

# UN report details Israel's Human Rights abuses in Occupied Territories

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John Dugard of the United Nations Commission of Human Rights has published a report entitled "Question of the violation of human rights in the Occupied Arab Territories, including Palestine." It reveals that Israeli provocations and oppression have intensified since Ariel Sharon's visit to the al-Aqsa mosque.

Released in September, the report follows Special Rapporteur Dugard's visits to Gaza and the West Bank in June and July, during which he met with various Palestinian officials and Palestinian and Israeli interlocutors and NGOs, and attended the presentation of Israel's report to the Human Rights Committee. The Israeli government continued to withhold its cooperation from Dugard.

The report looks at: human rights and terrorism; annexation and Israel's so-called security wall; restrictions on freedom of movement and the humanitarian crisis; loss of life and the killing of civilians; prisoners; destruction of property; and settlements.

In keeping with the UN's general outlook, Dugard attempts a "balanced" assessment of the conflict. For example, he allows that Israel has "legitimate security concerns", but insists that "there must be some limit to the extent to which human rights may be violated in the name of counter-terrorism." But the facts of the situation are clearly so unbalanced that he is obliged to conclude that "Israel's response to terror is disproportionate" and on occasion "so remote from the interests of security that it assumes the character of punishment, humiliation and conquest."

"The Wall" being constructed by Prime Minister Ariel Sharon's Likud-led coalition government—ostensibly to keep terrorists out—is euphemistically referred to as a "security fence" or "Seam Zone". The word "annexation" is avoided because it too accurately describes what is happening via the wall's construction. The final route of the wall is as yet undetermined but on completion it will be between 450 and 650 kilometres long.

In parts the wall is an eight-metre high concrete barrier, but mostly it forms a no-man's-land 60-100 metres wide with buffer zones, trenches, barbed wire, electric fences with sensors, a two-lane patrol road and fortified guard towers. There are also 100-metre wide "no-go" areas on either side patrolled by the Israeli Defence Force (IDF).

There is widespread scepticism regarding the wall's ability to keep out determined terrorists. Even the Israeli State Comptroller noted in July 2002, "IDF documents indicate that most of the suicide terrorists and car bombs crossed the seam area into Israel through the checkpoints."

The wall is built on Palestinian land. It does not follow the so called Green Line, which marks the unofficial boundary between Israel and the proposed Palestinian state, but regularly intrudes six or seven kilometres into Palestinian territory so as to incorporate illegal Jewish settlements into the Israeli zone. A decision taken last week has gone further still and proposes a 20-kilometre loop into Palestinian territory to include the settlements of Ariel, Immanuel and Kedumim.

Israeli daily *Ha'aretz* reports that the blocs incorporated in this sweep

contain around 80 percent of the settlers in the West Bank. In all, it is thought that as much as half of the 400,000-settler population will be incorporated into Israel. *Ha'aretz* reports also that approximately 60,000 Palestinians will end up inside this planned loop, on top of the 80,000 that human rights group B'Tselem estimates will be caught behind the main wall.

The Bush administration in the United States has issued only muted criticism referring to the wall as a "problem". It is in essential agreement with Israel's war of provocation, as its wholehearted support for the recent attack on Syria demonstrates. Bush drew a parallel between this and the US "war on terror" stating, "We would be doing the same thing." This led Sharon to threaten, "Israel will not be deterred from protecting its citizens and will strike its enemies in every place and in every way."

Israel has undertaken not to connect the controversial sections to the main wall just yet, but to build separate fences around them. Within the Israeli Cabinet the opposition to Sharon's proposal was from those such as Housing Minister Effi Eitam of the far-right National Religious Party, who insisted that Israel should not bow to US pressure but join the Ariel and Kedumim fences to the main barrier right now.

The winding route of the wall at times completely encircles Palestinian villages or separates them from the rest of the West Bank, thereby cutting people off from their land, workplaces, schools and hospitals. The wall will thus "create a new generation of refugees or internally displaced persons." Meanwhile, the report notes, most Israelis are shielded from the truth by laws that restrict them from seeing what is happening to their neighbour.

Much of the Palestinian land incorporated into Israel "consists of fertile agricultural land and some of the most important water wells in the region." In addition, it is widely expected that following the construction of the wall separating Israel from the West Bank on the western side, a further wall will be built to separate the West Bank from the Jordan Valley on the eastern side, thereby severely restricting Palestinian access to water.

Israel claims that the wall can still be removed as part of a peace agreement, though the projected cost of \$1.4 billion indicates its permanent character. The report notes that the wall violates two of the most fundamental principles of contemporary international law: the prohibition of the forcible acquisition of territory, and the right to self-determination. Annexation by force is defined in international law as "conquest", which is prohibited by both the Kellogg-Briand Pact of 1928 and Article 2, paragraph 4 of the UN Charter. Prohibition of conquest applies "irrespective of whether the territory is acquired as a result of an act of aggression or in self defence."

The building of illegal settlements in the West Bank has continued since 1967 with a rapid increase in the late 1970s when Ariel Sharon was Housing Minister. It was Sharon who called on settlers to "grab the hilltops of the West Bank" before any final decision was made under the Oslo Peace Accords. The original intention of the settlements was to stake

a claim to the West Bank as Israeli land. The report notes that like “the settlements it seeks to protect, the Wall is manifestly intended to create facts on the ground.”

Regarding restrictions on freedom of movement, the report observes that “checkpoints, closures and curfews are words that fail to capture the full enormity of what is happening today in the West Bank and Gaza.”

