



Mission permanente d'Israël
auprès de l'Office des Nations Unies
et des Organisations Internationales à Genève

משלחת ישראל
ליד משרד האומות המאוחדות
והארגונים הבינלאומיים בג'נבה

CHECK AGAINST DELIVERY

**STATEMENT BY H.E. AMBASSADOR ITZHAK LEVANON
PERMANENT REPRESENTATIVE OF ISRAEL**

BEFORE THE SECOND SESSION OF
THE HUMAN RIGHTS COUNCIL

Response to the Report Submitted by Special Rapporteur John Dugard
(E/CN.4/2006/29 dated 17 January 2006)

Geneva, 26 September 2006

Mr. Chairman:

For over a decade, we have persisted in saying that there can be no value in a report pursuant to a one-sided and imbalanced mandate that does not conform to the reality on the ground, a mandate that prejudices key issues and which is in direct contrast to the current wave of reforms at the United Nations.

This report, like its predecessors, is characterized by errors of omission as well as distortions of both fact and law, while advancing a one-sided political agenda. Particularly regretful is the report's depiction of the complex situation in the territories in an oversimplified manner without providing essential contextual background. At a time when Israelis continue to face the daily threat of Palestinian terrorism, there is an alarming disconnect between the story told by the Report, and that experienced by the people on the ground.

In August 2005, Israel embarked unilaterally on the painful process of disengagement from Gaza, evacuating each and every one of its soldiers, citizens and settlements, an operation the Report calls "highly successful" which changed the situation in Gaza "dramatically." This unprecedented action was meant to create an opportunity for progress towards peace, but sadly, we received terror instead. Since that time, Israel has been the recipient of unceasing Qassam rocket attacks from Palestinian territories that have indiscriminately targeted civilians, schools and homes, traumatizing children and paralyzing the city of Sderot, even as we speak.

While it has never been Israel's intention to disengage from Gaza only to return to it, clearly Israel has the fundamental right and duty to defend and protect its citizens. However, none of the Special Rapporteur's reports so far give any indication of what measures to prevent acts of terrorism are permissible in his view. Omissions such as this undermine any possible basis on which a balanced assessment of Israel's defensive measures could be made. They contribute nothing to a constructive dialogue between the parties to the conflict. Furthermore, by placing the entire blame on Israeli actions, the Report absolves the terrorists that have taken Palestinian society hostage, from even the most minimal responsibility.

The Special Rapporteur had expressed hope that the Palestinian elections will produce a "government committed to the creation of a Palestinian State, founded on respect for human rights and the rule of law." Sadly, the elections of January 2006 did not bear this out. The Palestinian Authority is dominated today by Hamas, a terrorist organization that teaches children to hate and seeks to transform the conflict from a resolvable dispute into an endless ethnic confrontation. This conflict is the consequence and not the cause of this ideology of hatred and intolerance.

Alongside the international community, Israel continues to believe that the Road Map remains the best—if not the only—hope for arriving at a solution to the conflict. This carefully phased-approach plan, proposed by the Quartet, has been accepted and endorsed by the Security Council. Its underlying rationale is the recognition that peace is drawn from the vision of the two states, living side-by-side in peace and security. To advance towards that objective any Palestinian government should renounce violence,

recognize Israel and accept the existing Israeli-Palestinian agreements. To this end, it is disturbing to see that the Special Rapporteur's report not only dismisses this agreed-upon framework, but goes even further in accusing the Quartet of "engaging in a strategy of political appeasement."

Not for the first time, the Special Rapporteur has chosen to ignore Israel's detailed responses to previous reports on both issues of fact and law. Unfortunately, the report similarly dismisses the strenuous effort Israel's Supreme Court went to in re-examining the route of the security fence and to order changes to its route based on an in-depth both legal and factual analysis. The Report's examination of Israel's motivation provides no analysis whatsoever of the strategic ability of the barrier to prevent terrorist infiltrations—nor any recognition that in its first year of existence, the security fence has resulted in a nearly 90% reduction in death by suicide bombers.

Israel, however, does not believe that Israeli-Palestinian relations are, of necessity, a zero sum game. Not every Israeli interest is at odds with Palestinian interests. Any progress begins with a genuine dialogue amongst those committed to peace, and a genuine determination to confront its enemies. It begins with the release of the abducted soldier Gilad Shalit and an end to all kinds of violence. Sadly, the report of the Special Rapporteur makes nothing other than a disservice to this vision.