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

**Written statement\* submitted by the Europe-Third World Centre,  
a non-governmental organization in general 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 January 2004]

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

## **Human rights violations in Israeli-occupied Palestine**

The Europe-Third World Center (CETIM) has, on several occasions<sup>1</sup>, denounced the impasse in which successive governments in power in Israel have placed the resolution of the conflict as well as the incapacity of the international community to make Israel respect international law, international human rights law and the numerous resolutions adopted by the various United Nations bodies.

The Israeli occupation is the source of daily violations of the human rights of Palestinians, violations arising in particular from the tightened and concentrated military control of the Palestinians territories; from the construction of a “wall”; from large-scale demolitions of private and public infrastructure. It has dire consequences for human rights, especially for the right to life of the Palestinians.

### **1. Tightened, Concerted Military Control over the Palestinian Territories**

By means of concerted military control as well as the continuation of the colonization of the Occupied Territories, the Israeli government is doing everything to make the movements and the daily activities of the Palestinian people as difficult as possible and this in flagrant violation of both international law and international human rights conventions.

Some 140 permanent check-points have been set up by the Israeli authorities in the West Bank and 25 to 30 in the Gaza Strip, at the entry to the towns or at every major intersection.<sup>2</sup> Further, there are dozens of “mobile” check-points. Besides controlling the comings and goings of the Palestinians, the Israeli authorities can close these points when they so desire, “imprisoning” de facto a whole people and willfully preventing any economic development. The following tables show the number of days when check-points both within the Gaza Strip and at border crossings were closed between 28 September 2000 and 28 September 2003.<sup>3</sup>

#### Number of days when check-points within the Gaza Strip were closed:

<b>Check-points</b>	<b>Number of days closed</b>
Abu Holly (Al Hikir)	44
Rafah-Khan Younis (Morag)	632
Khan Younis-Deir Al Balah (Um Al Ajeen)	630
Gaza-Deir Al Balah (Nitzarim)	547

<sup>1</sup> Cf., inter alia, *Le droit au retour des réfugiés palestiniens : droit, justice et réconciliation*, E/CN.4/Sub.2/2003/NGO/48 ; *Violations des droits humains dans les territoires occupés et Israël et le status de Jérusalem*, E/CN.4/1996/NGO/45.

<sup>2</sup> Cf. World Bank : « Twenty-Seven Months – Intifada, Closures and Palestinian Economic Crisis: An Assessment », May 2003.

<sup>3</sup> Cf. the document of the Palestinian NGO *Al-Mezan Center for Human Rights*, “A View from the Field: A Special Field Report on the Violations of Human Rights Committed by Israel in the Gaza Strip since the Beginning of the Intifada”, September 2003, website: <http://www.mezan.org>.

Number of days when Gaza Strip border crossing check-points were closed:

<b>Crossing Point</b>	<b>Number of days closed</b>
Sofa (south)	549
Rafah (south)	167
Al Muntar/Karni (northeast)	115
Beit Hanoun/Erez (north)	492
Gaza International Airport (south)	1018

The UNSCO (United Nations Special Coordinator for the Middle East Peace Process) had already drawn attention to this alarming situation in October 2002 as follows: the West Bank was totally closed, within, 66% percent of the time and partially closed 34% of the time; the Gaza Strip was partially closed 94% of the time.<sup>4</sup> Combined with more than 200 roadblocks, the check-points divide the West Bank into 300 separate entities and the Gaza Strip into 3. To pass through these roadblocks and check-points, each Palestinian twelve years of age or older must have a permit from the Israeli administration. Some of these documents are valid for only one month, and obtaining them is laborious and does not at all guarantee freedom of movement within the Territories. Such freedom is reserved exclusively for Israeli colonists, who, whenever they see fit, can use the by-pass roads, built without the consent of the Palestinian Authority and which connect the illegal Israeli colonies in the West Bank and in the Gaza Strip to each other and to Israel. These roads partition the Occupied Territories and make contiguity impossible. Any effort at development by the Palestinian Authority is impossible under such circumstances.

