

Statement by the United Nations Special Rapporteur
on the situation of human rights in the Palestinian territories occupied since 1967

Amman, 20 February 2012

Ladies,

Gentlemen,

Good morning and thank you for coming.

This press conference concludes a 10 day visit to the region, carried out within the framework of my mandate as United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. I have had meetings with representatives of Governments, intergovernmental organizations, and civil society actors, as well as with a wide range of Palestinian refugees.

I would like to express gratitude to the Governments of Egypt and Jordan, for having received and cooperated with this mission. It is unfortunate the Government of Israel refuses to cooperate with this mandate from the United Nations Human Rights Council. I did again request Israel's cooperation with the mission. However, as in the past, Israel did not even bother to respond to my request.

Nevertheless, I had planned to hold meetings in the occupied Palestinian territory, specifically in the Gaza Strip, during the mission. Unfortunately the current situation the Northern Sinai made travelling from Cairo to the Gaza Strip insecure. I am disappointed that I was unable to witness firsthand the situation in Gaza, and meet as planned with a range of informed persons, including representatives of prisoners' families and with Palestinians recently released in the prisoner exchange with Israel. However, I was briefed on the full range of urgent human rights and humanitarian concerns in Gaza, in particular related to the impact of Israel's illegal blockade on the civilian population. Some of those I met with put emphasis on what they see as signals of the Government of Israel's unlawful efforts to separate the Gaza Strip from Palestine, by forcing Gazans to rely via the tunnels on Egypt to fulfill their basic needs. I wish to re-affirm that according to international law the Gaza Strip remains under Israeli occupation as an integral part of occupied Palestine. Under these circumstances Israel remains fully responsible to uphold its legal obligations in Gaza and act in compliance with the Fourth Geneva Convention, which specifies the core legal duty of an

occupying power to take all necessary steps to protect the civilian population of the 1.5 million Gazans.

Throughout the mission I have been deeply preoccupied with the well-being of Mr. Khader Adnan. Mr. Adnan is now in the 65th day of his hunger strike. According to information that I have received, Mr. Adnan was violently taken from his home, in front of his wife and children, at 03.30 am. He was verbally and physically abused and humiliated throughout the process of detention and during repeated, extensive interrogation sessions. He was moved among various detention facilities, placed in solitary confinement for extended periods and mostly kept shackled. In protest against his humiliating detention and treatment by Israeli security forces, as well as his objection to the practice of administrative detention applied currently to other Palestinians, Mr. Adnan undertook a hunger strike and refused to speak to his interrogators. I am informed that Mr. Adnan's health has already suffered irreparable damage, he is in jeopardy of dying at any moment. In face of these circumstances the Israeli judicial response is entirely inadequate to the urgency of the situation.

Against this backdrop, I was surprised by information received from the Government of Israel regarding the situation of Mr. Adnan. The Israeli Government stated yesterday, and I quote: "He is not suspected of direct involvement with terrorist attacks...There is no danger posed to his life" end quote. Without further comment, it should be obvious that this makes the refusal by Israel to release Mr. Adnan immediately a shocking disregard of elemental humanitarian instincts.

However, on the basis of the information that I have received, the treatment to which Mr. Adnan has been subjected while under detention amounts to torture and cruel and degrading treatment as these terms are used and understood in relation to the Convention Against Torture, a treaty widely ratified, including by Israel. Let me remind both the Government of Israel and the international community that such treatment is not only a grave violation of human rights and a war crime; it is also potentially subject to international criminal accountability, including through universal jurisdiction. The application of universal jurisdiction in a case such as this may extend from the Israeli security officials directly involved in Mr. Adnan's detention and interrogation to senior Israeli officials in the chain of command, and to those in responsible positions in relation to the regime and practice of administrative detention.

I reiterate my call on the Government of Israel to uphold Mr. Adnan's rights on an emergency basis. At this stage, taking account of Mr. Adnan's condition, he should be released forthwith even if Israel possesses evidence that might have earlier been used to charge and prosecute. It is now too late, especially considering there exists no indication that Mr. Adnan has engaged now or in the past in violent acts of resistance. In addition to his release, allegations of torture and other mistreatment should be promptly, independently and impartially investigated, and further Israeli reliance on administrative detention ended or dramatically narrowed to cases of demonstrable and imminent security threats.

Mr. Adnan's case is emblematic of the Israeli practice of detaining Palestinians without charges. The Government of Israel calls this "administrative detention." But it is more honestly termed detention without charges, or arbitrary detention. This form of detention violates international law, including the Geneva Conventions, especially absent a disclosure of exceptional circumstances or evidence that may warrant, for reasons of an imminent and severe security threat, the use of a form of imprisonment that infringes on the rights of the person. I was reliably informed that Israel currently has approximately 300 Palestinians detained without charges. I have requested information regarding each of these persons. And I intend to follow up on each case and address this matter in my forthcoming report to the Human Rights Council.

