### **Check against delivery**



**Statement by Mr. Richard Falk**

**SPECIAL RAPPORTEUR ON THE**

**SITUATION OF HUMAN RIGHTS IN**

**THE OCCUPIED PALESTINIAN TERRITORIES**

23rd session of the Human Rights Council

Agenda item 7

10 June 2013

Geneva



Mr. President,

Excellencies,

Ladies and Gentlemen,

Forty-six years ago today Israel’s occupation of Palestine began. Six days of war has turned into forty-six years of occupation.

For Palestinians, this has meant forty-six years of living without the protection of laws, without respect for their human rights and with stifling restrictions on all aspects of their lives – restrictions inconsistent with human dignity and with the Palestinian right of self-determination, which has been deferred and denied for far too long.

Some will say that calling attention to these realities does not advance peace in the Middle East. In my view, we should rather question whether those who provide countless billions of dollars worth of sophisticated weaponry to Israel are advancing peace in the Middle East.

Forty-six years of denying Palestinians their most basic rights has not achieved peace, and indeed has consistently diminished Palestinian prospects for a just outcome to the conflict.

The occupation of Palestine has facilitated Israel’s continuous annexation of Palestinian resources and territory. It has enabled Israel to demolish Palestinian homes and populate Palestine with an estimated 650,000 of its own citizens in flagrant violation of International Humanitarian Law. It has permitted Israel to detain, since the start of the occupation, approximately 750,000 Palestinians. It has provided the context for Israel’s regime of collective punishment of 1.75 million Palestinians in the Gaza Strip. And it has ensured that Israel can carry out its policies toward Palestine with near total impunity, disregarding international laws and standards and United Nations resolutions and decisions, and refusing even to uphold its obligations to cooperate with the UN in relation to Palestine.

My report before you this morning calls attention to several of these concerns.

One focus is upon the situation in the Gaza Strip. I was able to visit the Gaza Strip in early December 2012, just a week after Israel’s latest military assault, codenamed by Israel as “Operation Pillar of Defense”. I should like to express my gratitude to the Government of Egypt for facilitating my access to Gaza.

My assessment of the situation in Gaza resulted from meetings with family members of victims killed and injured during the Israeli attacks, as well as extensive briefings by United Nations officials, civil society human rights workers, and representatives of an array of NGOs doing invaluable work in Gaza. I visited several sites of Israeli attacks and heard consistent allegations of the targeting of civilian property, such as homes, farms and livestock and fishing vessels.

I was especially interested to learn about some of the difficulties with water and sanitation facilities in Gaza, in particular after the United Nations report “Gaza 2020,” which forecasted that Gaza would be uninhabitable by 2020, due to health and environmental concerns that either are caused or aggravated by Israel’s blockade. I was dismayed to see that already-impaired water and sanitation facilities had been apparently deliberately targeted by the recent Israeli military operations.

My report contains an overall evaluation of the situation in Gaza. Let me here just note that, with 70% of the population dependent on international aid for survival and 90% of the water unfit for human consumption, drastic and urgent changes are urgently required if Palestinians in Gaza are to have their most basic rights protected. I make detailed recommendations in my report.

Mr. President,

The treatment of thousands of Palestinians detained or imprisoned by Israel continues to be extremely worrisome. Israel currently has nearly 5,000 Palestinians incarcerated.

I and other United Nations human rights mechanisms have repeatedly voiced concerns regarding Israel’s treatment of Palestinian prisoners: Abusive nighttime arrest procedures; arbitrary detention; torture and other forms of ill, inhumane and humiliating treatment; coerced confessions; solitary confinement; denial of family visits; denial of access to legal representation; unacceptable conditions in prisons; lack of access to adequate health care; and denial of access to education; unlawful transfer of Palestinians to prisons located within Israel. These issues have persisted without significant correction throughout 46 years of occupation.

I continue to be alarmed by the information I receive concerning Israel’s treatment of Palestinian children in detention. While I detailed these concerns in a 2011 report to the General Assembly, last February UNICEF confirmed that Israel’s treatment of Palestinian children routinely violates the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In UNICEF’s words: “in no other country are children systematically tried by juvenile military courts that, by definition, fall short of providing the necessary guarantees to ensure respect for their rights.”

Quoting from UNICEF once more: “the ill-treatment of [Palestinian] children who come in contact with the [Israeli] military detention system appears to be widespread, systematic and institutionalized throughout the process, from the moment of arrest until the child’s prosecution and eventual conviction and sentencing.”

I should like to repeat my call for an independent, credible investigation into the recent death of Mr. Arafat Jaradat while under detention. The Palestinian Authority’s chief medical examiner observed Mr. Jaradat’s autopsy and reported clear indications of torture. He concluded that Mr. Jaradat’s death was caused by nervous shock resulting from severe pain, which was due to injuries inflicted through direct and extreme torture.

My report calls for the establishment of a commission of enquiry into the situation of Palestinians detained or imprisoned by Israel. I recommend that such an enquiry have a broad mandate, to examine Israel’s track record of impunity for prison officials and others who interrogate Palestinians.

In this regard, let me refer to a recent report by the leading Israeli human rights NGO, B’Tselem, which found that between 2001 and 2011, over 700 complaints of abuse by Israeli security agents interrogating Palestinians resulted in not one criminal investigation.

My report updates the Council on the situation of Israel’s settlements in occupied Palestine. It makes reference to key determinations of the Council’s fact-finding mission on settlements; and it recalls that a similar exercise was carried out under the auspices of the Security Council in 1979, and that the Security Council’s investigation arrived at the same conclusions, but in a situation of a cumulative and massive expansion of the settlement phenomenon.

Thirty-four years later, Israel continues to flout international law and populate Palestine with its own citizens. In 2012, the settler population increased by 4.5%. Last October the Secretary-General reported that Israel’s settler population is growing faster than the population in Israel proper.

It seems clear that the current Israeli Government intends to continue its expansion of the settlement enterprise, with an additional 60,000 square meters of land near Nablus seized two weeks ago.

Last October my report to the General Assembly raised concerns regarding Israeli and multinational businesses that profit from Israel’s settlement enterprise. My current report updates developments in this area and calls for further investigation into such business activities. I intend to give additional attention to such business activities in future reports.

Mr. President, Excellencies,

This is the briefest summary of selected current human rights concerns related to Israel’s occupation of Palestine.

Still, what is not possible to capture and convey – either in these remarks this morning or in the report before you – is the overall destructive impact on Palestinian society of forty-six years of living under Israel’s oppressive occupation.

It is critical be mindful of the fact that Israel’s occupation of Palestine is not static, that is continuously intrudes upon Palestinian rights. It also systematically facilitates Israel’s annexationist policies. Demolitions, displacement, settlements, resource appropriation, detention and imprisonment, and large-scale and excessive violence are some of the tools that Israel relies upon to pursue such policies.

It seems that such policies and tools are not advancing peace in the Middle East, and should be repudiated.

I look forward to your questions. Thank you.

---