

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



البعثة المراقبة الدائمة
لدولة فلسطين
لدى الأمم المتحدة

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Statement by Loureen Sayej, Third Secretary, before the 77th Session of the General Assembly Meeting of the Sixth Committee on the Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of civilians of armed conflicts (Agenda Item 81)

Mr. Chair,

We align ourselves with the statement made by Iraq on behalf of the Arab Group.

The moral, legal, and political norms that have guided our international community are that people are citizens under the protection and empire of international law; that colonialism, foreign occupations, and other forms of racist and alien rules are the exception to this norm, an abnormal condition, and unlawful one, from darker times; and that the laws of war, their foundational instruments, principles, and purposes, go the core of our humanity to protect the life and dignity of civilians.

The Additional Protocols are the negotiated products of finely tuned compromises; an accepted balance of responsibilities and obligations to which accountability could be measured, monitored, and strengthened. Their strengths lie in their totality, in the moral, legal, and humanitarian provisions, from the prohibition of reprisals to the recognition of the legitimate wars of national liberations in the exercise of right of self-determination. Respect for their provisions is not a choice.

The State of Palestine is deeply committed to the protection of civilians. We are deeply committed to ensure respect for and implementation of the Geneva Conventions and their Additional Protocols. Indeed, Common Article 1 is not a mere stylistic clause, but is deliberately invested with imperative force, and must be obeyed to the letter and spirit.

In Palestine, we have the most protracted, the longest, and the most sustained violations of nearly every provision of the Fourth Geneva Convention and its Additional Protocol.

These violations are result of Israel's 55 years illegal occupation, its annexation of East Jerusalem, its settlement regime and colonial enterprise, its Wall, its unlawful blockade, but most importantly, its continued intransigence and unilateral denial of the applicability of these Conventions and their Additional Protocol vis-à-vis the protected Palestinian population, in profound defiance of its own obligations, the international community, hundreds of UN resolutions, Declarations of High Contracting Parties, ICRC, ICJ, UN bodies, and experts.

The law is clear. Israel, the occupying Power, has no sovereignty or whatsoever over occupied East Jerusalem, its old city, its holy sites, and its walls, or any part of the State of Palestine. Israel's attempts to alter the legal, geographic, and demographic character of the City are null and void and shall remain so.

As, Israel, the occupying Power, remains unaccountable to the Fourth Geneva Convention and its Additional Protocol. We reiterate that humanitarian law shall not be interpreted so that its application is contingent upon acceptance by the belligerent occupant; international humanitarian law protects the interests of civilians not of belligerents.

Unilateral manipulation of the core principles of international humanitarian law to justify its violations must be rejected as their implications undermine a century of sustained efforts of formulating and implementing the most extraordinary legal machinery to protect civilians.

The duration of Israel's illegal occupation and the intensity of its violations of international humanitarian law is without precedent or parallel in today's world and require urgent action. The "permanent temporariness" of this illegal occupation is the source of protracted human suffering.

Our people are exposed to the worst forms of collective punishment, our journalists are assassinated, our paramedics are intentionally targeted, our children are killed, our detainees are held in administrative detentions and tortured, our families are forcibly displaced, our homes are demolished, our schools are bombed, our mosques and churches are attacked, our natural resources are plundered....and our appeals for international protection, as per UN resolutions, are yet to be implemented. We call on the Secretary-General to uphold his obligations and ensure international protection for the Palestinian people until the end of Israel's occupation and the independence of the State of Palestine.

The illegality of Israel's settlement enterprise is one of the most widely accepted issues in modern international law. The illegality of its occupation and the nature of its presence in the occupied State of Palestine is also subject of extensive legal studies. We take this opportunity to call on the High Contracting Parties to the Geneva Convention to determine whether Israel's violations over the course of its 55 year occupation have transformed this occupation into an illegal regime necessitating even further action by the international community and to ensure accountability.

We also call on the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, undertake as soon as possible the steps necessary to reconvene a Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention and ensure its respect in the occupied State of Palestine, which can only contribute to strengthening international humanitarian law for the benefit of the international community as a whole.

Finally, the development of the Geneva Conventions and their Additional Protocols represented a collective effort to apply the law on those who have attacked the foundations of the world's peace; a collective effort to humanize the law and prevent the violations of basic rights. They are meant to be universally available to, and actionable, by all of us, for all of us, without exceptions.