

AMNESTY INTERNATIONAL

Public Statement

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Israel and the Occupied Territories: Amnesty International calls for international action to prevent human rights deterioration in the West Bank and Gaza Strip

Amnesty International is calling on the governments of states who are High Contracting Parties to the Fourth Geneva Convention, which concerns the protection of civilians in time of war, to take action to prevent a further dramatic worsening of the human rights situation of Palestinians in the West Bank and Gaza Strip.

The organization is concerned that the recent decisions by the European Union (EU) and the United States (US) to sever financial support to the Palestinian Authority (PA) could have very serious consequences impacting on the health, education and other economic and social rights of Palestinians living under Israeli occupation. According to a World Bank study published last month, the Palestinian economy, already critically weakened by years of conflict and continuing Israeli controls, is expected to shrink by a further 27 percent by the end of 2006 as a result of the termination of EU and US funding to the PA.

The EU states and the US are all High Contracting Parties to the Geneva Conventions and, as such, have an obligation both “to respect and to ensure respect” for the Conventions at all times. These states also have relevant responsibilities under international human rights law. Consequently, they have an obligation to ensure the protection of the Palestinian population of the West Bank and Gaza Strip, whose conditions are now expected to deteriorate significantly because of the very same governments’ decisions to cut funding to the PA, now that it is under a Hamas-led administration.

For more than a decade, such funding from the EU and the US has been crucial to enabling the PA to deliver health, education and most other key services to the Palestinian population of the West Bank and Gaza Strip. These governments assumed this responsibility in light of Israel’s failure to do so although, as the occupying power, it is Israel that has the primary responsibility under international law “to ensure that the basic needs of the population in the occupied territories are met.” Reiterating this on 11 April, the International Committee of the Red Cross (ICRC) warned “... there should be no illusion that humanitarian organizations are able to replace the Palestinian authority in its role as a provider of public services”.

<http://www.icrc.org/web/eng/siteeng0.nsf/html/israel-palestine-press-briefing-100406?opendocument>

Similarly, in its recent *Assessment of the future humanitarian risks in the occupied Palestinian territory*, the United Nations Office of the Coordinator of Humanitarian Affairs (UN OCHA), noted: “Under the Fourth Geneva Conventions, Israel as the occupying power bears the responsibility for the welfare of the Palestinian population. In recent years, international donors and the Palestinian Authority have in

practical terms taken on this role. If the PA is unable to provide basic services to the Palestinian population and donors withhold assistance, the emphasis will shift back to Israel to resume its legal obligation”.

(http://www.humanitarianinfo.org/opt/docs/UN/OCHA/Assessment%20of%20the%20future%20humanitarian%20risks_oPt_En.pdf).

The fact that Israel is ultimately responsible for the welfare of the population in the occupied territories does not mean that the international community has no role in upholding human rights in the West Bank and Gaza Strip. In addition to their responsibility as High Contracting Parties to ensure that Israel respects its obligations under the Geneva Conventions, states have duties under international human rights law.

All United Nations member states have pledged “to take joint and separate action” to fulfil “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion,” and seek “solutions of international economic, social, health, and related problems.” (UN Charter , Article 55, 56).

Also, states parties to the International Covenant on Economic, Social and Cultural Rights have undertaken “to take steps, individually and through international assistance and co-operation, especially economic and technical” progressively to realise ESC rights. States which are in a position to provide resources to ensure minimum essential levels of health care, clean water, education, food and housing are obliged to do so.

The EU and the USA must take measures to ensure their decision to stop funding does not adversely impact on human rights. They must ensure that emergency assistance essential to fulfilling fundamental human rights is never used as a bargaining tool to further political goals.

Numerous reports by the World Bank and other UN bodies have pointed to Israel’s stringent restrictions on the movements of people and goods within and between the Occupied Territories – imposed on grounds of security - as the main cause of the steep increase in Palestinian unemployment and poverty over recent years. These restrictions continue to increase with the West Bank now effectively sectioned into several cantons - North, Centre and South, East and West – each separated from the others, and between which Palestinians are not permitted to move freely. Meanwhile, Israel’s closure of the Karni crossing into the Gaza Strip has seriously disrupted the movement of Palestinian goods engendering further economic hardship.

Amnesty International is continuing to call on the Israeli authorities to meet their obligations under international humanitarian and human rights law, including by lifting the unnecessary, disproportionate and arbitrary restrictions currently placed on the movement of Palestinians and of goods in the Occupied Territories.

Amnesty International also reiterates its call to Islamic Jihad and all Palestinian armed groups to end immediately indiscriminate attacks and deliberate attacks on Israeli civilians. Such attacks are prohibited at all times and under any circumstances.

The organization also reiterates its call to the PA to take all possible steps to stop and prevent such attacks by Palestinian armed groups and to investigate any such attacks or attempted attacks which may occur, and to bring to justice those responsible, including those responsible for past attacks.

