



Item 8: Question of the Violation of Human Rights in the Occupied Arab Territories, including Palestine.

Joint Oral Intervention by Federation Internationale des Ligues des Droits de l'Homme (FIDH), the World Organisation against Torture (OMCT), Palestinian Centre for Human Rights (PCHR), Al-Haq-Law in the Service of Man, in collaboration with LAW-Society for the Protection of Human Rights and the Environment.

(Speaker: Victoria Metcalfe, PCHR)

Madam Chairperson, we condemn, in the strongest terms, the ongoing illegal Israeli military occupation of the Gaza Strip and West Bank, including Jerusalem. We note with alarm the ongoing escalation in widespread and systematic violations of international human rights and humanitarian law perpetrated against the Palestinian civilian population throughout the Occupied Palestinian Territories (OPTs), including war crimes. We reaffirm the view of the Special Rapporteur, Prof. John Dugard, that it is the occupation itself, as a violation of fundamental human rights, which lies at the root of all violations of international law perpetrated in the OPTs.

Since March 2002, ongoing Israeli military attacks in civilian residential areas of the OPTs have also resulted in large-scale destruction to civilian property, infrastructure and government institutions. Such ongoing attacks deliberately dismantle the structures necessary for a viable functioning Palestinian state.

We condemn the unlawful killing of Palestinian civilians. In particular, we condemn the deliberate and systematic targeted killing of Palestinian civilians in the OPTs by the Israeli military. This is evidenced in the increasing numbers of Palestinian civilians being killed outside the context of armed clashes or demonstrations, and in the fact that the majority of bullet wounds sustained by Palestinian civilians were sustained to the head and upper body.

Of further concern has been the escalation in the Israeli military house demolition policy. In the last 15 months, the Israeli military destroyed as many as 5381 Palestinian homes in the OPTs, affecting approximately 56,000 Palestinians. In November 2001, the Committee Against Torture concluded that this policy may constitute cruel, inhuman or degrading treatment or punishment. However, since that time, the regularity of these operations and the number of houses demolished has greatly increased. The type and amount of force used during these operations has also increased, resulting in at least 7 civilian deaths since November 2002. The policy continues to be conducted without recourse to effective judicial procedures, as a form of collective punishment and with a total failure to compensate.

We further condemn the ongoing imposition of closures and curfews throughout the OPTs. The closure and curfew policy is a form of collective punishment and has impacted on every aspect of Palestinian life. Again, in November 2001 the Committee Against Torture concluded that the Israeli closure policy may constitute cruel, inhuman or degrading treatment or punishment. However, since that time this policy has escalated further, placing millions of Palestinians under effective house arrest for days, weeks and months at a time. Closures have directly precipitated a serious humanitarian crisis that has left more than 60% of the population below the poverty line (more than 80% in the Gaza Strip), more than 60% unemployment, and increasing child malnutrition rates. Severe restrictions, including threats to life, imposed on access for international humanitarian agencies has further exacerbated this deterioration. To the extent that house demolitions and the closures constitute a widespread and systematic attack against the civilian population, such policies of mass ill-treatment, should be considered to amount to crimes against humanity as defined by the Rome Statute.

Additionally, excessive and indiscriminate use of force, mass arbitrary arrests and detentions, unlawful transfer and deportations, the use of human shields, political assassinations and other violations of international humanitarian and human rights law have continued to escalate.

These ongoing violations continue to be perpetrated with almost total impunity. Such sweeping disregard for the principles of accountability and justice serve only to encourage further violations. We note with bitter regret that this culture of impunity has not only been advanced inside Israel. The absolute failure of the international community to take any effective concrete measures to halt the State of Israel's ongoing flagrant violations of international law is tantamount to complicity, including in the perpetration of war crimes. In light of the current situation in the region, we are particularly concerned at the cancellation of the scheduled visit of the Special Rapporteur to the OPTs in February this year.

We express our surprise that whilst some members of the international community appear capable and willing to take multilateral measures ostensibly against violations of human rights and the Geneva Conventions in some countries, including Iraq, these same states have consistently refused to take concrete measures against the State of Israel to halt its widespread and systematic violations of international human rights and humanitarian law, particularly the Fourth Geneva Convention, including war crimes, against Palestinian civilians in the OPTs.

We note with appreciation the recently reported comments of the British Foreign Secretary in this regard. We assume that this reflects a recognition by the United Kingdom and other states of their legal obligations and precedes immediate action in this respect.

We call upon the Commission to:

- Reaffirm the illegality of the occupation.
- Call for states to take effective measures to end the illegal occupation and otherwise ensure Israel's compliance with international law
- Provide for immediate independent international protection for Palestinian civilians in the OPTs.
- Call for states to comply with their legal obligations under articles 1 and 146 of the Fourth Geneva Convention, to ensure respect for the Convention and to search for, investigate and prosecute those responsible for grave breaches, namely war crimes.
- Recommend the establishment of an international criminal tribunal to comply with states obligations under international law.