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Committee on the Exercise of the Inalienable Rights of the Palestinian People

**Special meeting to commemorate the tenth anniversary
of the advisory opinion of the International Court of Justice
on the *Legal Consequences of the Construction of a Wall
in the Occupied Palestinian Territory***

Summary record of the 362nd meeting

Held at Headquarters, New York, on Wednesday, 9 July 2014, at 10 a.m.

Chair: Mr. Diallo (Senegal)

Contents

Adoption of the agenda

Statement on behalf of the President of the General Assembly

Statement on behalf of the Secretary-General

Statement by the Chair of the Committee

Statement by the observer for the State of Palestine

The situation in the Occupied Palestinian Territory, including East Jerusalem, and
the impact of the wall on the life of the Palestinian people

Adoption of a statement by the Committee

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The meeting was called to order at 10.15 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Statement on behalf of the President of the General Assembly

2. **Mr. Haniff** (Malaysia), speaking as Vice-President of the General Assembly on behalf of the President of the General Assembly, said that the International Court of Justice had found that the construction of the wall, and its associated regime, were contrary to international law. The Court had also underscored that Israel was under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto. The General Assembly, by an overwhelming majority, had acknowledged the Court's advisory opinion and had demanded Israel's compliance with its legal obligations, as mentioned therein. The challenging nature of the Middle East question was underscored by the fact that a decision of the Court was being commemorated for the number of years that had passed without its implementation.

3. The most vigorous defenders of the United Nations were those Member States that understood the importance of fulfilling Charter obligations. In resolution ES-10/15, the General Assembly called on both the Government of Israel and the Palestinian Authority to immediately implement their obligations under international law.

4. When actions were taken that impeded implementation of United Nations resolutions, the rule of law was seriously undermined and harm was inflicted on people on the ground. The manifest effects of such non-implementation on the population of the Occupied Palestinian Territory were not a matter of conjecture or interpretation, or a narrative created by the Committee or the General Assembly, but were visible to the entire planet, and could be seen by any man, woman or child with access to a computer.

5. In the decade since the advisory opinion had been issued, relations between the peoples of the Occupied Palestinian Territory and Israel had become infinitely more complex as a result of the changing dynamics

between them and factors beyond their bilateral relations. That fact should be borne in mind in efforts to create conditions in which the two sides could negotiate a solution to the conflict. Although the advisory opinion remained unimplemented 10 years after its issuance, the international community should not abandon hope, but should build on lessons learned. It was clear, for example, that both parties to the conflict must enjoy security and that the security of one side could not be gained at the expense of that of the other. Member States should be steadfast in their resolve to eliminate human suffering, and the day's commemoration should serve to reaffirm the need for all States to respect the Charter and comply with the resolutions of the United Nations.

Statement on behalf of the Secretary-General

6. **Mr. Fernández-Taranco** (Assistant Secretary-General for Political Affairs), speaking on behalf of the Secretary-General, said that the meeting was taking place against the backdrop of an increasingly precarious situation on the ground.

7. The Secretary-General had strongly condemned the recent murders of Israeli and Palestinian teenagers. There could be no justification for the deliberate killing of civilians. Also of concern were the tragic repercussions on the civilian population due to ongoing operations; all parties should abide by their obligations under international law and refrain from any actions that could further escalate that highly tense situation. It was critical that the Israeli and Palestinian leaderships, with the support of the international community, should do their utmost to resume meaningful negotiations. Any action to prejudge the outcome of final status negotiations must be avoided.

8. In its advisory opinion, the International Court of Justice had determined that the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, were contrary to international law. The opinion also made it clear that all States were under an obligation not to recognize the illegal situation resulting from the construction of the wall, and that all States parties to the Fourth Geneva Convention had the additional obligation to ensure compliance by Israel with international humanitarian law.

9. The implications of the wall went far beyond its legality. The wall severely restricted Palestinian

movement throughout the West Bank, cut off land and access to resources needed for Palestinian development, and continued to undermine agricultural and rural livelihoods. Moreover, the wall and increased settlement expansion had worsened the fragmentation of the Occupied Palestinian Territory and had exacerbated the isolation of East Jerusalem from the rest of that Territory.

10. Established at the request of the General Assembly, the Office of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory had been operational since 2008. The Registry had collected 42,600 claims and over 1.1 million supporting documents; it was hoped that the collection of claims could be completed by the end of 2015.

