



Press release

Human Rights Council

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**HUMAN RIGHTS COUNCIL DISCUSSES REPORTS
ON CUBA, OCCUPIED PALESTINIAN TERRITORIES,
CAMBODIA AND HAITI**

Human Rights Council
AFTERNOON

26 September 2006

The Human Rights Council this afternoon discussed country-specific reports on the situation of human rights in Cuba, the Occupied Palestinian Territories, Cambodia, and Haiti.

John Dugard, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, said he wished to speak only about Israeli actions against ordinary, non-militant, non-activist Palestinians who simply wanted to lead a good life with their families and friends, who wished to educate their children for a better life, and who wished to enjoy the basic amenities of life. From a human rights' perspective the human rights situation in the Occupied Palestinian Territory had deteriorated since 2001, and was intolerable, appalling, and tragic for the ordinary Palestinian. The actions of Israel, and now other States, against the people of Palestine challenged the commitment of the international community to human rights.

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Report on Situation of Human Rights in Occupied Palestinian Territories

The Council has before it a report by the Special Rapporteur of the Commission on Human Rights, John Dugard, on the situation of human rights in the Palestinian territories occupied since 1967 ([E/CN.4/2006/29](#)), which says human rights violations continue. Some 9,000 prisoners remain in Israeli jails. Movement is seriously restricted by the wall, elaborate terminals through the wall, and checkpoints. Although the number of permanent checkpoints has decreased, "flying" or temporary checkpoints are on the increase. Restrictions on the freedom of movement are in large measure responsible for the prevailing humanitarian crisis in the occupied Palestinian territory. Unemployment is high and over half the population lives below the official poverty line. Health and education services also suffer as a result of restrictions on movement. Women suffer disproportionately from the occupation.

Undoubtedly the highlight of the past year, since the Commission requested the Special Rapporteur, in its resolution 2005/7, to report, has been Israel's successful evacuation of settlers and withdrawal of the Israel Defense Forces from Gaza. This constitutes an important step in the direction of the resolution of the conflict in the region. Israel's withdrawal from Gaza does not, however, mean that the occupation of the territory has come to an end. Israel still retains effective control over the territory through its control of airspace, territorial sea and external land boundaries. It has continued to assert military control by means of sonic

booms and repeated air strikes into the territory aimed at targeted militants. Inevitably, such strikes have killed and injured innocent bystanders. On 15 November 2005 an agreement was entered into between Israel and the Palestinian Authority aimed at opening the borders of Gaza to allow the free passage of persons and goods in and out of the territory. This agreement has yet to be fully implemented.

Presentation of Report on Situation of Human Rights in Occupied Palestinian Territories

JOHN DUGARD, *Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied since 1967*, said that political militants had rights, under both human rights law and international humanitarian law. Today this obvious truth was rejected by Israel and some Western States that should know better. Such States, and their leaders, took the view that all acts, however brutal, were permissible in the so-called war against terror. Consequently they had little sympathy for appeals for respect of the human rights law and international humanitarian law. This explained why today the Special Rapporteur was not going to speak about Israeli actions against Palestinian militants and politicians. Instead, the Special Rapporteur wished to speak only about Israeli actions against ordinary, non-militant, non-activist Palestinians who simply wanted to lead a good life with their families and friends, who wished to educate their children for a better life, and who wished to enjoy the basic amenities of life.

From a human rights' perspective the human rights situation in the Occupied Palestinian Territory had deteriorated since 2001, and was intolerable, appalling, and tragic for the ordinary Palestinian. In Gaza, since the capture of Corporal Gilad Shalit on 25 June, the people had been subjected to continuous bombardment and military incursions in which over 100 civilians had been killed and many hundreds wounded. Three quarters of the population was unable to feed itself and was dependent on food aid.

Throughout the West Bank there were checkpoints and roadblocks, now over 500 in number. The West Bank was fragmented into Bantustans by checkpoints and roadblocks. Cities were cut off from each other. A serious humanitarian crisis prevailed in the West Bank, albeit not as extreme as in the case of Gaza.

The actions of Israel, and now other States, against the people of Palestine challenged the commitment of the international community to human rights. If the States and institutions comprising the international community could not recognize what was happening in the Occupied Palestinian Territory and take some action, they must not be surprised if the people of the planet disbelieved that they were seriously committed to the promotion of human rights and the protection of an endangered people.

