



Islamic  
Human Rights  
Commission

# Bringing Israel to Account

## The Role of International Law

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**Homeless in Gaza**

# BRINGING ISRAEL TO ACCOUNT

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### Table of Contents

#### INTRODUCTION

- **Destruction of Palestinian Property by Israel** ..... 3
- **Israel's Justification** ..... 4
  - *Military / Security needs* ..... 4
  - *Houses built without the necessary permits* ..... 4
- **Other violations of international law by Israel** ..... 4

#### PART 1: APPLICABLE INTERNATIONAL LAW

- **INTERNATIONAL HUMAN RIGHTS LAW** ..... 6
  - *The right to housing and an adequate standard of living* ..... 6
  - *Forced Eviction* ..... 7
  - *Equality of Treatment* ..... 7
  - *Due process* ..... 7
- **INTERNATIONAL HUMANITARIAN LAW** ..... 8
  - *Destruction of Property* ..... 8
  - *Collective Punishment* ..... 9
  - *Prohibition on attacking civilians or civilian objects* ..... 9
  - *Obligation to ensure the welfare of protected person* ..... 9
  - *Prohibition on replacement of national laws* ..... 9
  - *Prohibition against transfers of population and permanent changes* ..... 10

#### PART 2: ACCOUNTABILITY OF ISRAEL

- **UN Security Council** ..... 11
- **International Court of Justice** ..... 12
- **The International Criminal Court** ..... 13
- **European Court of Human Rights** ..... 13

- **CONCLUSION** ..... 15

# **BRINGING ISRAEL TO ACCOUNT**

## **The Role of International Law**

by Uzma Karim

### **INTRODUCTION**

The beginning of May 2004 saw one of the most intense periods of destruction by the Israeli Military in the Gaza Strip for some time. The Israeli Defence Force (IDF) destroyed nearly 200 homes leaving 3000 people, many of whom were women and children, homeless. This briefing will consider the systematic and long running destruction of homes and land of the Palestinian people living in the Occupied Territories and Israel in contravention of international law. It will then go on to consider the broader issue of Israeli accountability for the numerous violations of international human rights and humanitarian law it has committed against the Palestinian people.

### **Destruction of Palestinian Property by Israel**

According to the UN Relief and Works Agency for Palestine Refugees (UNWRA), during the beginning of May 191 homes were destroyed in the Gaza Strip with nearly 2,200 people left homeless bringing to a total 17,594 people who have lost their homes in the area since the Israeli occupation began. The majority of the current demolitions took place in Rafah, where 11,125 people have already been made homeless by demolitions since September 2000. The UN Secretary General Kofi Annan condemned Israel's destruction, calling on the Government of Israel 'to fulfil its obligations under international law as it acts to ensure its security. As the occupying power, it must cease such acts of collective punishment, and to refrain from further grave violations of international law'. Following the attack, the UN Security Council voted (with 14 out of 15 members in total in favour and the US abstaining) to adopt a Resolution (i) expressing its concern regarding the humanitarian situation of Palestinians made homeless in the Rafah area and calling for the provision of emergency assistance.

The recent wave of home demolitions must be seen in the context of a general and long running Israeli policy of destruction of Palestinian homes, land and infrastructure, together with forced evictions of Palestinians living in the Occupied Territories, as well as the homes of Arabs in Israel. According to Amnesty International, in the past three and a half years the scale of the destruction has 'reached an unprecedented level' with the majority of the homes destroyed belonging to refugee families who were expelled by Israeli forces or who fled the war following the creation of Israel in 1948. (ii) The largest single incident of home destruction, affecting 4,000 people, took place in the Jenin Refugee Camp in April 2002. To date, thousands of homes, hundreds of public buildings and private businesses, vast areas of agricultural land, irrigation networks and infrastructure have been destroyed with tens of thousands of people affected. Along with this destruction, comes the destruction of the very identity of the Palestinian people – many lose important documents and records, including health records, proof of ownership of land and proof of their citizenship.