11. Both Israelis and Palestinians had the right to live in peace and security with dignity and prosperity. Violence on all sides must stop. Adhering to the advisory opinion was an essential step towards ending the occupation that had begun in 1967 and establishing an independent, sovereign, viable and prosperous Palestinian State, living side by side in peace with Israel within secure and recognized borders, and a just, lasting and comprehensive peace in the Middle East.

Statement by the Chair of the Committee

12. **The Chair** said that, on the tenth anniversary of the advisory opinion, the Committee had a duty to remind Israel and the international community of that historic legal opinion of the International Court of Justice and the obligations stemming from it under international law. A just and lasting peace could be established only through the two-State solution.

13. Although the Security Council had, regrettably, been unable to take energetic measures in response to the violations related to the construction of the wall, the General Assembly, in resolution ES-10/14, had requested the International Court of Justice, the highest legal body of the United Nations, whose authority was recognized by all Member States, to urgently render an advisory opinion in that regard. On 9 July 2004, the Court had rendered its opinion that the wall undermined the rights of the Palestinian people and constituted a violation of international law. The Court had furthermore asked the General Assembly and the Security Council to consider further action to put an

end to the illegal situation resulting from the construction of the wall.

14. In resolution ES-10/15, adopted on 20 July 2004, the General Assembly called upon all Member States to comply with their legal obligations as mentioned in the Court's opinion, requested the Secretary-General to establish a register of damage caused to all natural or legal persons concerned in connection with the advisory opinion, and invited Switzerland, in its capacity as the depositary of the Geneva Conventions, to conduct consultations and to report to the General Assembly on the matter, including with regard to the possibility of resuming the Conference of High Contracting Parties to the Fourth Geneva Convention.

15. Ten years later, the walls and barriers remained intact and the lives of most Palestinians continued to deteriorate alarmingly. Israeli actions continued to undermine efforts to resolve the Israeli-Palestinian conflict peacefully, and the wall seriously impeded the movement of thousands of Palestinian families, making it difficult for them to pray or work in East Jerusalem.

16. The recent escalation of violence on the ground and its tragic repercussions were a further result of Israeli policies. The Committee urged the Israeli Government to take all necessary measures to end its violations of international law and comply fully with the advisory opinion. The wall must be removed and Palestinians compensated for the damage caused by its construction. Israel must also cease its settlement construction. The Israeli Government must, moreover, guarantee freedom of movement for Palestinians, uphold their rights and account for its policies and actions in the Occupied Palestinian Territory, including East Jerusalem. The Committee would adopt a statement containing suggestions to that end.

17. The international community, including Governments, international organizations, United Nations entities, parliamentarians and civil society, should comply with the guidance set forth in the advisory opinion. The Security Council should take decisive action to remedy the illegal situation resulting from the construction of the wall. Indeed, history had shown that inaction by the main body of the United Nations responsible for maintaining international peace and security often had serious negative repercussions.

Statement by the observer for the State of Palestine

18. **Mr. Al-Aissa** (Observer for the State of Palestine) said that General Assembly resolution ES-10/15 had been adopted by an overwhelming majority. However, Israel obstinately refused to abide by international instruments adopted by the Security Council, the General Assembly and other bodies, including the International Court of Justice. Indeed, it refused to halt its violation of the rights of Palestinian civilians, including children, and continued to torture Palestinian prisoners, hold them in administrative detention and transfer them outside the Occupied Palestinian Territory, in clear violation of the Fourth Geneva Convention. Justice for Palestinians was further undermined because an increasing number of Israeli prosecutors and judges were settlers who, by insisting on living in the Occupied Palestinian Territory, were themselves perpetrating war crimes under the Convention. Israel even refused to heed appeals by the International Committee of the Red Cross and the Israeli Medical Union, which continued to voice their alarm at Israel's ongoing illegal practices. In that regard, the State of Palestine commended the 70 international human rights organizations that had adopted a joint statement in support of the rights of Palestinians held in Israeli prisons.