Statements from Concerned Countries

ITZHAK LEVANON (*Israel*), speaking as a concerned country, said that for over a decade, Israel had persisted in saying that there could be no value in a report pursuant to a one-sided and imbalanced mandate that did not conform to the reality on the ground, a mandate that prejudged key issues and which was in direct contrast to the current wave of reforms at the United Nations. The report, like its predecessors, was characterized by errors of omissions as well as distortions of both fact and law, while advancing a one-sided political agenda. Particularly regretful was 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 continued to face the daily threat of Palestinian terrorism, there was an alarming disconnect between the story told by the report, and that experienced by the people on the ground. While it had been Israel's intention to disengage from Gaza only to return to it, clearly Israel had the fundamental right and duty to defend and protect its citizens. However, none of the Rapporteur's reports so far gave any indication of what measures to defer acts of terrorism were permissible in his view. By placing the entire blame on Israel actions, the report absolved the terrorists that had taken Palestinian society hostage, from even the most minimal responsibility.

Alongside the international community, Israel continued to believe that the Road Map remained the best – if not the only – hope for arriving to a solution to the conflict. That carefully phased-approach plan, proposed by the Quartet, had been accepted and endorsed by the Security Council. Its underlying rationale was the recognition that peace was 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 that end, it was disturbing to see that the Rapporteur's report did not only dismiss that agreed upon framework, but went even further in accusing the Quartet of engaging in a strategy of political appeasement. Israel believed that Israeli-Palestinian relations were, of necessity, a zero sum game. Not every Israeli interest was at odds with Palestinian interests. Any progress began with a genuine dialogue amongst those committed to peace, and genuine determination to confront enemies.

MOHAMMAD ABU-KOASH (*Palestine*), speaking as a concerned country, said the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 was thanked for his report, which contained a comprehensive text on the extent of the Israeli violations of human rights. The situation in the Gaza Strip continued to be desperate, and was deteriorating so severely as to have been described by Jan Egeland as a ticking bomb. As a result of the incessant Israeli bombardments, of economic siege, it was clear that Israel's redeployment from the Gaza Strip was not meant to end occupation, nor to constitute a step towards peace. It was illegal and deceptive that part of the Israeli settlers had been transferred to settlements in the Occupied Syrian Golan. This was not the work of a peacemaker.

Recently, the Quartet had stressed the need to move towards a just, lasting and comprehensive peace in the Middle East. However, this could not happen if Israel continued to build the Separation Wall, and to build and enlarge settlements, all of which constituted hindrances to the Two-State Solution. Plans to change demographic constitutions in order to make Israelis a majority were clear evidence of intent to annex the Palestinian capital. Only recently, tenders had been issued for new housing units in Israeli settlements and in the West Bank. Isolating East Jerusalem from surrounding Palestinian cities would have grave humanitarian consequences, among others. The Middle East was in turmoil, and its ramifications were not limited to the region. No genuine effort had been expended to address its root cause, namely, ending the Israeli occupation of Palestinian, Syrian, and Lebanese territories.

Interactive Debate on Situation of Human Rights in Occupied Palestinian Territories

ALI CHERIF (*Tunisia*) thanked John Dugard, Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied since 1967, for his report. The report showed clearly that Israel continued to violate the human rights of Palestinians in total disregard of international human rights norms, including the Geneva Convention on the protection of civilians in armed conflicts. Israel had total control on the movement of people in Gaza. Israel persisted in building the dividing wall in defiance of the ruling of the International Court of Justice, seeking in addition to the change the demographic composition of East Jerusalem.

MASOOD KHAN (*Pakistan*), speaking on behalf of the *Organization of Islamic Conference*, said the Special Rapporteur had provided an objective report on the situation in the Palestinian occupied territories. The territories were shrinking every day with the construction of the wall and settlements. The Rapporteur had depicted the real situation of the territories in his report. The human rights violations should be stopped and peace and security should be established in the region.

MOHAMMED LOULICHKI (*Morocco*) said some points of the report had particularly drawn Morocco's attention, including that despite its withdrawal from the Gaza Strip, Israel still had effective control over the territory, and the continuing building of the wall despite the opinion of the International Court of Justice. Israel's attacks had focused on civilians, and this called upon the universal conscience when faced with the situation of the Palestinian people, which was tragic and intolerable. The situation of human rights in the Occupied Palestinian Territories had deteriorated to the point where the Human Rights Council had held a special session. A final solution should be found to the issue, with the founding of an independent State with East Jerusalem as its capital.

IDHAMMUSAMOKTAR (*Malaysia*) thanked John Dugard, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, for his report. Malaysia was deeply concerned about the deterioration of the human rights situation in the Palestinian occupied territories, as Palestinians

continued to suffer hardship at the hands of the occupying power. There was a sense of urgency and commitment by the international community to bring an end to the Israeli occupation of the Palestinian occupied territories. The Special Rapporteur should continue with his independent and objective work until there was an end to the Israeli occupation.

