



**STATEMENT BY THE SPECIAL RAPPORTEUR ON
THE SITUATION OF HUMAN RIGHTS IN THE
OCCUPIED PALESTINIAN TERRITORY**

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Today I deliver my annual criticism of Israel's human rights record. There is nothing startlingly new about my report. It is the old story of serious violations of human rights and international humanitarian law against an occupied people by a State that claims to be committed to civilized legal values. It is an old story but it is worse than last year as the situation in the Occupied Palestinian Territory (OPT) has worsened and continues to worsen.

I know that some will accuse me of bias, of having a political agenda, of neglecting the violation of Israelis' human rights, and of anti-Semitism. Let me dispose of these accusations at the outset.

I am biased; biased in favour of human rights. I have a political agenda. I support any political solution that will allow Palestinians to exercise their right to self-determination free from human rights violations. I am aware of the fact that Israelis' human rights are violated by Palestinian suicide bombers and Qassam rockets but I believe that this is a consequence of occupation and provides no justification for the continuing occupation. As to the accusation of anti-Semitism, I treat this accusation with the contempt it deserves.

My report deals with the situation in Gaza and that in the West Bank and East Jerusalem. The situation in Gaza is worse as since 25 June 2006 it has been subjected to a brutal assault that continues to this day. But this should not be allowed to detract attention from the West Bank and East Jerusalem where the occupation in new and aggravated form continues to violate the most basic rights.

GAZA

On 25 June 2006 a group of Palestinian militants attacked an Israeli military base near the Israeli-Egyptian border, which left two Palestinians and two Israelis dead. In retreating the Palestinians took Corporal Gilad Shalit with them as captive and demanded the release of women and children in Israeli jails in return for his release. This act, together with the continued firing of Qassam rockets into Israel, unleashed a savage response from the Government of Israel.

In July international attention was diverted from Gaza by Israel's attack on Hezbollah's bases in Lebanon and 34 days of fighting between Israel and Hezbollah. Sadly, despite the ending of these hostilities, Israel's war in Gaza has disappeared from the radar screen of international concern.

Israel's attack on Gaza has taken several forms. On the military front, it has made repeated incursions into Gaza in which both militants and civilians have been killed, houses destroyed and agricultural land levelled. Targeted assassinations have continued accompanied by "collateral damage" – the name Israel gives to the indiscriminate killing of civilians who happen to be in the proximity of targeted militants. To date some 280

persons have been killed (including 60 children) and over 900 injured. At least half of these persons have been civilians.

In Lebanon Israel used cluster bombs. In Gaza an investigation by RAI 24 news of Italy raises the possibility that Israel has used an experimental weapon that causes especially serious physical injuries, such as amputated limbs and severe burns (Haaretz, 11 October 2006).

The shelling of Gaza has been unrelenting. Thousands of shells have been fired from Israel; aerial bombings have been accompanied by air-to-surface missiles fired by fighter jets; and F-16s break the sound barrier over Gaza, causing sonic booms that are as loud as actual bombardments. In short, the population of Gaza has been subjected to a reign of aerial terror.

In the first days of the conflict the Israeli Air Force bombed all six transformers of the only domestic power plant in Gaza. Since then Gaza's electricity supply has been substantially reduced and people have been compelled to resort to generators to provide power. Generators are even used to operate X-ray departments and operation theatres in hospitals. The destruction of the power plant has also impacted severely on the supply of water. Not surprisingly the Israeli NGO B'Tselem has called this destruction of a civilian object a war crime (Act of Vengeance: Israel's Bombing of the Gaza Power Plant and its Effects).

Poverty in Gaza stands at 75 per cent which means that three quarters of the population is unable to feed itself without assistance. This is mainly attributable to Israel's siege. Food prices have inflated and sugar, dairy products and milk are low as commercial supplies from Israel are limited. Fish is no longer available as a result of Israel's sea blockade. Perishable food cannot be preserved as a result of the lack of electricity.

Gaza's border crossings, for persons to Egypt, and for goods to Israel, have been closed for most of the time since 25 June. This has had serious consequences for those wishing to travel for medical treatment and education outside Gaza; brought to a virtual end the export of Gazan produce; and drastically limited the import of foodstuffs and goods to the territory.

Israel justifies its actions as a security operation designed to put an end to the firing of Qassam rockets into Israel and as pressure aimed at securing the release of Corporal Shalit.

