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Israel/Occupied Territories Removing unlawful Israeli settlements in the Occupied Territories: Time to act

For the first time in four and a half years, we are witnessing some positive developments in the human rights situation Israel and the Occupied Territories. In recent months killings by both the Israeli army and Palestinian armed groups have significantly diminished, as has the destruction of Palestinian homes and properties by Israeli forces, and preparation is under way for the evacuation of the Israeli settlers from the Gaza Strip.

These welcome developments have raised new hopes among the Israeli and Palestinian civilian populations, who have borne the brunt of the violence in recent years. Since September 2000, more than 3,200 Palestinians have been killed by Israeli forces and some 1,000 Israelis have been killed by Palestinian armed groups. Most of those killed were unarmed civilians and among them were more than 600 Palestinian children and more than 100 Israeli children.

But the cycle of killings has not been the only human rights tragedy which has wrecked the lives of so many men, women and children. Palestinians, who have been living under Israeli occupation for 38 years, have faced an unprecedented level of human rights violations in the past four and a half years. The unlawful destruction by Israeli forces of more than 4,000 homes, vast areas of agricultural land, commercial properties, and infrastructure throughout the Occupied Territories, has left tens of thousands of Palestinians homeless and destitute.

The impact of such mass destruction will be long-lasting. For the Palestinians who lost their homes and their livelihood overnight, it will take years to rebuild their lives and they will need the assistance of the international community.

Hundreds of checkpoints, blockades and roadblocks hinder the movement of Palestinians between towns and villages in the West Bank and Gaza Strip, arbitrarily curtailing their access to their land and their jobs, to education and healthcare facilities and to other crucial services. As a result, unemployment and poverty have dramatically increased, pushing a growing number of Palestinians below the poverty line, and a growing number of people are suffering from poor health and malnutrition. Children, women and others amongst the most vulnerable members of Palestinian society have been particularly affected.

The ongoing construction by Israel of a fence/wall through the West Bank has exacerbated the problems of access for Palestinians to crucial services in the affected areas. These problems and the resulting deterioration in the humanitarian situation have been well documented by several UN agencies and by the Commission's Special Rapporteur. The International Court of Justice, in its Advisory Opinion of

July 2004, declared that the construction of the fence/wall inside the West Bank is illegal under international law and called for it to be dismantled.

The fact that most of the fence/wall lies inside the West Bank, and not on the Green Line between Israel and the West Bank, indicates that it is intended to encompass most Israeli settlements - rather than to stop Palestinian suicide bombers and other attackers from entering Israel, as Israel claims.

Israel's decision to dismantle all its settlements in the Gaza Strip and some sparsely populated settlement in the West Bank is a welcome development. However, the evacuation of some 8,000 Israeli settlers from the Gaza Strip and from some very sparsely populated settlements in the West Bank must not be allowed to be used by Israel as an opportunity to expand other settlements in the West Bank, where some 400,000 Israelis live in violation of international law.

The international community has long recognized the unlawfulness of the Israeli settlements in the Occupied Territories. UN Security Council Resolution 465 (of 1 March 1980) called on Israel "... *to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem*".

However, the international community failed to take any measure to implement this resolution. Most Israeli settlements in the Occupied Territories were built after this resolution was passed, with the greatest expansion having taken place in the past decade. The establishment and expansion of settlements and related infrastructure in the West Bank is continuing on a daily basis, contrary to Israel's commitment under the UN-sponsored 2003 Roadmap peace plan. This week the Israeli government confirmed its plan to built 3,500 new settlement houses in the East Jerusalem area of the West Bank.

As well as violating international humanitarian law *per se*, the implementation of Israel's settlement policy in the Occupied Territories violates fundamental human rights provisions, including the prohibition of discrimination. The seizure and appropriations of land for Israeli settlements, bypass roads and related infrastructure and discriminatory allocation of other vital resources, including water, have had a devastating impact on the fundamental rights of the local Palestinian population, including their rights to an adequate standard of living, housing, health, education, and work, and freedom of movement within the Occupied Territories.

The Commission collectively and member states individually have a responsibility to take measures to ensure that the Israeli and Palestinian sides comply with their obligations to abide by international law and respect fundamental rights. The international community must support the parties concerned when they take measures towards improving the human rights situation and must bring pressure to bear on them if they do not.

A crucial factor in the collapse of previous peace initiatives has been their failure to address key human rights issues. A human rights agenda must be a central part of any solution to the conflict.

In recent months, pressure from the international community has undoubtedly contributed to breaking the cycle of killings of Israelis and Palestinians. This pressure must be kept up on both parties to encourage them to build on the progress achieved so far. This includes taking the necessary measures to ensure that Israel halts the construction or expansion of settlements in the Occupied Territories and evacuates Israeli settlers living there, in compliance with UN Security Council Resolution 465.

It is essential that the international community puts in place an adequate mechanism to monitor the degree to which each of the concerned parties implements its commitments. An international monitoring presence would appreciably enhance and build on efforts made by the concerned parties and provide a useful framework for enhancing their accountability. Recognizing that the deployment of international monitors requires the agreement of all parties to the conflict, Amnesty International reiterates its call on Israel and the Palestinian Authority, as well as states with influence with the parties, to take the steps

necessary for the deployment of international human rights monitors.