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### QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Written statement\* submitted by Pax Christi International,  
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 February 2003]

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\*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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#### Israeli and Palestinian Civilians Living in Terror

Pax Christi International deplores the escalation of hostilities that grips the Middle East in our time. The peoples of that region have long suffered the terrible effects of violent conflict and deepening resentment. Pax Christi International strongly condemns all use of violence against civilian populations, whether the violence originates from the Israeli army (IDF)<sup>1</sup>, settlers or other Israelis or from Palestinian suicide attackers, armed groups or other Palestinians.

Fear, ignorance and blaming on both sides have prolonged the suffering and have fuelled this crisis. It is more and more evident that decisive action, on the part of both Israelis and Palestinians, is urgently needed to avoid further violence. The Israeli government must take clear steps to end the repressive occupation of Palestinian lands and to ensure the freedom and dignity of the Palestinian people. In addition, the Palestinian leadership must put an immediate and decisive end to suicide bombings and other acts of terror directed against innocent Israeli citizens.

Since the beginning of the al-Aqsa Intifadah on 28 September 2000, violence in the region has claimed 2380 lives. Many more are maimed for life. In the past 2 years, Palestinian armed groups have killed more than 600 Israelis, some 440 of them civilians, including 82 children. The victims were killed in deliberate attacks, including frequent suicide bombings in buses, restaurants and other places, which specifically targeted families and other civilians.<sup>2</sup> The social life of Israeli citizens has been disrupted and has its impact on the psychology and future of the people. People are living in fear.

Responsibility for this horrific death toll lay with all parties involved in the conflict. It is significant that 75% of the slain have been Palestinians.<sup>3</sup> The majority of those Palestinians who have been killed are civilians, among them at least 300 children, and the figure rises almost daily.<sup>4</sup> It is plain that a deepening humanitarian crisis exists in the Occupied Palestinian Territories and that it is largely due to the ongoing repression and violence against civilians at the hands of the Israeli army (IDF) and Israeli settlers. Much of Palestinian society and its institutions have been destroyed. Clearly, the Palestinian population is in dire need of international protection.

Many cases of acts of violence done by the IDF or by armed Palestinian groups cannot be investigated, in the absence of an international monitoring body, creating an atmosphere of impunity. Almost no examples of Israeli soldiers, settlers or armed Palestinian groups, being brought to justice for acts of violence.<sup>5</sup>

#### Medical Treatment, Freedom of Movement and Education in Jeopardy

Palestinians have increasingly become subject to checkpoints, curfews and closures determining almost every feature of daily life. Delays or denial of passage of people in need of acute medical treatment have resulted in at least 36 deaths<sup>6</sup>.

Due to the destruction of basic infrastructure and restrictions on movement, the educational system has almost entirely collapsed. Schools have been destroyed and used as temporary detention centres. Because of closures, curfews and blockades, students and teachers have been prevented from reaching classes for long periods. Repressive security measures have also contributed to a pervasive sense of despair among Palestinian young people, leading some of them to join the armed struggle against the Israeli authorities. It is imperative that immediate action be taken to restore the fundamental rights of the Palestinian people to education and to freedom of movement so that their youth may have a viable future.

#### Isolated Villages

Villages and towns in the West Bank are particularly vulnerable to violent attack by the IDF and Israeli settlers, often with the clear intent of driving the Palestinians out.<sup>7</sup> In October 2002, for example, the inhabitants of the West Bank village of Yanun were forced to flee from their land as settlers attacked them and tried to prevent them from harvesting olives. It was only later, when accompanied by Israeli and international volunteers, that the Yanun villagers were able to return.<sup>8</sup> The following month at least 156 communities in the West Bank reportedly suffered settler violence and intimidation, frequently carried out with IDF consent or participation.<sup>9</sup>

The possibility of the forceful transfer of Palestinians has now become a subject of open discussion in governmental and public circles in Israel. Land confiscations and destruction of olive trees make way for settler roads, establish 'security zones' around settlements and build a 'separation wall' in villages often located far from major Palestinian urban centres. This 'wall' is intended to keep Palestinian suicide bombers out of Israel. As much as 20% of Qalqilia district has been marked for confiscation in order to construct this barrier. The village of Jayyus may be ordered to surrender 8,000 dunums<sup>10</sup> of its present 13,000 dunums of cultivable land for the project.<sup>11</sup>

#### Systematic Destruction of Housing

Since the start of the Intifadah, the IDF has destroyed over 3000 houses<sup>12</sup> to create a 'security zone' or because of allegations that housing areas were being used as hideouts for armed Palestinian groups. Other houses have been destroyed as collective punishment of relatives of Palestinians involved in suicide attacks. Israeli forces have also bombed and destroyed buildings belonging to the Palestinian National Authority and its police forces, leaving Palestinians with meagre public services.

Alarming, hundreds of homes along the border with Egypt have been destroyed to create a "buffer zone" in Rafah between the IDF and Palestinian militants, where fighting continues on an almost daily basis. During operation Defensive Shield in April/May 2002, more than 400 houses were destroyed in Jenin refugee camp alone. In the Gaza Strip a total of 639 houses were destroyed, leaving 971 families homeless, of which 817 refugees.<sup>13</sup>

#### Camp Residents and Refugees: Extreme Poverty

Refugees comprise more than half of the population in the Occupied Palestinian Territories; in the Gaza strip it is more than 70 % with over half living in camps. These camps and residential areas in the periphery are often the hardest hit places by IDF and settler violence.<sup>14</sup> Research indicates that at least 60% of deadly casualties are refugees, most of them camp residents.<sup>15</sup>

Watchtowers along the border overlook the town of Rafah, and soldiers fire routinely into refugee quarters. Reports of civilians and children killed cannot be confirmed in the absence of international monitoring. Even UN international staff is forbidden to stay there overnight, because it is considered too dangerous<sup>16</sup>.