IDRISS JAZAÏRY ([Algeria](#)) said that the report was valuable and it reflected the sad situation on the ground. Algeria's position with regard to Palestine was tantamount to the position of the Council. Certain countries were not in agreement with the resolution of the human rights violations by Israel. Should one remain in that position of double standards? The Security Council took actions on resolution on a political basis but the Human Rights Council was taking actions on human rights grounds.

TAPANI KIVELA ([Finland](#)), speaking on behalf of the [European Union](#) , said the situation between Israel and the Palestinians had been and continued to be a great concern for the European Union, which was closely following the situation in the Occupied Palestinian Territories. How would the Special Rapporteur comment on the human rights situation in the Palestinian Territories since his last report, and what were the most meaningful measures for both sides to take to remedy the situation? What role could be envisaged for Palestinian NGOs to play in efforts to improve the human rights situation; and with regards to the children in Israeli jails, how would the Special Rapporteur comment on their situation?

MJUNU MAHAWAR ([India](#)) thanked John Dugard, Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied since 1967, for his report. India was greatly concerned by the destruction witnessed in Gaza and Lebanon, and the ensuing polarization and negative effect brought upon to the region. Lasting peace would only be reached in the region if the legitimate concerns of all involved parties were taken into account. India remained committed to the cause of the Palestinian people and supported the creation, in accordance with United Nations resolutions, of a viable, sovereign State, side by side to the Israeli State. The international community should bring to an end the long suffering of the Palestinian people.

MUSTAFISUR RAHMAN ([Bangladesh](#)) said the Council was meeting at a time when the Palestinian people were suffering at the hands of Israel's army. A number of resolutions had affirmed Palestinians right to self-determination. The International Court of Justice had also provided an advisory opinion on the building of the separation wall in the Palestinian territories. Israel should return to the negotiating table and start the peace process.

RODOLFO REYES RODRIGUEZ ([Cuba](#)) said the report was of high quality. It was no random event that an extraordinary session of the Council was devoted to the lamented and painful situation in Palestine, and Cuba expressed its solidarity for the ongoing fight of the Palestinian people, and intended to contribute to the presence and importance of the mandate. Normally when these issues were raised, the very least was done to protect and promote the rights of the Palestinian people, namely their right to live free from occupation, and in human conditions. Cuba was determinedly in solidarity with the just cause of the Palestinian people and the Arab people.

WARREN W. TICHENOR ([United States](#)) thanked John Dugard, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, for his report. Nevertheless, the United States disagreed with the Special Rapporteur on his remark that the Road Map was out of date. The United States believed that the Road Map was the only international plan that counted with the endorsement of both parties. The United States considered that the advisory opinion of the International Court of Justice was not useful.

FOROUZANDEH VADIATI ([Iran](#)) said that the Palestinian people were being punished for democratically electing their Government. The international community, particularly those members of the Council, had a responsibility with regard to what was going on in Palestine.

SHIGERU ENDO ([Japan](#)) said the improvement of the human rights situation in the Palestinian territories in the first place required stability in the region, and to this end Israelis and Palestinians should both demonstrate their political commitment towards such stability, refrain from attacks and retaliation, and make their utmost effort to resolve the issues of, among others, releasing the Israeli soldiers abducted in Gaza as well as the ministers of the Palestinian Authority under detention.

Upholding the idea of the establishment of a Palestinian State which could coexist with Israel, Japan had been actively providing assistance, including aid for strengthening the governance of the Palestinian Authority.

AYMAN RAAD ([Syria](#)) associated itself with the statement made by Pakistan, and thanked John Dugard, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, for his report that contained a factual analysis of the situation of human rights in the Palestinian occupied territories. The report had also exposed Israel's actions in the Syrian Golan. Israel continued with the detention of women and children, demolitions, annexation of land and forceful movement of people. It was incumbent upon the international community to study the violations and ramifications of the violations to human rights in the Palestinian occupied territories, and help end the Israeli occupation immediately.

ABDOUL WAHAB HAIDARA ([Senegal](#)) said the Palestinians had been suffering and frustrated for decades by the Israel occupation and violence. The economic, social and human conditions of the people had reached a degree of serious concern. It was urgent that the international community should launch effective means to settle the Israeli-Palestinian conflict.

PAUL MEYER ([Canada](#)) said with regards to the statement made by the Special Rapporteur in paragraph 20, Canada continued to bring humanitarian aid to the Palestinian people, and requested for note to be taken of this.

