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Israel/OT: High Court decision gives green light for collective punishment

Amnesty International condemned today's decision by the Israeli High Court of Justice that will allow demolition, without the right to judicial review, of homes belonging to families of people who are believed to have carried out attacks against Israelis.

"This judgment gives a green light for collective punishment in the Occupied Territories," said the organization; "Destroying Palestinian homes to punish whole families for a crime committed by others, is a war crime."

"Up until today, people whose houses have been demolished as collective punishment could at least appeal to the court. Now even this possibility is denied them." In recent months the Israeli army has demolished the houses of those believed to be involved in attacks on Israelis often at the same time, demolishing or causing damage to neighbouring houses.

The Israeli High Court of Justice accepted the use of Article 119 of the 1945 Emergency Regulations (from the time of the British Mandate). The article allows the military commander to demolish any house where any person or member of the household has not only had any weapon, gun or incendiary device, but also has helped anyone with any weapon, gun or incendiary device.

Background

Article 119 of the 1945 Emergency Regulations states that, "a military commander may by order direct the forfeit to the government of Palestine of any house, structure or land from which he has reason to suspect that any firearm has been illegally discharged, or any bomb, grenade or explosive or incendiary article illegally thrown, or of any house, structure or land situated in any area, town, village, quarter or street. The inhabitants or some of the inhabitants of which he is satisfied has committed or attempted to commit or abetted the commission of or been accessories after the fact to the commission of any offence against these regulations involving violence or intimidation or any military court offence. And when any house, structure or land is forfeited as aforesaid the military commander may destroy the house or the structure of anything growing on the land".

Palestinians in the Occupied Territories are protected by the Fourth Geneva Convention, including Article 33 which prohibits collective punishment. Extensive destruction of property not justified by military necessity and carried out unlawfully and wantonly is a grave breach of the Fourth Geneva Convention.

Public Document

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