



International Service for Human Rights

The Reports in Short

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The Special Rapporteur on the situation of human rights in the Palestinian territories
since 1967

Mandate Holder
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Mandate

The mandate was created in 1993¹ to 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 in the Palestinian territories occupied by Israel since 1967.

Activities

- Mission to the Occupied Palestinian Territories (OPT) from 3 to 9 December 2005

Annual Report²

Scope

To report on the visit to the OPT from 3 to 9 December 2005, where the Rapporteur met with members of the Palestinian Authority, Palestinian interlocutors, United Nations officials, Palestinian and Israeli NGOs, and members of communities affected by settlements and the wall.

Summary and key conclusions

- Israel's successful **evacuation of settlers** and **withdrawal** of the Israeli Defence Forces (IDF) from Gaza is important, but it does not mean that the occupation of the territory has come to an end. Israel retains effective control over the territory, through control over airspace, territorial waters and external borders, and administration of the Gaza population register. Other positive developments are the agreement reached in 2005 between Israel and the Palestinian Authority (PA) aimed at **opening the borders of Gaza**, and the **decrease** in the **level of fatalities** and injuries among both the Israelis and the Palestinians;
- Israel continues the construction of the "**separation barrier**" in defiance of the 2004 advisory opinion of the International Court of Justice (ICJ) and a General Assembly resolution. The special Rapporteur expressed the opinion that in many places, such as East Jerusalem, the wall is not built for security reasons, but to reduce the number of Palestinians, and to protect territorial expansion and settlements; The EU has issued a statement claiming that "the completion of the **annexation of East Jerusalem**" is a "deliberate Israeli policy";
- Palestinians living between the Green Line and the wall are denied easy access to family, hospitals, markets, employment and schools in the West Bank. Those living in the vicinity of the wall require permits to access their own agricultural land. The wall has also led to many Palestinians becoming **internally displaced persons**;
- Israel has abandoned its plan to build a wall through the Jordan Valley but its policies in the region are still aimed at driving Palestinians from the area: settlements are expanding, Palestinian land is confiscated, homes are destroyed, and access to water and electricity is curtailed;
- Settlements continue to grow, and the three major settlement blocs will effectively divide Palestinian territory into **cantons** or **Bantustans**, which violates the territorial integrity of Palestine. Settler violence remains a problem, especially because of **impunity** and the failure of the IDF to protect Palestinians;

¹ Commission Resolution 1993/2 A.

² E/CN.4/2006/29, 17 January 2006.

- Other human rights violations continue, such as the continued **imprisonment** of 9,000 prisoners in Israeli jails and the associated practices, and the restriction on the **freedom of movement** caused by the wall and the increase of temporary checkpoints. These restrictions are largely responsible for the **humanitarian crisis** in the OPT, reflected in the high levels of unemployment, the high proportion of the population living below the official poverty line, and their poor access to health and education services;
- **Women** suffer disproportionately from the occupation, because of limited access to education and health, and increased divorces and domestic violence due to the economic situation;
- Little progress has been achieved on the issue of **compensation** for Palestinians for damages they have suffered as a result of the construction of the wall;
- Although not within the mandate of the Rapporteur, it is noted that the present insecurity in Gaza is not conducive to human rights, and that the death penalty has been applied by the PA in 2005;
- The construction of the wall, the "cleansing" of Palestinians from the closed zone, and the expansion and construction of settlements in the closed zone make it abundantly clear that the wall is designed to be the **border** of the State of Israel. The ICJ noted that "the construction of the wall and its associated regime create a *'fait accompli'*".

Key recommendations

- The **road map** should be **revised** to take account of present realities and the 2004 advisory opinion of ICJ;
- The Quartet should be guided more by **human rights considerations** and the **ICJ's** advisory opinion;
- The Special Rapporteur appeals to the Commission and the United Nations to extend protection to the Palestinian people.