

*Permanent Observer, Mission  
of Palestine  
to the United Nations*



البعثة الراقبة الدائمة  
لفلسطين  
لدى الأمم المتحدة

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*Statement by*

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Permanent Observer of Palestine to the United Nations*

*before*

*the resumed tenth emergency special session of  
the General Assembly*

*on agenda item 5:*

*“Illegal Israeli actions in Occupied East Jerusalem and the rest  
of the Occupied Palestinian Territory”*

*New York, 17 November 2006*

Madam President,

Over the past four months, Israel, the occupying Power, has launched a ruthless campaign of aggression and extensive military assaults against the Gaza Strip that continue to escalate before the entire world. This excessive and indiscriminate use of force has resulted in the perpetration of war crimes against Palestinian civilians by the occupying Power. The latest such crime was the massacre of civilians in Beit Hanoun, where the Israeli occupying forces killed 82 Palestinians, among them 22 children, in the span of their six-day aggression. The aggression culminated in a heinous crime against an extended family as they slept in their homes, thinking they were not in harm's way. It happened the day following the occupying forces' declaration that its aggression against Beit Hanoun has ended.

On Wednesday, 8 November 2006, during the early hours of dawn, the occupying forces shelled a residential neighborhood in Beit Hanoun. The result of this shelling was the killing of 19 civilians, 16 of whom were members of the Al-Athamneh family. Among the victims of this crime were 7 children, an infant, a three-year old child, and five women. Most of them were killed while they were asleep and the rest while fleeing from the shells that fell over their heads from all directions.

The normal response to these highly abnormal circumstances that constitute a grave threat to international peace and security and threaten a resurgence of violence in the entire region is to have the Security Council uphold its main responsibilities in maintaining international peace and security. The Security Council, however, failed to uphold its responsibilities due to the negative vote of one of its permanent members on a draft resolution that condemned this criminal act and demanded an investigation into its circumstances. This was the second veto used by the same permanent member in less than four months and it is the 31<sup>st</sup> veto used by this very member on events related to the Palestinian Territory, including East Jerusalem, occupied since 1967. The repeated use of the Veto sends the wrong message to Israel, the occupying Power, that it is above international law and that it can continue to commit crimes and acts of outright aggression with impunity. This repeated Veto also signals to the Palestinian people that the targeting of their civilians is acceptable and overlooked by the Security Council since the perpetrator is Israel.

We meet today in the General Assembly's Resumed Tenth Emergency Special Session in accordance with the "Uniting for peace" as a final resort to defend the principles on which the United Nations was founded. We are also here to allow Member States to collectively carry out what the Security Council was incapable of fulfilling. Furthermore, our meeting today is to defend the principles of the Charter of the United Nations and the rule of international law, which are the safeguards of the principles of humanity, and to send a clear message that there is no State above the law. Thus, what is required is serious and firm action in response to these crimes, especially the massacre in

Beit Hanoun, as well as putting an end to this rampant Israeli campaign, which intends to destroy an entire people.

Due to the deadlock I just detailed, the Groups that initiated the action that resulted in the convening of the Security Council- the Arab Group, the Non-Aligned Movement and the Organization of the Islamic Conference- requested the resumption of the Tenth Emergency Special Session in order to put their essential recommendations before the Member States in order to take the collective action needed. And here, allow me Madame President, to convey our thanks and appreciation for your immediate response to our request in the resumption of this important session. I would also like to assert that our meeting today is necessary to stop this Israeli military madness, which targets children during their sleep.

Since Israel's unilateral redeployment from the Gaza Strip, which it has occupied for the past 39 years, the occupying Power has never ceased the opportunity to refer to this step as "a courageous act and hard decision." However, had Israel's intentions been sincere and intended to further the cause of peace by beginning a new era that would pave the way to ending the dreadful occupation era, pain would not have been its accessory. The real outcome of this redeployment from the Gaza Strip has been the exacerbation of pain and misery of the Palestinian people.

Here, I find myself compelled to illustrate what has happened to the Gaza Strip since that so-called "courageous" exit. Since the Israeli redeployment from the Gaza Strip, the Palestinian people have experienced a series of shocking war crimes and acts of collective punishment at the hands of the occupation. These actions have included continuous artillery shelling, assassinations, and terrifying sonic booms in addition to the closure, siege, and the withholding of tax revenues. These punitive acts have resulted in the massive loss of life and property to the extent that most international observers of the situation on the ground have described it as a humanitarian disaster. Regrettably the Israeli occupation continues its state-sponsored terrorism to this very moment, unabated.

Israel, the occupying Power, has intensified its military aggression, now in its sixth year, by launching a new wide aggression on the Gaza Strip since the 25<sup>th</sup> of June 2006, under the pretext of liberating the captured Israeli soldier. During this bloody aggression, the occupying Power committed a number of war crimes, using a multitude of weapons in an uncontrolled manner, including missiles fired from F-16 jet fighters and apache helicopters, as well as tank shells and other artillery, in addition to a wide range of internationally banned illegal weapons, including the DIMÉ shell, which burns and disfigures its victims and makes their rescue an almost impossible task, especially since the shrapnel of these hideous shells cannot be discovered under x-rays and those who survive these blazing attacks run the risk of suffering from leukemia in the future. This criminal campaign has thus far resulted in the killing of over 450 Palestinians, including many children, in 292 separate air raids, in addition to the daily shelling that resulted in the massive loss of life and in wanton destruction. To date, 4300 Palestinians have been killed over the past six years at the hands of the Israeli occupying forces.

