



PALESTINIAN CENTRE FOR HUMAN RIGHTS

Intervention by Raji Sourani, Director of the Palestinian Centre for Human Rights to the European Parliament

October 5th 2004



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Introduction

Four years after the second *Intifada* was sparked by a visit by the Israeli Prime Minister to the al Aqsa Mosque on the 29th of September 2000 many people involved in the *Intifada*, on both sides, have taken the opportunity to reflect on the current status of this historical conflict. Any reflection on the current status must indicate that after four years of *Intifada* the PLO and the leadership of the belligerent Israeli occupation are further away then ever before from peace, human rights and democracy.

Throughout these reflections there has been a noticeable lack of focus on the extreme violations of human rights which have been committed by the occupation forces since the start of the *Intifada*. In the last four years the Israeli Occupation Forces (IOF) have continued their policies of implementing practices which have breached international humanitarian law, particularly the Fourth Geneva Convention relative to the protection of civilians in wartime, 1949 (the Convention) and other attacks which have been in contravention of international human rights mechanisms including the International Covenant on Civil and Political Rights and that on Economic, Social and Cultural Rights.

The policy by the IOF which continues to seek to alter the “facts on the ground” through the accelerated development of settlements, the continued policy of razing large areas of agricultural land and demolishing houses, as well as the continued construction of the Annexation Wall in the West Bank aims to render life unbearable for Palestinian civilians. I want to draw your attention, in particular, to the continuation of practices of arbitrary detention and arrest, torture and inhuman treatment, restrictions on the right to free movement; destruction of civilian property and civil infrastructure; the demolition of Palestinian homes; unlawful killings and injuries, including extrajudicial executions and political assassinations; arbitrary arrest and detention; closures and curfews; unlawful transfer of civilians; unlawful confiscation of land and property; use of human shields; large scale military attacks in civilians areas. These practices, characterized by excessive use of force and violence are in breach of the Convention which remains the primary legal document governing the operations of the Israeli military in the oPt.

However I also want to express particular concern regarding a number of high profile policies which, despite international condemnation and pressure, have failed to result in a change of practice by the IOF. In fact international pressure seems, at this point, to have had little bearing on the continued wanton and unlawful destruction and extensive loss of civilian life in the oPt. I have consistently requested that the European Union, given their dual position as High Contracting Parties to the Geneva Conventions and as a respected political body concerned with the primacy of the rule of law, take immediate and firm action against the Israeli authorities in line with their legal obligations as expressed in Article 1 and Article 146 of the Fourth Convention. In particular I have called upon the High Contracting Parties to put an end to rewarding Israeli violations by activating article 2 of the EU-Israel Association Agreement, actively record and report on abuses and breaches (and in so doing break the conspiracy of silence), as well as actively pursuing those responsible for grave breaches and war crimes



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in order to bring them to justice. I will take this opportunity to reiterate my disappointment that, to-date, the international community has failed to implement these and other measures and in so doing permitted the IOF to act with impunity.

I wish to draw your particular attention to three distinct, yet related issues, which are currently on the agenda at discussions over the future of Palestine and Israel. Firstly there is the Gaza “disengagement plan”, secondly the continued construction of the Wall in the West Bank and finally the current deteriorating situation in the northern Gaza Strip area, particularly in the Jabalya Refugee camp.

After thirty-seven years of belligerent Israeli occupation conditions for Palestinian civilians continue to deteriorate. International Humanitarian Law (IHL) is designed to guarantee the protection of the civilian population under occupation and to date the failure to implement it in the oPt has prevented this occurring. In order to take real steps towards peace there must be an end to the belligerent Israeli occupation, there must be complete and comprehensive application of IHL. Finally, if the Israeli authorities insist on protecting the ethnic characteristic of the Jewish state and, in such an insistence, refuse to recognise the possibility of a bi-national state then they must permit the Palestinians the right to self-determination and the right to a sovereign state.

Sharon’s Gaza Disengagement Plan

The debate over the Sharon “disengagement plan” has portrayed it as an end to occupation and it has been seen by elements in Palestinian and Israeli society as either “victory” or defeat”. In fact the plan is not an end to occupation, instead it will facilitate increased control by the Israeli army of the Gaza Strip. As such it is neither victory, nor defeat, rather it is a tightening of the restrictions already imposed on Palestinian civilians.

