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Statement by

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Permanent Representative of Portugal

on behalf of the European Union

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Item 7

**Human Rights situation in Palestine
and other occupied Arab Territories**

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Geneva, 20 September 2007

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EU Statement

Item 7 – Human Rights situation in Palestine and other occupied Arab Territories

Mr. President,

I have the honour to speak on behalf of the European Union.

The Candidate Countries Croatia* and the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, Serbia, and the EFTA countries Iceland and Liechtenstein, members of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this statement.

1. The EU considers that the respect for human rights constitutes the foundation for all sustainable democratic systems and is an effective conflict prevention measure and the basis of a fruitful and peaceful relation between peoples. We continue to expect Israel and the Palestinian Authority to respect human rights and fundamental freedoms, in accordance with international norms. They both bear the responsibility for preventing, investigating and remedying human rights violations, including while fighting terrorism.
2. The EU would like to remind that during the HRC's first year, we expressed deep concern about the human rights situation in the Occupied Palestinian Territory on a number of occasions. However, we believe that this issue should not have been singled out in the agenda, taking into account the agreed principle of non-selectivity.
3. The EU condemns the continued firing of rockets on Israeli territory and urges the Palestinian leadership to do everything in its power to put an end to such acts. While recognizing Israel's legitimate right to self defence, the EU calls on Israel to exercise utmost restraint and it underlines that any military action should be proportionate and in accordance with international law. In case of allegations of human rights violations, the EU calls upon Israel to investigate those cases and sanction those responsible. The EU also calls upon Israel to cooperate with the UN human rights mechanisms.

* Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.

4. The EU commends the release of Palestinian prisoners and detainees. We reiterate our call for the immediate and unconditional release of the abducted Israeli soldier as well as the Palestinians legislators detained in Israel.

5. The EU reaffirms once more its position that the fourth Geneva Convention relating to the protection of Civilian Persons in time of War is fully applicable to the Occupied Palestinian Territories, including East Jerusalem and the Syrian Golan Heights, and constitutes binding international humanitarian law, vital for ensuring that protection of civilians is afforded in all circumstances.

6. In line with the longstanding position of the EU, we appeal to the Palestinian authorities to institute a moratorium of the death penalty. The EU condemns all extrajudicial killings. It calls for an end to the extrajudicial killings of Palestinians suspected of cooperating with Israel and reiterates the appeal to the Israeli Government to end extrajudicial killings. At the same time, we welcome the signature by Israel of the EU declaration on the abolition of the death penalty for ordinary crimes during the 61st session of United Nations General Assembly.

7. The continuity of settlement activities and the ongoing construction of the barrier on Palestinian land raise particular concerns and are against international law. The EU will not recognize any changes to the pre-1967 borders other than those agreed by the parties. The EU will continue to closely follow developments in and around East Jerusalem as well as in the rest of the West Bank and calls on Israel to desist from actions that may threaten the viability of a two state solution.

8. Under international humanitarian law, Israel has a number of duties as an occupying power. It must facilitate transport of humanitarian aid to the Palestinian population. Israel must also facilitate movement in the occupied territories, by removing checkpoints and barriers in the West Bank, so as to allow economic sustainability and the normalisation of social life. The EU calls on Israel to take all necessary measures for the normalisation of the economic and social life in the Palestinian Territories.

9. We follow with particular apprehension the deteriorating humanitarian situation in Gaza. We continue to provide emergency and humanitarian assistance to the population of Gaza. In this context, we urge all parties to work towards the opening of the crossings in and out of Gaza for humanitarian and commercial flows, in accordance with the Agreement of Movement and Access.

10. At the same time, the EU reiterates its strong and unequivocal condemnation of terrorism. The EU calls upon all Palestinian parties to renounce violence, to stop all attacks aimed at Israel and to prevent human rights violations at all times. As the legitimate authority, the Palestinian Authority must make every effort to fight terrorism with all the legitimate means at its disposal in conformity with international human rights

standards. Terrorism must be condemned in all its forms and those responsible for committing terrorist acts must be brought to justice.

Mr. President,

11. The European Union is deeply concerned by the serious events in Gaza. The EU reiterates its opposition to any division of the Palestinian territories and recalls that reconciliation and national unity behind the programme of peace articulated by President Abbas are the only way to achieve national goals.

12. I would like to underline the European Union's unswerving commitment to both the Palestinians and the Israelis in their efforts to achieve a just, comprehensive and lasting settlement to the Middle East conflict. The EU remains firmly committed to the objective of a two States solution, living side by side in peace and security, as laid out in the Road Map drawn by the Quartet. This is also the core of the mandate of Tony Blair, whose appointment as Quartet Representative is warmly welcomed by the EU. The EU remains strongly committed to help building the institutions and the economy of the future Palestinian State.

13. Finally, the EU welcomes and strongly encourages the resumption of bilateral talks between Prime Minister Olmert and President Abbas as well the renewed commitment of the International Community, in particular as expressed by Arab countries and the USA.

Thank you, Mr. President.