As if these crimes were not enough, the Israeli Government has expanded its aggression by the systematic and organized destruction of the public infrastructure and personal properties, to the detriment of the residents of the Gaza Strip. This destruction targeted a number of main bridges, roads, the only power plant in Gaza, the electrical network and a number of the sub transformers. These acts of aggression have had a negative impact on all aspects of life inside the Gaza Strip, as effect of electricity outages has been apparent in all areas of life. For example, the level of medical services provided by hospitals and clinics has also declined significantly as a result. Also, the daily allowance of water has declined and the sewage system is now on the verge of collapse. This is of course in addition to the lack of ability to store food, which is a grave problem in itself.

Along with all these destructive measures, Israel has imposed a suffocating siege on the Gaza Strip and has isolated it from the external world, as exit and entrance in and out of Gaza has been forbidden. The Rafah international border was closed for over three months and 1.4 million Gaza residents were not allowed to leave or enter through it, even if it was to receive urgent medical treatment. The entrance of basic food and medical supplies through the Karni Crossing was also disrupted since it was closed by Israel for 71% of its working hours. This is in addition to the Beit Hanoun Crossing, which has been totally closed since March 2006.

Through the direct orders of the Israeli Prime Minister and as part of its campaign of collective punishment against the residents of the Gaza Strip, the Israeli forces have also initiated psychological warfare. Israeli air force jets carried out low altitude sorties over the Gaza Strip in which they intentionally caused powerful sonic booms. The sole purpose of these sorties was to prevent the residents from sleeping and to create an ongoing sense of fear and anxiety, especially among the children. This is in addition to the random telephone calls the Israeli occupation forces makes to residents of the Gaza Strip, warning them that their home would be the target of an air strike. Here we have to underline that the Israeli Government planned the timing of these aggressive attacks to undermine President Mahmoud Abbas' efforts to form a national unity government and his efforts to simultaneously release the Israeli captured soldier and the Palestinian prisoners and detainees, including elected Palestinian officials. It is important to remember that to date, 10,000 Palestinians are jailed and detained by the occupying Power, including over 388 children and 117 women, many of whom are detained arbitrarily and without trial.

These are all realities that have been referred to by the United Nations specialized agencies and special rapporteurs, as well as non-governmental organizations, well-known for their impartiality and objectivity.

On the 8<sup>th</sup> of November, UNICEF declared that during the first ten days of November, 19 Palestinian children were killed and 300 others injured. According to UNICEF, this horrific figure was enough to make the month of November one of the bloodiest months for the children of Palestine. UNICEF also stated that during this year alone, 116 children were killed, in comparison with the 52 killed last year. Furthermore,

UNICEF figures show that 71 children have been killed during the tenure of Olmert-Peretz.

In its latest report, UNRWA has said that 1.1 out of 1.4 million of the refugees in the Gaza Strip are dependant on food subsidies that it provides along with other UN agencies. Miloon Kathari, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living has condemned the bombardment of civilian houses and described these actions as "criminal acts and premeditated collective punishment." B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, has also accused the occupation authorities of war crimes and collective punishment. Amnesty International described Israeli actions as having "reckless disregard to the Palestinian lives" and called for bringing to justice those who have perpetuated these acts.

Madame President,

The Palestinian leadership was aware of where this aggression was heading to. President Mahmoud Abbas has sent several letters to the Security Council and warned against the grave consequences of such continued Israeli aggression and the dangerous risks to the lives of the civilian population they pose. This is especially true because of the constant Israeli officials' threats to carry out an invasion into the Gaza Strip, proven by amassing of the Israeli army on the Gaza borders before the capturing of the Israeli soldier that Israel has used as pretext for its aggression. Further evidence to this pre-planned Israeli aggression is the vicious crime that took the lives of 7 members of the Ghaliya family on the 9<sup>th</sup> of June 2006, which was followed by another attack on the 13<sup>th</sup> of the same month that killed a pregnant woman and both her 5 and 6 year-old children.

What did the Security Council, the principle body of the international community that is responsible for the maintenance of international peace and security do? Nothing. Even a condemnation statement was not issued. And it remained silent towards all these Israeli violations. Yet, we kept informing the Security Council about the latest dangerous developments on the ground and our delegation has sent several letters warning against an impending catastrophe if it does not act. During the 30 days before the massacre of Beit Hanoun, our delegation repeatedly sent letters warning of this sort of event until the catastrophe finally happened. We called for the convening of the Security Council in order for it to shoulder its responsibility but as everyone here can attest, we were confronted by the Veto. And to put things into their wider context, we must remind that this is all happening against a people still under occupation and from an occupying Power with no sovereign rights over the Occupied Territory in question. Here we are talking about a land occupied for the past 39 years, to which the Geneva Conventions are applicable, as 24 Security Council resolutions have previously affirmed.