GUSTI AGUNG WESAKA PUJA ([Indonesia](#)) said the Special Rapporteur was commended for his informative presentation and detailed report. Indonesia associated itself with the statement of the Organization of the Islamic Conference, and urged the Council to exert its full influence to ensure that respect for the fundamental freedoms and human rights of the Palestinian people was exercised in the Occupied Palestinian Territories. Efforts to persuade all parties to the conflict to return to negotiations should succeed, but the humanitarian crisis could not wait. It was up to the members of the Council to act cohesively to protect the rights of the Palestinian people. The Quartet should put safeguard of the rights of the Palestinian people as a first priority, before even a solution to the conflict.

GALO LARENAS SERRANO ([Ecuador](#)) expressed deep concern about the deteriorating situation in the Palestinian occupied territories, and asked for further information from the Special Rapporteur on the implications of the advisory opinion of the International Court of Justice with reference to the building of the wall. It was key to reach a lasting solution through negotiations that took into account the unconditional respect of both the Palestinian and Israeli populations.

ABDULLA ABDULLATIF ABDULLA ([Bahrain](#)) said there was chaos in the Palestinian territory through the measures of collective punishment, checkpoints and destruction of houses, killings and arrests of Palestinians. Israeli was still continuing its expansion by building walls and occupying Palestinian lands. The people were suffering all aspects of human rights violations by Israel. The humiliation of the people's deputies and the demolition of infrastructure continued. The construction of the separation wall did not cease despite the condemnation of the international community and the advisory opinion of the International Court of Justice against its construction.

ABDULWAHAB A. ATTAR ([Saudi Arabia](#)) said the clear report elaborated the tragedy and suffering of the Palestinian people. The worst violation of human rights was occupation, but today there was violation of all kinds of rights in Palestine. The Council should assume its responsibility to put an end to the violations of the rights of the Palestinian people and terminate the occupation. World stability and stability in the region would not be achieved until the Palestinian people were given all their rights which had been approved and endorsed by international legality.

SERGIO ABREU E LIMA FLORENCIO (Brazil) said that the logic of military action and occupation had to come to an end. Israel had to guarantee freedom of movement and the right to residence of the Palestinian population. Brazil was deeply concerned about the deteriorating living conditions of the Palestinian population, and condemned the use of violence. Violence only bred conflict.

A Representative of Mali affirmed its solidarity with the Palestinian people and thanked the Special Rapporteur for his frankness in his report.

Concluding Statement on Situation of Human Rights in Occupied Palestinian Territories

John Dugard , Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 , said he apologised to the Government of Canada for the statement in paragraph 20, but many people in the Occupied Palestinian Territories had informed him that Canada had withdrawn funding for NGOs working with the Palestinian Authority. The representative of Finland had raised a number of questions, first whether the situation was worse, and there was a clear yes to this. The Council could contribute by emphasising the human rights dimension, and it was hoped this would have some impact upon the work of the Quartet, which paid too little attention to this dimension. On who was responsible for the decline of social and economic rights, Israel was largely to blame, but those States who had withdrawn funding had also contributed largely to this situation. Palestinian NGOs should continue to monitor the situation and advocate respect for human rights. On the position of children in Israeli prisons, he had, on previous occasions, called for an inquiry into the situation of children in Israeli prisons, and the Israeli judiciary should carry out such an inquiry.

On the comments by the Israeli Ambassador, who had accused the Special Rapporteur of being one-sided, this was inevitable, as the Special Rapporteur investigated human rights and described them. There were unfortunately many of these violations by the Israeli authorities, and it was the Special Rapporteur's duty to report on these. The report therefore could appear to be one-sided, but it was due to his commitment to the mandate that he held. Israeli justifications for their actions, namely the kidnapping of the Israeli soldier and the firing of rockets into Israeli territory, had been offered, but the response had been excessive. In the Occupied Palestinian Territories, Palestinians accused Israelis of terrorism, and in Israel the Hamas Government was accused of terrorism. The use of the term was not helpful, and both sides should use other terms to describe each other and justify their actions in terms of other norms.

With regards to the Road Map, which the Special Rapporteur had criticised, he had two main complaints, including that it failed to adopt the advisory opinion of the International Court of Justice, which should guide the work of the Quartet. The Quartet took the view that it would not talk to Hamas, as it did not like it, and this should be changed, although the Special Rapporteur said he understood the point of view of the Quartet. However, it would be more constructive and helpful were it to engage with Hamas to persuade it to change its policies, as the current attitude did not help the cause of peace in the region.

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