## **Israel's Justification**

### ***Military / Security needs***

This is the most common justification given by the Israeli authorities who maintain that the destruction of houses and property is proportionate to their need to prevent or respond to attacks by armed Palestinians on Israeli settlements. It is claimed that the destroyed properties were used for attacks. Or it is stated that the demolitions were required to create buffer zones, as areas to build walls and military installations, or for the purpose of building roads to connect Israeli settlements. However, such properties are often destroyed with no evidence that they were used in the course of these attacks.

The reality is that the destruction must be seen within the context of Israel's long-standing policy of obtaining as much land as possible to establish Israeli settlements in the Occupied Territories. Amnesty International notes that the land seized by the Israeli army for 'military/security needs' has most often been used to expand and build Israeli settlements and infrastructure. Thus, for Israel, the real reason for house demolitions seems to be the permanent alteration of the ethnic population of the West Bank by turning its Palestinian population into refugees thus effectively eradicating their presence.

### ***Houses built without the necessary permits***

The second justification commonly given by Israel for the destruction of homes is that buildings do not have the necessary building permits. Yet, the virtual impossibility of obtaining permits combined with the problem of an overcrowded West Bank has meant that illegal structures have become increasingly common. This must be seen within the context of the *Oslo Accords* 1993 which divided the West Bank into three areas, giving responsibility for civil affairs, including housing, in two areas to the Palestinian Authority. These two areas cover only 40% of the total land but contain 97.6% of the Palestinian population. (iii) Israel retained responsibility for the largest area, containing most of the unpopulated Palestinian land and Israeli settlements, and surrounding most of the fragmented parts of the Palestinian areas. The Gaza Strip was similarly divided. While many Palestinian properties are destroyed in the Israeli controlled area for lack of building permits, similar Israeli buildings are often built and then granted retroactive permits creating a clear double standard. In addition to this, Israel has established a system of generous tax incentives and subsidies for Israelis and Jewish immigrants to move into the Occupied Territories – once again in an attempt to ensure an alteration of its ethnic population.

## **Other violations of international law by Israel**

As well as forced evictions, home demolitions and other destruction of property, various Governments and NGOs have highlighted a number of other violations of international law by the Israeli Government which should concern the world community. These include: extrajudicial and other unlawful killings of Palestinians by the Israeli security forces; arbitrary detention without charge or trial; attacks on the civilian Palestinian population; inadequate investigations of offences, including war crimes, ill-treatment and/or torture of detainees;

restrictions on the movement of Palestinians living in the Occupied Territories; denial of basic rights for Palestinians such as work, education and healthcare; failure to allow international observers into Occupied Territories; and impunity for any such crimes.

## **PART 1: APPLICABLE INTERNATIONAL LAW**

In the Occupied Territories, Israel is bound both by international human rights law as well as by provisions of international humanitarian law, which govern the situation where a foreign power has occupied a part or all of a state. In situations concerning territory where there are internal disturbances which have not reached the level of war (as in the state of Israel itself), the provisions of international humanitarian law do not apply. Thus, in the regulation of its conduct within Israel, the Israeli authorities are bound by the provisions of human rights law alone.

### **INTERNATIONAL HUMAN RIGHTS LAW**

There are a number of human rights treaties to which Israel is a party. These include: the *Universal Declaration of Human Rights 1948* (UDHR), *International Covenant on Civil and Political Rights 1966* (ICCPR), the *International Covenant on Economic, Social and Cultural Rights 1966* (ICESCR), the *International Convention on the Elimination of all Forms of Racial Discrimination 1966*, the *UN Convention on the Elimination of All Forms of Discrimination Against Women 1979* (CEDAW), the *UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984* and the *UN Convention on the Rights of the Child 1989* (CRC). It should be noted that Israel has consistently denied that it must adhere to human rights treaties in the West Bank and Gaza Strip, claiming that it is not required to apply them in areas that are not part of its sovereign territory. However, it is well established in international law that human rights treaties are applicable in all areas where parties exercise effective control and that Israel has *de facto* control over the Occupied Territories. In this context, the destruction of homes by the IDF violates a number of human rights guaranteed by the above treaties.

