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ISRAEL/OCCUPIED TERRITORIES: COLLECTIVE PUNISHMENTS, DESTRUCTION OF PROPERTY AND TAKING OF HOSTAGES ARE WAR CRIMES UNDER INTERNATIONAL LAW

The ICJ is extremely concerned by the destruction of infrastructure and collective punishments carried out by Israel in the Gaza Strip, and by the kidnapping of an Israeli soldier last Sunday by Palestinian armed groups. Such acts can amount to war crimes for which individuals can be held criminally responsible. The ICJ calls on both parties to respect basic principles of international humanitarian law and reminds all States Parties to the Geneva Conventions of their legal obligation to ensure respect for the Conventions.

Following the abduction of Corporal Gilat Shalit by three Palestinian armed groups, Israeli Defence Forces (IDF) have destroyed infrastructure and bombed several roads and bridges in the Gaza Strip. Israeli Air Force aircraft also attacked a major Gaza City power station after midnight Tuesday, cutting power to much of the area and reportedly leaving some two-thirds of the Gaza Strip's 1.3 million residents without electricity and with reduced water supplies.

In the context of a military build up in northern Gaza, incursions and the firing of missiles in the southern Gaza Strip, the IDF has reportedly warned residents of the northern Gaza town of Beit Hanun and another Gaza City neighbourhood to leave their homes as the army will begin targeting populated areas. The IDF have also carried out a wave of arrests in the West Bank, detaining at least 64 members of Hamas, including ministers and parliamentarians.

"The ICJ is extremely concerned by these latest developments that constitute a clear breach of international humanitarian law that applies to the Israeli-Palestinian conflict", said Nicholas Howen, Secretary-General of the ICJ. As an occupying power exercising effective control over the West Bank and the Gaza Strip, Israel is legally bound to respect the IV Geneva Convention on the Protection of Civilians in Time of War. Article 33 of the IV Geneva Convention states: "No person may be punished for an offence he or she has not personally committed. Collective punishments and likewise all measures of intimidation or of terrorism are prohibited."

"The announcement by the IDF that it will begin targeting populated areas is totally unacceptable and a blatant violation of a fundamental principle of the law of war that prohibits the excessive and disproportionate use of force against civilians", said Mr Nicholas Howen. Moreover, statements by National Infrastructure Minister Benjamin Ben-Eliezer alluding to the possibility that Palestinian Prime Minister Ismail Haniyeh was not exempt from arrest or harm are extremely worrying and contrary to basic principles of the rule of law.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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The ICJ calls on the Israeli authorities to abide by international humanitarian law, to ensure the protection and safety of the Palestinian civilian population and to stop military actions that constitute collective punishments and wanton destruction of infrastructure and basic objects indispensable for the survival of the civilian population. It recalls that under international law, the extensive destruction of property that is not justified by military necessity and carried out unlawfully and wantonly, constitutes a war crime.

As international humanitarian law also explicitly and absolutely prohibits the taking of hostages, the ICJ calls on the armed groups, which are also bound by Article 3 of the Geneva Conventions, to treat Corporal Shalit in a humane way and to immediately release him. It also condemns the killing of an Israeli civilian near Ramallah, reportedly by Palestinian militants from the Popular Resistance Committees./