



European Union

UNITED NATIONS HUMAN RIGHTS COUNCIL

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(25 February to 22 March 2013)

Item 7

Statement by

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Ambassador, Permanent Representative of Ireland

on behalf of the European Union

Geneva, 18 March 2013

- CHECK AGAINST DELIVERY -

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EU Statement

General Debate

Item 7

Human Rights situation in Palestine and other occupied Arab Territories

Mr President,

I am speaking on behalf of the European Union and acceding country Croatia.

The European Union underlines the urgency of renewed, structured and substantial peace efforts in 2013. Developments in the region confirm that long term stability and security are only sustainable if human rights and international humanitarian law are fully respected by all. The EU encourages the parties to pursue actions conducive to an environment of confidence necessary to ensure meaningful negotiations to refrain from actions that undermine the credibility of the process and to prevent incitement.

The European Union and its Member States reiterate the view that the "Human rights situation in Palestine and other occupied Arab territories" (Item 7) could usefully be addressed by this Council under the general item on "Human rights situations that require the Council's attention" (Item 4). We hope that there can be progress on the issue of the Agenda at the next review of the Human Rights Council.

The European Union considers that the periodic report of the UN High Commissioner for Human Rights presented to this session [A/HRC/22/35] provides useful input to the Council debate on Agenda item 7 as it covers all types of human rights violations and makes recommendations to all duty bearers: the Government of Israel; the Palestinian Authority, the de facto authorities in Gaza and Palestinian armed groups. This is consistent with our opinion that all human rights violations, regardless of the offending party, should be open to scrutiny in this debate.

The EU believes that respect for justice, the rule of law and international human rights and international humanitarian law are the cornerstones of peace and security. The EU recalls the applicability of international humanitarian law in the occupied Palestinian territory and in the Occupied Golan Heights, including the applicability of the fourth Geneva Convention relative to the protection of civilians.

After four years of comparative calm, a new upsurge of violence took place in and around Gaza in November 2012. The EU deeply regrets the loss of life on both sides. The EU and its Member States reiterate their fundamental commitment to the security of Israel including with regard to vital threats in the region. The EU strongly condemns the rocket attacks on Israel from the Gaza Strip by Hamas and other armed groups in Gaza. There can be no justification for the deliberate targeting of innocent civilians. Israel has the right to protect its population from these kinds of attack: in doing so it must act proportionately and ensure the protection of civilians. The EU stresses the need for all sides to fully respect international law.

The EU welcomes the ongoing ceasefire. However, the status quo in the Gaza Strip remains unsustainable. Fully recognising Israel's legitimate security needs, the EU reiterates its call for the immediate, sustained and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from the Gaza Strip. The situation in Gaza is unsustainable as long as it remains politically and economically separated from the West Bank. Equally, the issue of illegal weapons transfer into the Gaza Strip has to be effectively addressed as a matter of urgency. It is vital that all parts of the agreement on the cessation of hostilities are implemented and that talks on a durable ceasefire agreement are continued. The EU is committed to facilitating the social and economic development of the Gaza strip.

Against this background the EU recalls that it has consistently called on all sides to remedy past human rights violations and abuses and ensure the right of victims to access to justice. The EU deeply regrets that the de facto authorities in Gaza have not yet taken the necessary steps to bring to account armed groups firing rockets or other projectiles at Israeli civilians. The EU also regrets that Israel has not yet lifted obstacles preventing victims from seeking accountability.

The EU is concerned by the number of recent Palestinians deaths in the occupied Palestinian territory, in separate incidents involving recourse by Israeli forces to lethal force. It is important that any such incidents are investigated thoroughly. We note that the Israeli authorities have launched

investigations into each case and that Israel's commander of operations in the West Bank has ordered an immediate review of the rule of engagement. The EU encourages the Government of Israel to fully use the recommendations contained in the second half of the Turkel Commission report released on 6 February 2013 to ensure that all its investigations comply, in law and in practice, with international law.

The EU reiterates its long standing concern about the situation of Palestinian prisoners and about the continued extensive use by Israel of administrative detention. The EU calls for a full implementation of the agreement reached in May 2012. The EU calls on the Government of Israel to allow family visiting rights and respect its international law obligations towards all Palestinian detainees and prisoners.

The EU reiterates its call for a stop to settlement activities in the West Bank, including East Jerusalem. Settlements, the separation barrier where built on occupied land, the demolition of homes and evictions are illegal under international law. They constitute an obstacle to peace and threaten to make a two-state solution impossible.

The continued political divide between the West Bank and the Gaza Strip impacts negatively on the human rights of Palestinians. The EU continues to call for intra-Palestinian reconciliation behind President Abbas in line with the principles set out in his speech of 4 May 2011. The EU also looks forward to the holding of elections as an important contribution to Palestinian state-building, allowing Palestinians to exercise their democratic rights. The EU is encouraged by the PA's de facto moratorium on the death penalty and continues to urge the PA to move towards a de jure abolition. The unsanctioned death sentences carried out by the de facto authorities in the Gaza Strip are unacceptable as are the public lynching that took place during the most recent escalation of violence in Gaza in November 2012. The EU reiterates its concern about arbitrary detentions and other abuses by Palestinian security forces. The EU calls on the Palestinian Authority to ensure full respect for fundamental freedoms and in particular freedom of expression and freedom of assembly.

The EU calls on the parties to ensure that Israeli and Palestinian human rights defenders and organisations can carry out their work without restrictions. The EU believes that everyone should be able to exercise one's legitimate right to engage in peaceful demonstrations.

Finally, the EU calls on Israel to resume cooperation with the UN Human Rights Council and the Office of the High Commissioner for Human Rights, and to take part in the Universal Periodic Review. Neither Israel nor the work of these institutions benefit from Israel's voice not being heard.

Thank you.