#### ***The right to housing and an adequate standard of living***

The right to housing is a fundamental human right. It was enshrined in the UDHR (iv) and subsequently codified in many human rights instruments to which Israel is a party. In these treaties, it is recognised that a right to housing is encompassed in the broader right to an adequate standard of living. The ICESCR states,

‘The State Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. State Parties will take appropriate steps to ensure the realisation of this right...’, (A.11)

CEDAW contains provisions in relation to the provision of adequate standards of living for women.(iv) Similarly, CRC A.27 requires that States ‘recognise the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development’. Further, ICCPR A.12 guarantees that any person lawfully within the territory of a State shall have the freedom to choose his residence. Thus it can be seen that this is a broader right than merely having a roof over one’s head and includes security of one’s home as a minimum and access to safe drinking water, heating, lighting and sanitation. Without such access the right to housing becomes meaningless. According to UNRWA, over half of the Palestinian workforce suffers from unemployment with two out of every three families

living under the poverty line. When such families lose their homes as well their income, the result is thousands living in near destitution.

### ***Forced Eviction***

Through forced evictions in both Israel and the Occupied Territories, Israel has made thousands of Palestinians and Israeli Arabs homeless. The UN Committee on Human Rights has stated that, 'the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing'.(v) Furthermore, the method of carrying out such evictions can very often violate other fundamental human rights such as privacy of the home. The ICCPR A.17 guarantees that 'no-one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence'. Where forced evictions are carried out with little or no warning under no clear judicial authority, they are clearly an arbitrary interference with a person's family and home life. Such evictions have also, in certain cases, violated the right to life and security of person guaranteed by UDHR A.3, ICCPR A.6 and CRC A.6. Furthermore, the UN Committee Against Torture has noted that the demolitions may also amount to cruel, inhumane or degrading treatment contrary to the *Convention Against Torture* A.16.(vi)

### ***Equality of Treatment***

In 1948, the world community declared that '[a]ll men are equal before the law and are entitled without any discrimination to equal protection of the law' (UDHR A.7). The ICCPR (A.2 and 26) and the ICESCR (A.2) also guarantee non-discrimination in the rights contained in the Covenants, on the basis of, *inter alia*, 'race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'

The *International Convention on the Elimination of all Forms of Racial Discrimination* 1966 states, 'State Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promote understanding among all races...'. Specifically, A.5(e)(iii) requires States to guarantee the right of everyone to equality before the law, particularly in the enjoyment of economic, social and cultural rights, such as 'the right to housing'. In March 1998, the UN Committee on the Elimination of Racial Discrimination called for an end to the demolition of Arab properties in East Jerusalem and for respect for property rights. The seizure of Palestinian land and the discriminatory allocation of vital resources, such as water, have had a devastating impact on the fundamental rights of the local Palestinian population, including the right to an adequate standard of living and to housing. In contrast, the Israeli settlers living in the Occupied Territories, continue to receive permits to build new properties, while other Israelis are offered generous financial treatment by Israel, in the form of grants and loans, to move into illegal new settlements. As such, they violate principles of non-discrimination contained in these treaties.

### ***Due process***

The ICCPR provides for equality before the law (A.26), the right to equality before Courts and Tribunals (A.14) and the right not to be subjected to arbitrary or unlawful interference with one's privacy, family, home or correspondence and for the law to protect against such interference (A.17). The ICCPR further provides that in the event of violation of Covenant rights, the State must provide an effective remedy. Thus, as a minimum, Israeli authorities



should provide a meaningful right to appeal a demolition order, together with compensation following an illegal eviction or demolition.