During this mission I was also briefed regarding the conditions of detention of the estimated 4,400 Palestinian detainees in Israeli prisons. Concerns regarding physical, verbal and psychological abuse; lack of access to proper medical treatment; medical neglect; widespread use of solitary confinement for extended periods; overcrowding and decrepit cells; and the lack of family visits were raised by several experts on prison conditions with which we spoke. It is dismaying to note that these concerns have been raised for many years without producing reforms or well evidenced responses to the charges. I will continue to investigate and report on the situation of Palestinian prisoners. And I would add as a general matter that the violation of the rights of thousands of prisoners, Palestinian or otherwise, should be finally given the highest priority by the international community.

One of my objectives for this mission was to investigate the situation of Palestinian refugees in relation to Israel's continuing denial of Palestinian self-determination. I am

particularly troubled by the severe hardships and uncertainties that accompany living as a refugee for a prolonged period. I met with a large number of Palestinian refugees, many of whom reported the difficulties they face that are directly linked to their daily lives as refugees. They consistently told us that prolonged refugee status itself constitutes a protracted violation of their human dignity, such a violation is inconsistent with the sort of protection offered by the Fourth Geneva Convention that is on the assumption that occupation is a *temporary* circumstance. Prolonged occupation complicates the fulfilment of basic rights, such as rights to education, work, social security and health. It is an unquantifiable disadvantage for families that want to raise children in an atmosphere of normalcy, which presupposes a stable, safe and secure environment. All of the Palestinian refugees whom I met expressed their unshakeable commitment to Palestinian self-determination, emphasising their right of return, but also significantly, indicating their strong willingness and desire to live in peace alongside Israelis.

I should also like to note that it was my intention to hear from Palestinian refugees elsewhere than Jordan. The current situation in Syria inhibited a visit and even discouraged any communication with Palestinian refugees there. I think it is unfortunate that the Government of Lebanon refused to receive this mission. I was truly surprised that the Lebanese Government, like the Government of Israel, refused to cooperate with the efforts of our mission to investigate Israeli violations of Palestinians' rights.

A further main objective of this mission was to gather information regarding Israel's long-standing denial of Palestinian self-determination. It is critical that we acknowledge that self-determination is a fundamental, inalienable human right. Palestinians are entitled to self-determination, just as Israelis are, just as all other peoples around the world are. The right of Palestinians to self-determination is not negotiable. It is not a so-called "final status issue" that can be the subject of negotiations. Likewise, it is not simply a territorial issue. Palestinian refugees in Jordan, Lebanon, Syria and elsewhere are just as legally entitled to self-determination as Palestinians in Gaza and the West Bank, including East Jerusalem.

The information I received paints a picture of increasing efforts by Israel to deny Palestinians their right of self-determination. Ever-increasing and expanding Israeli settlements; ever-increasing confiscation of Palestinian land; ever-increasing settler violence; and ever-increasing demolition of Palestinian homes and other measures to displace

Palestinians, have the manifest effect of making self-determination a decreasingly realizable prospect for Palestinians.

With 80 Palestinian structures already demolished in 2012, Israel is on pace to exceed even the sharp increase of demolitions it perpetrated in 2011. It is deeply disturbing that 30 per cent of such incidents involve the demolition of family homes. And these demolitions result in the further displacement of more Palestinians – many of whom were already refugees. The information presented to us inevitably leads to the conclusion that Israel is implementing a deliberate policy of forcing Palestinians out of their homes and off their land, in order to establish more illegal settlements and to proceed with the de facto annexation of the West Bank, if not altogether, at least in relation to its substantial part, a process aggravated by a disproportional allocation of water to the settlers. In this regard, the situations in certain parts of East Jerusalem, in the village of Al Walaja and throughout the Jordan Valley merit sustained and timely international attention and advocacy.

The increasing incidence of violence by Israeli settlers against Palestinians and their properties must be considered in connection with Israel's apparent desire to drive Palestinians off their land. I heard terrifying personal accounts of Israeli settlers repeatedly threatening and attacking Palestinians, including women and children, as well as appropriating needed Palestinian sources of water and their crops. The situation of Palestinians in Hebron is of heightened and severe concern, although comparable violence seems prevalent throughout the West Bank, including several neighborhoods in East Jerusalem. The Israeli Government's acquiescence in violence by settlers against Palestinians, as evidenced by the near absolute impunity for such acts, buttresses the assertion that Israel is pursuing the de facto annexation of the West Bank in a totally unacceptable and unlawful manner.

One encouraging aspect of my mission was the prioritizing sense of purpose and of encouragement I witnessed at the League of Arab States. There is a huge potential for the Arab League, reinvigorated under its new leadership and in line with the increased openness throughout the region, to promote and secure Palestinian rights. On the basis of discussion with the leadership of the Arab League there seemed to be a strong willingness and interest to work together with this mandate to help realize Palestinian rights under international law as a high priority.

Ladies and gentlemen,

It must be stressed that the violations I have mentioned this morning, violations which fundamentally discriminate against and oppress an entire people, take place as part of an occupation deliberately planned and systematically implemented by the Government of Israel. Israel's occupation, now in its 45th year, must be brought to an end, if Palestinians are ever to attain their basic rights under international law and sustainable security and peace achieved for both peoples.

Thank you.