

**Statement by Prof. John Dugard, Special Rapporteur on the
situation of human rights in the Occupied Palestinian Territory
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1. Political militants have rights, under both human rights law and international humanitarian law. Today this obvious truth is rejected by Israel and some Western States that should know better. Such States, and their leaders, take the view that all acts, however brutal, are permissible in the so-called war against terror. Consequently they have little sympathy for appeals for respect for the rights of political militants. These convictions are so entrenched that little purpose is served by trying to persuade such persons that they fail to understand both human rights law and international humanitarian law. This explains why today I am not going to speak about Israeli actions against Palestinian militants and politicians. Instead I shall speak only about Israeli actions against ordinary, non-militant, non-activist Palestinians who simply want to lead a good life with their families and friends, who wish to educate their children for a better life, and who wish to enjoy the basic amenities of life. I hope that my portrayal of the hardships experienced by such people will trouble the consciences of those accustomed to turning a blind eye and a deaf ear to the suffering of the Palestinian people.
2. I have been Special Rapporteur on human rights in the Occupied Palestinian Territory (OPT) since 2001. From a human rights perspective, the situation has deteriorated each year until the present time, which is intolerable, appalling, tragic – call it what you will – for the ordinary Palestinian. To illustrate this, let me describe some of the Israeli actions, practices and laws which the ordinary Palestinian faces.
3. In Gaza, since the capture of Corporal Gilad Shalit on 25 June, the people have been subjected to continuous bombardment and military incursions in which over 100 civilians have been killed and many hundred wounded. What Israel chooses to describe as “collateral damage” to the civilian population is in fact indiscriminate killing prohibited by international law. Then there are regular sonic booms, which terrorize the population at night.
4. In June Israel bombed and destroyed the only domestic power plant in Gaza. Consequently more than half the electricity supply has been cut off and Gazans will remain without adequate power for at least another year. This impacts not only on heating and cooking in the home but also on the supply of water as water pumps are without power.
5. Hospitals are forced to use generators to power life-saving equipment because of power cuts. Many essential drugs are unavailable. Hospital staff cannot come to work as their salaries are unpaid and they cannot afford transport to their workplace. Patients cannot travel abroad for better treatment because of the closure of the Rafah crossing.
6. Houses have been destroyed by tanks and bulldozers. Schools have likewise been damaged. Citrus trees and olive trees have been uprooted; agricultural land flattened by bulldozers.
7. Three quarters of the population is unable to feed itself and is dependent on food aid. Food prices have inflated; fish is no longer available because of Israel's naval blockade which forbids fishing; perishable food is lost because of the lack of electricity.
8. Both the Rafah crossing for persons and the Karni crossing for goods are continuously closed. Not for security reasons but to bring pressure on the Palestinians to release Corporal Shalit. Gaza is a prison; and Israel seems to have thrown away the key.
9. In the West Bank there is the Wall, which is no longer justified by Israel as a security measure. Instead it is openly acknowledged that it serves a political purpose – the annexation of settlements and settlement land. 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 for specious reasons by Israeli bureaucrats determined to humiliate Palestinian farmers. 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.

10. Throughout the West Bank there are checkpoints and roadblocks, now over 500 in number. The West Bank is fragmented into Bantustans by checkpoints and roadblocks. 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.
11. House demolitions continue for a variety of reasons. Failure to obtain a permit to build, police operations, proximity of the Wall. The Caterpillar bulldozer has become a symbol of the occupation.
12. *Different parts of the OPT experience different problems.*
13. In Jerusalem the Wall divides the Palestinian community. Some are relegated to the West Bank while others retain their privileges as East Jerusalemites. Crossing the Wall has become a nightmare. Families have been separated.
14. South Hebron, home to settler violence, now has a new problem. A low Wall is being built between Palestinian homes and grazing and agricultural lands – designed, as usual, to facilitate the travel of settlers.
15. The Jordan Valley is to be annexed in fact but not in name. Non-Jordan Valley residents may no longer enter the area without permits. Checkpoints isolate the Valley. And settlements expand.
16. 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 about 40 per cent while civil servants numbering 23 per cent of the Palestinian population are employed, but unpaid.
17. 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, Canada 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 some 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.
18. 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.
19. The onslaught against Gaza with its attendant loss of life and injury, the construction of the Wall, the system of checkpoints, the destruction of houses and lands, and the resulting imposed humanitarian crisis cannot be justified in law. As security measures they are grossly disproportionate and indiscriminate. They constitute collective punishment, not of a government, but of a people – in clear violation of Article 33 of the Fourth Geneva Convention.
20. Israel is largely to blame for the situation I have described. Its actions, practices and laws deal harshly with Palestinians. But other states and institutions are not blameless. The United States, Canada and the EU have contributed substantially to the humanitarian crisis by withdrawing funding not only from the Palestinian Authority but also from the Palestinian people.
21. Sadly, the United Nations as a member of the Quartet has condoned such action. In effect, it has made itself a party to the imposition of economic sanctions against the Palestinian people. *All Member States of this Council are members of the United Nations and accordingly bear some responsibility for the present situation.*
22. Let me conclude by saying, as I have said over the past five years, that the actions of Israel, and now other States, against the people of Palestine challenge the commitment of the international community to human rights. If the states and institutions comprising the international community cannot recognize what is happening in the OPT and take some action they must not be surprised if the people of the planet disbelieve that they are seriously committed to the promotion of human rights and the protection of an endangered people.