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سفارة  
الجمهورية اليمنية

Cour internationale de Justice

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The Hague, 29 January 2003.

International Court of Justice  
Peace Palace  
2517 KJ The Hague

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To the kind attention of Mr. Philip Couvreur,

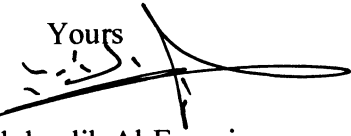
Dear Sir,

I have the pleasure to forward hereby, the Yemeni Statement addressed to the International Court of Justice in accordance with paragraph 2, article 66 from the Court Charter.

Please accept, Mr. Couvreur, the assurances of my highest consideration.



Yours

  
Abdulmalik Al-Eryani  
Ambassadeur





**Statement from the Republic of Yemen,  
Submitted to the session of the International Court of Justice in accordance with  
paragraph 2, article 66 of the court's Statute**

Presiding judge of the International Court of Justice,  
Judges of the International Court of Justice,

This is a historical moment, as the esteemed International Court of Justice starts looking into the request submitted by the General Assembly of the United Nations concerning the legal consequences of the wall being built by the Israeli occupation authorities on Palestinian territories, in accordance with the stipulations of the resolution dated December 12<sup>th</sup> 2003, no. A/RES/ES-10/14, which is preceded by the previous resolution from the 10th extraordinary meeting which took place on October 21st 2003, and also the previous resolutions of the General Assembly, which include resolution no. 181 in November 1947 which divided Palestine into two states, one Arab and one Jewish, and the relevant resolutions of the Security Council, 13 of these are significant, beginning with resolution no. 242 dated November 22<sup>nd</sup> 1967 and no. 338 dated October 1973, and ending with resolution no. 1515 dated November 19<sup>th</sup> 2003.

The Republic of Yemen reaffirms that all these resolutions are based on legal rules which are inherent in international law. The most important of these rules are, that no country will be permitted to forcibly enter another land and the applicability of the 4<sup>th</sup> Geneva Convention and the additional 1st protocol to the Palestinian occupied territories, which include East Jerusalem.

The Republic of Yemen also reaffirms that the Israeli settlements in the Palestinian occupied territories, including East Jerusalem, are illegal and regards these settlements as an obstacle on the road to peace and economic and social development, and requests that all activities relating to settlement are ceased.

As the International Court of Justice is aware, the aforementioned resolution is recalling the previous resolutions, which indicate that the actions taken by the occupation authority to change the identity and demographic structure of East Jerusalem have no legitimacy whatsoever. This resolution also expresses the deep concern at the construction of the wall by the Israeli occupation authorities on Palestinian occupied territories, including the area inside and around East Jerusalem. The resolution regards the building of this wall as an act against Armistice Line of 1949 (the green line), which has resulted in the confiscation and destruction of Palestinian land and resources, and the disruption of the lives of hundreds of thousands of civilian inhabitants living under the occupation, and the total appropriation of large areas of land.



The resolution refers to the rejection by the international community for the construction of this wall and the devastating impact of this on Palestinian civilians, and considers the wall as being an obstacle on the road to peace in the Middle East region. The resolution also makes reference to the commission on human rights report and the circumstances of Palestinian human rights in the occupied territories since 1967, and also the report by the Secretary General of the UN, which he submitted in order to implement the resolution of the General Assembly on October 21<sup>st</sup> 2003 pertaining to the wall, in which the Secretary General emphasises that as time passes more difficulties will arise with respect to the reality factor, whereas the Israeli occupation authorities continue to refuse to yield to the stipulations of international law concerning the construction of the wall and the consequences thereof.

**Mr. Presiding judge,**

The Republic of Yemen make reference to an international ruling, established in international law and all laws, which stipulates that no rights can be derived from wrong doing. If we are to assume that the war itself is an act of aggression, then the conclusion can be made that all the effects thereof and the occupation of territories of other states should be regarded as a crime against international law. The illegitimacy of military occupation is clearly stated in article 2, paragraph 4 of the UN Charter, which prohibits the application of force by UN members in international relations, and any threats of forceful actions against the integrity and political sovereignty of any nation. Therefore, in accordance with the UN Charter, military occupation is illegal, as article 2-4 of this charter has a broad scope of application in many areas concerning violence and the impact thereof. The stipulations do not only prohibit the use of force in international relations, but also prohibits threatening of using it.

Building the wall by the authority of the Israeli occupation is considered a crime which is prohibited by virtue of international law. Article 49 of the 4th Geneva Convention of 1949 prohibits collective and individual obligatory deportation of people and banning from occupied lands. Article 5 of the International Convention refers to combating all forms of racial discrimination for all people, regardless of their race, orion or colour, all persons have the right to move freely within the (occupied) country, and to leave any country, including their own, and to return.

**Mr. Presiding judge,**

Constructing the wall by the authority of the Israeli occupation entails that private land will be confiscated. This is in contradiction with article 17 of the Universal Declaration of Human Rights. Also the military occupation act prohibits appropriating funds from civilians during military occupation. Article 33 of the Geneva Convention of 1949 also prohibits appropriating money from civilians and illegal actions against their property.



The authority of the Israeli occupation has destroyed whole villages. It has destroyed many houses, and cultural and religious institutions. Its aim is to destroy the link which connects the Palestinians to their cultural and religious identity, therefore obtain total domination and control of the occupied territory, which effectively means robbing the Palestinian people of their roots.

**Mr. Presiding judge,**

The Republic of Yemen refers to this, based on UN reports and the consequences relating to the construction of the wall.

