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Press Release

HUMAN RIGHTS IN PALESTINE

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I visited the Occupied Palestinian Territory (OPT) from 9 to 17 June 2006. In the course of the week I visited Gaza; the Wall (barrier) in and around Jerusalem; Ramallah; the hills south of Hebron, where a mini-Wall is being constructed; the Wall at Rachel's Tomb (Bethlehem) and the nearby village of Wallaje, where house demolitions are imminent; Jericho and the Jordan Valley; Nablus and its Balata refugee camp; the Wall at Jayyous; and checkpoints along the Wall and around Nablus. During this visit I spoke with a wide range of persons, both Palestinian and Israeli. Unfortunately, I had no contact with Israeli officials as the Israeli Government does not recognize my mandate.

There has been a substantial deterioration in respect of human rights in the OPT since Hamas won the elections for the Palestinian Legislative Council earlier this year.

Gaza is under siege. Israel controls its airspace and has resumed sonic booms which terrorize and traumatize its people. The targeted killing of militants is on the increase. Inevitably, as in the past, such killings have resulted in the killing and wounding of innocent bystanders. Israel also controls Gaza's territorial sea and fires missiles into the territory from ships at sea. The no-go area along the border of Gaza has been extended to some 500-600 metres to enable the Israeli Defence Forces (IDF) to prevent the firing of Qassam rockets by Palestinian militants. IDF policy now allows it to fire shells up to 100 metres from civilian houses. Within Gaza, medical services have been seriously affected by the prohibition on the funding of medical equipment and medical supplies managed by the Hamas-led Palestinian Authority. The non-payment of salaries to Palestinian Authority employees has affected both hospitals and schools as employees cannot afford to travel to work. Unemployment and poverty are on the increase. After a long period of closure of the Karni commercial crossing, this crossing has been re-opened but it still processes only a limited number of trucks with the result that Gaza is still short of basic foodstuffs and is unable to export its produce.

Human rights violations in the West Bank have also intensified. The construction of the Wall continues to impact severely on human rights. In farming areas, lands are being abandoned in the closed zone (the area between the Wall and the Green Line) as farmers are denied permits to farm their land. Families both within the closed zone and its precincts have been substantially impoverished as a result. The impact of the Wall is no less severe in the cities. The Wall in Jerusalem divides Palestinian neighbourhoods and in so doing separates families who hold different identity documents. The law prohibiting Israeli Arab spouses from co-habiting with their West Bank and Gaza Palestinian spouses has further damaged family life. Travel into and out of Jerusalem has become a nightmare for Palestinians as a result of new travel restrictions.

There has been a sharp increase in the number of checkpoints in the West Bank since Hamas was elected to office. There are now over 500 checkpoints and roadblocks that make the travel of Palestinians within the West Bank itself virtually impossible. Previously permits were obtainable from a Palestinian Authority agency acting in co-operation with the Israeli authorities. Since the election of Hamas, however, Israel has ceased all co-operation with the Palestinian Authority and it is now incumbent on Palestinians to obtain travel permits from the Israeli authorities. This has led to a sharp decline in the number of permits granted. To aggravate matters there is a new mood of hostility towards Palestinians at checkpoints on the part of Israeli soldiers, probably in response to the Palestinian elections. Checkpoints in the northern sector of the West Bank between Jenin and Nablus serve no apparent security purpose as there is a Wall (barrier) to the West and North and a line of fences and checkpoints to the South. Yet it is in this area, particularly around Nablus, which is imprisoned by checkpoints, that checkpoints are most severe. The absence of a satisfactory security explanation for these checkpoints leads to the inevitable conclusion that they are principally designed to humiliate and harass the Palestinian people.

