

AMNESTY INTERNATIONAL

Public Statement

AI Index: IOR 41/021/2006 (Public)
News Service No: 293
15 November 2006

Third Special Session of the Human Rights Council: Amnesty International urges immediate action to end abuses by both sides to the conflict in Israel and the Occupied Territories

The international community, through the UN and its mechanisms and other fora, has repeatedly expressed concern in recent years about the deterioration in the human rights situation in the Occupied Territories and in particular, in recent months, with regard to the situation in the Gaza Strip. To date, however, this has had little or no effect. As the human rights situation in the Gaza Strip has continued to worsen, the international community's expressions of concern and condemnation ring increasingly hollow. More effective action on the part of the international community is urgently needed to halt the continuing deterioration and ensure protection of the rights of the inhabitants of the Gaza Strip and the rest of the Occupied Territories.

The attack by Israeli forces that killed 18 members of the Athamne family, including eight children, in the northern Gaza Strip town of Beit Hanoun on 8 November 2006 was the latest in a series of attacks which have claimed the lives of Palestinian civilians. Some 600 have been killed by Israeli forces since the beginning of 2006, with hundreds more wounded. The dead, at least half of whom were civilians not engaged in armed activities, included more than 100 children. The great majority were killed or injured in the Gaza Strip as a result of deliberate and reckless Israeli artillery shelling and air strikes into densely populated residential areas, including refugee camps.

The Beit Hanoun attack was another one that could and should have been avoided. It was carried out following a six-day ground incursion by Israeli forces into Beit Hanoun that ended the previous day and that, prior to 8 November, had already resulted in the deaths of more than 50 Palestinians and injuries to some 200 others. Those killed include several children and at least 20 Palestinian residents not involved in armed confrontations. In addition, Israeli forces destroyed and damaged scores of homes, public buildings, water and electricity networks, roads and other infrastructure, vehicles, and cultivated fields which provide a crucial source of livelihood to a population already impoverished by the effects of Israeli closures and other actions and by the reduction in international aid to the Palestinian Authority. In a number of cases, residents reported having been used as so-called human shields by Israeli soldiers who took over their homes and used them as military positions from which to attack targets within the town. This endangered the residents, who were prevented from leaving or communicating with the outside world and were exposed to risk from fire by members of Palestinian armed groups fighting the Israeli soldiers. The use of "human shields" has previously been ruled unlawful by the Israeli High Court.

Other incursions, combined with frequent air strikes, have been carried out by the Israeli army into towns, villages and refugee camps throughout the Gaza Strip in the past four months, with similar consequences in terms of civilian deaths and injuries. Israeli officials maintain that air strikes and artillery shelling into the Gaza Strip are aimed at stopping and deterring Palestinian armed groups from launching home-made

rockets from the Gaza Strip into Israel. Such rockets mostly fall in empty areas in the south of Israel but some have harmed Israeli civilians; several were killed in such attacks in previous years and several more have been injured since the beginning of this year. Other attacks by Palestinian armed groups, however, have decreased significantly compared to previous years. In 2006, 26 Israelis, including 21 civilians, have been killed and some 70 have been injured in attacks by Palestinian armed groups in Israel and the Occupied Territories.

Unless such practices on the part of Israel and Palestinian armed groups cease, the number of unarmed civilian victims will continue to grow. As yet, however, although they have expressed regret over the Beit Hanoun killings on 8 November and stated that these were the result of an error, the Israeli authorities have given no indication that they will amend their policies and military practices. Even in cases of error, as claimed by the Israeli authorities in this case, there is a need for full accountability.

While the government of Israel has an obligation to take measures to protect its population from Palestinian attacks, in doing so it must ensure that its forces act in conformity with international law, notably the provisions of international humanitarian law applicable to military occupation and the standards governing the use of lethal force in law enforcement.

Amnesty International is calling on Israel to cease its deliberate and reckless attacks and to ensure that all deaths or injuries to civilians resulting from actions by Israeli forces are investigated, thoroughly and impartially, and that those responsible are held to account.

Amnesty International is also calling on Palestinian armed groups to cease firing rockets into Israel and to desist from resuming attacks on Israeli civilians.

The spiral of violence in the Occupied Territories can and must be stopped. It is high time that the international community took concrete and decisive measures to help achieve this. The Human Rights Council collectively and member states individually have a responsibility to take measures to ensure compliance by all concerned parties -- the Israeli authorities and also the Palestinian Authority and Palestinian armed groups -- with their obligations to abide by international law and to respect fundamental rights. Disregarding or subordinating human rights and respect for international law to political considerations has brought neither peace nor security.

The current situation in the Gaza Strip must be addressed within the framework of international law. Previous initiatives by the international community aimed at resolving the conflict were unsuccessful at least partly because they failed adequately to address key human rights concerns, and to establish impartial oversight mechanisms to monitor the conduct of the concerned parties and to hold to account those responsible for violations. While a human rights agenda alone will not resolve all problems, it should provide a central guiding principle for any steps taken in the pursuit of a solution to the worsening conflict.

As High Contracting Parties to the Geneva Conventions, members of the international community have an obligation to ensure that the parties to the conflict adhere to their obligations, regardless of the developments at the political level.

There is an urgent need for the establishment of an independent mechanism with a presence in the affected areas to monitor and oversee compliance with human rights and international humanitarian law by both the Israeli and Palestinian sides. Such mechanism should be:

- mandated to investigate alleged violations on the ground where they occur;
- mandated to report its findings publicly, with a view to ensuring that those responsible for human rights abuses, including war crimes, are promptly brought to justice; and
- adequately resourced to enable it to carry out its mandate fully and effectively.

At the same time, the international community should take steps to ensure that no funds, equipment or

training that may be used -- directly or indirectly -- to commit abuses of human rights and humanitarian law are provided to Israel, the Palestinian Authority, or Palestinian armed groups while the current abuses continue.

Amnesty International believes that the establishment of an independent monitoring and reporting mechanism would contribute to ending the current atmosphere of impunity for those responsible for unlawful killings and other grave human rights abuses, and would be an effective deterrent against such abuses. It calls on the Human Rights Council urgently to establish such a mechanism and ensure its rapid deployment to the Gaza Strip.