

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): It is indeed appropriate that we should meet on the issue of the protection of civilians in armed conflict at this particular time. Despite the legal developments and international agreements on the protection of civilians in armed conflict that have emerged since the establishment of the United Nations, starting with the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the numerous resolutions subsequently adopted by the Security Council, civilians are still paying the heaviest price in armed conflicts.

It is indeed ironic that the gap between text and implementation — between what the law dictates, on the one hand, and what is practiced on the ground, on the other — is gradually growing wider. We are referring, of course, to the protection of civilians in armed conflict.

Although some theorists like to commend what they call the great developments in and evolution of international law, civilians in armed conflict and those living under foreign occupation and settlement are still suffering from all forms of violence and forced displacement; as well as the intentional deprivation of humanitarian aid, not to mention the confiscation of land. In short, those civilians are still being subjected to everything that is contrary to the law, their only fault being that they reside in so-called areas of armed conflict or that their lands have been occupied by others and have been managed and administered in their absence — or even in their presence. These lands are being manipulated in a way that is very close to genocide and ethnic cleansing.

In a statement I made to this Council on 27 May 2008, I referred to Mr. Holmes' statement to the Council in November 2007 on the deteriorating situation in the occupied Palestinian territories, especially Gaza, which he described at the time as reaching the limits of what is bearable for any community. I would now like to recall what Mr. Holmes said in his statement of 27 May 2008. "In Gaza, Israeli air attacks and ground incursions continue to result in unacceptable Palestinian civilian casualties"

At that time, seven months ago — which happens to be the duration of the truce with Israel — I described the inhuman situation of civilians in Gaza as a result of collective punishment policies that are legally actionable and that are embodied in the siege and in the deprivation, oppression and tyranny that Israel has practiced against civilians under the umbrella of a so-called truce. This so-called truce has in fact led to the transformation of the Gaza Strip into the biggest collective detention camp in the world, while its residents have been deprived of the most basic requirements of life. The situation I described was the tragic situation during the truce of the past seven months, as Mr. Holmes, who is sitting to my left, can attest.

According to the science of philosophy, rational thought would presume that repeated calls upon Israel to put an end to these practices should logically lead to its immediate cessation of these illegitimate policies and practices. That is what the rational thought of philosophy would assume. Unfortunately, Israel did not just ignore these calls and the demands issued several months ago, during the truce. Rather, it escalated its aggressive practices and launched a cowardly military operation targeting the unarmed civilians that it is holding prisoner in this detention camp called the Gaza Strip. It has killed and

wounded thousands and is continuing to do so at this very moment, thus completely undermining the concepts of international legitimacy, international law and international humanitarian law.

Incidentally, we would like to remind the Council that this collective prison called Gaza occupies an area of only approximately 363 square kilometres. It is a strip of land that is 35 kilometres long and about 6 to 12 kilometres wide. It is equivalent to the area of one of the Nazi detention camps that humanity mistakenly thought were a painful experience never to be repeated in the future. However, Israel has insisted on such a repetition.

Let us review together what was stated in the Security Council's statement on the protection of civilians, of 27 May 2008 (S/PRST/2008/18). The Council reaffirmed that parties to armed conflict are responsible to take all feasible steps to ensure the protection of affected civilians, in particular giving attention to the specific needs of women and children. What was Israel's response to these words? Its response was to kill more than 400 children and approximately 200 women, not to mention the elimination of entire families.

Moreover, the Security Council statement stipulated the need to grant safe and unhindered access of humanitarian personnel to provide aid to civilians in armed conflict in accordance with international law. What was Israel's response to this statement? Its response was to deny medical and food aid completely despite international calls to the contrary, the most recent of which was resolution 1860 (2009). And what were its aims through this? To kill those it could not kill directly by depriving them of food, medicine, water and electricity.

The Israeli forces also rounded up several families and led them to an empty house, then bombed them from aircraft in a flagrant breach of the Third Geneva Convention relative to the treatment of prisoners. Moreover it has used internationally banned weapons such as white phosphorus in bombing its enemies, who are women and children.

