State with East Jerusalem as its capital. In closing, Cuba asked the Special Rapporteur what measures were necessary to lead Israel to cooperate with the mandate and to comply with the relevant United Nations resolutions.

CHANDRA WIDYA YUDHA (Indonesia) said that Indonesia remained concerned by the continued refusal of the occupying power to cooperate with the Special Rapporteur. It was also alarmed that Palestinians living under occupation did not receive the benefits of protection that international law conferred in circumstances of occupation, which was a violation of Israel's legal obligation as the occupying power. Indonesia denounced new measures by Israel against Palestinians, including threats of revocation of residency rights of Palestinians living legally in Jerusalem, which suggested a deliberate attempt by Israel to expel Palestinians from the city as a means of annexation. The continuing Gaza blockade also remained an issue for international attention as it threatened the livelihood of the civilian population in the area. As Israel continued to use force and kill civilians, the Indonesian delegation called on the Special Rapporteur to closely monitor how Israel implemented the of the fact-finding mission's report.

MELANIE KHANNA (United States) said the United States continued to be dismayed by the Council's disproportionate focus on Israel as exemplified by this standing agenda item. The United States encouraged the Council to seek an alternative to highly politicized resolutions and a permanent agenda item focused on one country. The report's conclusions and were seriously flawed. The Special Rapporteur failed to adequately address serious abuses and violations of international law by Hamas in Gaza as it sought to promote its radical agenda and entrench itself in power including unlawful killings, extrajudicial detentions based on political affiliation, restrictions on expression, religion, assembly and association, discrimination against women and harassment of non-governmental organizations limiting their ability to provide humanitarian assistance. The United States said the best way to address human rights issues in Israel and the Palestinian territories was to work on a simultaneous two-track strategy to end the conflict: a vigorous political negotiations track which would ultimately result in a two-state solution and a Palestinian institution building track in preparing for a future Palestinian State.

ALI CHERIF (Tunisia) said that Tunisia welcomed the efforts of the Special Rapporteur dealing with the issues of the Occupied Palestinian Territories who informed the assembly about the practices of Israel and the refusal to give permission to the Special Rapporteur to visit the territories. This represented a challenge for the Human Rights Council. Tunisia supported the ideals of freedom, justice and solidarity with the Palestinian people. All people had the right to self-determination and in addition, the Palestinians had a right to end of occupation and the return of lands and refugees. The international community had an obligation to push the occupying power to respect its obligations, stop violations and stop attempts to change the demographic characteristics of East Jerusalem.

NUR AZURA ABD KARIM (Malaysia) said that the Malaysian delegation rejected attempts to equate the situation in the occupied territories and the status of the occupying power to other human rights situations. In its understanding, the human rights situation in the occupied territories continued to deteriorate as a direct consequence of the continuous occupation of more than 60 years. Malaysia believed that as an occupying power, Israel shouldered a greater burden of duty to ensure respect for all human rights in the territories. In this connection, Malaysia thanked the Special Rapporteur for highlighting yet another dimension of human rights violations by the occupying power and particularly its appalling and inhuman treatment of Palestinian children. The Malaysian delegation endorsed the conclusions of the Special Rapporteur and stood ready to cooperate with all stakeholders to fully implement them in order to hold perpetrators accountable and establish justice for the victims in the occupied territories.

OLEG MALGINOV (Russian Federation) said the Russian Federation would like to highlight the conceptual and independent approach of the Special Rapporteur's report and its focus on the human rights implications of the settlement issue. These violations included the expansion of settlement infrastructure and cruel treatment of Palestinian children by Israeli authorities. The Russian Federation favoured a rapid removal of the blockade in Gaza and called on Israel to cooperate with all human rights mechanisms, especially with the fact finding mission of experts on Gaza and the Flotilla and would hope that the Special Rapporteur would eventually be permitted by the Israeli authorities to visit Gaza and the Occupied Palestinian Territories.

