

## Human Rights Council holds interactive dialogue with Fact-finding Mission on Israeli Settlements

Human Rights Council  
MORNING

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The Human Rights Council this morning held an interactive dialogue with the Independent International Fact-Finding Mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territories, including East Jerusalem.

Christine Chanet, Chairperson of the Fact-Finding Mission, said that settlement building was a growing, creeping form of annexation which compromised the right to self-determination of the people of the Occupied Palestinian Territories. Israel should put an immediate end to this colonization process, begin a process of withdrawing settlements, and ensure effective remedy. It should also put an end to the arbitrary detention of Palestinians, to violations linked to settlements and to impunity, and it should make sure that justice was handed down for all victims in an indiscriminate way.

Palestine, speaking as the concerned country, said that the recommendations of the Fact-Finding Mission should be immediately implemented as settlements constituted a flagrant violation of the right to free movement, hampered education, and had a negative impact on the Palestinian economy. Israel must stop its settlement activities, withdraw the settlements and compensate affected citizens, and the transnational companies working in the area should put an end to their commercial activities and stop contributing to the settlement process.

The Independent Commission for Human Rights of Palestine also took the floor and called on the international community to take serious measures to implement the recommendations of the Fact-Finding Mission, exert pressure on Israel to dismantle all settlements which were in flagrant violation of international law, and take serious measures to end impunity and accountability for acts of vandalism and violence.

Israel was not present in the room to take the floor as the concerned country.

During the interactive dialogue, speakers expressed grave concern over the heavy toll of settlements on the rights of the Palestinian people, including the right to self-determination. Freezing of the settlement activity was not enough; they must be dismantled as they undermined the prospects for achieving a lasting peace in the region and achieving a two-State solution which would include a viable Palestinian State. Speakers condemned persistent settler violence, the arbitrary detention of Palestinians, especially children, and restrictions placed on the Palestinians' right to freedom of expression and free movement.

Unity Dow, Member of the Independent International Fact-Finding Mission on Israeli Settlements, in closing remarks said that the report contained the recommendations for next steps in addressing accountability for the human rights violations. Israel was a duty bearer who must act and other States also had an obligation to uphold international law, prevent its breaches and report on the steps taken.

Ms. Chanet, also in concluding remarks, said that it was not within the mandate of the Fact-Finding Mission to say whether recourse to the International Court of Justice could settle the problem and it could not go into the political question of how this element could be used. The mission had simply legally qualified the facts that it had established.

Speaking in the interactive dialogue were Pakistan on behalf of the Organization of Islamic Cooperation, the European Union, Bahrain on behalf of the Arab Group, Iran on behalf of the Non Aligned Movement, Qatar, Iceland, Saudi Arabia, Brazil on behalf of the India-Brazil-South Africa Dialogue Forum, Lebanon, Turkey, Jordan, Morocco, Egypt, United Arab Emirates, Tunisia, Cuba, Indonesia, Venezuela, Kuwait, Mexico, Malaysia, Maldives, Mauritania, Chile, Iraq, Bahrain and Bangladesh.

The following non-governmental organizations also spoke: United Nations Watch, International Association of Democratic Lawyers in a joint statement, International Association of Jewish Lawyers and Jurists, Norwegian Refugee Council and Al-Haq.

The Council will next hear the reports of the High Commissioner and the Secretary-General on the situation of human rights in Palestine and other occupied Arab territories and hold a general debate on the topic.

### Documentation

The Council has before it the Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem (A/HRC/22/63).

## Presentation of Report of Fact-Finding Mission on Israeli Settlements

CHRISTINE CHANET, President of the Independent International Fact-Finding Mission on Israeli Settlements, said that the mission had the constant concern of showing itself as independent and impartial. It was in this spirit that Ms. Chanet had requested the cooperation of the Israeli authorities in vain, with no replies to letters or contact from the Israeli authorities, which was regrettable. Jordan made it possible for the mission to go to Amman for a week, and the Jordanian Government was thanked for enabling hearings of witnesses, victims, non-governmental organizations, Palestinian and Jordanian officials and United Nations agencies, to proceed. The mission had launched an appeal for written submissions, of which 62 were submitted. These contributions were made from persons similar to those met in Amman but persons who could not go there. Ms. Chanet stressed the important contribution of important people from Israeli society who were very concerned about the human rights situation of the Palestinians in the Occupied Territories. All the information gathered was examined and only that which was found credible and which was corroborated was retained. Nothing new was observed. The High Commissioner had already reached similar conclusions and the Secretary-General reached the same conclusions in the report of 18 September 2012.

