



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2006/NGO/179

8 March 2006

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-second session
Item 8 of the provisional agenda

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB
TERRITORIES, INCLUDING PALESTINE**

**Written statement* submitted by the Habitat International Coalition,
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2006]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

ISRAEL'S VIOLATIONS OF PALESTINIAN CIVILIANS RIGHT TO HOUSING AND LAND IN THE OCCUPIED PALESTINIAN TERRITORY

Regrettably, Al Mezan and Habitat International Coalition's Housing and Land Rights Network report continuing Israeli violations of the Palestinian rights to adequate housing and land, in addition to violation of other economic, social and cultural rights since the previous Commission session. In fact, Israel has escalated collective punishment and continued building the Separation Wall, which worsens conditions in the West Bank through more land confiscation, deprivation and isolation of indigenous Palestinians.¹

The Israeli government evacuated 25 settlements in Gaza and north the West Bank and redeployed its forces outside the Strip on 12 September 2005 in such a way as to ensure full control over the territory. While the international community optimistically welcomed the Israel's withdrawal and evacuation of its settler colonies from Gaza, Israeli continued building the Separation Wall on Palestinian lands, building new settler colonies and enlarging already-existing ones across the West Bank.

Postdisengagement Gaza

UDP implementation has confirmed that Israel never intended to alter the legal status of the Gaza Strip. Seven months on, the UDP emerges as a project to leave Gaza in ruin under complete Israeli military deployment along its borders. The UDP has converted the Strip into a big prison with collective punishment by closure and blockade, perpetuating disastrous human consequences. Gaza Strip remains occupied territory according to the Fourth Geneva Convention criteria.² By the end of 2005, envoy Mr. James Wolfensohn's reported to the Quartet foreign ministers that Israel is "acting as if there was no withdrawal from the Gaza Strip."³

Israel's human rights violations have decreased from the widespread and systematic destruction of the past five years. That legacy has left 28,882 dunams of agricultural land razed, impoverishing 60,101 Palestinians.⁴ Of these, IDF razed 8,000 dunams more than once, and razed approximately 26 dunams in 2005. Since 2000, Israeli forces have destroyed 244 wells in Gaza, including two drinking water sources, and one in 2005. In late October 2005, the IOF occupied a wide area of agricultural land in the north of Gaza, following their unilateral decision to convert it into a closed military area. This now extends over a 6,350m-long and 2,100–2,700m-wide swath along the north Gaza border, stretching from the sea, to the west, to the former industrial zone, in the east. From there, the IOF regularly launch their rockets and tank fire.

IOF have demolished 6,395 Palestinian homes housing 58,460 Gazans, over half of them children. Of those, 2,684 homes are completely destroyed, including 50 in 2005. Israeli forces also have destroyed 807 commercial and industrial establishments, including 503 completely, and seven in 2005. Israel also has destroyed 255 public structures, including the bombing of 76

¹ Al Mezan Center for Human Rights (Gaza), member of the Habitat International Coalition, also shares the views expressed in this statement.

² http://www.mezan.org/site_en/resource_center/mezan_publications/detail.php?id=129

³ Cited in "Report of OIC Secretary General to 3rd Extraordinary Summit in Mecca on Palestine, Al Quda Al Sharif: 7–8 December 2005," at: <http://www.oic-oci.org> and <http://www.palestine-pmc.com/details.asp?cat=3&id=892>.

⁴ A *dunam* equals 1,000m².

schools, nine hospitals and clinics. The IOF targeted 10 such structures in 2005. Additionally, Israeli forces have destroyed 4,365 boats, 169 completely.

The recent abatement of the crimes of destroying homes, industries, trade establishments, public facilities and lands does not augur improvement of human rights conditions for Gaza Strip residents, particularly in view of the strict blockade, closure and troop deployment that the IOF have imposed. Those violations continue to afflict many aspects of Palestinian life. While the IOF checkpoints isolating Mawasi, Sifa, Ma`ani and Abu Nahia districts have been removed, the Gaza Strip effectively remains behind a prison wall. The following table depicts the pattern of closures.

Days of partial closure		Days of complete closure		Affected route & area
During 2005	2002 till end-2005	During	2002 till end-2005	
				Rafah-Khan Yunis (West)
				Rafah-Khan Yunis (East)
				Center-Khan Yunis (al-Hakar-al-Tahin)
				Center-Khan Yunis (Abu al`Ajin)
				Center-Gaza City (Martyrs' Crossing)
				Center-Gaza City (seaside road)

The closures have provoked harsh social and economic consequences across the Gaza Strip:

267,000 persons currently participate in the workforce, representing only 37% of potential workers;

Currently unemployed job seekers number 114,000, or 42.9% of the workforce (those unemployed who have given up looking for work form the remainder);

Gaza poverty rates have increased since 2000: reaching 37.2% (calculated by expenditure) and 65% (by income);

Gaza's 19 hospitals (2004) have 2,129 beds, representing 1.6 beds for every 1,000 persons;

Physicians number 2.4 for every 1,000 persons;

Three nurses for every 1,000 persons;

Health insurance holders: 93.8 per 1,000 (2004);

Natural breast feeding rate: 95.7% (2004);

Children suffering form malnutrition: 1.8%;

Low-weight children represent 4.9%.