The landless refugee population suffers the most from the closures and insecurity. High unemployment has forced many to rely on foreign emergency help. In Gaza, some 132,000 families are currently receiving food aid from the UN Relief and Works Agency for Palestinian Refugees (UNRWA).<sup>17</sup> Over 85% of that population are living on a budget below the poverty line of \$2 per day.<sup>18</sup>

#### Lack of International Protection

UNRWA is responsible for providing basic services to the Palestinian refugees but is not mandated to protect them. Consequently, Palestinian refugees, unlike others who fall under the mandate of the UN High Commissioner for Refugees, have an exceptional position under international law. UNRWA itself is subject to harassment by the IDF. UNWRA facilities have been attacked and food convoys stopped at checkpoints. At the border with Gaza a UNRWA staff member was killed by the IDF.

Under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, the State of Israel is obliged to protect the Palestinian population. Some IDF actions constitute grave breaches under Art. 147. According to Art. 1, all states that are high contracting parties must respect and *ensure* respect for the Convention.

Past attempts to ensure international protection for the Palestinians, such as human rights observers, have been blocked by Israel and the US.

#### Conclusions and Recommendations: Immediate Protection Needed

Pax Christi International calls upon the international community to immediately implement mechanisms for protection of Israelis and Palestinians. The international community, including the United Nations, has a moral and legal responsibility to ensure compliance with international humanitarian law and human rights.

Pax Christi believes that this insecurity, humiliation and disrespect for human rights, in particular the most vulnerable groups of Palestinian society as described above, can only lead to further violations.

Pax Christi International therefore urgently recommends:

- The establishment of an independent international human rights monitoring body for the Occupied Arab Territories, having a strong and transparent mandate and being directed to make all reports available to the public
- The abovementioned body having clear directives to end impunity and being empowered to press for prosecution of violators of international humanitarian law
- The Israeli government immediately take steps to ensure the right to education and to freedom of movement for everyone within its borders, especially for Palestinian children and youth who cannot attend school due to the imposition of repressive security measures in the Occupied Territories
- The Palestinian leadership do all in its power to put an end to suicide bombings and other acts of terror against Israeli citizens
- The creation of bodies or mechanisms to ensure the physical protection of the civilian population, including the deployment of a UN-mandated international peacekeeping force between Israeli and Palestinian territories.

#### Notes

<sup>1</sup> IDF = Israeli Defense Forces.

<sup>2</sup> Amnesty International, *Israel and the Occupied Territories: An ongoing human rights crisis*, January 30, 2003.

<sup>3</sup> Palestinian Human Rights Monitoring Group, Press release: *2002 Witnessed 1444 Deaths from Al-Aqsa Intifada*, 7 January 2003.

<sup>4</sup> Amnesty International, *Israel and the Occupied Territories: An ongoing human rights crisis*, [http://web.amnesty.org/web/web.nsf/pages/IOT\\_home](http://web.amnesty.org/web/web.nsf/pages/IOT_home)

<sup>5</sup> Amos Harel: *37 soldiers indicted for intifada-related crimes in last 2 years*, Ha'aretz 2 January 2003, on [www.haaretzdaily.com](http://www.haaretzdaily.com)

<sup>6</sup> B'tselem, *Deaths of Palestinians following Delay in Obtaining Medical Treatment because of Restrictions on Movement during the al-Aqsa Intifada*, [www.btselem.org](http://www.btselem.org)

<sup>7</sup> *Violence of Settlers against Palestinians*, [www.btselem.org](http://www.btselem.org)

<sup>8</sup> Justin Huggler: *Settlers target the olive pick. Justin Huggler in Yanun, West Bank-ers in the battle for land*, The Independent, 2 November 2002

<sup>9</sup> UN Office for the Coordination of Humanitarian Affairs, *OCHA Humanitarian Update Occupied Palestinian Territories 1-20 November 2002*, on [www.reliefweb.org](http://www.reliefweb.org)

<sup>10</sup> 1 dunum = 1000 m<sup>2</sup>

<sup>11</sup> OCHA Humanitarian update OPT 1-20 November 2002.

<sup>12</sup> Amnesty International: *Israel and the Occupied Territories: An ongoing human rights crisis*, [http://web.amnesty.org/web/web.nsf/pages/IOT\\_home](http://web.amnesty.org/web/web.nsf/pages/IOT_home)

<sup>13</sup> UNRWA Emergency Appeal 2003, p. 11

<sup>14</sup> Badil, *Al-Majdal*, September 2002, p. 19.

<sup>15</sup> Ibid.

<sup>16</sup> Justin Hugler: *In Rafah, the children have grown so used to the sound of gunfire they can't sleep without it*, The Independent, 23 December 2002

<sup>17</sup> UNRWA *Emergency Appeal 2003*

<sup>18</sup> European Commission- Humanitarian Aid Office (ECHO): *Middle East: Commission provides further 10 million in humanitarian aid for the Palestinian victims of the crisis*, 19 December 2002.

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