



PALESTINIAN CENTRE FOR HUMAN RIGHTS

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Mary Robinson
UN High Commissioner for Human Rights
Geneva
Switzerland

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Re: Report to the UN Commission on Human Rights

Dear Mrs. Robinson,

In response to your letter of 16 April, PCHR has prepared this memorandum detailing systematic and widespread violations of international human rights and humanitarian law, including war crimes, by Israeli occupying forces in the Occupied Palestinian Territories (OPT), with a focus on the military offensive underway in the West Bank since 29 March. We welcome the recent resolutions adopted by the Commission on Human Rights' (resolutions 2002/1-2) and hope that you will be able to visit the region and report back to the Commission before the close of the 58th session.

In light of Israel's relentless military campaign against the civilian population since 29 March and the consequent unprecedented deterioration in the human rights and humanitarian situation in the OPT, PCHR asks that you make the following urgent recommendations to the Commission on Human Rights:

1. Recognise the threat to regional stability posed by the massive human rights and humanitarian catastrophe in the West Bank and call upon the Security Council to immediately authorise, under Chapter VII of the United Nations Charter, an international protection force for Palestinian civilians in the OPT.
2. Mandate a thorough and impartial international investigation of the massacres at Jenin and Nablus, and demand that Israel fully cooperate with such an inquiry and refrain from damaging, removing, or destroying any evidence.
3. Demand that Israel immediately allow humanitarian agencies, including the ICRC and UNRWA, unrestricted access to Palestinian civilians throughout the OPT and refrain from interfering with their work.
4. Call upon the High Contracting Parties to the Fourth Geneva Convention to fulfill their legal obligation under Article 1 of the Convention and take concrete and immediate steps, including arms embargos, trade sanctions, and severance of diplomatic ties, to ensure Israel's respect for the Convention in the OPT.
5. Urge the Security Council to establish, under Chapter VII of the United Nations charter, an ad hoc international criminal tribunal with retroactive jurisdiction over violations of international humanitarian law committed in the OPT; and to call upon the High Contracting Parties to fulfill their legal obligation under Article 146 of the Convention to investigate and prosecute citizens of Israel responsible for war crimes.
6. Demand that Israel immediately withdraw its forces from the entirety of the OPT, in accordance with Security Council Resolutions 242 and 338.



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Violations of international human rights and humanitarian law in the OPT since 29 March

Israeli occupying forces have carried out widespread and systematic violations of international humanitarian law in the OPT since 29 March. These violations include numerous grave breaches of the Fourth Geneva Convention and additional protocols, including but not limited to: willful killings, torture and ill-treatment, unlawful transfer of protected persons, attacks on medical personnel, and extensive and wanton destruction of property not justified by military necessity. Such grave breaches are war crimes, and are covered by the principle of universal jurisdiction.

Killings: According to the Palestine Red Crescent Society, 438 Palestinians were killed in the OPT between 29 March and 16 April. This figure, however, is undoubtedly a severe undercount, given that Israeli occupying forces continue to prevent medical personnel and independent observers from entering areas that have witnessed the heaviest attacks. Throughout the West Bank, Israeli occupying forces have extra-judicially executed Palestinians, sometimes after arresting them, and have also indiscriminately fired in residential areas, causing death, injury, and property damage. A number of Palestinian civilians have also died after Israeli forces prevented emergency medical teams from reaching them.

Israeli forces have used overwhelming and indiscriminate military force against Palestinian communities, most notably in the Jenin and Nablus refugee camps (where approximately half of the population is under age 15). Jenin and Nablus have been subjected to intense bombardment by Apache helicopter gunships, F-16 fighter planes, and tanks as well as mass demolition of houses with civilians inside, leaving thousands homeless.¹ Hundreds of civilians are believed to have been killed in these two camps and many others wounded; although survivors have been found beneath the rubble of demolished houses, humanitarian activities are still severely restricted throughout much of the Jenin refugee camp. Moreover, there have been numerous eyewitness accounts of Israeli forces digging mass graves and transporting bodies of Palestinians out of Jenin. These reports, as well as the systematic attempt to prevent independent observers from entering the camps, strongly suggest that Israeli occupying forces are seeking to damage, remove, or destroy evidence of violations of international humanitarian law.²

Arrests, Torture, Ill-Treatment: Israeli occupying forces have arrested thousands of Palestinian civilians without charge since 29 March and continue to hold approximately 4,000-5,000 of those recently detained. According to testimonies collected by PCHR and other human rights groups, detainees have been subject to torture, including beatings, cigarette burns, and breaking of toes. Detainees are also forced to strip to their underclothes and sit outdoors in the rain for long periods of time while being denied adequate food and water. PCHR is deeply concerned by the decision of the Israeli Supreme Court earlier this month not to challenge an Israeli military order allowing for Palestinians to be detained for 18 days without charge or access to a lawyer. In addition, the transfer of detainees last week to the recently reopened Ketziot military prison camp (popularly known as “Ansar 3”) in the Negev desert in Israel, which held 170,000 Palestinians during the first Intifada, strongly suggests that Israel intends to continue mass detentions.