Israel's actions, in these circumstances, have been excessive. There have been direct attacks on civilian targets and a failure to distinguish between legitimate military targets and civilians. The whole population has been terrorized. Property has been randomly destroyed without military purpose. A humanitarian crisis has been imposed on the population by the destruction of power plants, water supplies, bridges and schools; by restrictions imposed on the import of medical supplies and foodstuffs; and by the closing of borders. In short, the people of Gaza have been subjected to collective punishment in clear violation of article 33 of the Fourth Geneva Convention.

WEST BANK AND EAST JERUSALEM

In the West Bank and East Jerusalem Israel continues to build a 700 kilometre Wall, of which 80 per cent is built or to be built in Palestinian Territory. Israel no longer justifies this Wall as a purely security measure. Instead, it openly acknowledges that it is to serve a political purpose – the annexation of settlements and the incorporation of some 190,000 settlers into Israel itself. No regard is paid to the 2004 Advisory Opinion of the International Court of Justice that this Wall is illegal.

The humanitarian impact of the Wall is severe. Palestinians living between the Green Line and the Wall, in the so-called “closed zone”, cannot freely access schools, hospitals and places of employment in the West Bank. Those living along the Wall in the West Bank cannot access their farms in the “closed zone” without a permit; and permits are frequently refused arbitrarily. In despair many Palestinian farmers have abandoned their lands. This has resulted in a new category of internally displaced persons. In other countries this process might be described as ethnic cleansing but political correctness forbids such language where Israel is concerned.

Throughout the West Bank there are checkpoints and roadblocks, now over 520 in number – a staggering increase of 40% from last year. These roadblocks and checkpoints fragment the West Bank into Bantustans. Cities are cut off from each other. Goods cannot be transported freely within the West Bank. And individuals with permits to cross checkpoints are harassed and humiliated by IDF soldiers who seem to regard all Palestinians as terrorists. In most cases checkpoints serve no security purpose. Rather they are intended to make Palestinians continually aware of Israeli power.

Israel is extending its control over the Jordan Valley. A low Wall is being built in south Hebron that separates Palestinian homes from grazing and agricultural lands. In East Jerusalem the Wall joins more Palestinian land to Israel. Israel’s desire for Palestinian land is insatiable and with each land grab Palestinian misery increases.

Violence towards Palestinians and their property continues. Military incursions, targeted assassinations, arbitrary arrests and house demolitions continue to characterize the occupation. There are over 10,000 Palestinians in Israeli jails.

A serious humanitarian crisis prevails in the West Bank, albeit not as extreme as in the case of Gaza. Some 40 per cent are below the poverty line, dependent on food aid. Unemployment stands at almost 40 per cent while civil servants numbering 23 per cent of the Palestinian population are employed but unpaid.

In large measure the humanitarian crisis is the result of termination of the funding of the Palestinian Authority since Hamas was elected to office. Israel is unlawfully withholding VAT duties and customs revenue amounting to 50-60 million dollars per month and the United States and the European Union have discontinued funding of projects associated with the Palestinian Authority. The EU’s Temporary International Mechanism designed to provide relief to the health sector and to provide basic allowances for the poorest segment of the community has provided relief, but is inadequate to restore basic amenities to the bulk of the population. Since 1994 the OPT has become heavily dependent on foreign funding. The discontinuation of this funding has impacted severely

on Palestinian society.

In effect the Palestinian people have been subjected to economic sanctions – the first time an occupied people has been so treated. Israel violates international law as expounded by both the Security Council and the International Court of Justice and goes unpunished. But the Palestinian people are punished for having democratically elected a regime unacceptable to Israel, the US and the EU. Sadly the United Nations must itself share some of the blame for the humanitarian crisis. As a member of the Quartet it has in effect condoned the taking of economic measures against the Palestinian people. This means that all Member States of the United Nations bear some responsibility for the present situation.

The litany of human rights violations and violations of humanitarian law described in this report is difficult to reconcile with Israel's commitment to the rule of law; and its claim to be "a light unto the nations". Israel's violations of human rights cannot be justified in terms of the war against terror. Israel is an occupying Power in an age in which military occupation of territory is no longer acceptable. It is an occupying Power which wields its power in an arbitrary manner. It is an occupying Power that shows little compassion towards the occupied people. It is an occupying Power that denies the right of self-determination to an occupied people.