Because of the closings, the Palestinian economy is practically paralyzed: the GDP has dropped 38% relative to its 1999 level. At the same time, more than 100,000 jobs in Israel held by Palestinians have been lost, for with the beginning of the Intifada, their work and travel permits have been revoked. The estimated current unemployment level is more than 50%, and 60% of the Palestinians live on less than US\$ 2.00 per day.<sup>5</sup>

## **2. The “Security Fence” or annexation of additional Palestinian territory and the apartheid wall**

A “security fence” is being built unilaterally by Israel, and its tortuous course, far from respecting the “Green Line” of 1967, extends deeply into the West Bank. It is an impediment to the freedom of movement of the Palestinians and to their territorial sovereignty, and the few gates provided for within it and sporadically open do nothing to change this.<sup>6</sup> Built of reinforced concrete, this fence is nothing less than a “wall” that constitutes an outright annexation of the

<sup>4</sup> Cf. *UNSCO*, « The Impact on the Palestinian Economy of Confrontation, Border Closures and Mobility Restrictions, 1 October 2000- 30 September 2001 », October 2002.

<sup>5</sup> Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, A/58/311, 22 August 2003.

<sup>6</sup> In this regard, Mr John Dugard, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967, remarked in his last report that “*At the time of writing some 150 kilometers have already been completed, and building constructors are working frenetically to finish it as soon as possible. [...] Israel has undertaken to install some 27 agricultural crossings and 5 general crossings for traffic and persons through the barrier but as yet little progress has been made on these crossings.*” E/CN.4/2004/6.

best Palestinian land and water tables, and, by the time of its completion, more than half of the 400,000 colonists illegally settled in the West Bank and in East Jerusalem along with the land that they have colonized will be situated within Israeli territory.<sup>7</sup>

The Special Rapporteur for the Occupied Palestinian Territories, John Dugard, has written, regarding the “wall” and the illegal annexations carried out *de facto* by Israel: “Annexation of this kind goes by another name in international law – conquest. Conquest, or the acquisition of territory by the use of force, has been outlawed by the prohibition on the use of force contained in the Kellogg-Briand Pact of 1928 and Article 2, paragraph 4 of the Charter of the United Nations. [...] This prohibition is confirmed by Security Council resolution 242 (1967) and the Oslo Accords, which provide that the status of the West Bank and Gaza shall not be changed pending the outcome of the permanent status negotiations.”<sup>8</sup>

The Human Rights Committee has condemned the construction of the “wall” in these terms: “The State party [Israel] should respect the right to freedom of movement guaranteed under article 12 [[International Covenant on Civil and Political Rights](#)]. The construction of a “Seam Zone” within the Occupied Territories should be stopped”<sup>9</sup>.

As for the United Nations General Assembly, besides the immediate cessation of construction,<sup>10</sup> it requested, last December, an opinion from the International Court of Justice on the building of the “wall”.<sup>11</sup>

The Palestinians Territories are also without access to the outside world by virtue of a unilateral decision of Israel. Since February 2001, the Gaza international airport has been closed, and its landing strip has been partially destroyed twice by Israeli bulldozers and helicopters, in December 2001 and in January 2002. The passage between Gaza and the West Bank, although protected by the Oslo Accords, has been closed since October 2002. As for the borders with Jordan and Egypt (Rafah), they are regularly closed.

Moreover, curfews are regularly imposed on the pretext of tactical operations or reprisal measures. However, they are not simply a prohibition on movement during the night, for they often last several days, as has recently been the case in Nablus.<sup>12</sup> It is almost impossible to buy food and make other purchases. The sporadic lifting of the curfews allows only enough time to gather food staples, and then only enough to subsist for several days.

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<sup>7</sup> Cf. the report of The Palestinian Environmental NGOs Network (PENGON) on the implications of the wall ; web site : <http://www.pengon.org>.

<sup>8</sup> Report of John Dugard, E/CN.4/2004/6.

<sup>9</sup> Cf. Paragraph 19 of the « Concluding Observations » of the Human Rights Committee, CCPR/CO/78/ISR, 21 August 2003.

<sup>10</sup> General Assembly Resolution A/RES/ES-10/13, 27 October 2003.

<sup>11</sup> General Assembly Resolution A/RES/ES-10/14, 12 December 2003.

<sup>12</sup> A curfew was imposed by Israel on Nablus from 26 December 2003 to 6 January 2004.

