

4 December 2001

AI Index MDE 15/108/2001 - News Service Nr. 214

Israel: Respect of Fourth Geneva Convention must be ensured by High Contracting Parties meeting in Geneva

GENEVA -- On the eve of the fourth Conference of High Contracting Parties to the 1949 Geneva Convention, Amnesty International welcomed the reaffirmation of the principles of the Fourth Geneva Convention contained in the Declaration placed before the High Contracting Parties, but called on High Contracting Parties urgently to carry out their obligation under Article 1 "to respect and to ensure respect" of the Convention.

"Reaffirmation of the principles defined for the protection of civilian populations in time of war is an important move but it is not enough," said Amnesty International. "By ratifying the Conventions, each High Contracting Party has solemnly agreed to ensure that these principles are respected."

"The High Contracting Parties must now agree on concrete measures to ensure respect for the Convention and prevent further deterioration of the human rights situation in the Occupied Territories," the organization added.

The Declaration which the High Contracting Parties are expected to agree upon reaffirms the principles of the Fourth Geneva Convention. In particular:

§ It reaffirms the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory including East Jerusalem.

§ The High Contracting Parties express "deep concern at the deteriorating humanitarian situation in the field. They deplore the great number of civilian victims, in particular children and other vulnerable groups, due to indiscriminate or disproportionate use of force and due to lack of respect for international humanitarian law".

§ It calls on the Occupying Power (Israel) to "immediately refrain from committing grave breaches involving any of the acts committed under art. 147

of the Fourth Geneva Convention, such as wilful killing, torture, unlawful deportation, wilful deprivation of the rights of fair and regular trial, extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly".

§ It repeats the obligation on High Contracting Parties under Article 146 of the Convention to enact effective penal sanctions for persons who have committed, or ordered, "grave breaches" of the Convention.

§ It calls "upon the Occupying Power to refrain from perpetrating other violations of the Convention, in particular reprisals against protected persons [Palestinians] and their property, collective penalties, unjustified restrictions to free movement, and to treat protected persons humanely, without any adverse distinctions founded on race, colour, religion or faith..."

The declaration also reaffirms the "illegality of settlements" and the "need to safeguard and guarantee the rights and access of all inhabitants to the Holy Places" in Jerusalem.

In view of the urgency of the present situation in the region, Amnesty International calls on the High Contracting Parties meeting in Geneva to strengthen the call, contained in the Declaration, on High Contracting Parties to "encourage any arrangements and agreements supported by the parties to the conflict on the deployment of independent and impartial observers to monitor, *inter alia*, breaches of the Fourth Geneva Convention....".

"It is time to move from restating principles to ensuring that international observers with a strong, transparent and public mandate to monitor the respect of international humanitarian law are sent to the Occupied Territories," said Amnesty International. "High Contracting Parties should demonstrate their commitment to ensuring respect for the Convention by exercising universal jurisdiction in bringing to justice those suspected of grave breaches".

Background

The present Conference of the 189 High Contracting Parties to the Fourth Geneva Convention of 1949 has been called by the Swiss Government, the

repository of the Geneva Conventions, and will take place on 5 December 2001.

The Fourth Geneva Convention relates to the protection of the civilian population in time of war.

Israel -- which signed the conventions on 8 December 1949 and ratified them on 6 July 1951 -- has reportedly said that it would not attend the High Contracting Parties' meeting. Israel has also stated that it does not regard the Geneva Conventions as applying *de jure* to the West Bank and Gaza Strip, territories occupied in 1967. In a statement made before the Committee against Torture in November 2001 in Geneva, the Israeli delegation also argued that the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment did not apply to the Occupied Territories because they were governed by the Geneva Conventions. The United Nations has consistently stated that both international human rights and humanitarian law apply.

Amnesty International has frequently expressed its concern that Israel has committed grave breaches of the Geneva Conventions. Since the beginning of the *intifada* more than 700 Palestinians have been killed by Israeli security forces. Most were unlawfully killed; they included at least 150 children and 60 Palestinians who were assassinated. Palestinian detainees frequently suffer torture or other ill treatment under interrogation. At least 34 people are held under administrative detention orders without charge or trial. Hundreds of Palestinians from the Occupied Territories were tried before military courts in trials which fell short of international standards. Collective punishments against Palestinians include closures of towns and villages, demolition of more than 550 Palestinian homes and prolonged curfews.

Amnesty International has also raised its concern at abuses by Palestinian armed groups, including *Fatah*, *Hamas*, *Islamic Jihad* and the *Popular Front for the Liberation of Palestine*. The prohibition against the wilful killing of civilians in the Geneva Convention should also be respected by all armed groups and individuals. Through shootings and suicide bombs Palestinian armed groups have deliberately killed more than 230 Israelis including more than 170 civilians. At least 35 of those killed were children.

*** For further information, or to arrange an interview, please contact the
Amnesty International representatives in Geneva on +41 797 135 867, or +41
793 566 292.*

\ENDS

public document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413
5566

Amnesty International, 1 Easton St., London WC1X 0DW web : <http://www.amnesty.org>