The reality is that often demolitions occur without warning. This practice has been sanctioned by the Israeli Supreme Court, which has stated that advance notice need not be given in cases where this may hinder the success of demolition. When notifications are issued, 30 days are usually given to appeal the decision and overturn it. Yet although a technical right to appeal is offered, it is not meaningful. Firstly, many Palestinians with little or no income find it difficult to bring costly appeals to Court. Next, it is also considered by many to be a futile exercise - since 1967, the Israeli High Court of Justice has not once overturned a demolition order. This futility is exacerbated by the fact that once demolitions have taken place, the victims are left without compensation.

## **INTERNATIONAL HUMANITARIAN LAW**

Under international humanitarian law, which governs the means and methods of war and conflict, Israel is considered an Occupying Power and as such it must adhere to the laws of belligerent occupation. These regulate the relationship between the occupying power and the inhabitants of an occupied territory. They are codified in, *inter alia*, *The Hague Convention (IV) respecting the Laws and Customs of War on Land and its annexed Regulations 1907* (Hague Regulations) and *The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War 1949* (the Fourth Geneva Convention). International humanitarian law only regulates humanitarian issues arising from the fact of occupation for the inhabitants of these territories - the actual legal fate of the Occupied Territories itself is a question that must be kept distinct from these issues. It is important to note that Israel still refuses to accept that many rules of international humanitarian law are applicable in the Occupied Territories.

### ***Destruction of Property***

It is important to remember that the destruction of property in an Occupied Territory is forbidden under A.53 of the Fourth Geneva Convention, except where such destruction is 'rendered absolutely necessary by military operations'. An extensive breach of this provision is considered a 'grave breach' and hence a war crime (A.147). A similar provision is contained in Regulation 23(g) of the Hague Convention 1907 which permits destruction of property in cases in which 'such destruction [is] imperatively demanded by the necessities of war'.

The IDF claims that it acts proportionately 'in the course of combat activities' - yet it is clear that preventive destruction, or that aimed at increasing Israeli settlements in the Occupied Territories, is not within the 'course of combat activities' or required by 'military necessity' and is therefore unlawful. Furthermore, while attacks on legitimate military targets are permissible under international humanitarian law, the use of force which is indiscriminate in that it attacks military or civilian objects without distinction is prohibited. Moreover, any use of force against a military target must be strictly necessary and proportionate. Israel's most common justification for cases of destruction is that the properties have been used for an attack. Yet, in most cases there have been no specific accusations, arrests or prosecutions made by the IDF against the property owners or inhabitants and no attempt has been made to verify if they played any part in an attack whatsoever. It is often falsely claimed by the IDF that the destroyed properties were abandoned. It is notable that to date, Israeli

authorities have repeatedly denied the presence of international human rights monitors in the area.

### ***Collective Punishment***

House demolitions are used as a method of collective punishment, which is forbidden under the Fourth Geneva Convention (A.33). This states that '[N]o protected person may be punished for an offence he or she has not personally committed. Collective penalties and all measures of intimidation and terrorism are prohibited'. These types of actions are also forbidden under the Hague Regulations 1907 (A.50). Thus it is clear that measures such as attacking a whole community or restricting their movements as the result of the actions of individual Palestinians is considered a war crime under international law. In World War II, Nazis carried out similar forms of collective punishment with the aim of punishing hostile activities by attacking entire towns or districts for any resistance that took place there. The *ICRC Commentary* to the Geneva Conventions states that such methods of suppressing retaliation 'strike at guilty and innocent alike' and contradict 'all principles based on humanity and justice'. It is often for this reason alone that the IDF's activities are condemned by the international community.