The “disengagement plan” is designed to deflect focus on the end of the belligerent Israeli occupation, the continuing applicability of International Humanitarian Law and the right to Palestinian self-determination.

The “disengagement plan” allows the occupying power to continue to exert control over the Gaza Strip through the sea, the air and the land borders including the international crossing points). Palestinian workers, in continuation of an ongoing practice, will be denied any access to their jobs in Israel. Israel has reserved the right to continue with military incursions into the Gaza Strip, use extra-judicial executions and to pursue wanted individuals. Israel has also applied to the World Bank to move Rafah international crossing point into Israeli territory in order to prevent Palestinian civilians from having access to Egypt. The key aim of the “disengagement plan” is to increase the economic strangulation on the Gaza Strip, while Israel tries to present the image to the international community that it is no longer exerting control over the Gaza Strip.



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I remain concerned that the plan aims to deflect the attention of the world away from the ongoing human rights violations being committed by Israel while the Israeli authorities continue to implement their *fait a complis* strategy on the ground. This strategy involves the continued construction of the West Bank Wall, the denial of Palestinian refugees of their right to return and is designed to create “facts on the ground” which will eliminate any possibility of a two state solution.

The entire international community, with the exception of Israel, believes that the Fourth Geneva Convention is applicable *de jure* in the oPt. As the occupation will continue, even with redeployment of some settlements and military outposts, which remain illegal under international law, the Convention will remain applicable and Israeli will remain the occupying power. The Israeli army, by controlling the land, sea and airspace around Gaza, will remain the occupying power as defined by Article 42 of the Hague Convention 1907 and supported by Article 6 of the Fourth Geneva Convention.

The West Bank Annexation Wall

The Israeli strategy in Gaza is being used as the model for the construction of the West Bank Wall. The Israeli authorities have stated that the success of the electronic fence which runs around the Gaza Strip provides the “security” justification for the building of the Wall. The West Bank wall will annex 58% of Palestinian land and portion the West Bank into three distinct Bantustans.¹ Occupied East Jerusalem will be completely excluded from the rest of the West Bank and civilians will be unable to travel freely between these areas or to the Gaza Strip.

The Wall, which is being built inside the borders of 1967, will annex huge tracts of agricultural land, will divide communities, villages and neighbourhoods making life intolerable for many Palestinians. It will place severe restrictions on freedom of movement and assembly while also destroying many business and farms. It is anticipated the final path of the wall will involve the annexation of at least 58% of Palestinian land involving the demolition of at least 943,000 donums of Palestinian land, including the destruction of residential properties or civilian buildings. The process of building the wall itself places Palestinian civilian communities under severe restrictions, including closures and curfews, restrictions on the right to freedom of movement which impacts greatly on business and social and community life. Over 875,000 Palestinians will be affected by the construction of the wall, totalling over 206 villages and towns.

I believe that the Israeli claims for “security” justification carry little weight. If the Gaza security model has been so effective in limiting attacks against Israel I must ask you why it is that the number of ground incursions, attacks against civilians and their properties and extra-judicial executions have increased since the building of the electronic fence? The Israeli occupation forces have continued daily incursions

¹ The disparity between Palestinian and Israeli statistics on this matter can be explained by the fact that Israel does not include any of its currently existing settlements or military posts, all of which currently annex Palestinian land and are completely illegal under international law.



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into every area of the Gaza Strip, as for example now in the northern Gaza Strip. No part of Gaza has been excluded from attacks or incursions.

I contend that the Wall and the Gaza “disengagement plan” are part of a dual strategy by Israel to render a two state solution completely impossible while working to make the lives of Palestinian civilians unbearable.

The advisory opinion by the International Court of Justice has given added impetus to the campaign to prevent the construction of the Wall. The weight of international legal opinion is now completely behind the *de jure* application of the Geneva Conventions and the application International Covenant on Economic Social and Cultural Rights, as well as that on Civil and Political Rights in the oPt. However it remains for international political opinion to follow suit. As of yet the international community, through the European Union and the High Contracting Parties to the Fourth Geneva Convention, have failed to act to comply with their Article 1 obligations to “ensure respect” for the Convention.

The current human rights situation in the northern Gaza Strip.