Looking at the maps one could measure the extent and expansion of the settlements, and most of them communicated with each other. From the viewpoint of the members of the mission, this was a growing, creeping form of annexation. This situation underlined and compromised the exercise by the inhabitants of the Occupied Palestinian Territories of the right to self-determination. These were settlements which broke territorial continuity and violated the Geneva Conventions. The right to self-determination was not the only right undermined by colonization. It was the daily life of thousands of men and women that had become extremely difficult, which included living in fear, including fear of the violence of certain settlers who acted with full impunity, and fear of one's house being demolished. The dispossession of Palestinians of their lands, including their natural resources, had made it possible for the settlements to expand to the exclusive benefit of the settlers.

The mission requested Israel to comply with Article 49 of the Fourth Geneva Convention, to put an immediate end to this colonization process, begin a process of withdrawing settlements, ensure effective remedy, put an end to arbitrary detention of Palestinians, put an end to violations linked to settlements, put an end to impunity, and to make sure that justice was handed down for all victims in an indiscriminate way. All States were asked to fulfill their obligations vis-à-vis international law and assume their responsibilities in their relation with a State that had violated an imperative norm of international law. The mission also asked private enterprises to consider the impact of their activities on the human rights of the Palestinians. In six months it had not been able to identify exactly what could be done vis-à-vis private enterprises and did not have all the elements making it possible to see to what extent there were human rights violations by private enterprises. It was thought that the Working Group on business and human rights could study this question to see exactly what rights were being violated.

### Statement by the Concerned Country

Palestine, speaking as the concerned country, said that it would have hoped to see the occupying power, Israel, before the Council today. Palestine reiterated its strong condemnation of Israel's unwillingness to cooperate with the Fact-Finding Mission and of Israel's non-compliance with international community resolutions, and said that Israel was behaving like a State above the law. According to recent statements made by the Minister for Foreign Affairs of Israel, the Council's aim was to harm Israel and claims made before the Council were "rubbish". Israel had also made it clear that it would continue to build settlements in the occupied Palestinian territories.

The International Fact-Finding Mission had found that Israel was massively responsible for the flagrant violation of international law and resolutions of the United Nations system, and its recommendations should be implemented immediately so that Palestinians could enjoy their rights. Settlements constituted a flagrant violation of the right to free movement, hampered education, and had a negative impact on the Palestinian economy. Israel must stop its settlement activities, withdraw all its settlements from occupied Palestinian areas, including East Jerusalem, and compensate affected citizens. The international community should call on transnational companies working in the area to put an end to their commercial activities and stop contributing to the settlement process.

Independent Commission for Human Rights of Palestine expressed grave concern about the systematic escalation of the Israeli settlement building and expansion, which adversely affected the human rights of the Palestinian people and impeded the ability of the Palestinian National Authority to perform its duties and responsibilities towards its citizens. Palestinian land, property, water and other natural resources were expropriated in a discriminatory manner, and acts of violence and vandalism were carried out with impunity as settlers were protected by the complicity of the Israeli occupying forces. The international community should take serious measures to implement the recommendations of the Fact-Finding Mission, exert pressure on Israel to dismantle all settlements which were in flagrant violation of international law, and take serious measures to end impunity and accountability for acts of vandalism and violence.

### Interactive Dialogue with the Fact-Finding Mission

Pakistan, speaking on behalf of the Organization of Islamic Cooperation, condemned the persistent non-cooperation of Israel, and demanded that it stop all illegal occupation. The settlement activities were a clear violation of article 49 of the Fourth Geneva Convention and illegal under international law. The Organization of Islamic Cooperation was gravely concerned over the heavy toll of settlements on the rights of the Palestinian people, including the right to self-determination, and reaffirmed the need for the occupying power to implement the 2004 Advisory Opinion of the International Court of Justice.

European Union said that the expansion of the settlements in the Occupied Palestinian Territories was well-documented and reiterated

its position that settlements were illegal under international law and constituted an obstacle to peace. The European Union reiterated its call on Israel to stop settlement expansion in all its forms. The European Union condemned persistent settler violence and the deliberate provocation of Palestinians. To what extent would a change of policy of the Government of Israel in terms of incentive contribute to reverse the situation?