### ***Prohibition on attacking civilians or civilian objects***

Under the rules of international humanitarian law, civilians or civilian objects must be distinguished from combatants and military objectives. Under the Fourth Geneva Convention, Palestinians living in the West Bank and Gaza Strip are civilians benefiting from protection, as long as they do not directly participate in hostilities. If they do participate, they lose their protected status for the duration of any attack they are involved in. Under customary international law, indiscriminate attacks are prohibited and this includes attacks not directed against a military objective. Among the types of attacks prohibited are attacks which may cause loss of civilian life, injury to civilians, or damage to civilian objects, as well as attacks against the civilian population or civilians by way of reprisal. Thus indiscriminate attacks on houses, completely lacking in proportionality to any military necessity, such as happened in the Jenin refugee camp, are clearly unlawful.

### ***Obligation to ensure the welfare of protected persons***

Under the Hague Regulations 1907 (A.43), Israel has a positive obligation to ensure the welfare of residents of the Occupied Territories. Under the Fourth Geneva Convention, it is also obliged to ensure the passage of emergency medical services, to respect the sick, to allow the passage of food and medical equipment, as well as to allow the facilitation of education. The destruction of property and the restricted movement faced by many Palestinians is evidence of the fact that Israel is not fulfilling its obligations under international law.

### ***Prohibition on replacement of national laws***

Under A.64 of the Fourth Geneva Convention and A.43 of the Hague Regulations 1907, Israel has a duty to maintain the national laws applicable in the Occupied Territories. Under this provision, changes in the legal system (including changes in planning law) are forbidden. Yet in 1967 the Israeli government breached these provisions by replacing pre-existing national planning law with its own law when it took control of the Occupied Territories.

***Prohibition against transfers of population and permanent changes***

The expansion of illegal Israeli civilian settlements in the Occupied Territories, alongside the systematic destruction of the Palestinian population, also violates international humanitarian law prohibitions against population transfer and the resulting conditions of Palestinian communities' standard of living. Under the Fourth Geneva Convention (A.49) Israel is prohibited from transferring members of its own population into the Occupied Territories, and under the Hague Regulations 1907 (A.55) it is prohibited from making permanent changes to the West Bank that do not benefit the local population.

## **Part 2: ACCOUNTABILITY OF ISRAEL**

The question arises as to the mechanisms that can be legitimately used in international law to bring the Israeli Government and the IDF to account for the numerous violations highlighted above. As we shall see below, there are various mechanisms that do exist to bring perpetrators of such grave crimes to account before the world community - yet in the case of Israel, mostly for political reasons, they have never been successfully used.

### **UN Security Council**

Under the UN Charter, the purposes of the UN include the maintenance of international peace and security, as well as the development of friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples. Under A.2(4), 'all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the UN'.

If it seems that a Member State is breaching provisions of the UN Charter, the Security Council has various options to take enforcement measures under Chapter VII. Before taking such measures, the Security Council must determine the existence of any threat to the peace, breach of the peace, or act of aggression under A.39 of the UN Charter. It can then make recommendations, or decide what measures shall be taken in accordance with A.41 and A.42, to maintain or restore international peace and security. Under A.41, the Security Council may decide what measures, not involving the use of armed force, are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations. Under this provision, the UN has authorised sanctions against Iraq. (vii)

In cases where lesser measures may fail to work, the Security Council can take action under A.42 which states that should it 'consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations'. It is this provision that would allow the UN to take action using force against Israel.

Yet despite these provisions being available to the UN, history has shown that the failure of UN machinery to resolve the situation in Israel has been endemic. Any action taken under Chapter VII must be authorised by the Security Council which alone has the power to ensure that Member States are obliged to carry out UN Resolutions. There are 15 members of the Security Council, including 5 permanent members (China, France, Russian Federation, the US and the UK). Decisions on substantive matters require nine votes, including the votes of all five permanent members. The fact that any one of the five permanent members can veto a decision of the Security Council often leaves the hands of other members tied. The reality is that this power has all too often been used to serve entirely political purposes

of Member States, rendering it highly unlikely that Israel will ever be brought to account for its actions in this way. This is exemplified by the example given at the outset of this briefing.

