

Mr. Mansour (Palestine): Palestine welcomes this open Security Council debate on the protection of civilians in armed conflict. We firmly share the belief that the protection of civilians in armed conflict is a matter of immense importance and that the Council's attention to that issue is both appropriate and necessary. We hope that the Council will continue to address the issue in an effective manner until the serious protection of civilians in armed conflict is ensured in all cases, without selectivity or inaction based on political considerations.

For Palestine, today's debate is especially timely. For the nineteenth day now, Israel, the occupying

Power, has continued with impunity to unleash its military wrath on the defenceless population of the Gaza Strip, killing nearly 1,000 Palestinians, including more than 400 children and women, and injuring nearly 5,000. Those who were killed not only were trapped, traumatized and terrorized along with the 1.5 million other inhabitants there, but also were denied the protection accorded to civilian persons under international law. In the light of that, the Palestinian people and their leadership — especially our people in Gaza — continue to call upon the international community to provide much-needed and long overdue protection for the civilian population and for measures to be swiftly taken in that regard to prevent the loss of more innocent lives.

As the Palestinian civilian population continues to be subjected to Israel's indiscriminate, excessive and disproportionate use of force by means of tanks, F-16s, helicopters and other heavy weapons, including white phosphorous shells and dense inert metal explosive bombs, the profound human suffering continues to mount, as the people of Gaza have nowhere to run and nowhere to seek refuge. Moreover, among countless other violations, the occupying Power has attacked medical workers and clearly marked ambulances, wantonly destroyed public and civilian infrastructure and institutions, targeted United Nations schools and buildings, denied access to medical treatment for the sick or wounded, and used Palestinian civilians as human shields, all the while continuously denying an entire population their most basic rights, including the right to food and water.

Clearly, international law forbids such brutality. Humanitarian and human rights law prohibits, inter alia, the killing and bodily injury of civilians, reprisals against civilians and civilian objects, the wanton destruction of homes and other civilian property, and the collective punishment of civilians. Such actions, wilfully perpetrated, constitute war crimes.

The belief that the occupying Power has in fact committed war crimes is also being reported by several human rights organizations now working on the ground in Gaza. In that regard, the appeal by the United Nations High Commissioner for Human Rights and by the Human Rights Council, in its resolution dated 12 January 2009, for an independent investigation of crimes committed by Israel, the occupying Power, in Gaza is important and should be acted upon. We would also like to recall the suggestion made by Secretary-General in his latest report on civilians in armed conflict (S/2007/643), in which he stated that, in situations where parties to a conflict commit systematic and widespread breaches of international humanitarian and human rights law and thereby create the threat of

genocide, crimes against humanity and war crimes, the Council should be willing to intervene under Chapter VII of the Charter.

Here, we would like to recall resolution 1860 (2009), adopted less than a week ago, which, among many other important provisions, calls urgently for an immediate, durable and fully respected ceasefire and for the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including food, fuel and medical treatment. Of course, the ceasefire that the Security Council called for was intended to lead to a total withdrawal of Israeli forces from Gaza.

Unfortunately, Israel continues to ignore the resolution adopted by the Council, pressing on with its military aggression against the Gaza Strip and even intensifying it over the past couple of days. We call on the Council to compel Israel to heed the calls of the Council, in accordance with its obligations as an occupying Power under the Fourth Geneva Convention and its obligations under the United Nations Charter as a State Member of the United Nations.

Moreover, we call on the Security Council and all concerned parties to make the necessary efforts and work to ensure the effective implementation of the resolution in order to bring an end to all military activities and violence; to address the serious humanitarian and economic needs of the Palestinian civilian population in the Gaza Strip, who for too long have been under Israel's inhumane siege; and to help the parties return from the precipice to which this crisis has brought us and back to the path of peace.

In addition to the massive carnage against the Palestinian people in Gaza, the civilian population there continues to suffer from unlawful measures of collective punishment being imposed on them by the occupying Power. The situation before the Israeli assault in Gaza was already dire owing to Israel's inhumane 19-month siege, by which it deliberately obstructed humanitarian access and the movement of persons — including sick persons needing treatment unavailable in Gaza — and of all goods, including the most essential, such as food and medical and fuel supplies. All aspects of life were severely impacted, with poverty, hunger, disease and instability rising to alarming levels, particularly among the refugee population and children — who constitute nearly 56 per cent of the population — exacerbating the humanitarian crisis to catastrophic proportions.

Protecting civilians in situations of foreign occupation must be a priority mission of the United Nations, and the Security Council has clear responsibilities in that regard. Regrettably, the international community's failure to hold Israel accountable for its violations and crimes over the past four decades has reinforced Israel's lawlessness, permitting it to continue using military force and collective punishment against the defenceless Palestinian people under its occupation and, in essence, absolving it of its legal obligations as an occupying Power.

As Israel continues to breach its legal obligations towards the Palestinian civilian population, the Security Council, if it cannot compel Israel to abide by the law, has a duty to determine and undertake appropriate measures to protect the civilian population. Respect must be demanded for the instruments of international law that are supposed to

provide the Palestinian civilian population with protection from human rights violations and crimes committed under occupation.

It should be recalled that the basis and guiding principles for the protection of civilians in armed conflict are embodied in the rules of international law, particularly humanitarian law and human rights law. The need to protect civilians, promote their welfare and safeguard their human dignity is at the core of the spirit and purpose of these laws. Protection provisions can be found in many instruments of law, including the Geneva Conventions — particularly the Fourth Geneva Convention, which comprises provisions explicitly aimed at ensuring the safety of civilians in armed conflict, including specific provisions for civilians under foreign occupation — the Additional Protocols, the Human Rights Covenants, the Rome Statute of the International Criminal Court and United Nations resolutions.

We have the legal instruments and tools that are required, and we know what actions need to be taken to ensure the protection of civilians in armed conflict. We are convinced that the international community has no choice but to make progress and create a different and safer situation than that faced today by civilians not only in Palestine but everywhere else affected by armed conflict.

Before closing, we would like to commend the work of many United Nations bodies, including the Office of the High Commissioner of Human Rights, the Human Rights Council, the High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs, the Special Representative of the Secretary-General for Children and Armed Conflict, UNICEF and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), as well as the work of many international humanitarian organizations that have worked tirelessly to launch initiatives and programmes to ensure the protection of civilians in armed conflict. We continue to support and encourage their work in this field.