Thousands of Palestinians must waste hours each day passing through checkpoints to get to work or school or hospital. Hundreds of women have been forced to give birth in ambulances delayed at checkpoints, and the report notes that “accounts of rudeness, humiliation and brutality at the checkpoints are legion.”

Similarly, curfews are not just restrictions on movement, but amount to imprisonment in one’s own home whilst the IDF patrols the streets. People are unable to leave to go to work, to shop for food, to go to school or hospital, or even to bury their dead. The aftermath of the Haifa bombing saw such a curfew imposed, as Israeli tanks moved into Jenin and demolished the family home of the young suicide bomber, Hanadi Jaradat.

The checkpoints divide the West Bank into a patchwork of cantons, such as Hebron, Bethlehem, Jericho, Ramallah and Nablus. Gaza is also divided into three separate cantons. *Ha’aretz* has observed that these are designed “to make the lives of the local residents as miserable as possible.” Commercial goods must be unloaded and transferred to another vehicle on the other side of the checkpoint, known as “back-to-back transport.”

The World Bank reported in May 2003 that the Palestinian economy has suffered as a direct consequence of curfew and closure. An estimated two million Palestinians live in poverty, dependent on aid agencies, with 60 percent living on less than \$2 per day and 22 percent of children under five suffering acute or chronic malnutrition. Unemployment stands at 40 percent, but is as high as 60 percent in some areas. The Special Rapporteur believes that there is “a humanitarian crisis in the West Bank and Gaza. It is not the result of a natural disaster. Instead, it is a crisis imposed by a powerful state on its neighbour.”

Regarding loss of life, and in particular loss of civilian life, the report points out that “international humanitarian law seeks to limit harm to civilians by requiring that all parties to a conflict respect the principles of distinction and proportionality.” It is therefore necessary to distinguish between civilians and combatants during conflict, and to avoid attacking a military target “which may be expected to cause incidental loss of civilian life, injury to civilians, or damage to civilian objects... which would be excessive in relation to the concrete and direct military advantage anticipated.”

In “assassination actions” between October 2000 and April 2003, the IDF has killed 230 Palestinians and injured a further 300. Israel justifies this as self-defence and points to the inability to arrest the suspects. The report notes that the “failure to attempt such arrests inevitably gives rise to suspicions that Israel lacks evidence to place such persons on trial and therefore prefers to dispose of them arbitrarily.”

Regarding prisoners, the Israeli High Court of Justice ruled in 1999 that various methods employed by the General Security Services against detainees were illegal when applied cumulatively. These include “violent shaking, covering the head with a sack, tying to a small tilted chair or position abuse (shabeh), sleep deprivation and painful shackling.” Considerable evidence exists that these methods are still employed, though the Special Rapporteur is denied access to Israeli prisons.

The UN estimates that by May 2003 Israel had demolished 1,134 Palestinian homes in the Gaza strip alone—making around 10,000 people homeless. The rate of demolition has increased from around 32 per month between 2000 and 2002, to 75 per month in 2003. Jeff Halper of the Committee Against House Demolitions believes, “The bulldozer has become as much of a symbol of Israeli occupation as the rifle and the

tank.”

Israel justifies demolitions for three reasons: homes allegedly used as cover by militants to fire on settlers are flattened to create wide buffer zones; homes of those who have committed crimes against Israel are destroyed as punishment (or “deterrence”); homes without administrative permission are razed to assert respect for Israel’s administrative regime, despite the fact that permits are seldom granted anyway.

The last section of the report looks at Israeli settlements in the Occupied Territories. It notes that they are a violation of the Geneva Convention, which prohibits the Occupying Power from transferring parts of its own civilian population into territory it occupies. There are currently around 200 settlements with a population of around 417,000 settlers. Some of these are full blown towns and villages, and roads constructed to link them together have also resulted in the taking of Palestinian land.

A recent study by B’Tselem estimates that as much as 41.9 percent of the total land area of the West Bank is effectively under settler control. Population growth in the settlements is three times that of Israel itself.

Israel has undertaken to restrict expansion in the settlements to “natural growth” and to dismantle “unauthorised settlements”. Yet new settlements continue to appear and the government continues to offer financial inducement to Israelis to settle in the West Bank. Last week the government authorised a further 604 new homes to be built in existing settlements in the West Bank. Of these 530 will be built in Beitar Illit and 50 in Ma’ale Adumim, both of which are near Jerusalem, and a further 24 in Ariel. Israeli Army Radio has reported that the plan also calls for an additional 100 units in Efrat near Jerusalem.

The Housing Ministry statement announcing the new settlements claimed that the new tenders were part of “a government policy by which we are to advance and develop communities in Judea and Samaria in accordance with needs and natural growth.” The use of biblical names in this context is clearly intended as an ancient claim on the land in question.

The report concludes that “evidence strongly suggests that Israel is determined to create facts on the ground amounting to de facto annexation,” and that “the time has come to condemn the Wall as an unlawful act of annexation in the same way that Israel’s annexation of East Jerusalem and the Golan Heights has been condemned as unlawful.”

Israel’s erection of the wall and expansion of the settlements, and its attack on Syria, are clearly provocations. The Israeli cabinet is encouraged in its actions by the behaviour of the gangsters in the White House who have given them a permanent green light. A “Greater Israel” incorporating all of the West Bank and Gaza, from which the Palestinians are expelled, remains the goal of Sharon and his co-thinkers.



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