19. In addition to its construction of the wall, Israel was continuing its blockade of Gaza, which constituted an act of collective punishment and caused great hunger and suffering among the population. Israel also continued to demolish Palestinian homes and carry out extrajudicial killings, including of children. Citing security considerations, it was confiscating yet more Palestinian land, seriously undermining peace negotiations between the parties, even though a report issued in 2011 by the Israeli Council for Peace and Security clearly stated that Israel had no need to annex further territories to guarantee its security. In addition, Israel was expelling Palestinians from the so-called "E1" area in East Jerusalem to further its settlement agenda. That grave act could be the final nail in the coffin of the two-State solution. Israel's actions showed that its long-term objective was to empty the Occupied Palestinian Territory of its Palestinian inhabitants.

20. Regrettably, certain States, particularly the United States of America and certain European countries, refused to take action to compel Israel to comply with international law and the principles enshrined in the

Charter of the United Nations. As a result, Israel, itself a party to the Geneva Conventions, continued to enjoy impunity for its crimes and to flout the General Assembly resolution calling on it to abide by the advisory opinion. Moreover, European States continued to grant Israeli settlers visa-free entry, and some had even adopted legislation to prevent Palestinians from seeking to hold Israelis accountable for their crimes in those States' courts. On the other hand, the State of Palestine warmly welcomed the recent adoption by the European Union of legislation to prohibit trade with enterprises operating in Israeli settlements, and called for further such measures to compel Israel to halt its illegal settlement campaign.

21. Recent events had made clear that Israel had created monsters that were capable of torturing and even brutally murdering Palestinian children. The Israeli Prime Minister's promises to bring the perpetrators to justice were merely empty words. Perpetrators were almost never held accountable for their crimes. Indeed, in a rare case in which an Israeli soldier had been found guilty of murdering a Palestinian child, the court had fined the soldier less than one dollar as punishment.

22. The President of the State of Palestine had recently called upon the Secretary-General to establish an independent committee to investigate Israel's crimes, including the recent murder of a Palestinian child in East Jerusalem. The international community must provide protection to Palestinians in the Occupied Palestinian Territory, and the United Nations and peace-loving States must add Israeli settler groups, including the so-called "price-tag" groups, to their lists of terrorist organizations. The State of Palestine reiterated its call for a resumption of the Conference of High Contracting Parties to the Fourth Geneva Convention with a view to investigating Israel's ongoing crimes, particularly settlement construction, and called upon those Parties to uphold their responsibilities under that Convention. It also trusted that an international meeting on apartheid, to be held in August 2014, would acknowledge that Israel, through its actions, was perpetrating apartheid against the Palestinian people.

23. As a non-member observer State, the State of Palestine had become eligible to join a number of international bodies, including the International Court of Justice, and was seriously considering whether it should do so. The Palestinian people would continue

its struggle for self-determination until it was able to establish an independent State of Palestine, with East Jerusalem as its capital.

24. *The meeting was suspended at 11.05 a.m. and resumed at 11.15 a.m.*

The situation in the Occupied Palestinian Territory, including East Jerusalem, and the impact of the wall on the life of the Palestinian people

25. **Mr. Dolphin** (United Nations Office for the Coordination of Humanitarian Affairs), speaking via video link from Jerusalem and accompanying his statement with a digital slide presentation, said that, when completed, the wall that Israel was constructing would extend over 700 km and would be more than twice the length of the Green Line. Although the International Court of Justice had concluded that Israel could legally construct a wall provided that it followed the Green Line, only 15 per cent of the barrier did so, while approximately 85 per cent was being built in the Occupied Palestinian Territory, including East Jerusalem. The situation was particularly severe in the Jerusalem governorate, where only 4 km of a 140-km barrier would follow the Green Line. Approximately 62 per cent of the wall had been completed, 10 per cent was under construction and plans had been drawn up for the construction of the remaining 28 per cent. About 70 km of the barrier took the form of a concrete wall and the remainder consisted of a system of electric fences and ditches. When completed, it would isolate approximately 9.4 per cent of the Occupied Palestinian Territory from the West Bank, while approximately 65 of the 150 Israeli settlements and 85 per cent of the settler population would be on the Israeli side of the barrier.