### **International Court of Justice**

Another method of bringing Israel to account for violations of the UN Charter could be before the International Court of Justice (ICJ). The ICJ was established in 1945 under the UN Charter as the principal judicial organ of the UN, acting as a world court in deciding disputes of a legal nature between States.

However, once again there are limits to the use of the ICJ as a means of bringing Israel to account for its atrocities. This is primarily because Israel has refused to recognise its jurisdiction. As a recent example, earlier in 2004, Israel formally submitted a written challenge questioning the right of the ICJ to rule on the legality of its West Bank separation Wall. The Wall is being built on grounds of Israeli self-defence but is seen by Palestinians as another attempt to take more of their land and indeed was branded by the UN in September 2003 as an illegal annexation of Palestinian territory. It is reported that 90% of the route of the Wall is on Palestinian land inside the West Bank. When completed, it will cut off more than 15% of West Bank land from the rest of the West Bank, trapping nearly 270,000 Palestinians living in areas encircled by the Wall. Further, the route of the Wall encompasses and benefits large numbers of Israeli settlements – in total 80% of Israeli settlers living in the Occupied Territories will be living on the Western side of the Wall, territorially closer to Israel. (viii) The ICJ was requested to deliver an Advisory Opinion on the legality of the Wall by the UN General Assembly in December 2003 which it issued on 9 July 2004. (ix) Israel declared from the outset that it would boycott the ICJ deliberations on the grounds that the 'Court does not have the authority to debate the terror-prevention fence which touches on Israel's basic right to self defence'. The ICJ Advisory Opinion concluded that the construction of the Wall violates international human rights and international humanitarian law and that Israel has an obligation to make reparation for the damage caused so far by the construction. In particular, it stated that '[t]he construction has destroyed agricultural land and the livelihood of tens of thousands of Palestinians for the benefit of unlawful Israeli settlements'. It further declared that states are under an obligation not to recognise 'the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction'. Israel's reaction was entirely predictable, with the Israeli Prime Minister Ariel Sharon making it clear that Israel totally rejected the ruling, claiming that it was one-sided and politically motivated. The US has also rejected the ICJ Advisory Opinion, stating that the ICJ was not the appropriate forum to discuss a political issue and that the Opinion was nonbinding. Once again, using the guise of security, Israel is avoiding its international legal obligations, confident that the world community can take no action in the face of its impunity.

However, even if the ICJ issues a judgment against Israel, it has no enforcement powers of its own to implement a judgment. In the *US - Nicaragua Case* 1984, Nicaragua complained that the US had helped the Nicaraguan Contra rebels against the Government. Two years later, before the ICJ ruled against the US, in 1986, the US withdrew its acceptance of the ICJ's jurisdiction and refused to comply with its judgment. In circumstances where a state fails to fulfil obligations following an ICJ judgment, the ICJ may lay the matter before the

Security Council, which may recommend or decide upon the measures to be taken to give effect to the judgment (UN Charter, A.94). However, as we have seen above, the likelihood of the Security Council taking such action is minimal.

### **The International Criminal Court**

The Statute creating the International Criminal Court (ICC) was adopted in Rome, in July 1998, and the ICC's jurisdiction commenced on 1 July 2002. In passing the Statute, 120 countries voted in favour with only seven countries voting against, including Israel and the US. The aim of the ICC is to bring to account perpetrators of the gravest crimes against the international community - war crimes, crimes against humanity and genocide. Cases may be submitted to it either by the Security Council, a State Party, or by the ex-officio Prosecutor.

Yet even this advancement in international law cannot assist Palestinians – as Israel has not ratified the Treaty, the ICC may not exercise competence over any claims of crimes committed on Israeli soil. When cases are submitted to the ICC either by a State Party or by the ex-officio Prosecutor, it may only exercise its competence when the State in which the crimes took place or the State of which the accused is a citizen have either ratified the Statute or accepted the ICC's competence by means of a declaration filed with the Court. Thus the only way that Israel may be brought before the ICC is if it commits a crime in the territory of a country which has ratified the Statute and if these crimes took place after the Statute came into force. Of all the countries that border Israel, Jordan is the only one to have signed it thus far – so only in the unlikely event that Israel commits an atrocity on Jordanian soil, could Israeli leaders be brought before the ICC. An equally unlikely alternative means of bringing an Israeli war criminal to account would be if he had dual nationality, which included nationality of a State which is party to the ICC Statute.