Bahrain, speaking on behalf of the Arab Group, said that it strongly condemned the absence of cooperation of the occupying power. The Arab Group considered that the report of the Fact-Finding Mission was balanced, objective and professional. It called upon the Council to adopt the report, to give it force, and called on all international and United Nations agencies to work to ensure follow up of the implementation of the recommendations, within their mandate, in an immediate manner. The Arab Group reaffirmed that the right of the Palestinians to self-determination was an inalienable right. The partial transfer of civilians by the occupying force flouted the Fourth Geneva Convention.

Iran, speaking on behalf of the Non-Aligned Movement, welcomed the report of the Independent International Fact-Finding Mission to investigate the implications of the Israeli settlements, and said that it was a matter of grave concern that settlements continued despite United Nations resolutions that they were illegal. Israel was committing serious breaches of its obligations under international human rights law and humanitarian law, and was violating Palestinians' right to freedom of self-determination, non-discrimination, freedom of movement, equality, fair trial, education, water, housing, and freedom of expression.

Qatar strongly condemned the lack of cooperation displayed by Israel in relation to the Fact-Finding Mission and said that Israel systematically discriminated against Palestinians on a daily basis and violated international criminal, human rights and humanitarian law. The arbitrary detention of Palestinians, especially children, and restrictions placed on the Palestinians' right to freedom of expression and free movement were strongly condemned. Israel undermined the possibility of achieving a two-State solution which would include a viable Palestinian State. The international community should take all measures to force Israel to fulfil its international obligations.

Iceland said that the seriousness of the violations of international human rights law and international humanitarian law in Palestine were disturbing. Israel's settlement building was a serious hindrance to the establishment of a viable Palestinian State and undermined the right of the Palestinian people to self-determination. To uphold that right, Iceland had recognized the independence and sovereignty of Palestine in 2011. Israel should put an end to the human rights violations linked to the presence of settlements in Palestine and should ensure full accountability for all violations, including acts of violence and intimidation against Palestinians.

Saudi Arabia said that the violations of human rights of Palestinians by Israel were known to all and Israel continued its policy of settlement expansion. All members of the international community must stand against the settlement policy of Israel. A State that continued to violate international law must be called upon to fulfil its obligations. Saudi Arabia reiterated its support for the conclusions and recommendations of the Fact-Finding Mission.

Brazil, speaking on behalf of the India-Brazil-South Africa Dialogue Forum, reiterated grave concern about the continued expansion of settlements by Israel and said that action was required against those indulging in violence. Freezing of the settlement activity was not enough; the settlements must be dismantled as they undermined the prospects for achieving a lasting peace in the region. The human cost of continued inaction must not be under-estimated.

Lebanon said that the report showed the catastrophic implication of Israeli settlements on the human rights of the Palestinians; one of the most important and most serious conclusions of the Fact-Finding Mission was that the settlements in West Jerusalem prevented a contiguous Palestinian State and violated the right self-determination of Palestinian people. Lebanon asked about possible steps to implement the recommendations contained in the report of the Fact-Finding Mission.

Turkey said that Israel's aggressive expansionism bolstered the impunity of extremist Israeli settlers. The report mentioned attacks on schools and harassment of children on their way to school as well as targeting of women alone in their homes. This was inhumane and unacceptable behaviour. Turkey strongly condemned Israel for its continued expansion of illegal settlements which was aimed at destroying the two-State vision.

Jordan said that Israel was persistent in its policy of settlement building that was discriminatory against Palestinians, in addition to the blockade. This ran counter to international human rights and humanitarian law. Israel had to halt the construction and expansion of settlements in the Occupied Palestinian Territories and cease the confiscation of private and public property, and displacement of persons.

Morocco said the report highlighted Israel's expansionist policies which methodically affected all Occupied Palestinian Territories. The report mentioned the aggressive practices applied in the different parts of Jerusalem. Morocco appealed to Israel not to alter the character of Jerusalem and not to try and redefine the urban limits of the town and called upon Israel to implement the recommendation of the Special Rapporteur on freedom of religion concerning the protection and safeguarding of places of worship.

Egypt supported the content, conclusions and recommendations of the report, which had served to draw attention to the systematic violation of the rights of Palestinians, particularly their right to self-determination and free movement. The deportation of Palestinians from the land on which Israeli settlements were built was unacceptable. The Council should take all necessary steps to implement the recommendations of the Fact-Finding Mission and ensure that responsibility was assumed for acts committed.