26. The barrier bisected approximately 150 Palestinian agricultural communities, whose farmers were now obliged to go through an arduous process to obtain permits to access their land and water resources in areas of the West Bank on the other side of the barrier. The Israeli authorities issued permits only to Palestinian farmers whom they did not consider a security risk, and then only if those farmers could present documents proving that they had a "valid reason" for visiting their land. Palestinians who did not own what the Israeli authorities deemed a sufficiently large area of land were denied access to their property. In the northern West Bank, some 50 per cent of applications submitted by farmers wishing to access

their land were rejected. Permits were valid for between three months and two years. When they expired, farmers were obliged to go through the same arduous process to have their permits renewed, and applications for renewal were frequently rejected. Farmers with permits were only allowed to use certain gates in the barrier. Only 9 of the 81 gates were open on a daily basis, and only for limited periods each day. Israel opened the vast majority of gates for only six to eight weeks during the olive season. Those tight restrictions on the movement of farmers had a severe impact on livelihoods in the West Bank, and farmers whose olive trees were located on the Israeli side of the barrier produced some 60 per cent less olive oil than farmers whose trees were on the West Bank side.

27. Many Palestinian communities, comprising some 11,000 individuals, were isolated between the barrier and the Green Line. Those individuals now required special residence permits merely to remain in their homes. Forbidden to enter Israel, they were obliged to pass through checkpoints to access health clinics, hospitals and schools on the West Bank side of the barrier. The wall had a very detrimental effect on their livelihoods and social relations, making it difficult for them to get to work or attend weddings, funerals or other events. If the barrier was completed as planned, an additional 25,000 Palestinians in the West Bank, excluding East Jerusalem, and the majority of East Jerusalem residents would find themselves on the Israeli side of the barrier and were likely to face similar restrictions on their movement.

28. The barrier and the permit regime were entrenching the separation of East Jerusalem from the rest of the West Bank and literally cementing the physical separation of West Bank Palestinians from Jerusalemites. However, as the barrier rarely followed the Green Line, many Palestinians holding East Jerusalem residency permits were now obliged to pass through checkpoints to access health, educational and other services to which they were entitled as Jerusalem residents. It was increasingly difficult for many East Jerusalem Palestinians to find employment, get to work and conduct normal social relations with their families.

29. Furthermore, approximately 1,400 Palestinians in some 17 Jerusalem communities had been issued West Bank identity cards by Israel and were forbidden to access services in that city. Certain West Bank neighbourhoods with historical ties to Jerusalem had also been separated from the city by the wall, and

many residents of those neighbourhoods faced economic ruin owing to the loss of customers from East Jerusalem.

30. In its advisory opinion, the International Court of Justice concluded that the barrier and its associated regime, namely the cumbersome gate and permit system, were contrary to international law, and called upon Israel to cease construction of the barrier immediately, dismantle sections that had already been completed, and repeal or render ineffective all legislative and regulatory acts relating to the barrier. It was critical that the States Members of the United Nations should refuse to recognize the illegal situation created by the barrier and ensure that Israel complied with international law.

31. *Two short videos illustrating the impact of the barrier on people in East Jerusalem were shown.*

32. **Judge Koroma**, former member of the International Court of Justice, said that the advisory opinion of the International Court of Justice, the supreme judicial organ of the United Nations, provided an essential framework for the peaceful solution of the Palestinian issue and should be viewed as such by all stakeholders. When the Court exercised its advisory instead of its contentious jurisdiction in making a determination, it applied identical principles of international law. Against that background, the Court, having considered Article 2, paragraph 4, of the Charter of the United Nations relating to the prohibition of the threat or use of force, General Assembly resolution 2625 (XXV) relating to the inadmissibility of territorial acquisition resulting from the threat or use of force, the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949, had determined that Israel's construction of the wall in the Occupied Palestinian Territory, including in and around Jerusalem, and its associated regime were contrary to international law. It had also determined that Israel was under an obligation to terminate its breaches of international law by ceasing construction and dismantling the wall, and repealing or rendering ineffective all legislative and regulatory acts relating to it.

33. The Court had taken the view that the route of the wall was designed to change the demographic composition of the Occupied Palestinian Territory, including East Jerusalem, through the departure of Palestinian populations from certain areas, and that it

could create a *fait accompli* that could become permanent and tantamount to *de facto* annexation of the territories.

34. The Court had also determined that the construction of the wall and related annexation activities violated the right of self-determination of the Palestinian people, a finding of the utmost importance. Indeed, the right of peoples to self-determination was enshrined in the Charter of the United Nations and was one of the Organization's fundamental contributions to international law. The Court had ruled that all States were under an obligation not to recognize the illegal situation resulting from the wall's construction and that they were obliged to ensure compliance by Israel with the Fourth Geneva Convention.

