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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND
SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO
COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES:
REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN
RIGHTS RESOLUTION 8 (XXIII)

Written statement* submitted by Pax Christi International, a non-governmental
organisation 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.

[25 July 2003]

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

Call for independent international human rights monitoring body for the Occupied Arab Territories

Pax Christi International deplores the ongoing violations of human rights in the Palestinian Occupied Territories and Israel that are continuing unabated in spite of the recently promoted Road Map to peace in the region. It is the civilian population, in the Occupied Palestinian Territories and as well as in Israel, that is the victim of the ongoing spiral of violence and of the economic crisis accompanying the political crisis.

In light of the recent developments, Pax Christi International is extremely concerned about the increasing obstruction international humanitarian and human rights workers, journalists and peace activists face from the part of the Israeli authorities.

In recent months, international journalists, human rights and humanitarian workers and peace activists have increasingly become subject to violence and obstruction from the side of the Israeli authorities. On 17 March 2003, American peace activist Rachel Corrie was killed by an Israeli bulldozer in the Gaza Strip. Two other foreign peace activists, Tom Hurndall and Brian Avery were injured by the Israeli army this year. The Israeli army shot dead British journalist James Miller in May when he was filming in Rafah in the Gaza Strip. No investigations into these incidents have been made public up till today.

In addition, Pax Christi has recently been receiving increased numbers of reports of foreign human rights and humanitarian workers who had problems entering Israel or extending their visas. Of special concern are the measures that were taken by the Israeli authorities in May concerning entry to Gaza of foreigners. Foreigners who were inside the Gaza Strip were caught inside, whereas those who wanted to enter had to sign a statement that absolves Israel from responsibility should they be killed or injured. An Amnesty International delegation was denied access to Gaza when they refused to sign such a statement.¹

On 11 June 2003, the Israeli security services prevented the senior management of UNRWA, the United Nations agency that provides services to the Palestinian refugees, to leave the Gaza Strip to attend a quarterly management meeting in Amman, Jordan. According to UNRWA, it was the first time in the agency's 53-year history that its freedom of movement was curtailed in this way.²

Given the dramatic humanitarian situation in the occupied Palestinian territories, it is extremely important that humanitarian agencies such as UNRWA can do their work. Under the Fourth Geneva Convention, Israel is responsible for the safety and basic needs of the Palestinians under occupation and is obliged to allow humanitarian agencies to do their work freely. In addition, Israel has to abide by the provisions of the Declaration on

¹ Amnesty International Press release "Israel/Occupied Territories: Amnesty International Delegates Denied Access to Gaza", 9 May 2003.

² UNRWA Press Release "Israel Prevents UNRWA Management from Meeting", 11 June 2003.

the Protection of Human Rights Defenders of 1998, which stipulates the right to promote and strive for the protection and realisation of human rights.

Now that a diplomatic process has got off the ground, it is crucial to continue to link that to the realities on the ground. One of the shortcomings of the Oslo process was that the continuing human rights violations on the ground, such as confiscation and destruction of property, were in total contradiction to the political process that was taking place. The Road Map, the new plan, does not include human rights monitoring either; it only mentions monitoring of implementation of the peace plan. As long as violations of basic human rights continue, peace has no chance. The Israeli authorities must therefore allow free and independent reporting about human rights violations.

In the absence of an official international human rights monitoring body, many acts of violence committed by the IDF or by armed Palestinian groups cannot be investigated, creating an atmosphere of impunity or lawlessness. There are almost no examples of Israeli soldiers or settlers being brought to justice for acts of violence.³ As for the Palestinian armed groups, instead of arresting them and bringing them to trial, the Israeli authorities use a policy of assassinations.

One of the examples that shows the relevance of the presence of foreign peace activists as a means of protection is the West Bank village of Yanun. In October 2002 the inhabitants of Yanun were forced to flee from their land as settlers attacked them and tried to prevent them from harvesting olives. It was only later, when accompanied by Israeli and international volunteers, that the Yanun villagers were able to return.⁴

An example that underlines the need for international monitoring is Rafah in the Gaza Strip. Watchtowers along the border overlook the town of Rafah and Israeli soldiers fire routinely into refugee quarters. Reports of civilians and children killed cannot be confirmed in the absence of international monitoring. Even UN international staff is forbidden to stay there overnight, because it is considered too dangerous.⁵

Pax Christi International stresses the moral and legal responsibility of the international community, including the United Nations, to ensure compliance with international humanitarian law and human rights by the parties involved in the conflict.

Pax Christi believes that respect for human rights and international humanitarian law is imperative for reaching a just peace.

³ Amos Harel: *37 soldiers indicted for intifada-related crimes in last 2 years*, Ha'aretz 2 January 2003, on www.haaretzdaily.com

⁴ Justin Huggler: *Settlers target the olive pick. Justin Huggler in Yanun, West Bank-ers in the battle for land*, The Independent, 2 November 2002

⁵ Justin Hugler: *In Rafah, the children have grown so used to the sound of gunfire they can't sleep without it*, The Independent, 23 December 2002

Pax Christi is convinced that independent monitoring, unhindered access and transparent reporting form an essential and integral part of the concept of human rights, and in many cases can provide a minimum of protection for the populations concerned.

Recommendations

Pax Christi International therefore urgently recommends to the UN Commission on Human Rights and the Subcommission on the Promotion and Protection of Human Rights:

The establishment of an independent international human rights monitoring body for the Occupied Arab Territories, having a strong and transparent mandate and being directed to make all reports available to the public.

The above-mentioned body having clear directives to end impunity and being empowered to press for prosecution of violators of human rights and international humanitarian law.

6 *Commentary for the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights*, subsection d. at p. 18, last edited April 11, 2003.

7 *Id.* at subsection d.

8 *Id.* at subsections a.-i. on pp. 20-21.

9 Mary Robinson, *The Ways a 'Business Leaders Initiative on Human Rights' Might Add Value*, May 7, 2003 (Brussels, Belgium).

10 Principles 1 and 2 of UN Global Compact available at [http://www.unglobalcompact.org/content/AbouttheGC/The Nine Principles/prin1 & prin 2](http://www.unglobalcompact.org/content/AbouttheGC/The%20Nine%20Principles/prin1%20&%20prin%202.htm). htm.

11 See OECD Watch, Review of National Contact Points: June 2002-June 2003 available at [http://208.55.15.210/OECD-Watch-June 2003.htm](http://208.55.15.210/OECD-Watch-June%202003.htm), Oliver Williams, *Major US Companies doubt Global Compact credentials*, Business Day, April 22, 2003 available at <http://www.bdfm.co.za/cgi.bin/pp-print.pl>, and CALIFORNIA GLOBAL CORPORATE ACCOUNTABILITY PROJECT, BEYOND GOOD DEEDS: CASE STUDIES AND A NEW POLICY AGENDA FOR CORPORATE ACCOUNTABILITY 5-7 (2002).

12 BEYOND GOOD DEEDS: CASE STUDIES AND A NEW POLICY AGENDA FOR CORPORATE ACCOUNTABILITY at pp. 23-44.

13 Juan Forero, *Rights Groups Overseas Fight U.S. Concerns in U.S. Court*, N.Y. TIMES, June 26, 2003, at A3.

14 *Id.*

15 *Id.*

16 *Id.*