OBAID SALEM SAEED AL ZAABI (United Arab Emirates) welcomed the report of the Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967 and expressed its appreciation for his sense of responsibility and professionalism which had led to the independent analysis of the situation in the Occupied Palestinian Territories. The United Arab Emirates regretted that the continuing efforts of the Special Rapporteur to highlight the human rights violations against the Palestinian people had not borne fruit until now. The United Arab Emirates called on the Human Rights Council to resort to all means to ensure the cooperation of Israel with the United Nations human rights mechanisms. The basis of the relationship between a Member State and the Human Rights Council was based on cooperation. In light of the deplorable situation, the United Arab Emirates called for the adoption of all by the Special Rapporteur, and for putting in place the measures to implement them.

HAMZA AHMED (Sudan) welcomed Mr. Falk and thanked him for his work. Sudan noted that Israel disregarded international humanitarian law and human rights, dispossessed people from their land to make occupation possible, prevented them from accessing mosques, detained Palestinian children and tried them before military courts, as well as other human rights violations. By so doing, Israel applied the worst apartheid system since the middle ages. Why did the international community wait to take appropriate measures against Israel in order to re-establish peace? Sudan supported the appeal of the Special Rapporteur to bring the situation in the Gaza Strip before the International Court of Justice.

NAHIDA SOBHAN (Bangladesh) said Bangladesh condemned Israeli's continued non-cooperation with all the independent and impartial missions and mechanisms including the Special Rapporteur created by the Council. This lack of cooperation exhibited Israel's total disregard of the Council and the United Nations organization. Bangladesh was appalled to note the situation of Palestinian children in the Occupied Palestinian Territories where children were routinely arrested, including in the middle of the night, and detained, a serious breach of article 76 of the Fourth Geneva Convention. The report of the Special Rapporteur recounted a number of violations of international human rights and humanitarian laws by Israeli authorities in the Occupied Palestinian Territories. Bangladesh said the Council should take further effective steps to address the human rights violations in the Occupied Palestinian Territories in light of the made in the report.

RANA MOKADDEM (Lebanon) said Lebanon welcomed the efforts by the Special Rapporteur on human rights in the Palestinian Territories occupied since 1967 and regretted the continuing refusal by Israel to allow the Special Rapporteur to visit the Occupied Palestinian Territories. Lebanon condemned this policy of non-cooperation with the Human Rights Council. The Special Rapporteur affirmed that nothing indicated that Israel was ready to cooperate in line with the international norms and this was based on the conclusions made by the Committee of Independent Experts. Lebanon shared the view of the Special Rapporteur that legal measures were needed to address the Israeli policies which were a form of colonisation and apartheid.

AISHATH LIUSHA ZAHIR (Maldives) said that the Maldives found the pattern of systematic expulsions and forced transfers reported by the Special Rapporteur particularly alarming. The Maldives condemned these acts and echoed the Rapporteur's recommendation that efforts be undertaken for the International Criminal Court of Justice to assess these contraventions. The Maldives was gravely concerned over the aggravated suffering and hardship experienced by the Palestinian people, especially women and children, and deplored the physical and psychological abuse they were subjected to during interrogation and at detention centres, as well as the fact that they were subjected to Israeli military courts. The Maldives strongly condemned the sexual violence against these children and called on Israel to launch independent investigations and hold the perpetrators accountable. For any hope of peace and stability in the Middle East it was crucial that accountability was established over the human rights violations highlighted in this report and the many before it.

MANSOOR ABDULLA AL-SULAITIN (Qatar) said Qatar had read with great concern the Special Rapporteur's report and condemned Israel's failed

commitment to honour international law and its failure to cooperate with the Special Rapporteur to carry out his mandate and with other United Nations mechanisms. Qatar expressed deep concern at the settlement activities of Israel in East Jerusalem and welcomed the High Commissioner for Human Rights' statement during her visit to East Jerusalem that condemned the illegal Israeli settlements. Qatar could see no end to the human rights violations in the Occupied Palestinian Territories and it continued to uphold the in the report and to support their implementation.