There was - and still is - an international unanimity with respect to the conclusion that building the wall will only result in negative results. This subject was in fact debated intensively in Israel itself, we will return to this matter later.

In addition to the political impact of the wall on the Palestinian people, the construction of the wall also resulted in significant losses; on human, economic and social aspects, for example:

- It appears that the production of olives will decrease by an average of 2200 ton per annum, as thousands of ancient trees will be cut.
- The production of fruit will decrease by an average of 50,000 tonnes per annum and vegetable production will decrease by an average of 100,000 tonnes per annum.
- Grazing areas will be lost for approximately 10,000 head of cattle.
- The destruction of hundreds of green houses, birds and animal farms, which will lead to substantial accumulative losses for the Palestinian economy.
- Constructing the wall as a racial barrier in the north of the bank has resulted in the loss of 8600 hectares in Kalkiliah which is 72% of its irrigated land. Furthermore, Kalkiliah has become the largest jail in the world, following the actions of the Israeli occupiers, these actions included surrounding Kalkiliah with the racial isolation wall, wires and trenches on four sides, with the exception of one 8 meter wide entrance which is guarded by the Israeli occupiers, these guards open and close this gate as they please. This was stated by the 42,000 inhabitants of Kalkiliah in their appeal for help dated 16-10-2003; which was directed to the Secretary-General of the Arab League, who sent a letter Security Council on 5-11-2003.
- Building the wall will result in the confiscation of 12% of the bank's land. The total number of settlers following completion of the wall will be 343,000. This plan has also confiscated 30 water wells in the province of Kalkiliah and the province of Tulkarm, which result in the Palestinians losing 18% of their share of this area. Following total destruction of their economy the land belonging to 259 Palestinian villages will be annexed.
- The 2nd stage of this plan will be the isolation of Jerusalem from the bank, in addition to the isolation of 200,000 Palestinians inside the green line.

A study carried out by the World Bank indicates estimates that are similar to the figures obtained in other studies, that the dividing wall can swallow 12% of the West Bank land. According to the study, the first stage of the construction of the wall has



caused direct losses to approximately 12,000 Palestinians living in 15 villages. Upon completion, there will be 95,000 Palestinians living between the wall and the green line, of whom 61,000 live in the area of Jerusalem (according to the Israeli newspaper Harets, 8-5-2003).

With regard to social losses, the largest operation of demolishing Palestinian houses and infrastructure will be executed during the four stages of building the wall. A recent Amnesty International report indicates that the wall will have serious economic and social effects on more than 200,000 Palestinians living in municipalities and villages in the vicinity of the wall.

- The wall will isolate dozens of Palestinian villages from the West Bank And/or from their agricultural land.
- Building the wall is a breach of internationally laid down and recognised human rights. It deprives Palestinians of their right to move freely, and also their right of ownership through the confiscation of their land and depriving them of their source of living as a result of the loss of their agricultural land, which is their sole source of living. It will also disrupt their daily life as the wall will isolate them from their natural habitat and will result in their homes being demolished. 280 buildings have already been demolished.

We, in the Republic of Yemen, agree with the ideas of the Secretary-General as formulated in paragraph E of the aforementioned report, which are as follows:

1. The authority of the Israeli occupation refuses to comply with the request of the General-Assembly to stop building the wall inside Palestinian territories.
2. Building the wall causes deep concern and has a negative impact on future peace negotiations.
3. The security of Israel should not be guaranteed by means conflicting with the rules of international law, and means which may obstruct the prospect of peace in the long term by impeding the establishment of a durable independent Palestinian state which can coexist with the neighbouring countries, or by increasing the suffering of the Palestinians.
4. It is therefore evident that the security of both Palestinian and Israeli people can only be achieved through a fair, integrated, peaceful, permanent settlement based on Security Council resolutions, no. 242 of 1967 and no. 338 of 1973, in such a way as indicated in Security Council resolutions, no. 1397 of 2002 and no. 1515 of 2003.

**Mr. Presiding judge,**

We are confident that the court is fully aware of the following political implications as a result of this wall:

1. No recognition of resolution no. 242, which demands the withdrawal of the Israeli occupation back to the border as it was before June 4<sup>th</sup> 1967.
2. Imposing the views of the occupation authority as de facto reality and one-sided stipulation of the border drawing.
3. Keeping settlements pockets inside the West Bank, which divide it into three separated areas.



Many people have tackled the issue of the Palestinian losses as a result of the construction of the wall. The Secretary-General of the UN has also tackled this issue in his report to the 10th extraordinary meeting on the illegal Israeli actions in occupied East Jerusalem and the other parts of the Palestinian occupied territories on 24-11-2003.

Also the Israeli Foundation for Human Rights "Betselim" has presented a comprehensive report in which the foundation explains the Palestinian economic, social and political losses in detail. The foundation "Betselim" pointed out that this wall is being built inside the territories of the West Bank and reach a depth of 6-7 km in some areas.

The area of land located between the wall and the green line between Salen and Al-Kanna is approximately 69.500 hectares, 7.200 hectares of which is the area of land designated for the construction of 10 settlements.

**Mr. Presiding judge,  
Esteemed ladies and gentlemen,**

The Republic of Yemen is confident that the request of the General-Assembly for consultative opinion from your court is a legitimate request. We have great hope that the International Court of Justice will state its legal opinion with respect to the extent to which the rights of the Palestinians will be breached through the construction of this wall, in conformance with the stipulations of the Geneva Convention of 1949 and the other related international conventions, and to prohibit the occupation authority from effecting any changes with respect to the situation in the occupied territories.

Thank you very much.