



UNITED NATIONS

Press Release

Statement by the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory

The Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory, Prof. John Dugard, issued the following statement today:

29 May 2007: On Wednesday 30 May 2007 the Quartet, comprising the UN, the EU, the United States of America and the Russian Federation, meets in Berlin to review the situation in the Occupied Palestinian Territory and to advance the peace process between the Israelis and Palestinians. It meets at a crucial time in the history of the region as there are indications that the events of last summer are likely to be repeated. Already we have seen an intensification of Israeli air strikes into Gaza killing over 50 people and injuring 180, many of whom are civilians, including women and children. This is in response to over 270 Qassam rockets fired by Palestinian militants into the Israeli town of Sderot and the surrounding areas. These rockets have killed two Israelis and injured 16.

The indiscriminate firing of rockets into Sderot violates international humanitarian law. So does Israel's response as it fails to distinguish between civilians and combatants and is a disproportionate use of force. Extrajudicial killings of the kind undertaken by Israel are illegal under international humanitarian law and seem to even fail to meet the minimum requirements for such action laid down by Israel's own Supreme Court in December 2006.

As last year, Israel has reacted to Palestinian action by arresting over 30 Palestinian members of Hamas, including two Palestinian Authority Cabinet Ministers, several legislators and the mayors of Nablus and Qalqiliya. Over 40 of those arrested last year still remain in Israeli custody with no prospect of release or being brought to trial. Arrests of this kind are clear acts of collective punishment, in violation of the Geneva Conventions, and undermine the peace process.

These acts must be seen in the context of ongoing violations of human rights by Israel in the Occupied Palestinian Territory. Military incursions and arrests of Palestinians occur regularly in the West Bank. Settlements continue to be expanded in violation of the Quartet's own Road Map for Peace. Israel continues to construct the wall in Palestinian territory in violation of the 2004 Advisory Opinion of the International Court of Justice. Some 549 road blocks in the West Bank obstruct Palestinian freedom of movement. Israel continues to withhold taxes and thereby to promote a humanitarian crisis in the Palestinian territory. In short Israel remains in serious violation of human rights law and international humanitarian law. Strangely, the Quartet largely ignores this and instead takes action against the Palestinian Authority, as a result of democratic elections in 2006 which brought Hamas to power.

Peace and respect for human rights cannot be brought to the region unless the international community intervenes to persuade, and if necessary, to compel both Israelis and Palestinians to seriously address the issues that stand in the way of an independent Palestinian state. The Quartet is the body chosen by the Security Council of the United Nations for this task. It cannot achieve anything unless it approaches both parties in a fair and even-handed manner. This requires it to treat both parties equally and to accord equal recognition and standing to both parties. The full recognition of the Palestinian Government of National Unity is therefore an indispensable requirement to further peace. This means the recognition of both Hamas and non-Hamas members of the Palestinian Government of National Unity. In order to prevent another season of violence and to protect human rights in the region, the Quartet must intervene immediately in a fair and even-handed manner.