Since 22.30 on Tuesday the 28th of September Israeli troops began to take position on high ground overlooking Beit Hanoun, Beit Lahia and Jabalya town and Refugee Camp. Over 150 tanks have been supported by helicopter gunships and other armoured vehicles in a massive ground assault into a densely populated civilian area, including the largest refugee camp in the Middle East.

While continuing to attack Palestinian civilians and their property Israel has also divided the Gaza Strip into three distinct zones (north, middle and south) and in so doing prevented Palestinian civilians from travelling to their place of work, to hospitals to visit sick relatives and from leaving the Gaza Strip. Israel has also imposed strict closures at the Erez crossing point preventing diplomats, journalists and human rights defenders (including humanitarian aid workers) from gaining access to the Gaza Strip. Those people who have passed through Erez have been subjected to severe delays (up to 13 hours) as well as been subjected to humiliation by Israeli soldiers. Such behaviour is part of an Israeli strategy which seeks to limit reports to governments and the media reaching the outside world.

As of the 4th of October Israeli forces had killed 63 people, of whom 27 were civilians. 19 of these civilians were children. Over 280 people have been injured during the incursion, many of them are in a critical condition. Access to many parts of Jabalya is virtually impossible, as the occupying forces have prevented access for ambulances, medical teams and humanitarian supplies. However, to date, PCHR fieldworkers have recorded that 60 homes have been completely demolished and over 200 have been rendered completely uninhabitable. 100 donums of agricultural land has also been razed, much of which was planted with strawberries and citrus fruits.

This incursion, one of the largest since the Intifada began, looks set to continue for some time as Israeli forces have taken up positions inside the Jabalya Refugee camp. I am deeply concerned that their



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continued presence there will mean an increase in the number of civilian deaths and injuries as well as an increase in the number of properties and land destroyed.

I strongly condemn such attacks by Israeli troops, which constitute collective punishment against Palestinian civilians, in violation of article 33 of the Convention, which prohibits forcible migration and destruction of private properties.

Conclusion

It is imperative that the High Contracting Parties to the Convention, as well as the EU states (both collectively and individually) take firm action against Israel for its continuing human rights violations in the oPt. The current situation in Jabalya, as well as the continuing and accelerated construction of the West Bank Annexation Wall are resulting in very real hardships for Palestinian civilians. Further the Gaza “disengagement plan” will allow Israel to divide the oPt into four distinct and separate sections with no access to each other or to the outside world. This will render the two state solution virtually impossible.

The EU, if it is genuinely concerned with the rule of law and human rights must act to uphold these principles. States and International Organisations have obligations to act, not simply to behave as academic institutions.

I reiterate my call on the states of the European Union, and the various bodies of the EU, including its representative chamber, the European Parliament, to:

- (i) immediately oblige the belligerent occupying power, Israel, to comply with its legal obligations to completely apply the Fourth Geneva Convention in the oPt;
- (ii) put an end to Israel’s status as a favoured trading partner by activating Article 2 of the EU-Israel Association Agreement and stopping all trade privileges being given to Israel;
- (iii) Ensure the implementation of the recently agreed EU Guidelines on Human Rights Defenders, which request that each embassy and representative office lobby the Israeli government to ensure respect for the UN Declaration on Human Rights Defenders;
- (iv) Break the ongoing silence by the international community which allows Israel to act with impunity and ensure consistency in words and actions.
- (v) Veto Israeli attempts to become members of the WEOG association at the UN;
- (vi) Immediately seek the implementation of the Advisory Opinion of the International Court of Justice regarding the West Bank Annexation Wall to uphold the primacy of the rule of law;



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Biography: Raji Sourani has been dedicated to the promotion and protection of human rights throughout his professional career despite the personal and professional sacrifices he has been forced to make in adhering to the fundamental principles of human rights. He has been an active lawyer since his qualification in 1977 representing a wide variety of victims of human rights abuses. Despite periods of political imprisonment in Israel and years of harassment and violence from the Israeli military and, more recently, the Palestinian Authority, Raji has maintained an unwavering commitment to human rights and justice for both Palestinian victims, in particular, and for all victims worldwide. Despite the cumulative impact on his health of long years of physical and mental abuse, Raji continues to strive for these goals through the Palestinian Centre for Human Rights which he founded in 1995 with a group of fellow lawyers and human rights activists in the Gaza Strip. The Palestinian Centre for Human Rights is the leading human rights organisation in the oPt working on recording and reporting on violations committed by Israeli occupation forces and the Palestinian Authority, as well as providing legal representation to victims of violations, working on an agenda of women's rights and promotion of democracy within the oPt.