Curfews and closure obstruct many reconstruction projects for homes of forcefully evicted families. It also exacerbates the economic situation, low standard of living, inflation and the decline in purchasing power. Losses arising from increased material costs and failure to meet

production deadlines have bankrupted many contractors. In the West Bank, the Wall also impedes local and international aid organizations, as they need permits to reach any required destination.

The following table shows the number of days during which Israeli forces closed terminals connecting Gaza with the outside world:

TERMINAL	Intifada through	DURING 2005
Rafah (arrival)		86
KARNI, AL-MINTAR		98
Beit Hanun, Erez		88
Sufah		259

West Bank

Israeli forces ignored the ICJ Advisory Opinion confirming that the Separation Wall breaches international law and must be stopped and removed immediately. Instead of heeding international law, Israel altered the Wall's route and lengthened it from 622 to 670 meters.⁵

Currently, 570,726 dunams are enclaved between the Wall and the Green Line. Additionally, foreclosed East Jerusalem lands total 697,440 dunams. The route bars 60,000 Palestinians outside the Wall dividing East Jerusalem, and has created 38 enclaves elsewhere in the West Bank, affecting 49,400 inhabitants.

The Wall deprives tens of thousands of Palestinians living outside its path but barred from their own lands, or who inhabit enclaves and own lands outside. It also forecloses access to services and prevents people from communicating with their families and friends across the West Bank. Palestinians living in these areas must subject to a permit system and pass IOF gates that operate arbitrarily, at Israeli soldiers' discretion. In areas between the Wall and the Green Line (e.g., Qalqilyah and Tulkarem) 5,000 inhabitants are forced to seek permits even to stay in their houses.

HIC and Al-Mezan confirm that, by the Wall construction:

1. Over 80% of the construction breaches international law prohibiting an occupying Power's from measures that harm civilian inhabitants;
2. Israel selectively denies freedom of movement to hundreds of thousands of people belonging to the specific group of Palestinian people; as such, it constitutes collective punishment in breach of Geneva Civilians Convention, Article 33, and ICCPR, Article 12;
3. IOF dispossession and destruction of private property breach Article 53 of the Geneva Civilians Convention;
4. Israel denies freedom of movement to hundreds of thousands belonging to the specific group (Palestinian people), violating ICCPR, Article 12, and constituting collective punishment in breach of Geneva Civilians Convention, Article 33;

⁵The map of the new 20 February 2005 route was published on the website of the Israeli Ministry of Defense, at: www.seamzone.mod.gov.il. The previous route, as of 30 July 2004, is found at: <http://www.seamzone.mod.gov.il/Pages/ENG/route.htm>.

5. **The occupying Power, thereby, introduces a new form of discrimination against protected civilians, allowing absolute freedom to its own population to move and settle in the West Bank and Jerusalem illegally, in breach of Articles 13 and 49 of the Civilians Convention,**
6. Israel violates the human rights to work, health, education and cultural activity, and deprives the indigenous people of the means of its own subsistence, including land and water, thus violating ICESCR Articles 2, 6–8, 11–15.

Conclusion

Both Habitat International Coalition and Al Mezan Center for Human Rights confirm and stress that the range of Israeli practices and consequences continue the pattern of international criminal, humanitarian and human rights breaches preceding the UDP. Some forms have changed, but the practice forms a continuum.

We also remind the CHR that Israel is treaty bound to reports on its implementation of these norms in the occupied territories as well as in its recognized jurisdiction. To date, Israel has refused to do so. The international community and the members of the CHR assume the parallel and equal responsibility, in light of international cooperation, to sanction the offending State for its systematic violations. Failing to do so encourages Israel to continue depriving Palestinians from their basic rights, and threatens the peace process and the security of the whole region.

In light of the information in this report, both HIC and AL Mezan announce the “deep need to end occupation and necessity of the presence of international force to protect the inhabitants. The 2 organizations urge the international community to take definite steps for the protection of Palestinians through quick and immediate procedures to stop Israel. Failing to comply with this goal will give Israel enough security to continue its practices paying no attention to the consequences which in turn spreads hatred in the region and destroys confidence in the international law and human rights”

For more information please visit our websites:

<http://www.hic-mena.org> and <http://www.mezan.org>

- - - - -