The criminal acts that Israel is perpetrating constitute a unique case of wholesale violation of all the principles and tenets of international law and international humanitarian law, the Rome Statute of the International Criminal Court and the Geneva

Conventions of 1949 and their Additional Protocols, as well as international conventions on the protection of children. These crimes are war crimes and genocide that must be prosecuted.

Let us admit here that Israel's aggressive behaviour has a unique trait — let us call it a shortcoming — that no usurper in history has yet achieved: it violates humanity's entire legal tradition in one go, with no exception. Here we ask this Council to tell us which legal obligations Israel has upheld since the Security Council placed the item of the protection of civilians in armed conflict on its agenda in the late 1990s. We also ask the Council to inform us where and when has it held Israel accountable for its violation of international criteria and laws pertaining to the protection of civilians.

The important question, whose answer would be much appreciated by us and by many

others, is why are there two standards in the implementation of international law, and why is Israel exempt from the implementation of these standards? Is this so-called international law designed on the basis of criteria that have nothing to do with the criteria of our Member States but much to do with the narrow interests of some influential States in the Security Council, with the aim of protecting Israel and holding it above international law? Is this the reason? Or is there a problem in understanding the terminology so that some do not consider the Palestinians unarmed civilians like all others in the free world?

We note here that the Charter of the United Nations does not give a State the right to violate civilians' rights, including the rights of civilians under occupation, using the excuse of self-defence. Rather, the Charter obliges the occupying Power to meet clear requirements. It is not permissible for some, even with good intentions, to repeat in this Chamber Israel's lie that its aggression against the Palestinians is in self-defence, in application of Article 51 of the Charter, because that Article does not apply to invading forces that forcibly occupy others' lands and have done so for decades. Quite to the contrary, Article 51 of the Charter applies by default to the Palestinians' resistance against Israeli occupation, in self-defence. In other words, the right to self-defence must not be manipulated by some to justify their silence over Israel's crimes. There is an Arabic proverb that says "Those who do not speak out against wrong are but a silent Satan".

The situation of Syrian residents in the occupied Golan is not much different from that of the Palestinians. The Israeli occupation forces continue to confiscate land and to expand illegal settlements. The so-called regional settlement council in the Golan, with the support of the occupation Government, has endorsed plans to build a new settlement tourism village that would occupy 40 dunams near the Israeli settlement of Ani'am, which was built over the ruins of the Syrian town of Nakhila Taibeh. Moreover, that council, in cooperation with the religious Yonatan settlement administration, which is an extremist organization, has set up a plan to attract thousands of settlers so that their numbers would increase to over 50,000 in the near future. Also, representatives of Israeli parties in the settlement of Ketzarin, which was also built on the rubble of a Syrian town, Qazrin, have signed a coalition agreement within the framework of the regional settlement council that aims to establish cooperation and coordination among them in order to oppose any Israeli withdrawal from the Golan in light of the resumption of indirect negotiations to that end.

Israel continues to impose a policy of oppressing civilian Syrian citizens in the occupied Syrian Golan. It continues to imprison them with no due cause and to subject them to situations that could jeopardize their lives. We would like to call attention here to the case of prisoner Bashir Al Moqt. My Government has called on the Secretary-General, the Red Cross and others to intervene to save his life.

Israel also continues with its policy of cutting off all forms of communication and contact between Syrian family members who have been separated as a result of the occupation. Moreover, the Israeli forces have confiscated Syrian identity cards given to students from the occupied Golan attending Damascus University when they returned to their towns in

the occupied Golan. Here, Syria calls upon this Council to pressure Israel to allow Syrian citizens to visit their Syrian motherland, through the Quneitra crossing immediately and without delay, in order to give credibility to this particular debate,. My country has dispatched messages in this regard to the Secretary-General, the Presidents of the Security Council and General Assembly and governmental and non-governmental organizations requesting them to intervene to help in resolving this issue.

We hope that all of these parties would translate the positions that they have taken today into real

actions, especially since international law stipulates that Israel's occupation of the Golan is actually several occupations, thus requiring that the Council issue several incriminations. Israel has not been occupying the Syrian Golan since 1967, but also adopted a provocative and unjust resolution claiming to annex the occupied Golan, which was unanimously rejected by this Council in its resolution 497 (1981). The Council considered the decision to annex as void and demanded that Israel immediately rescind it.