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STATISTICS ON THE AL AQSA INTIFADA²

**A table showing those killed during the al-Aqsa Intifada from
29 September 2000 to 28 September 2004**

Context	Total	4th year
Palestinians killed in attacks by Israeli occupying forces, settlers and Israeli police in the West Bank, Gaza Strip and inside Israel	2872, ³ including 2480 civilians	622, including 507 civilians
Civilians killed in the West Bank	1355	165
Civilians killed in Gaza Strip	1125	342
Children killed	552	126
Children killed in the Gaza Strip	298	90
Children killed in the West Bank	253	35
Females killed	96	9
Females killed in the Gaza Strip	43	6
Females killed in the West Bank	53	3
Palestinians killed in extra-judicial assassinations	423, including 145 civilian bystanders	119, including 39 civilian bystanders
Medical personnel killed	19	--
Journalists killed	8	--
Civilians killed in settler attacks	42	4
Patients who were held and died at checkpoints	66	5

² Source PCHR Weekly report No. 38 available at www.pchrgaza.org

³ This number does not include Palestinians killed while carrying out armed attacks inside Israel and settlements.



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Diagram (1)
Palestinian civilians killed during the al-Aqsa Intifada

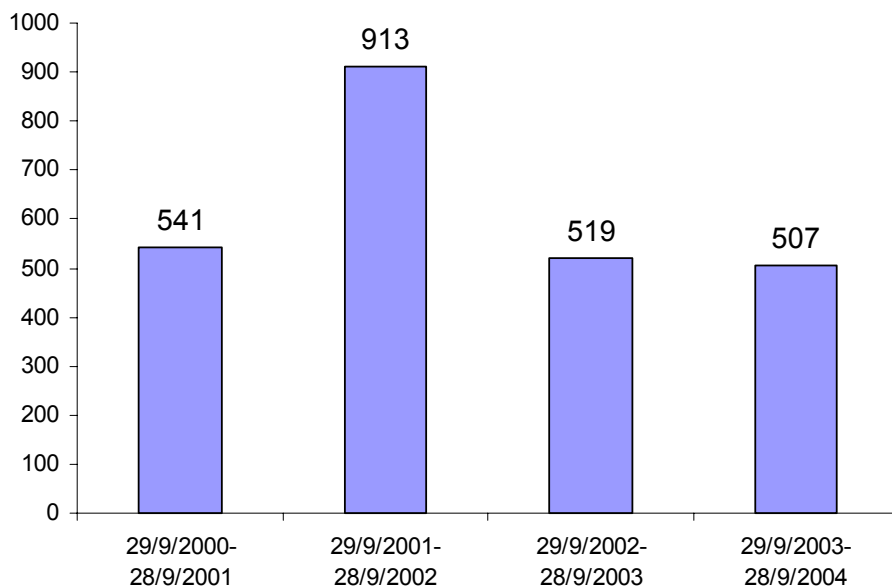


Diagram (2)
Civilians killed during the al-Aqsa Intifada in the West Bank and Gaza Strip



