



Malaysia

Permanent Mission to the United Nations

STATEMENT BY

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PERMANENT REPRESENTATIVE OF MALAYSIA
TO THE UNITED NATIONS**

ON

**AGENDA ITEM 76:
REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER
ARABS IN THE OCCUPIED TERRITORIES**

AT

**THE SPECIAL POLITICAL AND DECOLONISATION
COMMITTEE (FOURTH COMMITTEE) OF
THE 59TH SESSION OF THE GENERAL ASSEMBLY**

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Mr. Chairman,

I should like to thank the distinguished Acting Permanent Representative of Sri Lanka to the United Nations, His Excellency Ambassador Bernard A. B. Goonetilleke, the Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs in the Occupied Territories, for introducing the Report of the Special Committee as contained in document A/59/381. My delegation acknowledges his skilful leadership in guiding the work of the Special Committee and in following the illustrious footsteps of his distinguished predecessor and fellow countryman, Ambassador Chitambarathan Mahendran. As a Member of the Special Committee I associate myself fully with the statement delivered by the Chairman.

2. The Report of the Special Committee continues to contain disturbing facts, figures and stark realities concerning the severely deteriorating humanitarian and human rights situation of the Palestinian people and other Arabs of the occupied territories. Practically every aspect of their daily life has been severely affected. The Report provides us with several accounts concerning the unprecedented level of destruction of agricultural land, fruit trees, other means of livelihood, houses, business premises and other infrastructure. The Report conveys one definitive conclusion: the policies and practices of the Government of Israel, the Occupying Power, have negatively affected the humanitarian and human rights situation of the Palestinian people and other Arabs of the occupied territories at an unprecedented level, and in fact have even further aggravated their situation.

3. Malaysia remains disappointed over the persistent refusal of the Government of Israel to cooperate with the Special Committee in the fulfilment of its mandate. Israel must realize that its position on this matter, consistently adopted since the inception of the Special Committee in 1968, is counter-productive in that it has deprived itself voluntarily of the opportunity to express to the Special Committee its views on the question. Equally of concern is the fact that Israel has deemed it fit to ignore the request made by the Secretary-General for information on steps it has taken concerning the implementation of five General Assembly resolutions under this agenda item, namely resolutions 58/96, 58/97, 58/98, 58/99 and 58/100. The negative attitude and posturing demonstrated by Israel will only further corroborate the suggestion that it intends purposely to continue to prevent the international community from having knowledge of the actual humanitarian and human rights situation of those living in the occupied territories. Given this situation, Israel cannot accuse the Special Committee of being biased in its reporting, considering the meticulous efforts carried out by the Special Committee to ensure the independence, impartiality and accuracy of its work.

4. The Special Committee has been able to prepare its Report based on particularly the sworn testimonies from Palestinian and Arab populations of the occupied territories, Israeli Arab and Jewish witnesses as well as representatives of Israeli NGOs who testified with great courage concerning the hardships experienced by the Palestinians and other Arabs in the Occupied Palestinian Territory as well as the Occupied Syrian Golan. These witnesses have remained deeply troubled over the policies and practices of Israel against those living in the occupied territories. My delegation continues to recognize and laud the admirable courage of all witnesses who had testified before the Special Committee. Their collective desire and commitment towards ensuring the exposure of abuses and the injustices and of promoting peace in the region have remained the driving force in their willingness to come forward to testify. As such, they deserve the full commendation of the General Assembly in facilitating the work of the Special Committee. In addition, my delegation expresses its appreciation to the Governments of Egypt, Jordan, Lebanon and Syrian Arab Republic; the League of Arab States and the Organisation of the Islamic Conference; as well as the relevant United Nations agencies for their full cooperation, support and information provided to the Special Committee.

Mr. Chairman,

5. The Special Committee has been able to document with considerable detail in its Report the severely deteriorating situation in the occupied territories and the mass violations of economic, social and cultural rights as well as civil and political rights by Israel against those living in the occupied territories. Appropriately, the report focuses on the humanitarian and human rights situation in respect of the right of self-determination, the rights to liberty of movement, adequate standard of living, just and favourable conditions of work, education and health, security of person, freedom of opinion and association and freedom of worship, as well as the right to life. The degree and manner of the gross human rights violations and the sufferings of those living under Israeli occupation, as evident in the Report, cannot be allowed to continue and must be stopped. These violations are, unquestionably, in turn violations of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social and Cultural Rights, the Third and Fourth Geneva Conventions, the Hague Conventions of 1899, 1907 and 1954, as well as relevant resolutions of the United Nations. Israel must be brought to the realization that it is not above the law and that it must fulfil its obligations under international law, just like everyone else.

