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

Written statement\* submitted by Amnesty 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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#### Israel and the Occupied Territories

The human rights crisis in the context of the Palestinian uprising (the al-Aqsa intifada) against Israeli occupation, has continued to worsen. From 29 September 2000 to mid-December 2002, some 1,800 Palestinians have been killed by members of the Israeli army, most of them unlawfully, including more than 300 children. In the same period more than 600 Israelis, some 440 of them civilians, including 82 children, have been killed by members of Palestinian armed groups in targeted or indiscriminate attacks. In addition, tens of thousands of Palestinians and Israelis have been injured, many maimed for life.

#### Killings

The Israeli Defence Force (IDF) has continued to routinely use F16 fighter jets, helicopter gunships and tanks to bomb and shell densely populated Palestinian areas. Contrary to claims by the IDF and the Israeli government that IDF members only open fire in situations of imminent danger to their lives and only against identified sources of Palestinian fire, members of the IDF have fired high caliber live ammunitions, shells and missiles into densely populated civilian areas and at unarmed Palestinians, including in their homes, who posed no threat to IDF members or to others. Such practices have been witnessed and documented by Amnesty International delegates, UN workers, representative of local and international NGOs, and journalists.

Palestinian armed groups, for their part, have also increased their attacks on Israeli civilians. In the past year, most of the Israeli civilian victims have been killed in deliberate and indiscriminate attacks, including suicide bombings on buses, in restaurants, shopping malls or streets. Groups who have claimed responsibility for such attacks include *Izz-al-Din al-Qassam* Brigades, the military wing of *Hamas*, *Islamic Jihad*, the *al-Aqsa* Martyrs Brigades, an offshoot of *Fatah*, and the Popular Front for the Liberation of Palestine (PFLP).

#### Impunity

The Israeli authorities, Palestinian armed groups, and the Palestinian Authority have systematically failed to comply with the obligations and safeguards set down in international human rights and humanitarian law and standards.<sup>1</sup> Since the outbreak of the current intifada the problem of impunity has become further entrenched.

In October 2002, in response to Amnesty International's report on the killing of children<sup>2</sup>, Israeli Minister of Justice Meir Shetrit publicly stated that all killings of children would be investigated. However, in spite of such commitments, few judicial investigations are known to have been carried out and only a few soldiers are known to have been brought to trial. Israel's failure to prosecute those responsible for killings and other grave violations contradicts Israel's obligations under international human rights treaties which include articles which cannot be derogated from, even A in time of public emergency which threatens the life of the nation".<sup>3</sup>

For its part, the Palestinian Authority has consistently failed to take the necessary steps to arrest and bring to justice those responsible for killing Israeli civilians. They have repeatedly claimed that the operational capacity of their security forces has been greatly impaired by the IDF's systematic bombing and destruction of their security installations and prisons, the targeting of their security forces, and the restrictions imposed on their movements.

#### Destruction of houses and agricultural land

Since the beginning of the intifada, the IDF has destroyed more than 3,000 Palestinian homes in the Occupied Territories, as well as large areas of agricultural land, public and private properties, and water and electricity infrastructure in urban and rural areas. Thousands of Palestinians, many of them children, have been made homeless.

Hundreds of houses and large areas of cultivated land in the Occupied Territories have been destroyed in the vicinity of Israeli settlements or along roads used exclusively by Israeli settlers. Others, including an entire quarter of the Jenin refugee camp, were destroyed during IDF incursions.<sup>4</sup> Many other houses, mostly in East Jerusalem and surrounding areas, have been destroyed as part of a discriminatory planning policy which prohibits the building of Palestinian houses while freely allowing and encouraging the construction of Israeli settlements on confiscated Palestinian land.

In June 2002 the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living called for "a moratorium on land confiscations and house demolitions for any purpose, and the cancellation of all existing demolition orders".<sup>5</sup>

In November 2001 the Committee against Torture had called on the Israeli government to desist from the policy of house demolition and noted that such policy "may, in certain instances, amount to cruel, inhuman or degrading treatment or punishment".<sup>6</sup>

In 2002 large areas of agricultural land have also been destroyed by the IDF in the West Bank to make way for a wall/fence which is being built to the East of the Green Line, inside the West Bank, destroying and cutting off large areas of land from local farmers, for whom land is their main or sole means of subsistence.