MAJD HATTAR (Jordan) said Jordan took note with great interest of the report of the Special Rapporteur that contained detailed analysis of important issues, notably the detrimental consequences of settlements and the abuse of Palestinian children by Israel. The human rights situation and the dire humanitarian conditions of civilians in the Occupied Palestinian Territories continued to deteriorate due to the ongoing Israeli violation of international law. The Gaza Strip remained an occupied Palestinian territory and subject to the provisions of international humanitarian law. The blockade of the Gaza Strip by Israel constituted collective punishment and must end. The construction of settlements and their expansion persisted in flagrant violation of international law, and particularly international humanitarian law, and they ran counter to reaching a just and lasting peace in the Middle East. Jordan asked the Special Rapporteur to further elaborate on the recommendation to refer the situation to the International Court of Justice and how this could build on the Advisory Opinion and other relevant solutions to uphold the right to self-determination.

ABDULAZIZ ALWASIL (Saudi Arabia) welcomed Mr. Falk's report, but regretted that Israel continued to prevent him from fulfilling his mission. Israel continued to not comply with international resolutions and Saudi Arabia therefore agreed with the Special Rapporteur's recommendation that the international community must reinforce its efforts. Mr. Falk had tackled a number of important issues regarding the violation of the rights of Palestinians, and Saudi Arabia noted the evictions and demolitions of housing and that the Gaza blockade was collective punishment for civilians and a violation of the Fourth Geneva Convention. The Special Rapporteur had also provided information on Palestinians detained by Israeli authorities. Like the Special Rapporteur, Saudi Arabia regretted the arrest and detainment of Palestinian children. Saudi Arabia supported the of the report and hoped that all would work to implement these in order to alleviate the suffering. Also, the mandate of the Special Rapporteur was very important and must continue until the end of the occupation.

HAUKUR OLAFSSON (Iceland) said that everything possible should be done for the urgent resumption of negotiations between the parties in line with the commitments recently made by the Quartet. Israel should assume greater responsibility, having refused to renew its moratorium on settlement construction in the Occupied Palestinian Territories, including East Jerusalem. The Quartet should play its full role in the peace process. Iceland regretted it was not possible to reach consensus on the resolution on settlements at the United Nations Security Council in February. Iceland said that the settlements were illegal under international law and called on Israel to immediately cease all settlement activity. Reports of a new campaign to encourage additional Israeli settlement in the occupied Syrian Golan by recruiting 140 new families during 2011 were also of major concern to Iceland. The Government of Iceland called on the Government of Israel to end the blockade of Gaza.

ANNE-MARIE VUIGNIER, of Commission of the Churches on International Affairs of the World Council of Churches, said that their volunteers who provided a proactive presence to vulnerable communities and monitored and reported on human rights abuses had noted the same trends as the Special Rapporteur. Through their regular presence, in particular in Silwan and Sheikh Jarrah, they had witnessed the eviction of families from their homes, the arrest of children, mostly in the middle of the night followed by detention and interrogations, practices in gross violation of international law, in particular article 37 of the Convention on the Rights of the Child. Recalling the resolution on Jerusalem in September 2000, they continued to encourage efforts to build an open, inclusive and shared city where free access to holy places and freedom of worship was assured for people of all faiths. They also still firmly believed that Jerusalem could be a source of peace, stability and coexistence rather than of division and conflict that destroyed human rights, dignity, and hope.