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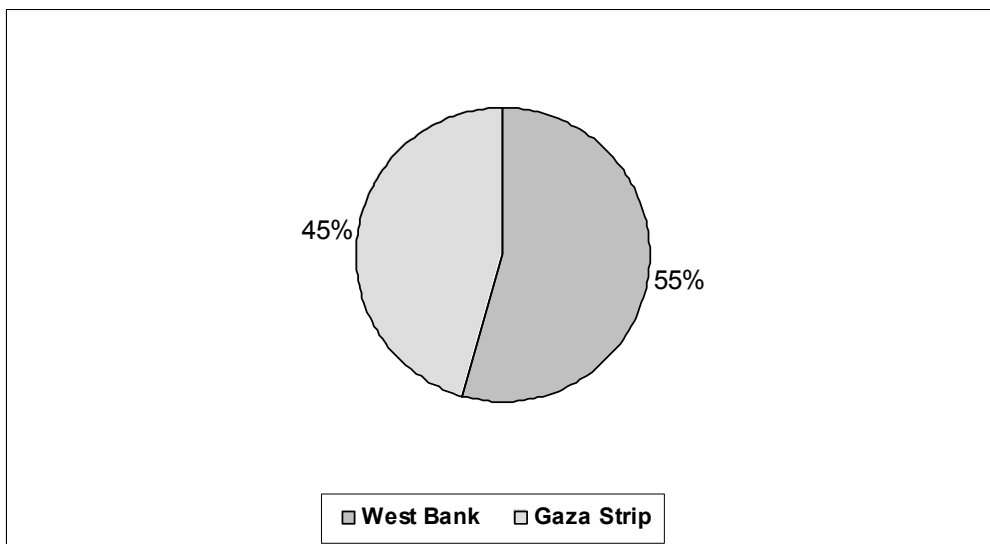
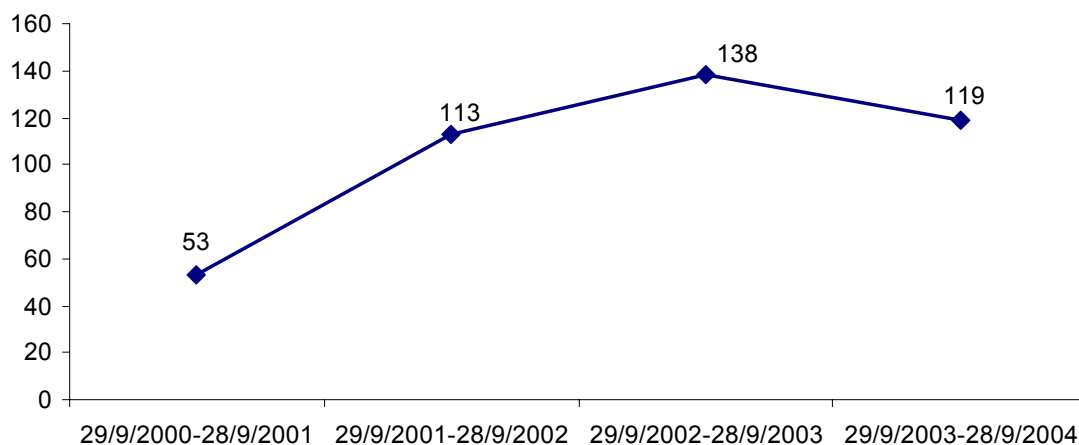


Diagram (3)
Palestinians extra-judicially executed during the al-Aqsa Intifada



A table showing those injured during the al-Aqsa Intifada from 29 September 2000 to 28 September 2004

Area	Total	4 th year
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Gaza - Omar El Mukhtar St., - Qadada Building - Near Amal Hotel - P.O. Box 1328 - Tel/Fax: 08 - 2824776 / 2825893

E-mail: pchr@pchrgaza.org – Web page: www.pchrgaza.org



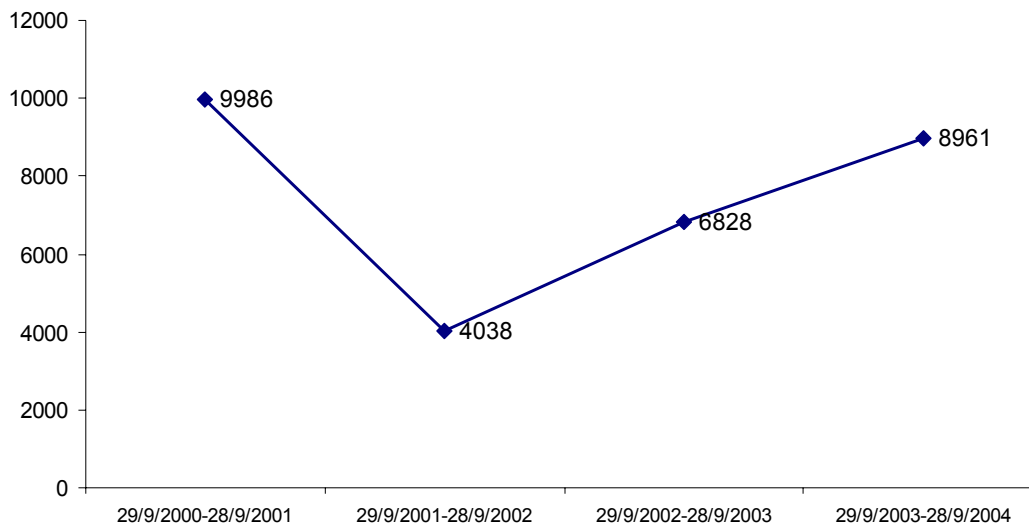
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Gaza Strip	7886	1560
West Bank	11781	2500
Total	19667	4060

