



A NEW CHAPTER FOR HUMAN RIGHTS

A handbook on issues of transition
from the Commission on Human Rights
to the Human Rights Council



Annex 3.1

Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories since 1967

Current mandate holder: John Dugard
Mandate started: 1993

Term of mandate holder: 2001- not specified
Mandate up for renewal: The mandate exists until the end of the Israeli occupation

Areas of focus

- Investigate Israel's violations of the principles and bases of international law, international humanitarian law and the *Geneva Convention relative to the Protection of Civilian Persons in Time of War*, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967;
- Investigation of human rights violations committed by Israel in the Occupied Palestinian Territories (OPT), but only in the context of military occupation;
- Receive communications, hear witnesses, and to use such modalities of procedure as deemed necessary for the mandate.

Cooperation with Government

- The Special Rapporteur has held meetings and consultations with representatives of the Palestinian Authority, including former President Arafat, and members of the Palestinian Legislative Council;
- The Government of Israel withholds its cooperation from the Special Rapporteur due to its objections to the terms of his mandate;
- Israel notably contests the Special Rapporteur's description of the situation as military occupation and refuses to accept the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War as the applicable governing law;
- It also accuses the Special Rapporteur of seeking to advance a pro-Palestinian political agenda;
- The Government of Israel submits notes verbales in response to the Special Rapporteur's reports.

Key developments

- In February 2005 Israel and the Palestinian Authority agreed on a ceasefire in terms of which Palestine agreed to stop all acts of violence against Israelis and Israel agreed to cease all military activity against Palestinians. As a result, the level of fatalities and injuries among both Palestinians and Israelis has dropped considerably;
- In August and September 2005 Israel withdrew its settlers and the Israel Defense Forces from Gaza, thereby ending the colonization of Gaza. Occupation has not ended however, and Israel still retains effective control over the territory through its control of airspace, territorial sea and external land boundaries;
- In 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, but this has yet to be implemented;
- Despite these positive developments, there are still concerns with the continued construction of the wall, settler violence, failure to release Palestinian prisoners, restrictions on freedom of movement, and a prevailing humanitarian crisis.

Country visits

The Occupied Palestinian Territories: 1997, 1998, 1999, two visits in 2000, 2001, 2002, 2003, February and July 2005.

Pending reports

Annual report (E/CN.4/2006/29).

Communications to the Government of the Occupied Palestinian Territories (2005)

No information available in the 2005 annual report.