



UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS



Geneva, 5 December 2001

Statement by

Mary Robinson,

United Nations High Commissioner for Human Rights

to the Conference of High Contracting Parties
of the Fourth Geneva Convention

Mr. Chairman,
Distinguished Delegates,
Fellow observers:

I wish to express my gratitude to the Government of Switzerland for inviting my Office to participate in this important meeting. I commend the Government of Switzerland as the depositary of the Convention, for its efforts to achieve the widest possible consensus.

This Conference of High Contracting Parties, called for by United Nations General Assembly resolution ES-10/6, represents an important opportunity to advance the application of international humanitarian law. Apart from the General Assembly, the fifth Special Session of the Commission on Human Rights, and several mechanisms established by the Commission on Human Rights, including the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the International Commission of Inquiry had also called for the convening of such a Conference. Each of us knows that it is a difficult time, and that words matter and will be noted.

The Security Council, the General Assembly and the Commission on Human Rights have also repeatedly reaffirmed the *de jure* applicability to the occupied Palestinian territories of the 1949 Fourth Geneva Convention relative to the Protection of Civilians in Time of War.

Amongst the mandated responsibilities of the Office of the High Commissioner are: support for the UN human rights system, including the treaty monitoring bodies; the monitoring of human rights violations; and providing technical cooperation to assist governments to implement human rights. OHCHR discharges these aspects of its mandate in disputed and occupied territories, as well as in integral states. It should be noted in this context that all UN treaty-monitoring bodies that have considered this question have determined the applicability of the human rights covenants and conventions in the occupied Palestinian territories.

In the report of my visit to the region, November 2000, I also indicated that the full application of the Fourth Geneva Convention is essential to guarantee respect for fundamental human rights.

Mr. Chairman,

Since my last visit to the region in November 2000, I have been following closely the developments in Israel and the occupied Palestinian territories. I can honestly say that not a day goes by without my following events in detail, and I do so with growing anxiety.

The serious deterioration of the situation has had a terrible cost in terms of human lives. Since the end of September 2000, over 830 Palestinians, including many children, have been killed and 16,500 injured. More than 230 Israelis have been killed over the same period including in the horrific attacks in Jerusalem and Haifa only last week-end. Most of those killed and injured on both sides have been civilians. It is important to emphasize that neither the Israeli policy of targeted assassination of Palestinian civilians, nor Palestinian attacks against Israeli civilians, can be reconciled with provisions of international humanitarian law, including the Fourth Geneva Convention. Articles 27 and 32, in particular, seek to protect the lives of persons not taking a direct part in the hostilities. These practices also violate human rights norms that affirm the right to life and the prohibition on execution of civilians without trial and fair judicial process.

Collective punishments such as prolonged siege and closures of the territories and destruction of homes and agricultural land, has also led to

increased poverty and a steady economic decline in the West Bank and in Gaza.

The consequences of collective punishments are manifold: Palestinian workers cannot reach their places of work in Israel, Palestinian producers are prevented from exporting their products, unemployment increased, pupils and students are denied their right to education, and injured and sick people are deprived of their right to health-care. All of this has had grave effects on economic, social and cultural life in the Palestinian territories in general. It has adversely impacted on an already weak Palestinian economy. There has been a dramatic loss of income for a large section of the population, and medical and humanitarian aid has been impeded.

These actions on the part of Israeli authorities cannot be reconciled with several articles of the Fourth Geneva Convention, nor with international human rights law, namely the Covenant on Economic, Social and Cultural Rights.

Today there are more than 150 settlements in the West Bank and Gaza inhabited by approximately 380,000 settlers, of whom some 180,000 live in East Jerusalem. Although resolutions of the Security Council, the General Assembly and the Commission on Human Rights have stated that these settlements violate article 49 (6) of the Fourth Geneva Convention, the settlements have undergone considerable expansion since the start of the Oslo Peace process in September 1993. Settlements have become a catalyst for violence. They are protected by the Israeli Defense Forces and are exempt from the jurisdiction of the courts of the Palestinian Authority. Settlers have committed numerous acts of violence against Palestinians.

Palestinian hostility against settlers has also grown alarmingly and Palestinians have killed a number of settlers. Despite the fact that the settlers presence in the occupied Palestinian territories is illegal, those who are not taking part in military hostilities remain civilians. Such killings are also contrary to the norms of international law. The increase in violence directed at settlers has been linked to an alarming rise in the incidence of hate speech and incitement.

Mr. Chairman,

The protection of the victim should be the overriding concern of the UN and its agencies and programmes. However, the failure to resolve the fundamental problem of occupation - an occupation which has continued for over 34 years - combined with the failure by successive Israeli governments to comply with the provisions of the Fourth Geneva Convention and international human rights standards, has left the population of the occupied Palestinian territories in a vulnerable situation, lacking protection and exposed to a wide range of violations.

Protection needs to be accorded to the people of the occupied territories in strict compliance with the Fourth Geneva Convention. My mandate obliges me to seek resolution of, and remedies for, human rights violations whenever and wherever they occur, and to prevent further violations if possible. I strongly believe that ensuring respect for the international human rights standards set out in the Universal Declaration of Human Rights and the Fourth Geneva Convention is crucial in order to prevent human suffering and in the search for comprehensive solutions for peace. Article 1 of the Convention places a duty on the High Contracting Parties "to respect and ensure respect of" the provisions of the Convention "in all circumstances". To meet this challenge, legal and diplomatic mechanisms are available under the United Nations Charter, in addition to those created by the Convention itself.

I would like to reiterate my call for the establishment of an international monitoring presence in the occupied Palestinian territories. I urge both Israelis and Palestinians to work towards ending the mutually destructive cycle of violence and to seek a return to negotiations, the aim of which should be to achieve peace through a just and durable solution, in conformity with fundamental standards of international human rights and humanitarian law.

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