

I now give the floor to the Permanent Observer of Palestine.

Mr. Mansour (Palestine): Let me begin by thanking the Minister for Foreign Affairs of Austria for presiding over today's meeting. I would also like to thank the Secretary-General for his participation in this thematic debate on a matter of immense importance to Palestine. We would also like to commend the Under-Secretary-General for Humanitarian Affairs for his informative briefing and his tireless efforts to promote the protection of civilians in armed conflict, as well as the Deputy High Commissioner for Human Rights for her principled statement.

Before proceeding, Palestine wishes to align itself with the statement made by the representative of Egypt in his capacity as Chair of the Non-Aligned Movement.

This year marks the tenth anniversary since the Security Council first considered the matter of the protection of civilians in armed conflict. Throughout those 10 years, the Security Council has repeatedly demanded that all parties to armed conflicts comply with their obligations under international humanitarian law to protect the civilian population. However, the failure of States and parties to comply with and ensure compliance with their legal obligations in that regard is still rampant, and civilians continue to bear the brunt of war and aggression and their cruel consequences. Therefore, as we look ahead, we must continue — and in fact redouble — our efforts to ensure that the protection of civilians in armed conflict is addressed and guaranteed for all civilians, without selectivity or inaction based on political considerations.

Unfortunately for Palestine, the selectivity and inaction of the international community, including the Security Council, has only allowed Israel, the occupying Power, to continue its violations of international law, international humanitarian law and human rights law against the Palestinian civilian population in the occupied Palestinian territory, including East Jerusalem.

Regrettably, the international community's repeated failures to hold Israel accountable for its violations and war crimes has reinforced Israel's impunity and lawlessness, permitting it to continue using military force and collective punishment against the defenceless Palestinian people under its occupation. In essence, that has not only absolved Israel from honouring its legal obligations as an occupying Power, but has also emboldened it to continue its perpetration of crimes without fear of punishment.

No one needs to be reminded of the tragic consequences of Israel's military aggression launched on 27 December 2008 against the defenceless Palestinian civilians in the Gaza Strip, of whom more than 1,400 — including hundreds of innocent children and women — were brutally killed and more than 5,500 injured. Undoubtedly, that was an appalling and fatal illustration of Israel's complete disregard for the human rights and right to protection of the Palestinian civilian population. At the same time, Israel has continued its unlawful blockade in collective punishment of the entire population of Gaza, which continues to live in misery in the rubble of their homes and communities. Humanitarian access, which is one of the key components of the protection of civilians in armed conflict, also continues to be impeded, and much-needed exports continue to be totally prohibited, by the occupying Power.

In that regard, the investigation carried out by the United Nations Fact-Finding Mission on the Gaza Conflict, which was headed by Justice Goldstone, led to findings clearly confirming that Israel, the occupying Power, had committed serious human rights violations and grave breaches of international humanitarian law, including the Fourth Geneva Convention, amounting to war crimes and even crimes against humanity against the Palestinian people. Even more shocking and deplorable, the report concluded that the aggression on the Gaza Strip had been planned in all its phases as “a deliberately disproportionate attack designed to punish, humiliate and terrorize a civilian population” (*A/64/490, annex, para. 1893*) and included

“wilful killing, torture or inhuman treatment, wilfully causing great suffering or serious injury to body or health, and extensive destruction of property, not justified by military necessity and carried out unlawfully and wantonly” (*ibid. para. 1935*)

— all of which give rise to Israeli criminal responsibility.

The fact that Israel proceeded to unrelentingly pound the Gaza Strip with its entire lethal arsenal for 22 days enforces the statement made by the Goldstone Mission that the absence of accountability and — worse still — the lack, in many instances, of any expectation thereof are what allow violations to thrive to a large extent. It is exactly that culture of impunity, which Israel has enjoyed for more than four decades, that has not only deepened the injustice and suffering endured by the Palestinian people, but has also undermined the credibility of international law and of the international system as a whole.

In that regard, resolution 64/10 adopted by the General Assembly last week, on 5 November, is an important step towards beginning the process of ensuring accountability and justice. In addition to the efforts made to address this serious issue in the General Assembly, we will continue to call on all relevant United Nations entities, including the members of the Security Council, to shoulder their responsibility and on the high contracting parties to the Fourth Geneva Convention to shoulder their individual and collective legal obligations and responsibilities in order to embark on a new era for our peoples based on respect for international law, the true guarantor of peace, freedom, security and human dignity. We must bring an end to this cycle of impunity on the part of Israel and pave the way for the pursuit of accountability for the war crimes and crimes against humanity committed against the Palestinian people in the besieged Gaza Strip by Israel, the occupying Power.

Regrettably, the situation in the rest of the occupied Palestinian territory, including East Jerusalem, also remains volatile. In that regard, Israel continues its raids and arrest operations in the West Bank, as well as its settlement colonization campaign and wall construction throughout the territory, in grave breach of the Fourth Geneva Convention and its Additional Protocol I and in total disregard of United Nations resolutions, the Advisory Opinion of the International Court of Justice and Road Map obligations. Settler violence has also intensified, with violent, extremist Israeli settlers continuing to harass, intimidate and terrorize Palestinian civilians, violating their rights to life, liberty and security of person, and to destroy Palestinian property and crops. Moreover, in occupied East Jerusalem, Israel's evictions of Palestinian families — some of whom we brought to the United Nations, including the Fourth Committee, a few days ago — and its demolition of Palestinian homes have rendered hundreds of civilians homeless, forcing us to ask the Council: When will the rights of those civilians, including their right to protection, be ensured?

As long as Israel continues to flout its legal obligations towards the Palestinian civilian population under its occupation, the international community, in particular the Security Council, must act to uphold its responsibilities and ensure compliance by Israel with international law and United Nations resolutions. A clear and firm message must be sent to the occupying Power that the international community will no longer tolerate its illegal actions, violations and crimes because commitment to the principles of international law must be above any other consideration that may make a mockery of our international system. Such firm intolerance and a principled commitment to the law will help us break this cycle of impunity and bring an end to the crimes that have caused so much suffering and prolonged this tragic conflict, as well as truly ensure the protection of the Palestinian civilian population.

In closing, having reviewed the seven pages of resolution 1894 (2009) on the protection of civilians in armed conflict, just adopted by the Council, we took careful note of the applicability of the overwhelming majority of the provisions of the resolution to the situation being faced by the Palestinian people in the occupied Palestinian territory, including East Jerusalem and, in particular, the Gaza Strip. We wish to emphasize, in that regard, the extreme importance of operative paragraph 4 of the resolution, which reiterates the Council's willingness

“to respond to situations of armed conflict where civilians are being targeted or humanitarian assistance to civilians is being deliberately obstructed, including through the consideration of appropriate measures”.

We hope that that provision and others will be borne in mind when the Security Council next deals with the question of Palestine.