IAJLJ Statement on the Report of the Situation of human rights in the Palestinian territories (A/HCRC4/17) presented to the 4th Session of the Human Rights Council on 23 March 2007

The notoriously prejudiced reports of Mr. J. Dugard in the past have been noted for their unacceptably one-sided and distorted nature. The present report while no different from its predecessors in this respect has this time gone over the brink in its acute hostility against Israel.

By its very nature, the Special Rapporteur's (SR) mandate differs totally in its inherent concept from all other country mandates, being devoted exclusively to vilifying Israel as prescribed by the discredited Commission on Human Rights in 1993.

As he impenitently recognises in the introductory paragraph 5 of his report, by definition, his mandate specifically excludes "report(*ing*) on violations of the human rights of Israelis by Palestinians..., violations by the Palestinian Authority or ...violations in the OPT not caused by Israel" This unilateral mandate against Israel has continued unchanged under the HRC despite its reformist aspirations. Nonetheless despite this manifestly one-sided and unjust mandate, the SR has no difficulty in continuing to repeat his intolerably distorting litany each year.

Examples: paragraph 27 describes Israel's security fence in the following terms: "The 75 km Wall being built in East Jerusalem is an instrument of social engineering designed to achieve the Judaization of Jerusalem..."
Again in paragraph 50 the SR states even more startlingly: "The IDF inflicts serious bodily and mental harm on Palestinians... Palestinians throughout the OPT are denied freedom of movement. Can it be seriously denied that the purpose of such action is to establish and maintain domination by one racial group (Jews) over another racial group (Palestinians) and systematically oppressing them?"

Mr. President in our view shared by many, the SR has thereby put himself beyond the pale. Is it acceptable that a SR of the UN should have resort to Nazi imagery and use language in a human rights context which is a veritable incitement to racial hatred, discrimination and violence proscribed by Article 4 (a) of CERD?

Parallel with this appalling idiom, the SR uses the extraordinary argument in paragraph 52 of his report, that Israel allegedly "has no right to refuse to transfer the customs dues" it collects monthly since the empowerment of a Hamas dominated government, which in the same way as other grants made by state members of the Quartet are withheld from a terrorist regime dedicated to its unceasingly repeated genocidal policy of seeking the destruction of Israel. The SR comments that "Predictably Israel justifies its action on security grounds, but the real reason seems to be a determination to affect a regime change." What an absurdity! Is Israel expected to finance a regime whose Charter proclaims "Israel will exist until Islam will obliterate it... There is no solution for the Palestine question except through Jihad."? Predictably, the distinguished SR finds that it is the intended victim of these aberrations that is responsible for the humanitarian crisis and not the Hamas faction prioritising the cult of violence and terror.

Mr. President, we utterly deplore the repeated idiom of racism and even of apartheid which the SR has systematically woven into his report, conveniently failing to note that Arab countries have chosen to achieve their "Judenrein" status by a process of racial cleansing of over 900,000 Jews expelled since 1948, after centuries of peaceful and beneficial presence in their host countries. In contrast, Israel as the only true democracy in the region has 20% Arab citizens amongst its population enjoying equal rights to stand for be and elected to Israel's parliament.

I cannot refrain from referring to the appalling conclusion of the Special Rapporteur's comments that turns human rights values upside down.

He states in his concluding paragraph 63:

"For years the occupation of Palestine and apartheid in South Africa vied for attention from the international community. In 1994, apartheid came to an end...The OPT has become a test for the West, a test by which its human rights commitment is to be judged. If the West fails this test, it can hardly expect the developing world to address the human rights violations seriously in its own countries."

It is difficult to conceive of a more retrograde and cynical assertion. The SR would have us believe that no one should expect Sudan to put an end to the genocidal campaign in Darfur or that Zimbabwe should abandon its ruthless oppression of its own people, to name only two of the most egregious current human rights crises. Only if support of the Hamas policy of seeking the genocidal destruction of Israel should find support by the West, could the world's Human rights problems to be solved.

Mr. President, is this the kind of report which the HRC wishes to see adopted?

I thank you.

[Acknowledgement: This statement is based on the article in National Review on Line by Professor Anne Bayefsky reproduced on www. Eye on the UN. org to whom the presenter of this statement is indebted]