

Mr. John DUGARD

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

Presidency

Thank you, Mr. President

The European Union continues to be extremely concerned about the situation in the West Bank and Gaza. It has, on numerous occasions, called upon both parties to bring an end to violence and, as a member of the so-called quartet, remains actively engaged in the search for a durable and peaceful resolution of the Arab-Israeli conflict on the basis of a two-state solution. However, the EU shares the assessment of the Special Rapporteur and indeed many other sources that the human rights situation has worsened in the course of 2006. It is raising these concerns with both the concerned Israeli and Palestinian authorities, not least in the framework of the EU-Israel Association Council, which has last met on 5 March in Brussels.

We would also like to thank Archbishop Desmond Tutu and Ms Chinkin for their efforts in implementing the mandate given to them by the Council. We also thank Ms. Chinkin for the information she has just given us.

The EU continues to have concerns on the scope of the mandate of the high-level fact-finding mission. However, the EU reiterates that it is of utmost importance that states fully cooperate with all HRC mechanisms and therefore regrets that this fact-finding mission could not implement its mandate so far.

Now, turning to the Special Rapporteur on the situation of human rights in the OPT, I would like to ask the following questions:

1. In para. 50 of your report you state, quote, "*It is less certain that the International Convention on the Suppression and Punishment of the Crime of Apartheid is violated*", end of quote. However, in the summary of the report contained on page 2, you write that the said Convention, quote, "*appears to be violated* by many practices, particularly those denying freedom of movement to Palestinians", end of quote. **In so far as you imply a violation of the 1973 convention, what is the legal basis for the applicability of this instrument to the Occupied Territories?**
2. In several passages of your report, particularly in para 55, you point out that in spite of the worsening overall conditions civil society and NGOs on both sides, Palestinian and Israeli, play a positive role in the fields of health, education and welfare. **Do you see ways and means how their role and activities could be strengthened?**