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PUBLIC STATEMENT

AMNESTY INTERNATIONAL CALLS ON HIGH CONTRACTING PARTIES TO TAKE MEASURES TO ENSURE ISRAEL'S RESPECT FOR THE FOURTH GENEVA CONVENTION

In a letter sent today to governments of states, including Israel, which have ratified the Geneva Conventions of 12 August 1949, Amnesty International urged all to attend the conference of High Contracting Parties to the Conventions called for July and to consider enforcement measures to ensure that Israel respects its obligations under the Fourth Geneva Convention.

In a resolution of 8 February 1999 the United Nations General Assembly recommended that the High Contracting Parties convene a conference on 15 July 1999 on measures to enforce the Convention in the Occupied Palestinian Territories, including East Jerusalem.

“Grave breaches of the Fourth Geneva Convention including extrajudicial executions and other unlawful killings, systematic torture and unfair trials are being committed by the Israeli authorities against Palestinians,” Amnesty International said. “These grave breaches of the Fourth Geneva Convention are accepted and encouraged at the highest level of the Israeli Government.”

The Fourth Geneva Convention relates to the protection of the civilian population in time of war. Article 146 of the Convention places an obligation on the High Contracting Parties to enact effective penal

sanctions for persons who have committed, or ordered to be committed, “grave breaches” of the Convention. Article 147 defines “grave breaches” as “wilful killing, torture or inhuman treatment, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, wilfully depriving a protected person of the rights of fair and regular trial, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.”

In addition, Article 146 requires each High Contracting Party “to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and [it] shall bring such persons, regardless of their nationality, before its own courts”. If it does not do so, it must extradite such suspects to any other High Contracting Party on request if that state has sufficient evidence to commence a prosecution.

Israel’s grave breaches of the Fourth Geneva Convention – raised frequently by Amnesty International – include:

- Extrajudicial executions accepted as a means of eliminating opponents by the Israeli Government; a 1998 official report into an unsuccessful attempt to kill a Palestinian opposition leader in Jordan did not question this policy.
- Killings and woundings carried out at checkpoints, during demonstrations or in other circumstances when the lives of Israeli security services were not in danger. Israeli open fire regulations in use in the Occupied Territories breach international standards for the use of firearms.

- Torture practised systematically during the interrogation of hundreds of Palestinians every year, is effectively legalized. The use of treatment which constitutes torture is accepted as normal by Israeli courts and it is a ministerial subcommittee, which includes the Prime Minister, which decides what forms this torture should take.

- The sentencing of thousands of Palestinians before military courts where frequently the main evidence against the accused are confessions extracted under duress.

- Continuing use of administrative detention to detain Palestinians in circumstances where they have no trial and may not be allowed to know the full accusations against them.

In breach of Article 33 of the Fourth Geneva Convention civilians are consistently collectively punished for acts in which they may not have played any part; such collective punishments include the destruction of the houses of families of those who have participated in attacks on Israelis; the sealing of villages and the closures of areas under the jurisdiction of the Palestinian Authority. People have also been prevented from travelling to hospitals, as well as cut off from work and prevented from attending any activity outside the area, during blockades which are frequently imposed on the Palestinian areas during holidays (such as Purim, Passover and Israeli Independence Day) or after attacks on Israelis. The Beduin are some of those who have been subjected to forcible population transfers.

Amnesty International is concerned that the Israeli Government representative in the UN General Assembly condemned the initiative to convene a conference as a "political" decision which ignored the fact that 97 per cent of the Palestinians were under the jurisdiction of the

Palestinian Authority. The Israeli representative said that the Israeli Government would not attend the conference.

In the letter sent to the Israeli Government, Amnesty International urged it to reconsider any such decision and to work to uphold the principles of humanitarian law. Notwithstanding the jurisdiction of the Palestinian Authority over 4 per cent of the West Bank and 97 per cent of the population of the West Bank, excluding East Jerusalem, the grave breaches of the Fourth Geneva Convention described above continue to be committed against thousands of Palestinians every year.

“Last year was the 50th anniversary of the Universal Declaration of Human Rights. In this year, the 50th anniversary of the four Geneva Conventions, when armed conflicts are endangering the lives and safety of civilians in every continent, we should make it our objective to uphold these principles of respect for the human being and to protect of the civilian populations caught up in wars and armed conflict.

“If the High Contracting Parties accept the erosion of the principles defined for the protection of civilian populations in time of war, the future prospects for upholding humanitarian principles and protecting human rights throughout the world will be grim indeed,” said Amnesty International.

Background

There are 188 High Contracting Parties to the Geneva Conventions, including Israel, which signed the conventions on 8 December 1949 and ratified them on 6 July 1951. Israel has stated that it does not regard the Geneva Conventions as applying *de jure* to the West Bank and Gaza Strip, territories occupied in 1967, though it has repeatedly affirmed that Israel would respect in practice its “humanitarian provisions”, without clearly specifying what provisions it regards as “humanitarian”. The International Committee of the Red Cross and the United Nations

have consistently maintained that the Convention fully applies to the Occupied Territories and that the Palestinians are a protected population under the terms of the Fourth Geneva Convention.

The General Assembly resolution of 8 February 1999 was followed by a Presidential Statement on 12 February 1999 from the UN Security Council on the Protection of Civilians in Conflict. The Statement expressed “concern over the widening gap between the rules of international humanitarian law and their application” and called upon all parties concerned to comply strictly with their obligations under international law, in particular their relevant obligations under the Hague Conventions, the Geneva Conventions of 1949 and Additional Protocols of 1977.

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