Destruction of Property and Infrastructure: In addition to the destruction of the Jenin refugee camp (including mass house demolitions), Israeli forces have deliberately severed water, electricity, and telephone links of cities, towns, and refugee camps in the West Bank as a prelude to attacks. Indiscriminate shelling and bombardment have caused damage enormous to homes, infrastructure, businesses, and institutions. Israeli

¹ On 9 April, the Israeli Supreme Court dismissed an urgent petition filed by human rights organisations calling for Israeli occupying forces to stop mass house demolitions in the Jenin refugee camp.

² On 14 April, the Israeli Supreme Court ordered the Israeli army to collect bodies from the camp with the assistance of the ICRC. The next day, however, the ICRC asked that recovery operations be stopped until appropriate equipment and personnel could be brought into the camp.



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soldiers have also engaged in widespread looting, vandalism, and wanton destruction of public and private property. According to a preliminary assessment by the World Bank, some \$US 600-800 million worth of public infrastructure has been destroyed in the offensive, in addition to approximately \$US 5 billion in overall economic losses.³

Attacks on Humanitarian and Medical Sectors: Israeli occupying forces have systematically sought to halt the provision of humanitarian services, including emergency medical care, throughout much of the OPT during their offensive. EU Development & Humanitarian Aid commissioner Poul Nielson has told journalists that relief work in the West Bank is now more difficult than in Chechnya.⁴ Israeli forces have declared cities, towns, and refugee camps to be “closed military zones,” off-limits to humanitarian workers, including ambulances. More than two weeks after Israeli forces began their assault on Jenin, humanitarian workers are still barred from much of the camp. Despite reports that there are still survivors trapped beneath the rubble of demolished houses, Israel has refused to permit adequate rescue efforts. Throughout the West Bank, Israeli forces have fired at, detained, beaten, and humiliated ambulance crews, used medical personnel as human shields,⁵ and raided hospitals, sometimes converting them into military outposts. At least two Red Crescent personnel have been killed and 38 detained without charge since 29 March. Due to such attacks, the ICRC announced on 5 April that it was restricting its movements in the West Bank to an absolute minimum. The refusal of Israeli occupying forces to allow for the collection of corpses is a violation of the dignity of the deceased and their families and also a major public health risk. In addition, the complete curfews imposed on numerous Palestinian areas, coupled with the destruction of infrastructure, have created severe food and water shortages.

Attacks on Civil Society: Israeli occupying forces have also targeted Palestinian civil society groups. In addition to barring humanitarian workers, human rights defenders, and others from “closed military zones,” Israeli troops have attacked the premises of a number of Palestinian non-governmental organisations. The offices of LAW, al-Dameer, al-Haq, and the Democracy and Workers’ Rights Centre have all been invaded and ransacked by Israeli forces during this offensive, leading to arrest of employees and destruction of equipment.

Attacks on Journalists: As part of their systematic policy of concealing violations of international humanitarian law, Israeli occupying forces have sought to prevent local and international journalists from carrying out their work. Journalists have been barred from “closed military zones” and have also been fired upon, beaten, detained, and expelled. At least two journalists have been shot and wounded by Israeli forces during the offensive and several others arrested. Israeli actions against journalists have been condemned by numerous international press freedom organisations, including the International Federation of Journalists, Reporters Sans Frontières, and the Committee to Protect Journalists.

Urgent Need for Protection

PCHR welcomes your statement of 15 April, in which you declare that “It cannot be right to wage war on civilian populations. The international community has a responsibility to protect, which it must discharge.” As you are aware, PCHR and other human rights organisations have long highlighted the need for international

³ “Palestinian economy deeply damaged,” *Financial Times*, 16 April 2002.

⁴ “Israel faces rage over ‘massacre,’” *The Guardian*, 17 April 2002.

⁵ On 12 April, ICRC Director General Paul Grossrieder said that Israeli forces had used Palestine Red Crescent personnel as human shields at least eight times during the current offensive. “Movement expresses deep concern about humanitarian situation on West Bank,” ICRC Press Release, 12 April.



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protection for Palestinian civilians. Furthermore, we wholeheartedly concur with your assessment and that of the Secretary General that “the United Nations cannot be neutral in the face of great moral challenges.” The urgency to match words with deeds has never been greater.

We are deeply concerned, however, that the visiting mission which you are to lead has yet to arrive, nearly two weeks after it was mandated by resolution 2002/1 on 5 April. The high number of killings in Nablus, Jenin, and elsewhere after that date underscores the necessity for swift action during this crisis. We are also deeply concerned that the Gaza strip – where house demolitions and razing of agricultural land continue and where internal movement is almost impossible due to Israeli sieges – may be the site of even bloodier Israeli attacks in the near future. Once again, we urge the visiting mission to either come to the OPT immediately, with or without the authorisation of the Israeli authorities, or publicly condemn Israel’s failure to cooperate with the implementation of resolution 2002/1.

We look forward to a timely response from you on this matter and are willing to make available any additional information in our possession which could be of assistance to you.

Sincerely,

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Director,
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cc:
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