35. The Court had emphasized that both Israel and Palestine were under an obligation scrupulously to observe the rules of international humanitarian law, one of the paramount purposes of which was to protect civilian life. Illegal actions and unilateral decisions had been taken on all sides, whereas, in the Court's view, that tragic situation could be brought to an end only through implementation in good faith of all relevant Security Council resolutions, in particular resolutions [242 \(1967\)](#), [338 \(1973\)](#) and [1515 \(2003\)](#).

36. The Court had also underscored the permanent responsibility of the United Nations towards the question of Palestine until that question was resolved in all its aspects in a satisfactory manner in accordance with international legitimacy. The construction of the wall was therefore of direct concern to the Organization, which must consider what further action was required to bring to an end the illegal situation resulting from its construction.

37. Ten years had passed since the Court had delivered its advisory opinion. To maintain its credibility and continued effectiveness, the Organization must take action to ensure that the parties to the conflict complied with international law. Indeed, to do so was very much in the interest of the people of Palestine, the parties to the conflict and the United Nations itself. Justice delayed was justice denied; the Palestinian people had waited too long for justice.

38. **Mr. Van Esveld** (Human Rights Watch) said that the barrier and its associated permit regime were highly discriminatory. Israeli tourists and citizens living between the Green Line and the barrier could access that area without obtaining a permit and passed

swiftly through special checkpoints to which Palestinians were denied access. Palestinians, on the other hand, had to obtain special permits to enter any part of the West Bank on the Israeli side of the barrier or areas designated by the Israeli military as a “seam zone”. That was even the case for Palestinians wishing to access their homes in those areas. Permits, if they were issued at all, were usually only valid for one gate in the barrier and for a short period of time.

39. The barrier and its associated regime caused great hardship to Palestinian communities. For example, it had isolated the villages in what was known as the Biddu enclave from between 50 and 70 per cent of their land. Villagers there were denied access to their land for over 300 days each year. Although the Palestinian Authority had provided thousands of tree seedlings, Israel had prevented farmers from planting them. Before the construction of the barrier, the villages had produced 50 tanks of olive oil each year, which had been a crucial source of income. Because of the barrier, the villages could no longer produce even enough olive oil for their own use. Some farmers were denied all access to their land. For example, one farmer who owned two hectares of grapevines on the other side of the barrier had been unable to access his land for over two years.

40. Palestinian challenges to the restrictive permit regime had been unsuccessful in the Israeli courts. Incredibly, those courts had ruled that the route of the barrier was not problematic because the permit system provided access for Palestinians. Furthermore, in 2011, the Israeli Supreme Court had ruled that the permit system’s security benefits for Israelis justified any harm it caused to Palestinian communities. However, Israel’s claims that the permit system was intended to prevent attacks on its citizens were disingenuous: Palestinians were required to prove what the Israeli authorities deemed was a valid connection to their land; they did not have to prove that they were not a security threat. Moreover, Israel had established a much less onerous permit system for Palestinians from the same villages working in Israeli settlements. Those permits, which were valid for months at a time, allowed access to settlements five days a week during daylight hours.

41. To raise global awareness of the devastating impact of the barrier, Palestinians continued to organize non-violent popular demonstrations. The Israeli military authorities reacted harshly to all such

activity and continued to harass, fabricate charges against and imprison Palestinians who advocated or took part in non-violent resistance. In court cases against demonstrators, the Israeli military made extensive use of coerced confessions, including from children.

42. If Israel insisted on building a barrier, it must comply with international law by routing it along the Green Line. In that regard, he hoped that the Israeli Supreme Court would rule that Israel could not proceed with its plan to route the barrier between the Cremisan Monastery and the Salesian Sisters Convent in the West Bank, which would cause yet further suffering to Palestinian communities.

43. **Ms. Whitson** (Human Rights Watch) said there was broad consensus that, under the Rome Statute of the International Criminal Court, Israel’s settlement policy, house demolitions, forced transfer of Palestinians and construction of the wall constituted grave breaches of international law that amounted to war crimes. Regrettably, a draft Security Council resolution affirming that reality had been vetoed by the United States of America, not on substantive grounds, but because the United States claimed that such a resolution would harm the so-called peace process.

