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Israel/Occupied Territories: Wanton destruction constitutes a war crime

Amnesty International condemns in the strongest terms the large-scale destruction by the Israeli army of Palestinian homes in a refugee camp in the southern Gaza Strip town of Rafah, which made homeless hundreds of people, including many children and elderly people.

"The repeated practice by the Israeli army of deliberate and wanton destruction of homes and civilian property is a grave violation of international human rights and humanitarian law, notably of Articles 33 and 53 of the Fourth Geneva Convention, and constitutes a war crime," said Amnesty International.

This last wave of destruction between 10 and 12 October is part of a policy which the Israeli army has been carrying out in the Occupied Territories for decades and increasingly so in recent years. In the past three years the Israeli army has destroyed some 4,000 Palestinian homes in the West Bank and Gaza Strip, as well as vast areas of cultivated land, hundreds of factories and other commercial properties, roads and public buildings.

The Israeli authorities have frequently contended that the destruction of Palestinian homes and other properties was necessary for the success of their military/security operations, and that therefore it was permitted by international humanitarian law. However, investigations by Amnesty International and other organizations, including Israeli NGOs, have shown a recurring pattern of destruction of homes and property as a collective punishment, to punish local residents for attacks by Palestinian armed groups.

On this occasion Israeli officials justified the destruction of more than 100 Palestinian homes as due to the presence in the area of three tunnels reportedly used by Palestinian armed groups to smuggle weapons from Egypt into the Gaza Strip. No weapons were reported to have been found. Israeli officials have not explained why the threat posed by the tunnels could not have been tackled by proportionate means that did not recklessly endanger the lives of civilians and did not render hundreds of Palestinians homeless. The army also claimed that armed Palestinians used the now-destroyed homes to fire on Israeli soldiers. However, they have not claimed that the inhabitants of these homes were themselves involved in any shooting or armed resistance.

The Israeli army says it has uncovered 70 smuggling tunnels in Rafah in the past three years and in the same period it has destroyed more than 1,000 homes in the area.

"In most cases examined by Amnesty International, the extensive destruction of Palestinian homes and properties repeatedly carried out by the Israeli army was not justifiable on grounds of absolute

military necessity," said Amnesty International. "Such wanton destruction is unlawful and constitutes a war crime."

Amnesty International calls on the Israeli authorities to put an immediate end to the practice of destroying Palestinian homes and other properties, and of using excessive, disproportionate and reckless force against unarmed Palestinians and in densely populated residential areas, which frequently result in the killing and injuring of unarmed civilians, including children.

The organization has repeatedly condemned the deliberate killings of Israeli civilians by Palestinian armed groups as a crime against humanity and reiterates its calls on these groups to immediately halt such practices.

Background:

Much of the destruction of homes and agricultural land in recent years has been in the Gaza Strip, one of the most densely populated areas in the world, where more than two thirds of the population now live under the poverty line (of US \$ 2 per day).

According to the United Nations Relief and Works Agency (UNRWA), the body which cares for Palestinian refugees, 76 homes were completely destroyed, 44 were partially destroyed and 117 damaged, and the number of refugees left homeless by this latest wave of home demolitions may be over 1,000.

On this occasion, as in many previous operations by the Israeli army involving the destruction of homes, at least six Palestinians, including two children were killed and scores of others, many of them children, were injured during the period of 10 to 12 October.

Article 33 of the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War clearly states that "collective penalties are prohibited... Reprisal against protected persons and their properties are prohibited." Article 53 of the same Convention states that "any destruction by the Occupying Power... is prohibited, except where such destruction is rendered absolutely necessary by military operations."

Amnesty International condemns the deliberate killings of Israeli civilians by Palestinian armed groups as a crime against humanity.

Public Document

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