Israeli control over the Jordan Valley is intensifying. Settlements are expanding and life is being made intolerable for Palestinians in the area. Only Palestinians with Jordan Valley identity papers are allowed into the area and it is virtually impossible for such persons to leave the Jordan Valley. The Israeli authorities refuse to provide water and electricity to villages and health and education suffer from the ban on access of health workers and

teachers to the Jordan Valley. A spirit of vindictiveness prevails. In one village I visited a house in Area B (where Palestinian houses are permitted) bordering on Area C (where the Israel Defence Forces have complete control). The house owner had planted a row of geraniums along the border of his house, but in Area C. The IDF instructed him to remove the geraniums as no permission had been obtained to grow them!

In the south Hebron hills a low, mini-Wall is being constructed which seriously impedes Palestinian farmers from farming in the area between the Wall and the Green Line. This is also an area of settler violence towards Palestinians. It seems that this area too is designed for de-Palestinization.

Since Hamas was elected to office there has been a concerted effort to withhold funds from the Palestinian Authority, its agencies and projects. The Israeli Government is currently withholding tax revenues amounting to \$50-60 million per month from the Palestinian Authority. In law Israel has no right to refuse to transfer this money that belongs to the Palestinian Authority under the 1994 Paris Protocol. Donor countries and agencies have also cut their funding drastically as a result of the fact that Hamas is classified as a terrorist organization by both the United States and the European Union. The decision of the US Treasury to prohibit transactions with the Palestinian Authority (PA) has had a profound effect on banks that are unprepared to transfer funds to the PA, its agencies and its projects, and on NGOs engaged in projects with the PA. In effect the Palestinian people have been subjected to economic sanctions – the first time that an occupied people have been so treated. Inevitably this economic strangulation has had a severe impact on the economic life of Palestinians and their human rights. About one million of Palestine's 3.5 million population are directly affected by the non-payment of salaries while, indirectly, the whole population suffers economically. Moreover, as the Palestinian Authority is responsible for over 70 per cent of schools and 60 per cent of health care services in the OPT both education and health care have suffered substantially. At the same time, both unemployment and poverty figures have risen and continue to rise.

In the last few days the European Union has persuaded the Quartet (comprising the US, EU, Russian Federation and UN) to provide limited support to the Palestinian people. While this relief will ameliorate the humanitarian situation it will not alleviate the suffering of the Palestinian people. Attempts to persuade the Israeli Government to pay tax revenues due to the Palestinian Authority seem doomed to fail.

Palestinians understandably find it difficult to comprehend the response of the Quartet and many Western States to the Palestinian elections. They argue that Israel is in violation of major Security Council and General Assembly resolutions dealing with unlawful territorial change and the violation of human rights, has failed to implement the 2004 Advisory Opinion of the International Court of Justice and should accordingly be subjected to international sanctions. Instead the Palestinian people have been subjected to possibly the most rigorous form of international sanctions imposed in modern times.

I find it difficult not to support the above arguments. As a South African I recall the refusal of Western States to impose meaningful economic sanctions on South Africa to compel it to abandon apartheid on the grounds that this would harm the people of South Africa. No such sympathy is extended to the Palestinian people or their human rights. Moreover, I recall that the limited sanctions that were applied failed to produce regime change. Indeed history teaches us that the siege and humiliation of a people tend to strengthen rather than weaken support for the government.

At present there is a need for creative diplomacy that will find a formula that will enable Israel and the Palestinian Authority to resume negotiations for a peaceful settlement and respect for human rights. Hamas' refusal to recognize Israel's right to exist and renounce violence will not be changed by isolation but by engagement and diplomacy. Unfortunately the United States is unprepared to play the role of peace facilitator. This leaves the EU and the UN as the obvious honest brokers between Israelis and Palestinians. Whether either of these bodies can play this role while remaining part of the Quartet is questionable. The image of both the EU and the UN has suffered substantially among Palestinians as a result of the Quartet's apparent support for economic isolation, under the direction of the United States. Their credibility and impartiality are seriously questioned by Palestinians. However, they remain the bodies most likely to achieve peace and promote human rights in the region. In these circumstances both bodies should seriously consider whether it is in the best interests of peace and human rights in the region for them to seek to find a peaceful solution through the medium of the Quartet.