RANIA MADI, of Badil Resource Centre for Palestinian Residency and Refugee Rights, said that Israeli's policies within the Occupied Palestinian Territories and Israel systematically undermined the Palestinian fundamental right to self-determination. Within the Occupied Palestinian Territories, including East Jerusalem specifically, its policies of population transfer, colonialism, and apartheid jeopardized the territorial integrity of the land intended to constitute the state of the Palestinian people. Israel's ethnic cleansing policies in East Jerusalem were particularly insidious. The State employed several legal mechanisms to systematically expropriate Palestinian land and forcibly remove its indigenous Palestinian population. They urged the Human Rights Council to recognize that Israeli's policies in Jerusalem constituted ones of population transfer and a regime of apartheid and colonialism; to condemn Israeli's policies for abrogating the prohibition of population transfer pursuant to the Fourth Geneva Convention; to call upon Israel to cease its policy of ongoing desecration activities and other actions against holy sites in and around East Jerusalem as well as to cease its policy of revoking the residency rights of those Palestinian inhabitants of East Jerusalem.

GALA MARIC, of North South XXI, reiterated with concern that the situation of Palestine was the longest unresolved serious situation of human rights abuses on the agenda of this Council or its predecessor Commission. Recognizing the importance of the [Goldstone Report](#), was important, but unless the conclusions were followed up with adequate action, Israel's impunity for massive and serious human rights violations would not be ended. North South XXI hoped that the Special Rapporteur would be at the forefront of encouraging appropriate international action to end the acts of genocide that Israel had been carrying out for decades with impunity.

HILLEL NEUER, of United Nations Watch, asked why Mr. Falk's report failed to address the terrorism perpetrated by Hamas and other Palestinian terror organizations. The only reference to Hamas was in paragraph 18, where its members were described as victims. The Palestinian news agency had even quoted Mr. Falk as saying that the Palestinian Authority had formally asked him to resign, citing the fact that he was a "partisan of Hamas". United Nations Watch was concerned that Mr. Falk's justifications for Hamas reflected a broader policy governing his work when it came to terrorism.

Concluding Remarks

RICHARD FALK, Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967, said he put a special emphasis on the number of statements that said how important it was for this Council to do something tangible to secure Israeli cooperation with his mandate and the Council's work. This Council was deeply challenged to make it clear that its words did matter and it had to proceed beyond calls for Israel to cooperate because it was clear that Israel had no intention of cooperating and this lack of cooperation with the mandate and other Council mechanisms should have concrete consequences. The that the International Court of Justice be called upon to state what it meant for Israel to continue an occupation with characteristics that were associated with colonialism, apartheid and ethnic cleansing was important to clarify the unlawfulness of these issues for safe guarding the Palestinian right to self-determination. This underlying, core right of self-determination of the Palestinian people was linked to the Special Rapporteur's own efforts to be accurate with regards to the violations on humanitarian law.

Regarding the European Union, which was critical of the report for touching on political aspects, the Special Rapporteur accepted this, but called attention to the fact that various developments which appeared to be political but had essential links to the right of self-determination could not be ignored by the mandate; the Special Rapporteur would continue to focus on those aspects of the occupation that had a bearing on the Palestinian right to self-determination. Regarding the United States' criticism that the report ignored the violations of Hamas in the Gaza Strip, the Special Rapporteur said his mandate was limited to the occupation only and he had asked for a more balanced approach to the mandate to explore issues that might have provoked Israeli behaviour but his recommendation was rejected. One of the most important findings in the report was the fact that repeated and prolonged violations of Palestinian rights through the expansion of the settlements, the dual legal system and the interference in a normal life was something that traditional international humanitarian law was not capable of addressing.

There was a distinctive challenge proposed by this long term occupation. The Special Rapporteur said it was appropriate and necessary for the Council to note that an occupation that went on for decades was something different than what could be addressed by international humanitarian law because this occupation inflicted a more fundamental harm to the people living under such conditions. The Special Rapporteur welcomed the degree to which several of the delegations spoke of the continued non-engagement of Israel to respect its obligations related to human rights laws and standards. The Special Rapporteur stressed that something tangible had to be done about this persistent inability and unwillingness of Israeli to uphold international law during its occupation and that the Council's legitimacy was being challenged by not doing something more. The Special Rapporteur said that no more information was obtained regarding Israel's efforts to revoke the residency rights of members of the Palestinian Council.

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