Furthermore, the Statute does not require states which are not parties to it to cooperate in the performance of its functions. Article 87(5) does authorise the ICC to invite any state which has not ratified the Statute to provide assistance on the basis of an *ad hoc* agreement. In addition, if the UN Security Council refers a situation threatening international peace and security to the ICC, the Security Council may use its powers under Chapter VII of the UN Charter to ensure that non-state parties cooperate with ICC requests. Yet as an avenue for making Israel accountable we are once again faced with the prospect of inaction by the Security Council.

Finally, the ICC, unlike national legal systems, has no enforcement measures of its own – no police force to execute arrest warrants or to conduct intensive investigations, no prisons, and no sentence enforcement measures. The ICC will thus always be dependent upon national authorities to work effectively. This, together with the fact that neither the US nor Israel have accepted its competence, ensures the limits to using the ICC as a means of bringing justice to Palestinians.

### **European Court of Human Rights**

Perhaps one final attempt at accountability could be through Israel ratifying the *European Convention on Human Rights* 1969 (ECHR). This provides protection against violations of

human rights and the Convention is justiciable before the European Court of Human Rights in Strasbourg. This possibility may seem far-fetched, yet for many purposes Israel is regarded as a European nation. It has many economic links with the EU and indeed it is the only non-European state to get membership of the European Research and Development Programme. Israel is also regarded as a European state for the purposes of being awarded many research grants and contracts.

## CONCLUSION

In the words of the current President of the International Committee of the Red Cross (ICRC) 'no war is above international law...it is disturbing to note how often violations of international humanitarian law are shrugged off as 'collateral damage' an appalling term when applied to human beings - or blithely justified as apparently unavoidable results of the quest for security'.(x) Israel's justification of self defence for its actions against the Palestinian population is simply not acceptable in international law and the world community should no longer stand by and watch civilians dying in a State whose actions have hitherto been treated with impunity.

Accountability mechanisms following conflict and injustice serve a range of purposes, including punishment, prevention and rehabilitation. Yet as we have seen above, the futility facing Palestinians in Israel and the Occupied Territories is clear – the reality of their lives is of a community facing massive crimes affecting them on a daily basis with no one to report the crimes to and no institution available to judge the crimes independently and punish any violations. It is within this context that the world community must understand the desperation of the Palestinian population and make a valid attempt at bringing the perpetrators of grave crimes to account.

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- (i) UN Security Council Resolution 1544
  - (ii) See *Israel and the Occupied Territories, Under the rubble: House demolition and destruction of land and property*, Amnesty International, 18 May 2004.
  - (iii) See *Amnesty International*, 'Under the rubble...' above.
  - (iv) A.25 states, 'Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control'.
  - (v) Under A.14(2), 'State Parties shall take all appropriate measures to eliminate discrimination against women in rural areas...[and] shall ensure to such women the right: (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications'.
  - (vi) *Resolution on Forced Evictions 1993*
  - (vii) *Conclusions and Recommendations of the Committee against Torture: Israel 23/11/2001*.
  - (viii) See *Amnesty International*, *Israel and the Occupied Territories: The place of the fence/wall in international law*, 19 February 2004.
  - (ix) See, *International Court of Justice*, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 9 July 2004.
  - (x) On this note, there is a continued call for a European boycott of research and cultural links with Israel 'unless and until Israel abides by UN resolutions and opens serious peace negotiations with the Palestinians...', see open letter in *The Guardian*, 6 April 2003.
  - (xi) Jakob Kellenberger, *Financial Times*, 19 May 2004.







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