

## **Item: 8 Question of the violation of human rights in the occupied Arab territories, including Palestine**

### **Oral Statement by Human Rights Watch at the fifty-eighth session of the Commission on Human Rights, April 2, 2002**

Since the Commission on Human Rights last met, the human rights crisis in the Israeli-occupied West Bank and Gaza has intensified, with increasingly grave consequences for the lives of ordinary people. In this period, an estimated 500 Palestinian civilians have been killed by Israeli security forces or by Israeli settlers. Some were armed, but nearly 100 were children. The corresponding numbers of Israeli civilians killed during these eleven-and-a-half months is reported to be close to 200, a dozen of them children. Most of the thousands of wounded Palestinian and Israelis have been civilians as well. Many have been maimed and scarred for life.

The predominance of civilians among those killed and gravely wounded reflects a pervasive disregard for civilian lives and well-being by the forces of Occupying Power and armed groups resisting their presence. Israeli security forces have been responsible for extensive abuses, including use of excessive and indiscriminate force in built-up areas, unlawful killings, collective punishment on a wide scale, and failure to protect Palestinians from settler vigilante attacks. The Palestinian Authority has failed in preventing armed groups from resorting to indiscriminate attacks designed to maximize Israeli civilian casualties, and its treatment of Palestinians in detention has been characterized by widespread abuses, including torture and arbitrary detention.

The Commission should assert unequivocally that steps towards peaceful resolution of the Israel-Palestine conflict, including current efforts to secure a cease-fire, must incorporate a commitment to and respect for international human rights and humanitarian law norms. Respect for the standards and principles of international humanitarian law is not optional, nor is it contingent on a cease-fire. These are the basic rules codified by international treaty to protect the most fundamental rights of civilians *during times of conflict*.

Human Rights Watch investigated recent Israeli military incursions into Palestinian towns and villages and found that Israeli forces routinely forced friends, neighbors, and relatives of “wanted” Palestinians to identify the houses of those sought for interrogation, knock on their doors, and bring the inhabitants to Israeli soldiers waiting outside. The coercion of civilians in this manner is contrary to the duty under international humanitarian law to respect and protect civilians, and to the customary prohibition against the use of civilians to favor or impede military operations. In one case, in the village of Beit Rima, the IDF compelled a 14-year-old boy to knock on doors and request those inside to come out.

Human Rights Watch has also called on the Palestinian Authority (PA) to investigate and bring to justice persons under its jurisdiction who are responsible for ordering, carrying out, or cooperating in attacks targeting Israeli civilians and on Palestinians suspected of collaborating with Israel.

Human Rights Watch has documented in Gaza and the West Bank a pattern of Israeli destruction of civilian properties, including homes, shops, factories, and agricultural land so widespread that, according to independent observers, exceed any reasonable understanding of military necessity and represents instead a form of collective punishment. Recent military assaults against towns, villages, and refugee camps have also resulted in extensive destruction of electric power, water and sanitation, radio transmitters, and other elements of civilian infrastructure, as well as clearly punitive home demolitions.

Wholesale restrictions on Palestinian freedom of movement, a policy known as “closure,” have also impeded access to medical assistance for civilians who are wounded or ill. These restrictions are so extensive and protracted, and so injurious to the basic health and welfare of civilians that they amount to a form of widespread collective punishment, in clear violation of international human rights and humanitarian law.

A recent restriction of particular concern is the order of the Israeli Ministry of Interior forbidding Palestinians from using Ben Gurion airport. This makes it extremely difficult for Palestinians to enter or leave Palestinian areas, or for Palestinian victims of human rights violations from attending forums such as this Commission on Human Rights

**The member states of the Commission on Human Rights, keeping in mind their simultaneous obligations as High Contracting Parties to the Geneva Conventions of 1949 to ensure respect for the Conventions, should:**

- 1) Address the systematic and grave violations of international human rights and humanitarian law noted here, and addressed comprehensively in the most recent report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967, Mr. Dugard<sup>1</sup>;
- 2) Urge the government of Israel to conduct thorough investigations into all suspicious killings by members of its security forces, make public the findings, and hold accountable persons found responsible for violations of international human rights and humanitarian law standards;
- 3) Urge the Palestinian Authority to bring to justice in accordance with international standards persons responsible for targeted or indiscriminate attacks on civilians;
- 4) Endorse the standards contained in the Declaration of the December 2001 conference of High Contracting Parties to the Fourth Geneva Convention, and in particular request member states to arrange urgently for “the deployment of independent and impartial observers to monitor, inter alia, breaches of the Fourth Geneva Convention as a protection and confidence building measure, with the aim to ensure effectiveness of humanitarian rules.”<sup>2</sup>

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<sup>1</sup> E/CN.4/2002/32, 6 March 2002.

<sup>2</sup> Paragraph 11 of the Declaration.