Here, we have the right to ask about certain issues that deserve to be addressed. Are there victims of lesser importance than others? How does the Security Council deal with issues of less urgency while refusing to deal with what is happening on the ground in Palestine? How does such an appalling crime, committed by an occupying Power,

pass by the Security Council without it taking a position? How does the Security Council allow for the international norms and covenants adopted following the atrocities and crimes committed during the Second World War to be disregarded without any response? Will it be allowed for one member of the Security Council to put aside the United Nations Charter and forget about the rules and principles of international law and international humanitarian law? What are the consequences of these actions on the international order and on international relations? All these are serious questions that deserve to be answered in order to preserve the United Nations and uphold international order because it is obvious that the international order is going through a serious crisis. The United Nations Charter entrusted the Security Council with the responsibility of preserving international peace and security on behalf of all Member States. Yet, the Security Council has failed in a shocking manner to uphold its responsibility towards the question of Palestine.

What our people do not understand is the readiness of some to speedily condemn any action that the Palestinian side does, irrespective of its legitimacy, such as the right of resistance, or the acts unacceptable even to the Palestinians such as the killing of Israeli civilians. Those same people in question memorize the names of the Israeli victims, including the names of the Israeli soldiers, and the weapons used to attack them. At the same time, they are not ready to condemn the internationally banned artillery shells or bombs, weighing over 200 kilograms, which are thrown into densely populated civilian areas and that kill far more Palestinian civilians. They also try to hide behind the excuse of "balance" to dodge their responsibilities. And our question to them is whether this situation on the ground is balanced. Is there a similarity between the aggressor and the victim of aggression, between the occupier and the occupied, between a military army armed to its teeth with the most grotesque and demonic weapons, and a people who have nothing to protect themselves with? What balance are they speaking of? The balance that we know is the balance that takes into account international law and does not disrespect it. The balance we know preserves human dignity and the rights inscribed in all international covenants and norms.

Madam President,

These violations come in the frame of the premeditated collective punishment policy followed by Israeli government against our people, which has transferred the Gaza Strip into literally a large prison. These policies are aimed at penalizing the civilian Palestinian population in the Gaza Strip, in grave violation of the international humanitarian law, including the 4<sup>th</sup> Geneva Convention of 1949. Collective punishment is prohibited according to international humanitarian law. Article 33 of the Fourth Geneva Convention, which is intended to protect civilians in times of war, categorically states, "collective penalties and likewise all measures of intimidation or of terrorism are prohibited". The Article also states, "Reprisals against protected persons and their property are prohibited." These agreements consider the attacking of civilian targets as war crimes.

The circumstances surrounding the killing of Palestinian civilians in Beit Hanoun confirm that they fall under the category of war crimes. According to that, we cannot accept the argument presented by Israel, the occupying Power, that the killings were not intentional. Therefore, the Israeli occupying Army's argument that they did not mean to kill civilians in Beit Hanoun is unacceptable and is nothing more than disingenuous lip service that cannot excuse what has happened. Further, the apology that holds the victim responsible for his own death is unacceptable. Undoubtedly, the perpetrators of these acts should be brought to justice.

In accordance with the regulations of the Hague Convention, the Fourth Geneva Convention Relative to the Protection of Civilians in Times of War of 1949 and the First Additional Protocol to the Fourth Geneva Convention and the responsibility of the parties to the Rome Statute of the International Criminal Court, Members have a clear responsibility towards those who commit war crimes. We here state before the 10<sup>th</sup> Emergency Special Session that we accuse the government of Israel, the Occupying Power, of committing war crimes against our Palestinian people. In line with official policies to this government, we also hold the Israeli government responsible for other crimes committed by members of the Israeli occupation army, including the extra-judicial killing of five Palestinians in Al-Yamun village, which took place on the 8<sup>th</sup> of November 2006. Additionally, in accordance with Article 29 of the Fourth Geneva convention of 1949, we hold the Israeli government responsible for crimes committed by Israeli settlers in several parts of the Occupied Palestinian Territory.

Finally, we stress upon the clear responsibilities of the high contracting parties to the Fourth Geneva Convention under Common Article 1 and article 148 of the Convention and we call upon these parties to issue indictments and to bring to justice those Israelis who have committed war crimes against the Palestinian people. Among those individuals, the Chief of Staff of the Israeli Armies and all commanders of the Israeli military units that have committed war crimes.

Madame President,

We meet here today, to take the appropriate actions, through adopting the draft resolution that is before you. This meeting and what it hopes to achieve must be viewed as an achievement to all those who believe in the rule of law and to all those who seek to uphold the principles embodied in the Charter of the United Nations. It is a success to all those who revere and respect the right of children and civilians to life and seek to preserve the choice of peace. We thank you Madame President especially, for convening this 10<sup>th</sup> Emergency Special Session and we thank the Members in advance for their support.