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IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”

**Written statement* submitted by the International Federation of Human Rights
Leagues (FIDH), 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.

[31 May 2007]

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

Human rights situation in the Occupied Palestinian Territories

On the eve of the 40th anniversary of the Israeli occupation of the Gaza Strip and the West Bank including East Jerusalem, the International Federation for Human Rights (FIDH) remains deeply preoccupied by the grave human rights and humanitarian law violations committed in the Occupied Palestinian Territories (OPT).

FIDH further deplores the refusal by Israel to let the Human Rights Council (HRC) mandated fact-finding mission investigate the human rights violations in Beit Hanoun, despite the follow-up resolution adopted by the HRC at its 4th session on March 13, 2007 (A/HRC/4/L.2).

HRC's resolution A/HRC/4/L.2 called upon Israel to “*end its military operations in the Occupied Palestinian Territory, abide scrupulously by the provisions of international humanitarian law and human rights law, and refrain from imposing collective punishment on Palestinian civilians*” and to provide “*immediate protection to the Palestinian civilians in the occupied Palestinian territory in compliance with human rights law and international humanitarian law.*” It additionally calls for Israel's cooperation with the fact-finding missions.

Since this resolution, the overall situation in the OPT has deteriorated. Israel launched a new military operation in the West Bank. On the morning of 21 April 2007, Israeli Defense Forces (IDF) raided and fired upon several homes in Kufor Dan village and turned them into military sites. During this operation a member of the Palestinian police was shot dead while standing on his roof in civilian clothes. FIDH reminds that such use of force is a violation of the fourth Geneva Convention

From 3 to 9 May, the Israeli army conducted 37 military incursions into Palestinian communities in the West Bank and three in the Gaza Strip. During these incursions, 60 Palestinians were arrested in the West Bank and four Palestinians were arrested in the Gaza Strip. 32 Palestinians were killed and 102 injured in direct relation to Israeli raids from 17-24 May, many of whom were reportedly civilian non-combatants.

In addition, internal Palestinian fighting has continued since the Hamas-Fatah unity government was formed in March. Tens of people were injured in the crossfire of the internal clashes, including two children on the afternoon of 19 May. These events illustrate the rising tensions between the rival groups inside the OPT. A ceasefire was signed between Hamas and Fatah forces in the Gaza Strip on 19 May.

Restrictions to the freedom of Movement

The Israeli army continues to violate Palestinians' freedom of movement, by imposing severe restrictions on the movement of Palestinian civilians in the Gaza Strip and the West Bank, including occupied East Jerusalem.

The Rafah International Crossing Point has been remaining under closure since June 25, 2006, except for one day in May 2007. As a result, only few Palestinian patients have been able to travel to hospitals in Israel and the West Bank. FIDH, informed by its member organization PCHR, notes that commercial crossings were partially reopened, but many goods and medical supplies are still missing in markets in the Gaza Strip.

On 22 April 2007, the IOF imposed a total closure on all occupied territories on grounds of a holiday. In addition, the IOF maintained a strict siege on the Gaza Strip by closing all of its borders.

The Israeli army increased the siege imposed on the West Bank by separating Jerusalem from the rest of the West Bank. The army also established checkpoints throughout the West Bank, imposing extremely strict restrictions on Palestinian movement.

The new Erez International Crossing Point is under new burdensome procedures. Palestinians from the Gaza Strip and the West Bank now have to obtain permits from the Israeli Defense Forces (IDF) Civilian Administration; Palestinians living in East Jerusalem have to hand their identity cards to the Israeli Ministry of Interior to get travel documents. In the past, they had to hand identity cards to the IDF at Erez crossing. This procedure targets in particular 800 to 1000 women from East Jerusalem married to men in the Gaza Strip.

The closure of the border crossings amount to a form of collective punishment against the Palestinian civilian population. These measures further constitute violations of the right to freedom of movement as enshrined in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

Settlement Activities

The settlement activities have continued and worsened all over the West Bank and in East Jerusalem, since March 2007. Israeli settlers living in the OPT continually attack Palestinians and their property. The Israeli army further continues to destroy civilian property for the purpose of settlement expansion.

On 5 May 2007, Israeli settlers violently beat a Palestinian civilian in the Msodat Yehuda settlement. On May 6, 2007, Israeli settlers set fire to planted land in Rameen village, and the Israeli army prohibited fire fighters from reaching the land in a timely manner. On 8 May the army took over a building in Wadi al-Jouz, allegedly because it was built without a license. Additionally on the same day, the army demolished a 222 square-meter house in al-Eissawiya village, east of Jerusalem.

FIDH recalls that the establishment of settlements violates international humanitarian law. Article 49 of the Fourth Geneva Convention prohibits the occupying power from transferring citizens from its own territory to the occupied territory (Article 49). The Hague Regulations prohibit the occupying power to undertake permanent changes in the occupied area, unless these are due to military needs in the narrow sense of the term, or unless they are undertaken for the benefit of the local population.

Moreover, the settlements lead to the infringements of international human rights law as it deprives the Palestinians of their rights to self-determination, equality, property, adequate standard of living, and freedom of movement.

In addition, FIDH stresses upon the necessity to intervene to put an immediate end to the Israeli destruction of Islamic holy sites in Occupied Jerusalem. Israel was officially planning to replace a damaged wooden bridge leading to Al Aqsa Mosque with a stone

ramp. Following protests of Palestinians, the mayor of Jerusalem has decided to stop these works. Nevertheless, separate excavations will continue, which may endanger Al Aqsa foundations. FIDH and PCHR, recall that these works constitute a violation of cultural and religious rights. Moreover, the destruction of Islamic holy sites by the Occupying power constitute a violation of international humanitarian law.

Construction of the Annexation Wall

Construction of the annexation wall inside the West Bank has been continuing. It has been accompanied by the creation of a new administrative regime, the “permit regime” turning the lives of Palestinians living near the wall and those who make a living from farming, in particular, into a bureaucratic nightmare.

On 4 May 4 2007, dozens of Palestinian protesters were arrested as they tried to cross the gate of the wall in protest of its construction. The Israeli army also fired rubber-coated metal bullets into the crowd and violently beat demonstrators.

Around Occupied East-Jerusalem, the length of the wall will be 180km, out of which 5km will follow the Green Line. The construction of the wall results in the destruction of large amounts of property and in violation of the UDHR and customary international law. The construction of the wall also deprives Palestinians from basic rights granted by the ICESCR and violates the right to work, the right to an adequate standard of living, including the right to food, the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the right to education.

Serious violations of economic and social rights in the OPT

As previously stated by FIDH, following its mission in the OPT between 25 June and 2 July 2006, poverty and unemployment rose in dramatic proportions in the Gaza strip and in the West Bank.

The salaries of the civil servants of the PA have not been paid since March 2006. Thus, over 900,000 persons, almost one quarter of the total population of the OPTs, are affected by the nonpayment of salaries to the civil servants in the OPTs, and are currently essentially without any financial resources. The recent transfer of Tax payment by Israel has not benefited the Palestinian population that remains in an extreme dire financial situation.

Recommendations

- **FIDH therefore calls upon the Human Rights Council to condemn Israel’s continued disregard for current and past resolutions adopted by this body, and violations of international human rights and humanitarian law.**
- **FIDH also calls upon the High Contracting Parties to the Fourth Geneva Convention to fulfill their obligations under the Convention and to ensure protection for Palestinian civilians in the OPTs.**
