

Mr. Mansour (Palestine): I express our appreciation to you, Mr. President, for convening this debate on a matter of immense importance to Palestine. The Security Council's attention to the need for the protection of civilians in armed conflict is both appropriate and necessary. We also express appreciation to you and your country, Turkey, for your wise stewardship of the Council this month. I would also like to add that I am delighted to see you, as a good friend, presiding over the Security Council.

I also wish to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his presentation of the Secretary-General's report (S/2009/277) and for his compelling statement. We hope that the Council will continue its efforts to address this issue in an effective manner until serious protection of civilians in armed conflict is ensured in all cases, without selectivity or inaction based on political considerations.

While the past 10 years of Security Council efforts have contributed to increased awareness among Member States and the broader international community of the need to provide protection and to respond to protection issues, the situation confronting civilians in today's conflicts is tragically similar to that which prevailed a decade ago. That can be primarily attributed to the failure of parties to respect, and to ensure respect of, their legal obligations to protect civilians and spare them from the cruel consequences of war and aggression.

The Palestinian people are all too familiar with the failure of the international community to guarantee the protection accorded to them under international law, including humanitarian law and human rights law. For more than four decades, the Palestinian people have endured appalling levels of human suffering at the hands of Israel, the occupying Power, in the occupied Palestinian territory, including East Jerusalem. We reiterate our call, as we have in previous debates on this issue, that the protection of peoples under foreign occupation must be a priority undertaking of the United Nations, in particular the Security Council, which has clear responsibilities in that regard.

The international community's repeated inability to hold Israel accountable for its violations and war crimes has regrettably reinforced Israel's impunity and lawlessness, permitting it to continue using military force and collective punishment against the defenceless Palestinian people under its occupation and, in essence, absolving it from its legal obligations as an occupying Power.

In that regard, it should be recalled that protection provisions can be found in many instruments of law, including the Geneva Conventions, particularly the Fourth Geneva Convention, the provisions of which explicitly aim to ensure the safety of civilians in armed conflict, including specific provisions for civilians under foreign occupation; the Additional Protocols to the Geneva Conventions; the human rights Covenants; the Rome Statute of the International Criminal Court; and numerous United Nations resolutions.

Never has the absence of protection for the Palestinian civilian population been more evident than it was during Israel's three-week aggression against the Gaza Strip. More than 1,400 Palestinians were killed in the Israeli onslaught, the overwhelming majority civilians, including hundreds of children and women; and more than 5,500 Palestinians, including more than 1,800 children, were injured as a result of the use of excessive and indiscriminate force and lethal, and even illegal, weaponry and ammunition by the occupying forces against the civilian population. Civilian areas and objects, including United Nations schools where civilians were known to be sheltering from the violence, were directly targeted by the occupying Power, as confirmed by the number of casualties and the extent of the destruction, as well as by several investigations, including by the Secretary-General's Board of Inquiry, the League of Arab States Independent Fact Finding Committee on Gaza and many human rights and humanitarian organizations on the ground.

Among countless other violations, the occupying Power also attacked humanitarian personnel and clearly-marked ambulances, wantonly destroyed public and civilian infrastructure, including thousands of homes, targeted United Nations schools and buildings and obstructed humanitarian access and access to medical treatment for the wounded and sick, while continuously denying an entire population their most basic rights, including their rights to

food and water. Not only do all such actions constitute serious, systematic violations of international law, but many amount to war crimes, for which accountability must be pursued.

In that regard, as the report rightly states, 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. We thus fully agree with the recommendations in the report, in particular the recommendation that the Council mandate commissions of inquiry to examine situations where there are concerns regarding serious violations of international humanitarian law and international human rights law, including with a view to identifying those responsible and prosecuting them at the national level or referring the situation to the International Criminal Court.

In this regard, the aforementioned independent inquiries and investigations into Israel's military aggression against the Gaza Strip clearly confirm that Israel committed grave breaches of international law, as it continues to do with its ongoing blockade of the Gaza Strip in collective punishment of the entire civilian population, and other illegal measures, including colonization activities, throughout the occupied Palestinian territory.

We persist in our calls for serious steps to pursue accountability and justice with regard to Israel's crimes against the Palestinian civilian population. That is imperative for healing the deep physical and societal wounds and trauma inflicted upon the Palestinian people.

The international community, including the Security Council, must follow up on the findings and recommendations from United Nations-related investigations, including the United Nations Headquarters Board of Inquiry and the investigation being undertaken by the Human Rights Council's fact-finding commission. The Palestinian people will never forget what happened, but, at the same time, the international community must never let it happen again. That can be guaranteed only if accountability and the duty to make reparations for violations are enforced.

At the same time, urgent measures must be undertaken to end the unlawful Israeli blockade of the Gaza Strip, which has driven socio-economic conditions to deplorable levels. For two years now, since June 2007, Israel, the occupying Power, has deliberately obstructed humanitarian access, the movement of persons, including sick persons needing treatment unavailable in Gaza, and the movement of all goods, including the most essential goods such as food and medical and fuel supplies. This inhumane blockade has perpetuated the dire humanitarian crisis, especially among the most vulnerable, who continue to live amid the destruction and trauma of Israel's aggression due to its refusal to allow even the entry of materials essential for reconstruction, leaving over 50,000 people homeless and with wholly inadequate health care, clean water, electricity and sanitation. This situation has deepened the hardships and indignation of a civilian population that is unquestionably entitled to protection under humanitarian law and should not be left to the mercy of the occupying Power.

As long as Israel continues to breach its legal obligations towards the Palestinian civilian population, the Security Council must act to uphold its responsibilities under the Charter of the United Nations and ensure compliance by Israel with international law and United Nations resolutions. If Israel as the occupying Power continues to defy the Council's calls, the Council must take appropriate and concrete measures to protect the civilian population and ensure respect for the instruments of international law that are supposed to provide civilians with protection from human rights violations and crimes, including in situations of foreign occupation. We are convinced that the international community has no choice but to make progress in this regard and create a different and safer situation than that faced today by the Palestinian civilian population under Israeli occupation.