



# HOUSING AND LAND RIGHTS NETWORK

## Habitat International Coalition

### Israel Commemorates the 10<sup>th</sup> Anniversary of ICJ Advisory Opinion on Its Wall across the West Bank by Shelling the Gaza Strip

Last Wednesday was the 10<sup>th</sup> anniversary of the historic Advisory Opinion of the International Court of Justice (ICJ) on “the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,” issued on July 9, 2004. By aggressively bombing residential areas in the Gaza Strip, Israel has killed 178, including 138 civilians, and destroyed 1,255 homes since 7 July, according to [OCHA](#), displacing 17,000, now hosted at UNRWA schools built to serve the victims of the 1948 population transfer.

In its ten-year-old ruling, the ICJ found Israel’s Wall and its associated regime—which effectively annexes over 40% of the occupied Palestinian territory (oPt) of the West Bank—to be illegal. The Court found that international law requires Israel to tear down the sections already built, as well as make reparations for all damages caused by its construction and its associated regime.

After ten years, Israel still continues in its violations of the peremptory norms of international law and breaches of the Fourth Geneva Convention by constructing the apartheid/annexation wall in the West Bank and, again, targeting homes in the Gaza Strip.

At the same time, the international community (the United Nations and the individual member states) have failed to uphold their obligations under international law to ensure Israel’s respect for fundamental humanitarian norms and face accountability for wanton destruction and killing Palestinian civilians by targeting their homes, among other codified war crimes and crimes against humanity. This particular pattern of grave breaches of international humanitarian law (IHL) by [targeting homes, shelters and shelter seekers](#) constitutes Israeli military doctrine since the proclamation of the State of Israel.

We echo the position of UN High Commissioner for Human Rights [Navi Pillay](#), affirming that “Every alleged breach of international law must be promptly, independently, thoroughly and effectively investigated, with a view to ensuring justice and reparations for the victims.”

Although Israel has prevented the territorial continuity of occupied Palestine (Gaza Strip, West Bank and Jerusalem), hypothesized in the Oslo Accords, these parts of the State of Palestine are inexorably linked by a seamless pattern of legally prohibited measures by the occupying power that violate an indivisible bundle of human rights, including self-determination.

Some states, public entities, parastatal organizations and private actors are accessories to these violations and grave breaches, whether located in, operating partially in, providing services or products to, transacting with or trading in services or products of Israeli settler colonies, or otherwise engaged in projects executed totally or partially under Israeli control in

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the oPt. Meanwhile, international law prohibits recognition of, and cooperation with this illegal situation.

Certain non state actors already *have* been widely denounced for their noncompliance with their international law and human rights obligations. Among these entities are the parastatal Jewish National Fund, World Zionist Organization, and Mekorot, as well as Israeli and transnational corporations such as Elbit Systems, Sodastream, Ahava, G4S, Veolia Group, Alstom, Dexia Bank, and institutions of the Israeli banking system, among many others.

Therefore, HIC-HLRN declared its support for the recommendations of [the joint letter](#) that 87 international jurists issued to the UN Secretary General and the High Contracting Parties to the Fourth Geneva Convention on the anniversary of the ICJ Advisory Opinion. The signers and endorsers call upon the international community to take legally permissible measures to ensure Israel's—and all states'—conformity with obligations to respect and ensure respect for the Geneva Conventions, particularly the prohibitions against targeting civilian areas, bombing homes and properties, collective punishment and implantation of settlers and settler colonies in occupied territory. These obligations and other peremptory norms of international law require Israel—indeed all states—to ensure the removal of the Israeli Wall from occupied Palestinian territory and the associated regime of settler colonies, institutionalized discrimination, extraction of resources and annexation of land and water.

We call upon individual states and governments to adopt policies and prohibitive legislation; develop, produce and widely disseminate informational guidelines to their citizens, in order to ensure that companies and other entities under their jurisdiction are sufficiently apprised of the legal consequences of their role in Israeli violations, so that no party evade its obligations.

We also call upon states, the United Nations and concerned international organizations to ensure full [reparations](#) for the serial crimes, gross violations and grave breaches against the Palestinian people, individually and collectively, through Israel's conduct of population transfer, including the implantation of its settlers and settler colonies.

We call upon the High Contracting Parties to the Geneva Conventions to exercise their obligation to apply domestic and universal jurisdiction, in order to pursue, prosecute and/or extradite violators of IHL, gross violations of human rights and crimes addressed in the Rome Statute of the International Criminal Court.

We call for the integrity of the United Nations, its constituent bodies and specialized organizations to implement their own Charter-based principles and obligations to conform to these norms and to ensure accountability for such breaches, and to support states in corresponding trade, military and/or diplomatic sanctions as countermeasures to such crimes, gross violations and grave breaches.

We urge, once again, that the member states of the UN General Assembly consider the findings of the [Russell Tribunal on Palestine](#) concluded at Cape Town in 2011 and reconstitute the Special Committee and Centre against Apartheid, to continue the study, normative development and remedial measures necessary to dismantle institutional discrimination as it is practiced by Israel to the particular detriment and dispossession of the Palestinian people, individually and collectively.

We also urge the State of Palestine to accede to the Rome Statute, depositing a statement affirming its applicability in the oPt, including Jerusalem, the West Bank and Gaza Strip.