

Security Council Open Debate on Protection of Civilians in Armed Conflict, 12th February, 2014, Security Council Chamber

Statement by Ms. Abdelhady-Nasser, Permanent Observer Mission of Palestine to the United Nations

At the outset, Madam President, I wish to thank you and the delegation of Lithuania for convening today's debate on the protection of civilians in armed conflict, an issue of immense importance to the State of Palestine.

We also commend the United Nations High Commissioner for Human Rights, the Under-Secretary-General for Humanitarian Affairs, the Under-Secretary-General for Peacekeeping Operations and the International Committee of the Red Cross (ICRC) for the comprehensive briefings delivered today and for their tireless efforts to promote the protection and well-being of civilians in armed conflict.

While significant efforts have been made to prevent and respond to violations of international humanitarian and human rights law in conflict situations, the Secretary-General noted in his latest report that "[t]he current state of the protection of civilians leaves little room for optimism" (*S/2013/689, para.8*) which was compellingly confirmed by the briefers in today's debate.

The failure of States and parties to respect and ensure respect of their legal obligations remains widespread, and civilians continue to bear the burden of war and violence and to suffer its brutal consequences in a tragic manner.

One clear and persistent example of the failure to respect, and to ensure respect for, the law is the case of the Palestinian civilian population living under Israel's occupation in the occupied Palestinian territory, including East Jerusalem. For more than four decades, any and all of the legal safeguards for the protection to which civilians are entitled under international humanitarian law have been deliberately ignored by Israel, the occupying Power, leaving Palestinian civilians devoid of protection of not only their physical bodies and lives, but also their well-being and human dignity. It is a situation that has inflicted upon them massive suffering, trauma and hardship, for generation after generation.

The protection provisions of international law, including the Geneva Conventions — in particular the Fourth Geneva Convention, which includes provisions explicitly aimed at ensuring the safety of civilians in armed conflict, including specific provisions for civilians under foreign occupation — the Additional Protocols to the Conventions, the international covenants on human Rights, the Rome Statute of the International Criminal Court and the relevant United Nations resolutions are all clear and are applicable to the occupied Palestinian territory, including East Jerusalem. Nevertheless, not a day has gone by in which our situation has not been characterized as extremely volatile and in which grave transgressions of international humanitarian law and the protection provisions have been committed by the occupying Power. That includes the period covered by the Secretary-General's report, which witnessed a significant increase in Palestinian civilian casualties, including among women, children and the elderly.

Besides the complete absence of protection for those Palestinians who have been killed, including by air strikes and explosive weapons in densely populated areas, as in the Israeli military aggressions against Gaza in 2008, in 2009 and in November 2012, Palestinians also continue to be victims of appalling human rights violations and crimes, suffering physical and psychological harm, dispossession, forced displacement, imprisonment and detention, torture, exploitation, hunger, poverty, disease and the destruction of their communities. Even the right to peaceful protest has been lethally violated by the occupying forces. International law clearly forbids such brutality against civilians, and such actions, wilfully perpetrated, constitute war crimes. The Palestinian civilian population also remains vulnerable to rampant settler terror and violence, which has intensified in the recent period.

Moreover, in the Gaza Strip, the devastating impact of the illegal Israeli blockade and the repercussions of the destruction and displacement inflicted by sequential acts Israeli military aggression have continued to impact every human right and to disrupt every aspect of civilian life, deepening the humanitarian crisis. The blockade constitutes collective punishment of the entire Palestinian civilian population in Gaza, in grave breach of the Fourth Geneva Convention. The Palestinians living in Gaza not only need protection for their lives, but also protection from such deliberately destructive policies, which are disfiguring an entire society.

The international community's failure to hold Israel accountable for its violations and crimes has, regrettably, reinforced that 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. As the Secretary-General states in his report, "The prevalence of impunity in many States experiencing, or that have experienced, conflict allows war crimes and serious human rights violations to thrive, undermines the fabric of societies and prevents the development of lasting solutions, which contributes to instability." (*ibid*, para. 60)

Israel's impunity in the context of its foreign occupation of another people and their land has prevailed for nearly five decades due to the inaction and selectivity of the international community, including the Security Council. It is high time for that to be rectified.

The Security Council has the duty to determine and undertake appropriate measures to protect civilian populationx, and that unequivocally includes the protection of the Palestinian people. To continue doing nothing in the face of such crimes is unacceptable and will only allow for the cycle of impunity to persist.

I would be remiss if I did not convey, yet again, the grave concerns of the State of Palestine about the critical humanitarian situation of Palestine refugees in Syria, who also continue to suffer death and injury, the destruction of their homes and shelters, dispossession and massive displacement. The plight of the thousands of refugees trapped the Yarmouk camp in particular is inhumane. Urgent international attention is required to alleviate their plight and that of all civilians suffering in the conflict. The siege and starvation of innocent civilians as a combat method is a grave breach of international humanitarian law and cannot be permitted or justified under any circumstance. We urgently appeal for sustained, adequate and safe humanitarian access to Yarmouk and to all civilians in need, in line with the relevant provisions of international humanitarian law, including the unimpeded delivery of emergency food and medical assistance.

Furthermore in that regard, we reiterate our appeals for the exertion of all possible efforts to ensure the protection of the Palestine refugees and all civilians in Syria in accordance with international humanitarian law, until a political solution can be found to end the tragic conflict.