### 3. Large-Scale Demolitions of Private and Public Infrastructure

The destruction of private dwellings by the Israeli Occupation Forces (IOF) is another facet of the repressive policy conducted by Israel against the Palestinian people overall. The total or partial destruction of more than 11,000 private houses in three years has made thousands of families homeless. Israeli bulldozers destroy businesses, wells, electric and telephone lines, water treatment plants, public buildings (schools, police stations etc.), as well as dozens of houses of worships (mosques and churches) and cemeteries. Such actions violate, with impunity, the Geneva Conventions and their Additional Protocols, which stipulate, among other things, that *“Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.”*<sup>13</sup> And *“it is prohibited: (a) to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples; (b) to use such objects in support of the military effort; (c) to make such objects the object of reprisals.”*<sup>14</sup>

### 4. Right to Food and to Potable Water

Following his mission to the Occupied Territories, the Special Rapporteur on the Right to Food, denounced the alarming food security situation, going so far as to speak of a *‘human catastrophe’*.<sup>15</sup>

Access to clean water is no longer easy. Although the bulk of the region’s water reserves are located in Palestinian territory, Israel siphons off more than seven-eighths of this water for its own use. The majority of Palestinian towns and villages receive water for only a few hours each week, whereas Israeli military posts and the colonies are supplied twenty-four hours a day. Owing to the rise in transport costs due to the roadblocks, *‘the price of water brought in by tanker has increased 80% since September 2000.’*<sup>16</sup> These measures are in flagrant violation of international humanitarian law, which stipulates that *“1. Starvation of civilians as a method of warfare is prohibited. 2. It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive.”*<sup>17</sup>

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<sup>13</sup> Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, of August 12, 1949, Art. 53.

<sup>14</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Art. 53.

<sup>15</sup> Report of the Special Rapporteur on the Right to Food, Jean Ziegler, Mission to the Occupied Palestinian Territories, E/CN.4/2004/10/add.2.

<sup>16</sup> Idem.

<sup>17</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Art. 54, Protection of objects indispensable to the survival of the civilian population.

## 5. Repercussion of the Colonization Policy on the Health Level of the Palestinians

The Israeli colonization policy, the curfews and the roadblocks have a catastrophic impact on the physical and mental health of the Palestinian people. Very often, the Palestinians are refused access to hospitals and clinics, and ambulances are refused passage or detained by the IOF.<sup>18</sup>

The World Health Organization (WHO) has emphasized the role played by colonization in the degradation of the health of the Palestinian people and the total contempt for health standards on the part of the Israelis, citing several concrete examples: “Acceleration of the Israeli settlement activities brought yet another dimension to the humanitarian crisis. [...] *The sewerage system of the settlements on the eastern hills and slopes north of Jerusalem has contaminated fresh water supplies for drinking-water and the irrigation of Palestinian areas up to Jericho. Serious risks to health are posed by the chemical waste from Israeli factories in the Al-Naqab area, which passes the valley into the sea, and by the internal sewage leaks from Israeli settlements, which are centred over the groundwater tables in the Gaza Strip [...]. And “Humanitarian conditions in the West Bank and Gaza Strip fell to levels unprecedented in 35 years of occupation.”*<sup>19</sup>

## Conclusion

Israel steadfastly refuses to assume its international obligations as occupying power and is continuing its extreme policies of looting and destruction of Palestinian property and resources and of annihilation of the Palestinian people. It will continue to do so as long as there are no concrete measures taken against it, as has been recently confirmed by its government, which has already announced that it will not acknowledge the decision of the International Court of Justice regarding the construction of the “wall”.<sup>20</sup>

The search for solutions by certain parties outside the framework of the United Nations, as commendable as it may be, only prolongs the suffering of the Palestinian people. Thus, the CETIM exhorts the international community to take concrete measures against Israel in order to

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<sup>18</sup> According to the NGO *Miftah*, since the beginning of the Intifada, 63 Palestinians have died following the refusal by the Israelis to let them get to a hospital.

<sup>19</sup> Cf. the annual report of the WHO special representative and of the Director of Health of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for 2002, “*Health conditions of, and assistance to, the Arab population in the occupied Arab territories, including Palestine*”, A56/INF.DOC./4, 25 April 2003.

<sup>20</sup> Cf. *Le Courrier* (Geneva), 30 January 2004.

force it to respect the human rights of the Palestinian people, international law and international humanitarian law, and so to put an end to this policy of *fait accompli*. In this regard, there are two urgent measures that must be undertaken:

1. the suspension of Israel from the United Nations (as was done in the case of South Africa under its apartheid regime) as long as it refuses to respect the decisions of this institution;
2. the sending of an international protection force until the conflict is resolved in conformity with the resolutions of the United Nations.

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