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

**Written statement* submitted by Habitat International Coalition (HIC),
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.

[9 February 2004]

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

Habitat International Coalition and its member Al Mezan Center for Human Rights (Gaza)

This document reports on Israel's systematic and aggravated violations of Palestinian civilians' right to adequate housing in the Occupied Palestinian Territory (OPT) since the 59th session of the Commission on Human Rights (2003), as well as the consequent breaches of the International Covenant on Economic, Social and Cultural Rights (1966), (ratified by Israel in 1991), the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949) and The Hague Regulations (1907).

On 7 March 2003, the UN Secretary General expressed his deep concern at the excessive force and demolition of Palestinian homes in Jabalia Refugee Camp in the Gaza Strip by the State of Israel.¹ "A main feature of the past year [2002–03] had been the increase in the demolition of refugee shelters in the Gaza Strip," noted UNRWA Commissioner General Peter Hansen.² Unfortunately, the information gathered by the Al Mezan Center for Human Rights and the Habitat International Coalition (HIC) since then shows the escalation of such violations of the Palestinian people's rights to housing and land, as a measure of collective punishment. Additionally, the construction of the Separation Wall dominates the picture in the West Bank, with all the land confiscation and isolation of communities that it incurs.

Furthermore, Israel is seizing ever more Palestinian land for its military use and to develop illegal settler colonies, thus depriving the Palestinian population of an essential source of its livelihood and reversing the development of both rural and urban communities within the OPT. Currently, Israel has acquired control by force over one-third of the land of the Gaza Strip and 41.9% of the West Bank. The construction of its Separation Wall in the West Bank further consumes Palestinian land and alienates entire communities from their vital environment and functions; e.g., keeping farmers from their land, students from schools, the sick and injured from hospitals. The Wall's construction already has variously violated rights and deteriorated lives of over 220,000 Palestinians.³

The aforementioned violations of the basic rights to housing and land have, perforce, impinged upon the Palestinian civilian population's enjoyment of other basic rights. Poverty and unemployment recently reached unprecedented levels, with 62.3% now living in poverty, and 30% jobless.⁴ Unfortunately, the limited capacity of the Palestinian Authority and international relief agencies to remedy the vast loss of land, home and other resources fails to remedy the grave situation.

Despite the Secretary General's renewed attempts to remind the State of Israel of its obligations under international humanitarian law, since the beginning of the Intifada in

¹ UN Information Centre Press Release (New York, Beirut), "Kofi Annan Deplores Israel's Excessive Use of Force in Gaza," 7 March 2003.

² UN Department of Public Information Press Release GA/SPD/274, 30 October 2003.

³ <http://www.un.org/unrwa/emergency/barrier/f-phase.html> .

⁴ According to the Palestinian Central Bureau of Statistics, September 2003. The poverty rate in the Gaza Strip reached 83.4%, while the unemployment rate was 34%. Both of the rates increase in the southern part of the Gaza Strip.

September 2000, Israeli occupation forces (IOF) have exercised no precautions to respect and protect civilian life and property. Since the 59th Commission on Human Rights session, the IOF destroyed completely or made inhabitable 1,819 Palestinian homes in the Gaza Strip, and 182 houses in the West Bank, including entire buildings. In the Gaza Strip, the number of people who lost their homes is 15,825.5

Below are a few relevant facts and figures gathered by Al Mezan Center for Human Rights in the Gaza Strip, illustrating the practices carried out by the Israelis on the OPT in violation of the human right to adequate housing of Palestinians:

Bulldozing houses: During 2003, the IOF launched dozens of incursions with bulldozers into Palestinian neighborhoods to demolish homes and level land. In total, the IOF destroyed 676 homes in this manner in the Gaza Strip and 182 in the West Bank. The IOF's construction of a wall between Rafah and Egypt during 2003 caused the destruction of hundreds of homes, often resulting in civilian casualties.

Demolition with explosives: Israel escalated the use of explosives to demolish homes in 2003. In addition to those directly targeted, adjacent houses most often either were destroyed or severely damaged. During 2003, the IOF destroyed 604 homes with explosives in the Gaza Strip, while Israeli army announced that it had targeted 68.

Last 25 October, the IOF detonated three residential buildings of 13 stories and 52 apartments in al-Zahra, south to Gaza City.⁶ In 2003, 41 casualties were reported due to house demolitions by explosives in the Gaza Strip. In all of the documented cases, the IOF did not notify the inhabitants or allow them to collect their belongings before the demolition.