United Arab Emirates condemned the persistent violation of human rights by Israel. The creation of new settlements hampered the peace process and had serious implications for the Palestinian people, including the large-scale displacement of Palestinians who were

deprived of their right to benefit from their natural resources. All recommendations addressed to the occupying authority should be implemented and all peace-loving States should condemn the situation and take steps to put an end to the suffering of Palestinians.

Tunisia was deeply concerned at the persistent refusal by Israel to cooperate with the Council. The report made clear reference to the Israeli separation wall which had broken up the West Bank, thereby violating the right of Palestinians to self-determination and free movement. That was part of Israel's systematic policy of annexation, which was practised with complete impunity. Meanwhile, the Palestinians suffered from the selective practices of military courts which did not adhere to the principles of fair trial.

Cuba said that the settlements expansion in the Occupied Palestinian Territories including in East Jerusalem prevented the establishment of a viable Palestinian State and undermined the right to self-determination of the Palestinian people. It had a serious impact on the human rights of Palestinians. Cuba condemned the complicit silence of some powerful members of the Human Rights Council which perpetuated the impunity of Israel.

Indonesia was gravely concerned about the impact of the settlements on the human rights of the Palestinian people and about Israel's decision to suspend its cooperation with the Human Rights Council. It was an imperative to find innovative approaches to this impasse. Indonesia asked the Fact-Finding Mission how the ratification of the Rome Statute by Palestine would change the efforts of the international community to find a solution to this difficult issue.

Venezuela said that the Palestinians were systematically subjected to arbitrary detention, including administrative detention by Israel; in 2012, approximately 4,100 Palestinians, including minors, had been detained by the Israeli security forces in clear violations of procedural guarantees. The non-cooperation of Israel with the Human Rights Council was evidence of Israel's intention to continue to systematically violate the rights in Palestine and Occupied Arab Territories.

Kuwait said that the report referred to the effects of settlements on Palestinian rights and acts of intimidation or violence by settlers, forcing Palestinians to flee their land. Israeli occupation authorities made it difficult for Palestinians to access their natural resources and places of worship. Kuwait called on the Council to take prompt measures to end these flagrant violations of international human rights and humanitarian law.

Mexico reiterated its commitment to the right to self-determination of the Palestinian people. It also reiterated its rejection of the ongoing expansion of Israeli settlements in the Occupied Palestinian Territories, which ran counter to international law. In the same context, the plan of the Israel Government to build in the E1 area was disturbing. The building of the wall and the restriction of movement impacted on the health and socio-economic conditions of the Palestinian population.

Malaysia concurred that Israel was committing serious breaches of its obligations under international humanitarian law, including the obligation not to transfer its population into the Occupied Palestinian Territories. It was disturbing that a large number of Palestinian children had been apprehended or detained, including those that allegedly committed minor offences. Malaysia was further dismayed to learn that children encountered significant obstacles in attending educational institutions.

Maldives said that Israel's illegal settlements in occupied Palestine and the increasing violence against Palestinian civilians and their properties ran counter to the hope for establishing a viable two-State solution and lasting peace in the region. Israel's non-compliance with its international commitments remained the main obstacle to a sovereign and independent Palestinian State. Maldives called on Israel to cease the construction of an illegal wall and illegal settlements and to dismantle those constructed, as demanded by the Security Council.

Mauritania was aware of the difficulties posed by Israel to the Fact-Finding Mission and condemned in the strongest terms the attacks against Palestinian people by Israeli settlers, and the confiscation of Palestinian land, which was in flagrant violation of the basic human rights of the Palestinian people. Israel's non-compliance with its international commitments, including the Universal Periodic Review, demonstrated that Israel believed it was above the law and international criteria. The Syrian Golan Heights were also Israeli-occupied territory.

Chile said that the report clearly recommended the unconditional cessation of all Israeli expansion activities, which violated the social, cultural, political, religious and economic rights of the Palestinian people. The policy of building settlements had been carried out despite the various resolutions issued by the United Nations system and constituted a threat to peace in the region. Chile urged Israel to reconsider its policies, to put an end to settlements in Palestine, to proceed to a payment of compensation, and to remedy the negative impact of private enterprises operating in the area.

