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

Written statement* submitted by Al-Haq, Law in the Service of Man, 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]

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

The UN Commission on Human Rights (Commission) has repeatedly addressed the question of violations of the human rights of Palestinians in the territories occupied by Israel. At each of its sessions the Commission receives reports and interventions from local and international organizations regarding ongoing human rights violations being perpetrated against the Palestinian population of the Occupied Territories by the Israeli Authorities. Among the violations detailed in these interventions have been the excessive and indiscriminate use of force by the Israeli military against the civilian Palestinian population, attacks upon medical personnel and journalists, collective punishment in the form of closures and curfews, assassinations, home demolitions and violations of prisoners' rights. In response to the information it has received on these violations the Commission has condemned the actions of the State of Israel at each of its sessions and has called for an immediate end to its violations of Palestinians' rights, most recently in Commission resolution 2002/1 of 5 April 2002 and Commission decision 2002/103 of 16 April 2002.

While expressing its appreciation to the Commission for its continued support of Palestinians' rights, Al-Haq would like to call attention to the recommendations endorsed in Res. 2002/1. These recommendations included a request to the High Commissioner to head a visiting mission to the Occupied Territories to investigate human rights abuses and to submit its findings and recommendations to the Human Rights Committee. They also included a request for the establishment of an international monitoring presence to deter violations of human rights in the occupied Palestinian territories. These requests, along with Commission decisions from earlier sessions including a request that Special Rapporteurs visit the occupied Palestinian Territories and report their findings to the commission, remain unfulfilled. Al-Haq therefore requests that during its current session the commission reaffirm its previous decisions, take action to ensure that these decisions are carried out, and reiterate the need to for the protection of Palestinians living under Israeli military occupation.

Background

During 2002 Israeli violations of Palestinians' rights continued to increase in number and severity. Among other issues, Al-Haq documented marked increases in reports of beatings, torture, arbitrary arrests, property destruction and home demolitions, the use of administrative detention, willful killings, and restrictions on freedom of movement. This statement does not allow for a comprehensive analysis of each of these violations. However, in order to highlight a few of the current violations brief information regarding killings, mass arbitrary arrests and detention, torture, and curfew is included below.

Killings

The right to life is the most fundamental of all human rights, and is the foundation upon which all other rights are built. Over the course of its occupation of the Palestinian Territories, and especially during the course of the current Intifada, Israel has continually failed to respect its obligations in this regard as state security forces and private citizens have killed Palestinians without any measures taken by Israel to prevent or punish their actions. According to the Palestinian Red Crescent Society

2,002 Palestinians were killed in the Occupied Territories between September 29, 2000 and January 17, 2002. Of this number 1,068 were killed during 2002.

Despite the fact that a majority of those who have been killed have been civilians, according to the Israeli military's Judge Advocate-General office only 281 investigations have been opened into "offenses" during the intifada, and only 37 Israeli soldiers have had indictments submitted against them. Of these 37 cases, only 5 related to incidents involving gunfire, whereas 15 dealt with property offenses. No effective action has been taken to investigate or hold accountable those responsible for killing Palestinians.

Mass and Arbitrary Arrests

Among the most conspicuous violations of Palestinians' rights carried out by Israel during 2002 were its massive arbitrary arrest campaigns. During 2002 approximately 25,000 Palestinians were detained by Israel. Many of these detainees were taken into custody during massive sweeps through all of the major Palestinian cities during the Israeli incursions of March, April and June. As of January 2003 approximately 5,800 Palestinians remained in Israeli detention, of this number 1,062 were being held in administrative detention never having been charged or tried. This is up from the approximately 30 administrative detainees held by Israel at the end of 2001. When arrests are carried out International law lays out a number of guarantees designed to protect the rights of those detained. These rights apply to all people without distinction and include, the right not to be arbitrarily arrested, the right to be informed of the reason for arrest, the right to access a lawyer, the right to either inform or have family members informed of their arrest and place of detention, the right to be brought promptly before a judge, the right to access the outside world, the right to challenge the legality of the detention, and the right to be treated with dignity and respect. Israel has systematically violated every one of these protections.

Torture

Despite Israel's continued insistence that torture was officially made illegal in 1999, Al-Haq continues to receive credible reports of Palestinians being tortured while being held in Israeli detention. Some of the methods of torture documented by Al-Haq have included,

- Repeated beatings over a prolonged period using hands, sticks, rifle butts, wires and other objects
- Slapping and kicking
- Stamping on detainees bodies
- Psychological abuse and threats
- Pouring cold water over detainees
- Shackling prisoners in uncomfortable or painful positions
- Pushing a detainees head in a toilet bowl
- Removing a detainees clothing or forcing them to remain outside in cold or rainy weather
- Placing a sack over a detainees head and pulling a rope about his neck¹

¹ "In Need of Protection", Al-Haq (2002) pp. 140-157

Torture and other forms of cruel, inhumane and degrading treatment used against Palestinians by Israel have not been limited to abuses committed during interrogations or in detention. Al-Haq has also documented numerous cases of beatings and abuse of Palestinian civilians at the hands of Israeli soldiers that amount to torture or cruel, inhumane and degrading treatment. Abuses in these cases have involved such actions as soldiers putting a gun to a child's head and threatening to kill him if the child's family did not reveal where the child's father, who is wanted, was located.

Curfews

During 2002 the most pernicious violation of Palestinians' rights arose from Israel's imposition of curfews over each of the major Palestinian cities in the West Bank. During most of March and April the cities of Ramallah, Bethlehem, Jenin, Nablus, Tulkarem, Hebron and Qalqiliya were placed under prolonged curfews during which residents were only allowed to leave their homes for periods ranging from two to four hours for the purpose of purchasing food every three to four days. These curfews were enforced by military patrols, tanks and snipers, and those found violating the curfews risked being either killed or arrested. Following the end of "Operation Defensive Shield" these curfews were lifted. However, beginning on June 18th each of these cities was again reinvaded and curfews were re-imposed over the Palestinian population. In many locations these curfews remain in effect. Statistics comparing the extent of curfews across the West bank indicate that between June 19, 2002 and January 20, 2003 the residents of Qalqiliya spent the least time (1,870 hours) under curfew, while Nablus spent the most time (3,776 hours) under curfew, with Tulkarem a close second (3,524 hours).² These restrictions placed by Israel over Palestinians' freedom of movement have engendered violations of Palestinians' rights in all other areas be they civil, political, economic, social, or cultural

Conclusion

Israel's human rights violations in the Occupied Territories are directly connected to its continued occupation of the Palestinian Territories and the denial of Palestinians' right to self-determination. Now, as the Commission attempts to address these violations, it is necessary that it moves beyond the current intifada and the charges and counter charges of responsibility that follow this discussion. It is necessary to look to the heart of the conflict, at the occupation and the ongoing, systematic, and institutionalized violations of Palestinians' basic human rights.

Al-Haq therefore requests that the Commission take the following actions:

1. Take action to ensure that decisions made in its previous resolutions related to Palestine are fulfilled.
2. Press for the protection of the civilian Palestinian population and the establishment of an international monitoring force that should immediately be sent to the Occupied Territories to provide an international presence to monitor and bring a halt to ongoing human rights violations.

² "Curfew Tracking Slides", Palestine Red Crescent Society, www.palestinercs.org

3. Request the general assembly take immediate steps to implement the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People by pushing for an end to Israel's occupation and facilitating Palestinians' realization of their right to self-determination.

Push the international community to take steps to bring an end to Israel's systematic violations of Palestinians' rights.