A table showing land levelling, house demolitions and destruction to industrial and educational facilities in the Gaza Strip during the al-Aqsa Intifada, from 29 September 2000 to 28 September 2004

Type	Total		4 th year	
Land leveling	29813 donums		8961 donums	
House demolition	Complete	Partial	Complete	Partial
	2441	2105	1210	1014
Industrial facilities destroyed	561		241	
Educational facilities destroyed	70		22	

Diagram (4)
Land razed in the Gaza Strip during the al-Aqsa Intifada





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Diagram (5)
Houses demolished in the Gaza Strip during the al-Aqsa Intifada

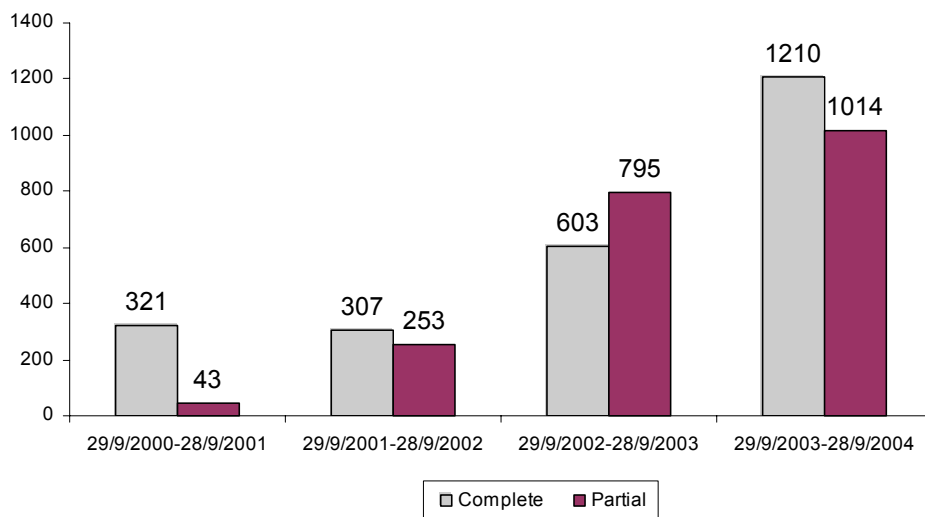
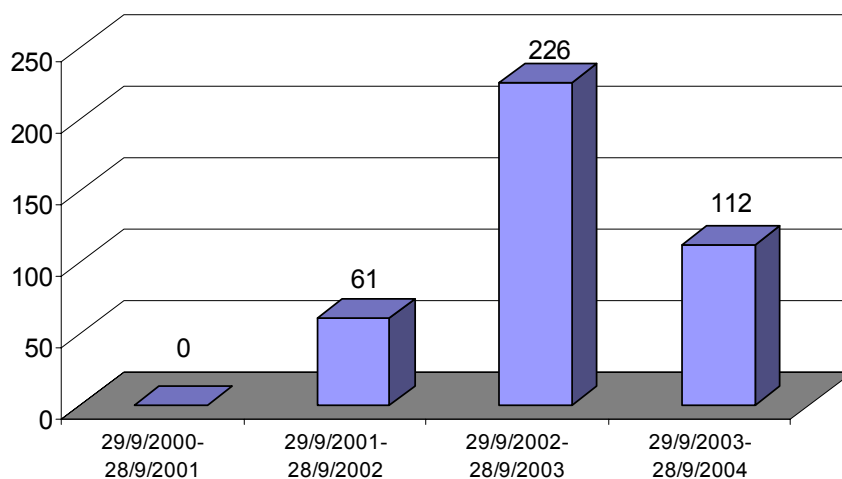


Diagram (6)
Houses demolished in the context of collective punishment against Palestinian civilians in the West Bank and Gaza Strip during the al-Aqsa Intifada





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Gaza - Omar El Mukhtar St., - Qadada Building - Near Amal Hotel - P.O. Box 1328 - Tel/Fax: 08 - 2824776 / 2825893

E-mail: pchr@pchgaza.org – Web page: www.pchgaza.org