44. It was imperative that the Palestinian Authority should sign the Rome Statute so as to empower the International Criminal Court to issue rulings on Israel’s ongoing war crimes. Regrettably, however, the Palestinian Authority, cowed by relentless bullying from Israel, the United States and the United Kingdom, had chosen not to join the Court. That was a misguided strategy that had failed to deliver a modicum of justice and accountability for the Palestinian people. Neither the Palestinian Authority nor the Palestine Liberation Organization was entitled to bargain away the rights of the Palestinian people as a tactic of political negotiation.

45. The United States had passed legislation that would cut off aid to the Palestinian Authority if Palestine brought criminal charges against Israel at the Court. While that threat was no small matter, denying justice and accountability for Palestinians was too high a price to pay. Although the United States argued that Palestinian membership of the Court would hinder the peace process, the greatest danger to peace was the impunity for war crimes that Israel had enjoyed for so many years. Instead of blocking accountability for

those crimes, the United States, which had supported the Court's jurisdiction in the cases of Libya, the Sudan and Syria, should also support it in Palestine. The United Kingdom had also been hypocritical in its approach to justice for Palestinians, as its claims of strong support for the Court were belied by its unyielding opposition to Palestine's membership. International justice should not be a political game. Justice was an important end in its own right, and a credible threat of prosecution by the International Criminal Court could help advance the cause of peace.

46. Palestine's membership of the Court would empower it to consider not only settlement activity, but other crimes, such as the recent targeting of two teenagers participating in a demonstration in the West Bank. Between 2005 and early 2013, Israeli forces had killed at least 46 Palestinians in the West Bank by firing live ammunition at stone throwers, and since September 2000, they had killed more than 3,000 Palestinians who were not participating in hostilities. Only six Israeli soldiers had been found guilty of unlawfully killing Palestinians, and the longest prison sentence handed down for that offence had been only seven and a half months.

47. Israel also stood to gain from Palestinian membership of the Court, which could then investigate war crimes by any party in the Occupied Palestinian Territory, including groups that indiscriminately or deliberately attacked civilians in Israel. History had taught the world that lasting peace was impossible without justice, accountability and reconciliation. By failing to join the Court, the Palestinian Authority was compounding the injustices suffered by the Palestinian people; by pressuring the Authority not to do so, Israel and its Western allies were doing a disservice to all victims of war crimes, Palestinian and Israeli alike. Friends of Palestine and friends of Israel should press Palestine to join the Court immediately.

48. **Mr. Khalil** (Observer for Egypt) emphasized that the violence taking place in the Occupied Palestinian Territory was a direct result of Israel's refusal to abide by international instruments, including United Nations resolutions. Since its establishment in 1948, Israel had adopted a policy of revenge against the Palestinian people, which involved the deliberate targeting of innocent civilians. However, that brutal policy had failed to achieve security for Israel, let alone establish regional peace. Instead, it had resulted in gross human rights violations and continued to hinder a peaceful

resolution to the Arab-Israeli conflict. A more forceful response by the international community was needed to compel Israel, once and for all, to cease its illegal actions.

49. **Mr. Khan** (Pakistan) said that the situation in the Occupied Palestinian Territory was precarious. Pakistan condemned the brazen violence of the occupation authorities, the resultant loss of life and Israel's imposition of collective punishment on the Palestinian people. The international community must intercede to end the cycle of violence and halt Israel's indiscriminate killing of unarmed men, women and children. Pakistan supported the two-State solution, on the basis of the pre-1967 borders and with Al-Quds al-Sharif as the capital of the State of Palestine. It was crucial to resume talks between the parties on a negotiated settlement to the conflict. An impartial investigation into the recent brutal killing of a Palestinian youth from East Jerusalem by Israeli zealots must also be carried out immediately so that the perpetrators of that heinous crime could be brought to justice. As clearly stated in the advisory opinion, the Israeli fascist wall under construction in the Occupied Palestinian Territory blatantly violated the Fourth Geneva Convention. The wall was a major obstacle to all efforts by the international community to resolve the question of Palestine, and must be torn down without delay.

