



**STATEMENT BY MR. RICHARD FALK, UN SPECIAL RAPPOREUR
ON THE SITUATION OF HUMAN RIGHTS
IN THE PALESTINIAN TERRITORIES OCCUPIED SINCE 1967**

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Mr. President,
Distinguished Members of the Human Rights Council,
Excellencies,
Ladies and Gentlemen,

You have before you my latest report to the Human Rights Council pursuant to the mandate given to me by this Council. It is important to note at the outset that since I was denied entry into Israel in December 2008 and was detained by the authorities near Ben Gurion airport, I have had to rely exclusively on reports by other sources concerning the situation in the West Bank. This pattern of non-cooperation by Israel with my mandate frustrates the very purpose of this mandate and confirms Israel's unwillingness to cooperate with the international community as a whole, and this body in particular.

I intend to undertake a mission in April 2011 to gather information for the report that I will present to the General Assembly during the second half of 2011. I have sent a request to this effect to the Israeli authorities and would hope that they would allow my entry into the territories, but if not, I intend to pursue other avenues.

The Report focuses on several developments pertaining to the Israeli violations of human rights in the occupied Palestinian territories. It also laments the failure to implement the recommendations of the Goldstone Report or to take account of the fact-finding report mandated by the Human Rights Council on the flotilla incident of 31 May 2010. Such failures undermine respect for international law, for peaceful methods of conflict resolution more generally, and erode the credibility of this Council in relation to the Israel/Palestine conflict. It also confirms Palestinian skepticism about the will and capacity of the international community, and specifically the organs of the United Nations to uphold the human rights of the Palestinians living for so long upon a burdensome occupation.

While the various topics addressed in the report merit urgent attention from the members of this Council, I would like to use this opportunity to draw your attention to the intensifying deterioration of human rights in occupied East Jerusalem. Israel defied the international community by annexing East Jerusalem in 1967, a move that has no legal or political bearing on its future. It has over the years taken measures to alter the demographic composition of the occupied part of Jerusalem in as irreversible manner as possible. As the report illustrates, the continued pattern of settlement expansion in East Jerusalem combined with forcible eviction of long residing Palestinians are creating an intolerable situation that can only be described, in its cumulative impact, as a form of ethnic cleansing.

Continued and even accelerated settlement expansion in East Jerusalem aggravates the underlying unlawfulness of the activity. The so-called "moratorium" on settlement activities in 2010 unacceptably failed to include East Jerusalem. On 4 November 2010, the Government of Israel issued tenders for 238 new housing units in the East Jerusalem settlements and the following day announced plans for construction of 1,352 new housing units elsewhere in East Jerusalem. Bulldozing of the landmark Shepherd Hotel in Sheikh Jarrah in East Jerusalem was started in January 2011. In February, the Municipality approved the construction of two buildings that will include 13 apartments for Jewish residents in the Sheikh Jarrah neighborhood. Just the beginning of this month, the Jerusalem municipality approved a permit for construction of 14 new residential units in Ras el-Amud neighborhood.

Forced displacement continues to affect the lives and well-being of hundreds of Palestinian families every year. More than 431 Palestinian structures were demolished in 2010 in East Jerusalem and Area C of the West Bank, including 133 residential structures, leaving at least 594 people, of which 299 were children, homeless.

Israeli settlers have continued to take over Palestinian homes and expel Palestinians from their homes of decades and generations, while the Israeli authorities support their illegal actions. Situation in the neighborhoods of Silwan and Sheikh Jarrah are of particular concern: in Sheikh Jarrah Israeli settler groups have forcibly evicted and displaced over 60 Palestinians. Another 500 remain at risk of forced eviction and displacement. In Silwan, Israeli families have forcibly taken over Palestinian homes, turning them into guarded settlement compounds flying Israeli flags. The Government's support for settlers' actions which further illustrates the institutional and systematic discrimination against the Palestinian residents of Jerusalem by Israel, as well as the ongoing Israeli efforts to create what are euphemistically called "facts on the ground" for the annexation of East Jerusalem.

I issued a statement on the pattern of demolitions and evictions in the West Bank on 11 March, drawing particular attention to demolitions in several Palestinian neighborhoods of East Jerusalem.

In my previous statements to the Council, I have documented the human rights situation in the Gaza Strip. Here, I would like to draw your attention to the developments in Gaza since the beginning of 2011. The illegal blockade continues to violate human rights of Palestinians in Gaza, despite the much proclaimed "easing" of the blockade by Israel in 2010. In a recent move, Israel closed one of the main crossings into Gaza further suffocating the population trapped in Gaza. Since 2007, Israel has closed three of Gaza's four commercial crossings. Currently, Israel is allowing 40% of Gaza's need for incoming trucks, and just 1% of its outgoing needs, despite promises to lift the ban on exports. The continuing ban on export and on desperately needed construction material is preventing Gaza's economy from recovering and is keeping its factory and construction workers unemployed and dependent on international assistance. At the present time the Gaza unemployment rate for 2011 is 45%, one of the highest in world. It is not an exaggeration to report that a continuing humanitarian crisis exists in Gaza.

In concluding, I would like to repeat the emphasis of the full report on the rigors of prolonged occupation and refugee status, and to remind the Council that the fundamental right of Palestinian self-determination is being constantly abridged by Israeli settlement expansion in East Jerusalem and West Bank. It has been assumed by the international community that self-determination for the Palestinian people would be realized by Israeli withdrawal from the entire territory occupied in 1967, with minor border adjustments, which would allow for the establishment of a Palestinian state on the remaining 22% of historic Palestine.

The report recommends, among others, that:

(a) Intensified efforts be made to induce Israel to cooperate with the proper discharge of this mandate, including allowing access to the occupied Palestinian territories by the Special Rapporteur;

(b) Efforts be undertaken to have the International Court of Justice assess allegations that the prolonged occupation of the West Bank and East Jerusalem possess elements of “colonialism”, “apartheid” and “ethnic cleansing” inconsistent with international humanitarian law in circumstances of belligerent occupation and unlawful abridgements of the right of self-determination of the Palestinian people;

(c) Intensified efforts be made to attach legal consequences to the failure by Israel to end the blockade of the Gaza Strip in all of its dimensions;

(d) The Human Rights Council organize an inquiry, possibly jointly with the International Committee of the Red Cross or the Government of Switzerland, into the legal, moral and political consequences of prolonged occupation, including prolonged refugee status, with an eye toward convening Governments to negotiating further protocols to the Geneva Conventions of 1949;

(e) Steps be taken by the Human Rights Council to implement the recommendations of the report of the United Nations Fact-Finding Mission on the Gaza Conflict in light of the failure of Israel to address allegations in a manner that accords with international standards as well as the conclusions of the Independent International Fact-Finding Mission into the incident of the humanitarian flotilla;