Iraq strongly condemned the violations by Israel of human rights in the Palestinian territories and the non-cooperation of Israel with the international community and this Council in particular. The deterioration of the human rights situation was a result of the siege and the settlement activities of Israel. The recommendations contained in the report of the Fact-Finding Mission must be implemented as recognition of the rights of the Palestinian people.

Bahrain said that Israel continued to transfer its population to settlements in clear violation of international law; currently 500,000 Israelis lived in territories illegally taken from the Palestinians with the aim of precluding the return of the Palestinians and breaking up the geographical continuum of Palestine. Settlements were the biggest obstacle to the realization of a viable Palestinian State and sustainable peace in the region.

Bangladesh shared the concern expressed by many about the situation of human rights of the Palestinians as a result of illegal Israeli settlements, and about the large number of children who were apprehended, denied due process and fair trial and transferred to

detention centres in Israel. Bangladesh reiterated its total support for the legitimate rights of the Palestinian people for a sovereign and independent homeland of their own.

United Nations Watch, a joint statement, said that a two-State solution would require difficult compromises, but this report did not help. It was regrettable that the Council displayed the same selectivity that led to the abolition of the earlier Commission and it was urged to heed the criticism by successive United Nations Secretary-Generals of the Council's habit of singling out only one specific country, to the exclusion of virtually everything else.

International Association of Democratic Lawyers called upon the Human Rights Council to take all necessary steps in order to implement the recommendations contained in the report and in particular to cease all settlement activities without preconditions and the immediate withdrawal of all settlers from the Occupied Palestinian Territories and urged the Prosecutor of the International Criminal Court to open an investigation on war crimes committed in these territories.

International Association of Jewish Lawyers and Jurists said that many, including itself, had criticized the establishment of the Fact-Finding Mission but it had still cooperated with it. It wondered why the mission had ignored the briefs it had provided, and said that failure to address those issues damaged the mission and the credibility of its report. This justified a non-cooperation policy and validated criticism. It was hoped that the report would be quickly amended or it would be rejected by the Council.

Norwegian Refugee Council said that many Palestinians had been subjected to attacks by Israeli settlers and Israeli military personnel, who had confiscated Palestinian property and destroyed Palestinian houses in order to build an Israeli hospital. Palestinian civilians had suffered numerous Israeli attacks over the years, as a result of which women had suffered miscarriages, while children and the elderly had suffered physical injuries and psychological trauma. The United Nations should work to restore the rights of Palestinians.

Al-Haq said that the Israeli settlement policy was an official Government programme and that the number of settlers had increased five-fold in recent years. The report was a reminder of Israel's international obligations relating to breaches of peremptory norms. The international community had an obligation not to recognize the de facto situation imposed by Israel as lawful. Given Israel's continuing refusal to cooperate with the international community, the Council should endorse the report and ensure the implementation of its recommendations.

#### Concluding Remarks

UNITY DOW, Member of the Independent International Fact-Finding Mission on Israeli Settlements, in closing remarks said that many delegations asked what should be done to ensure accountability for the violations the mission had documented in its report; the answers were contained in the conclusions and recommendations of the report itself. The mission had fulfilled its mandate by presenting the report documenting the human rights violations and called on Israel to stop the settlement activities. Israel was a duty bearer who must act. Ms. Dow stressed that other States also had an obligation to uphold international law and prevent actions breaching it. The mission had also reported on the role of private companies in human rights violations and had addressed specific recommendations to them and the Working Group on the issue of human rights and transnational corporations and other business enterprises. It was time for all States to take steps to comply with their obligations under international law and to report on those steps. Policy changes by Israel could include changing incentives to settlers, for example, but the change in incentives alone would not bring a change in the human rights situation. The mission also recommended that international organizations pay attention to the situation of children, but this again would not address root causes; settlers' violence must be addressed.

CHRISTINE CHANET, President of the Independent International Fact-Finding Mission on Israeli Settlements, in response to a statement by the International Association of Jewish Lawyers and Jurists, said that the report had said that there were appeals made to the Supreme Court of Israel but the problem was that decisions were often not applied and therein lay the phenomenon of impunity. On the question as to whether the ratification of the Rome Statute by Palestine would make a difference, it had to be said that it was not part of the Fact-Finding Mission's mandate to say whether recourse to the International Court of Justice could settle the problem. It did not go into the political question of how this element could be used. The mission had simply legally qualified the facts that it had established.

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