50. **Mr. Khiari** (Tunisia) said that Israel's violations of international law in the Occupied Palestinian Territory went beyond the construction of the wall and its associated regime. Tunisia was deeply concerned about other abuses, including the violence perpetrated against unarmed Palestinian civilians. In that regard, and in the light of Israel's ongoing violent attacks on Gaza, the President of Tunisia had telephoned the President of Palestine that morning to reiterate Tunisia's strong support for the Palestinian people at that critical time. The international community and the Security Council must shoulder their responsibilities and compel Israel to immediately cease its unjustified attacks, which threatened to further undermine Palestinian livelihoods and regional stability.

51. **Ms. Rubiales de Chamorro** (Nicaragua) affirmed her country's solidarity with the Palestinian people. Like Palestine, Nicaragua had suffered many years of violence and bloodshed in its struggle for justice. The briefing by Judge Koroma should be circulated widely in order to raise awareness of the

injustice and hardship that the wall and its associated regime were inflicting on Palestinians. Because of its history, the United Nations had a unique responsibility towards the Palestinian people, and it was unacceptable that Israel continued to enjoy impunity for its crimes because the United States had veto power in the Security Council.

52. **Mr. León González** (Cuba) said that his country had always condemned the Israeli occupation of Palestinian land, which was the fundamental cause of the prolonged conflict in the Middle East, and continued to demand Israel's compliance with international law. Israel continued to enjoy impunity for its crimes because of the support it received from the United States of America, particularly in the Security Council, where that permanent member used its veto to ensure that no measures were taken to hold Israel accountable for its actions. It was imperative that the Security Council should take tangible action to uphold its resolutions.

53. **Mr. Percaya** (Indonesia) said it was regrettable that the Committee was marking Israel's decade-long non-compliance with the advisory opinion. It was not the first time that Israel had failed to abide by international law. Indeed, more than 40 years had passed since the Security Council had first called upon Israel to withdraw from the Occupied Palestinian Territory. In the light of Israel's intransigence, it was imperative that the United Nations should devise measures to follow up on the advisory opinion and compel Israel to abide by it. The Committee must also strengthen its cooperation with civil society organizations, academia and the business community, which often wielded considerable power to influence government policy.

54. **Ms. Kurultay** (Turkey) said that the International Court of Justice had clearly stated that Israel could not invoke the right of self-defence to justify its construction of the wall. In numerous ways, the wall and its associated regime negatively affected the daily lives of Palestinians, undermining their rights to health care, education, work and freedom of movement, and representing one of the gravest impediments to regional peace.

55. Turkey was gravely concerned about other negative developments in Palestine, including the murder of three Israeli youths and the subsequent murder of a Palestinian youth from East Jerusalem, and deplored the negative repercussions of the Israeli operation against Gaza, which had killed and injured

hundreds of civilians. The international community must urge Israel to halt immediately its attacks on Gaza, its use of excessive force and its collective punishment of the people of Palestine. Turkey urged all parties to act with restraint and make every effort to resume peace talks with a view to achieving the two-State solution, on the basis of the pre-1967 borders and with East Jerusalem as the capital of the State of Palestine.

56. **Mr. El Oummi** (Observer for Morocco) said that his country wished to express its condolences to the families of the scores of Palestinians who had been killed in the latest round of Israeli violence. Morocco condemned in the strongest terms Israel's ongoing unjustified aggression against unarmed Palestinian civilians, which was seriously undermining regional peace and stability. Morocco called upon the international community to shoulder its responsibilities and intervene immediately to end Israel's aggression and protect the Palestinian people. Israel must be held accountable for its gross human rights violations and must be compelled to comply with international law.

57. **Mr. Llorentty Solíz** (Plurinational State of Bolivia) said that his country strongly condemned the ongoing violence and acts of collective punishment perpetrated by Israel against the Palestinian people. Despite its actions, Israel continued to enjoy impunity because of the position of certain Member States. More effective measures must be taken by the international community to end Israel's persistent violations of international law and ensure that Palestine became a full Member of the United Nations. The Committee must make every effort to disseminate its decisions and positions in the media and raise global awareness of the situation in Palestine.

Adoption of a statement by the Committee

58. **The Chair** drew attention to the text of a statement setting forth the Committee's position on the occasion of the tenth anniversary of the advisory opinion of the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*. He took it that the Committee wished to adopt the statement, which would be circulated to all Member States and made available on the Committee's website.

59. *It was so decided.*

The meeting rose at 1.10 p.m.