#### Closures and curfews

In 2002 extensive and prolonged closures and curfews have been imposed on an unprecedented scale inside the Occupied Territories. Most Palestinian towns and villages have been cut off from each other and from surrounding villages for most of the year, and prolonged curfews have been imposed on the major population centres. These prolonged, sweeping measures of collective punishment affect millions of Palestinians, whose access to work, school and medical care has been denied or severely restricted.

As a result of closures and curfews, tens of thousands of Palestinians have lost their jobs and the Palestinian economy has collapsed. The rate of unemployment has spiralled and about half of the Palestinian population is currently living under the poverty line.

#### Israeli Conscientious objectors imprisoned as prisoners of conscience

Since September 2000, some 180 Israeli conscripts and reservists have been imprisoned for up to six months for refusing to perform military service or to serve in the Occupied Territories, on the grounds that they believe they would be participating in human rights violations. Amnesty International considers them to be prisoners of conscience.

Amnesty International calls on the Commission on Human Rights to:

- Adopt a resolution condemning the grave violations of international human rights and humanitarian law in Israel and the Occupied Territories;
- Support the urgent deployment of international observers to monitor, investigate and report on the human rights situation;
- Urge the Israeli government to end unlawful killings, including by taking effective measures to ensure that its armed forces do not bomb, shell and shoot indiscriminately into residential areas and at unarmed Palestinians; and ensure effective supervision of measures taken by the Israeli authorities to do so;
- Urge the Palestinian Authority to take measures to prevent Palestinian armed groups based in the areas under its jurisdiction from carrying out attacks against Israeli civilians, and ensure effective supervision of such measures;
- Urge the Israeli government and the Palestinian Authority to take measures to ensure that prompt and impartial investigations are carried out into all killings and that those responsible are brought to justice in trials which meet international standards of fairness, and ensure effective supervision of such measures;
- Urge the Israeli government to put an immediate end to the unlawful destruction of Palestinian houses, land and other properties in the Occupied Territories and to compensate those whose properties have been destroyed;
- Urge the Israeli government to put an end to the extensive, prolonged and punitive closures and curfews imposed on Palestinians within the Occupied Territories;
- Urge the Israeli government to release all administrative detainees unless they are promptly charged with a recognizable criminal offence and tried within a reasonable time in accordance with international standards;
- Urge the Israeli government to immediately and unconditionally release all detained conscripts and reservists who are prisoners of conscience and who are refusing to serve in the army on grounds of their conscientiously held beliefs;
- Urge the Israeli government to ensure that all UN and other human rights and humanitarian workers present in Israel and the Occupied Territories

are allowed to carry out their tasks safely and without restrictions;

- Urge the Israeli government to issue a standing invitation to all the thematic mechanisms of the Commission to visit Israel and the Occupied Territories;

- Encourage the Special Rapporteurs on extrajudicial, summary or arbitrary executions; on torture; on violence against women; on religious intolerance; on contemporary forms of racism; and on adequate housing; the Representative of the Secretary-General on internally displaced people; and the Working Group on arbitrary detention to undertake visits to Israel and the Occupied Territories.

#### *Notes*

<sup>1</sup> Though disputed by Israel, the Fourth Geneva Convention applies to the Occupied Territories (the West Bank, including East Jerusalem and the Gaza Strip). Israel has an obligation to protect human rights, including the right to life, under the terms of UN human rights treaties which it has ratified, including the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. Other human rights standards that are particularly relevant for security forces are the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

<sup>2</sup> Israel/Occupied Territories/Palestinian Authority: Killing the Future - Children in the line of fire (AI Index: MDE 02/005/2002).

<sup>3</sup> Article 4(1) of the International Covenant on Civil and Political Rights. The non-derogable articles include the right to life and the prohibition of torture or other cruel, inhuman or degrading treatment or punishment, among others.

<sup>4</sup> According to UNRWA, 2,629 Palestinian homes, housing 13,145 refugees, sustained serious damage during the period 29 March-23 April 2002. Most of the destruction in Jenin refugee camp took place after armed clashes had ended.

<sup>5</sup> Page 21, E/CN.4/2003/5/Add.1, 10 June 2002.

<sup>6</sup> Paragraph 6(j), CAT/C/XXVII/Concl.5.

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