6. The ongoing construction of the Separation Wall in the Occupied Palestinian Territory (OPT), including in and around East Jerusalem, has constituted another dangerous dimension that has acutely undermined the humanitarian and human rights situation of those living under Israeli occupation. The Wall has introduced and will continue to gradually introduce major changes in the social fabric of Palestinian communities. The Wall is one of the most visible signs of the transformation of the Territory into a vast open-air prison, something which is unprecedented in our modern history. The Wall is a visible and clear act of territorial annexation by Israel under the guise of self-defense and security. The Wall has caused more than 875,000 people from at least 200 communities living in the Territory to experience negative consequences, in varying proportions, in all sectors of life. And most significantly, the Wall has been declared illegal under international law by the International Court of Justice, the principal judicial organ of the United Nations, in its Advisory Opinion rendered last July. The General Assembly has responded expeditiously to the ICJ Advisory Opinion by outlining several important follow-up and concrete measures as contained in Resolution ES-10/15 which demand that Israel stop the construction of the Wall in the Territory, dismantle and remove the completed sections of the Wall, and pay reparations to all those affected by the construction of the Wall.

Mr. Chairman,

7. The brutal and harsh policies and practices by Israel have gone beyond the appropriate use of means and methods employed in warfare. The intensification of harsh and repressive measures against the Palestinians since the resumption of the *Intifada* in September 2000, including those executed in recent weeks, in particular in Gaza, have caused further anguish and pain to this already highly deprived and under privileged population. The elaborate system of administrative laws and controls, checkpoints and curfews as well as other restrictive regimes employed by Israel are a clear demonstration of the Occupying Power's actual desire to systematically strengthen control and regulate the lives of the people living in the Occupied Territories and to suppress and overpower them totally to submit to Israel's will. The international community must recognize with a sense of outrage that the wilful killing of Palestinians, including extrajudicial killings, mass arrests and arbitrary detentions; destruction of Palestinian houses and property; confiscation of Arab lands and other forms of collective punishment; disproportionate use of force; as well as Jewish settlement policies and activities which characterize the Israeli-Palestinian conflict have gone on unabated for far too long. Certainly, we must collectively explore other possible ways and means to redress and reverse this situation without delay.

8. My delegation concurs with the observation of the Special Committee in its Report that there are two factors that may play a decisive role in countering the present apathy, namely the role of global mass media and public opinion. In this connection, we are particularly pleased with ongoing comprehensive activities undertaken by the United Nations Department of Public Information, as documented in document A/59/344, to disseminate information through its world-and system-wide apparatus on a regular basis concerning the situation in the Occupied Territories. My delegation encourages the Department to continue with such activities and, where possible, to have them further expanded.

9. As Chair of the Non-Aligned Movement (NAM) Malaysia has assumed a leading role in initialising the mobilization of global public opinion, drawing inspiration from the successful global anti-Apartheid movement, aimed at informing, alerting, increasing awareness and advocating among their respective constituencies about the complexity of the Palestinian question and the situation in the Occupied Territories. A Malaysian NGO – Peace Malaysia – would be convening an International Conference of Civil Society Organization on Peace in Palestine, in Kuala Lumpur in April 2005. In addition, media organizations in Malaysia have been providing extensive coverage concerning all developments relating to the Palestinian question. In this connection, we would like to urge Member States to encourage their media and civil society organizations to take necessary measures and to focus greater attention to the Palestinian question in their work.

10. It is evident that the Palestinians and Arabs in the occupied territories are experiencing a devastatingly difficult life under Israeli occupation. The sense of misery and helplessness, alienation and subjugation, sheer dejection and hopelessness that they are experiencing is on the increase. The little hope that they had of having their plight reversed by the implementation of the Road Map is now, unfortunately and possibly irreversibly, shattered owing to the refusal by Israel to comply with its provisions. They no longer have any recourse. Their hope rests with the international community. The international community cannot and must not turn a blind eye or a deaf ear and be morally and intellectually ignorant to their plight. The international community should make every effort to prevail upon Israel to change its behaviour as recommended in paragraphs 110(a) and 111 of the Report of the Special Committee. Equally of importance is the implementation of and follow-up to the recommendations of the Special Committee by all relevant parties as contained in paragraphs 110(b), 112, 113 and 114 of the Report.

Mr. Chairman,

11. The Special Committee continues to play an indispensable role on behalf of the General Assembly. Its mandate is wide-ranging and challenging. The foundation and conduct of its work are based on human rights standards and obligations as defined under international law and instruments as well as all relevant resolutions of the United Nations. Highlighting and exposing the plight of the people concerned on a sustained basis is the common duty of the international community. We must all be responsible.

12. It is imperative that this independent and indispensable Special Committee, which was established by the General Assembly with a clear design and purpose, be allowed to continue with its important mandate. The Special Committee can provide the international community with, inter alia, first-hand information and accounts concerning the humanitarian and human rights situation of those living in the Occupied Territories. The Report has proven conclusively of the necessity for the continuation of the mandate of the Special Committee until such time when the human rights violations of the Palestinian people and other Arabs of the Occupied Territories committed by Israel have ceased and the Israeli occupation has ended. The aspersions cast against the Special Committee are unjust, unsubstantiated and deplorable. We are convinced that Member States would continue to deem it fit to extend the mandate of the Special Committee and, in this connection, support the draft resolutions on this question, as they had rightfully done in the past.

I thank you, Mr. Chairman.