Arbitrary shelling: Palestinian residential neighborhoods continued to undergo IOF shelling with heavy machine guns, tank shells and antitank missiles. This way, the IOF destroyed or damaged severely 393 homes in the Gaza Strip. Areas near borders and Jewish settler colonies were most affected as the IOF built watchtowers over these areas.

Destruction of houses by air strikes: Israel escalated its air raids on the Gaza Strip during 2003, destroying 108 houses with a total of 28 air strikes. According to the Israeli army, these raids targeted Palestinian allegedly "wanted" resistance activists.

Isolation of residential areas: IOF has imposed a comprehensive military siege on the OPT since 9 October 2000. This has completely isolated certain areas such as al-Muwasi, in southern Gaza, and al-Syafa, in the north of Gaza. In the West Bank, Israeli forces have strangled 70 villages or communities by constructing the Separation Wall. Only local residents are allowed in and out of these areas with special, discretionary IOF-issued permits. The IOF prevents medical personnel from entering these areas, and curtails the movement of construction materials and the import and export of agricultural goods.

⁵ Source: Al Mezan Center for Human Rights, Gaza

⁶ Press Release 49/2003: "he IOF Destroy Dozens of Homes and Order Eviction of the al-Zahraa Town," <http://www.mezan.org/> .

Hundreds of families have had to leave these areas to work, to send their children to school, to survive. It appears that these IOF operations aim to extinguish all aspects of normal life for indigenous Palestinians living near Israeli settler colonies and thus force their displacement and transfer.

Destructive house searches: In 2003, the IOF carried out approximately 150 incursions into residential areas of the Gaza Strip, conducting violent house-to-house searches. In numerous documented cases, IOF soldiers have behaved brutally toward civilians and damaged their belongings. During the searches and seizures, IOF detains entire families in one room for long hours. In several incursions, the IOF seized houses and used the rooftops as watchtowers. This occupation has become permanent in some cases.

Damage to infrastructure: IOF incursions have damaged or destroyed physical infrastructure, including roads, bridges, water and electricity lines and, more seriously, sewage and sanitation facilities. In Bait Lahia, northern the Gaza Strip, an environmental disaster is imminent because IOF "security" restrictions preventing repair of a sewage-treatment plant and threatening military force.⁷ 250,000 people in North Gaza consequently are living in a health-threatening environment.

Leveling of land: The IOF leveled 5,476 dunums⁸ of productive agricultural land in the Gaza Strip and over 40,000 dunums in the West Bank⁹ during 2003. The growing scarcity of land for the Palestinian population has further deteriorated living conditions in the already densely populated urban areas and refugee camps. For example, several municipalities in the Gaza Strip lack space for cemeteries.

Land theft: Israel continued the construction of the planned 650-kilometer Wall, confiscating 17% of the Palestinian land in the West Bank and consequently affecting 38% of the population.¹⁰ Meanwhile, unabated growth and expansion of Jewish settler colonies and their infrastructure consume ever more Palestinian national and private lands.

Conclusion: HIC and the Al Mezan Center for Human Rights once again remind that the IOF practice of home demolition, land and house seizure and the expansion of settler colonies and walls in the OPT are crimes breaching the most fundamental norms of international public law, including human rights standards and the international law.

HIC and the Al Mezan Center for Human Rights remind the Commission that Israel is legally bound under the International Covenant on Economic, Social and Cultural Right, *inter alia*, to report on the implementation of its treaty obligations in areas under its control, and stubbornly has refused to do so. The international community, and the members of the Commission bear a corresponding responsibility under the principle of international cooperation to remedy these violations within the framework of international public law. The effective

⁷ This plant was designed and built in 1979 by the Israeli civil administration. For greater detail on this plant, consult Al Mezan's report "On the Brink of Disaster" at www.mezan.org

⁸ A *dunum* equals 1,000m²

⁹ This figure includes all the area of leveled land in the West Bank since September 2000.

¹⁰ <http://www.palestinechronicle.com/story.php?sid=20031129162311958>

inaction of States to do so has encouraged Israel to continue this pattern of deprivation and senseless destruction, undermining peace and security in the region and beyond.

HIC and the Al Mezan Center for Human Rights endorse the statement of the UN Rapporteur on adequate housing, recognizing the “strong need for an end to the occupation and for the immediate deployment of an international protection force in the region,” and urging the international community “to act decisively to protect Palestinians by taking urgent steps to remove the impunity that Israel enjoys.”¹¹ Failure to do so perpetuates hostility in the region, and destroys faith in the entire system of international law and legitimacy among the wider public.

For further information, please consult the following websites:
<http://www.hic-mena.org> and <http://www.mezan.org>

¹¹ Press Release: “UN Rapporteur Blasts Israel's Demolition of Palestinian Homes,” 6 November 2003.