



Malaysia

Permanent Mission to the United Nations

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**STATEMENT BY H.E. AMBASSADOR HUSSEIN HANIFF
PERMANENT REPRESENTATIVE OF MALAYSIA TO THE UNITED NATIONS
ON AGENDA ITEM 68:
RIGHT OF PEOPLES TO SELF-DETERMINATION
OF THE THIRD COMMITTEE
67TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY
NEW YORK, 6 NOVEMBER 2012**

Mr. Chairman,

At the outset, I wish to extend my appreciation to the Secretary-General for his report A/67/276, entitled "Right of peoples to self-determination". Malaysia also welcomes the report A/67/340 of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. Malaysia takes note of the observations and recommendations presented in these reports, which respectively focus on the universal realization of the right of peoples to self-determination, and the impact of private military and security companies on human rights.

Mr. Chairman,

2. The long struggle for self-determination continues to be manifested by the Palestinian struggle to break free from the illegal occupation by Israel. In violation of international human rights and humanitarian laws, Israel's policy of military occupation has been carried out, among others, through the expansion of illegal settlements. In the report A/HRC/20/32, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 highlighted that the Israeli settlement expansion has accelerated. The Special Rapporteur noted that at least 3,500 units were under construction in 2011, of which amount did not include the Israeli settlement construction in East Jerusalem. Referring to the committee established under the Israeli Ministry of Justice to examine private lands in the West Bank, excluding East Jerusalem, the Special Rapporteur also warned that the possible legalization of settlement outposts, if enforced by Israel, would further obstruct the creation of a viable and independent Palestinian State.

Mr. Chairman,

3. The expansion of illegal settlements is tantamount to Israel's encouragement of settler violence against Palestinian people and property. Such unsafe condition is

aggravated by the tendency of the Israeli military forces to protect the perpetrators by not investigating and arresting the settlers responsible for violent assault and property destruction. Additionally, the property rights of the Palestinian people also continue to be violated through the Israeli enforcement of demolition orders. The Special Rapporteur noted that in the week of 8 to 14 February 2012 alone, over 40 structures were demolished, displacing 126 Palestinians, including 62 children.

4. The Israeli policies and practices of displacement and dispossession only serve to worsen the disempowering and vulnerable conditions endured by the Palestinian people. In Malaysia's resolute support for the Palestinian right to self-determination and self-rule, Malaysia urges the international community and more specifically, the Middle East Quartet to take firmer action to stop the Israeli illegal settlements, confiscation of Palestinian land and resources, and demolition of Palestinian homes, property and infrastructure.

Mr. Chairman,

5. Another salient component of the Israeli occupation, which requires a stronger response by the international community, is the practice of administrative detention. Aimed to remove individuals from society, administrative detention often does not involve the filing of charges and holding of trials. Such detention procedures exercised by Israel are considered illegal under several provisions of the Fourth Geneva Convention. Articles 71 to 73 of the Convention indicate that any kind of prison sentence must be pronounced by a competent court where the accused have access to the evidence against them, and the opportunity to present evidence with the assistance of legal counsel.

6. The Working Group on Arbitrary Detention and human rights organizations such as Amnesty International also regard administrative detention as unacceptable. It is often abused to imprison innocent people such as prisoners of conscience, opponents of policy, or organizers of non-violent protests. Pursuant to the practice of administrative detention, ensuing violations such as the denial of family visits and imposition of solitary confinement with severe psychological and physical harmful effects is Israel's systematic approach to further undermine the Palestinian right to self-determination.

Mr. Chairman,

7. An additional aspect of Israel's occupation of Palestine that calls for tougher international response is extrajudicial execution. The targeted killing of Palestinians stands as a form of summary execution of individuals. Such extrajudicial execution denies the accused of any possibility to demonstrate innocence and to receive comprehensive legal protection of due process.

8. Not including the killings that occurred during Israel's war on Gaza in the winter of 2008-2009, Israel's targeted killing between 2002 and 2008, mainly in Gaza, was reported to have caused the lives of an estimated 287 Palestinians. Such strategy of

targeted killing by the occupying power has been carried out through means such as drone attacks, prolonging the atmosphere of fear and anxiety endured by the occupied Palestinians, thus making bleaker their hope for attaining self-determination.

Mr. Chairman,

9. The Palestinian right to self-determination has also been denied with the continued Israeli illegal blockade of the Gaza Strip. For over five years, 1.6 million Gazans have been living in insecurity within the confinement of the military blockade. If not killed or wounded by attacks, Palestinians have also died unnecessarily due to the various restrictions imposed by the blockade, including on food supplies and medical services.

10. In July this year, I visited Gaza under the UN Mission of the Special Committee to investigate Israeli practices affecting the human rights of the Palestinian people and other Arabs of the territories occupied since 1967. My observation of the actual condition on the ground affirms the reports on human rights violation caused by the illegal blockade, a dire plight we have read and heard about numerous times before but remains unsolved.

11. I personally witnessed the sufferings of the victims of the military occupation and blockade. They include fishermen who are restricted to operate within the three nautical mile limit and further subject to arrest, abuse and deprivation of their equipment, as well as farmers whose lands and equipment have been destroyed by Israeli bulldozers. The more general consequences of the blockade include the destroyed economy and minimal employment opportunities in the occupied Palestinian territories. Under these restrictive and oppressive conditions, Israel's control over every entry and exit of all people, goods and services in and out of Gaza is definitely done to slow the Palestinian path towards achieving self-determination.

Mr. Chairman,

12. In support of the creation of the two States of Israel and Palestine that peacefully live side by side, Malaysia calls for the realization of the Palestinian right to self-determination through a final solution to the conflict. The sooner the solution is found, the sooner both sides can find themselves living in peace and security. The only option is to make the two-State solution based on 1967 borders with East Jerusalem as capital of Palestine a reality.

I thank you Mr. Chairman.