Israel’s construction of the Apartheid Wall in the West Bank constitutes a grave violation of human rights and international law. The Wall is being built within the context of the illegal Israeli occupation of the West Bank and Gaza which, since 1967, has led to numerous violations of international law. Its route is designed to include Jewish settlements -that are themselves illegal - which are located deep inside the West Bank, thus de facto making them part of the State of Israel. Israel has continuously exhibited its contempt for international agreements, beginning with Israel’s violation of the 1947 United Nations Partition Plan for Palestine.

The Apartheid Wall will result in the unilateral demarcation of a new border in the West Bank and the effective annexation of occupied land. Other violations of international law include collective punishment of the civilian population, the seizing of private property by an occupying power, the demolition of houses and property, and the violation of such basic human rights as the right to work and freedom of movement. In this fact sheet the impact of the Wall will be analyzed in the context of international humanitarian and human rights law as embodied by the Hague Regulations (1907), the IV Geneva Convention (GC IV, 1949), the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), the Convention on the Rights of the Child (CRC, 1989), the Convention on the Elimination of Racial Discrimination (1966), and the International Convention on the Suppression and Punishment of the Crime of Apartheid (1973). The following charts list the main breaches of Israel’s obligations under international law and provide examples of violations resulting from the construction of the Apartheid Wall.

The building of the Wall is illegal under international law in that it constitutes a permanent change of arrangements prevailing in an occupied territory, in violation of the administrative authorities vested in the occupying power. The most serious effect of the Wall is the annexation of occupied land, which is prohibited under the laws of war (humanitarian law). A basic principle of the laws of belligerent occupation is that legal rights to land are not acquired by way of military occupation. Israel’s unilateral decision to build the Wall in the Occupied Territories represents the creation of “facts on the ground” designed to impede the realization of the right of the Palestinian people to self-determination by preventing the territorial contiguity necessary for the establishment of an independent Palestinian state.

### 1. THE CONSTRUCTION OF THE WALL IS A VIOLATION OF INTERNATIONAL LAW

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<tr>
<th>States’ Obligation under International Humanitarian Law</th>
<th>Examples of Violations</th>
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<td>“Private property cannot be confiscated”¹ This prohibition applies without exception, not even for security needs.</td>
<td>At various points, the Wall is built 20 km inside the West Bank, cutting into over 1/10 of the West Bank width, leading to massive land annexations. In the Wall’s “first phase” some 121,455 dunums² of land —2% of the West Bank—have been de facto annexed.</td>
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<td>“Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited”³</td>
<td>In the Wall’s “first phase” some 14,680 dunums have been confiscated and razed for the path of the Wall; over 102,000 trees have been uprooted; tens of wells, kilometers of irrigation networks have been destroyed, and over 200 shops and homes have been demolished.⁵</td>
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<td>“No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited...Reprisals against protected persons and their property are prohibited”⁴</td>
<td>“The Wall will directly harm at least 210,000 Palestinians, who live in 67 villages, towns, and cities...Palestinians between the Wall and the Green Line will effectively be cut off from their land and workplaces, schools, health clinics and other social services”.⁷</td>
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<td>“The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”⁸</td>
<td>The Wall intrudes into the West Bank in order to include settlements which have had the Wall’s path altered to suit “their demands”. It is estimated that approximately 98% of the settler population will be incorporated on the “Israeli side” of the Wall.</td>
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The Wall is already directly violating the rights of hundreds of thousands of protected Palestinian civilians, while its impact extends to the entire population of the Occupied Palestinian Territories (OPT). It is clear that as future sections of the Wall are built more communities will be directly affected. The closures, sieges, curfews and checkpoints that have been used to severely curtail freedom of movement during the current intifada have already deprived whole communities of access to health, education and work, and the right to freedom of movement and property. The Wall is institutionalizing the stranglehold on these communities and solidifying the denial of basic human rights.

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<th>Human Rights Protected under International Law</th>
<th>How the Wall Violates these Rights</th>
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<td><strong>Right to Freedom of Movement</strong></td>
<td>• Israeli soldiers individually determine who is “permitted” to cross gates in the Wall and whether or not and when the gates will open. There have already been documented instances of beatings, shooting and humiliation at the gates.</td>
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</table>
| “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence”.
| “Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive”. |
| **Right to Property**                          | • Farmers and families in over 65 villages in the northern West Bank, near the Wall’s “first phase” are deprived of their land which is isolated by the Wall and/or has been razed for the path of the Wall. |
| “Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property”. |
| **Right to Health**                            | • Because of the Wall, the United Nations Relief and Works Agency (UNWRA) hospital in Qalqiliya is inaccessible to all refugees in the northern West Bank (except Qalqiliya residents) to whom it was supposed to provide medical assistance. |
| “The Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory… Medical personnel of all categories shall be allowed to carry out their duties”. |
| **Right to Education**                         | • Many children and teachers are isolated from their schools by the Wall, for instance, in Ad Dab’a students are prevented from reaching their secondary school that is located in the neighboring village and is now cut off by the Wall. |
| “Education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms”. |
| The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children” |

The market in Nazlat Isa after the demolition of some 85 shops in January 2003.

Residents in Jayyus throw food over the Wall to a family in the isolated area.

Farmers unable to cross the Wall to work on their lands in Jayyus.
3. THE WALL ESTABLISHES AN APARTHEID REGIME

Using the pretext of security, Israel is creating a regime of apartheid. The indigenous Palestinian population is being oppressed for the benefit of non-Palestinians, most of whom settled in the area since 1947-48. The regulations designed to administer the area which lies between the Wall and the Green Line create, in practice, two types of inhabitants: (1) “Israelis,” who are defined in the Declaration Closing Territory in the Seam Zone as citizens or residents of Israel and those entitled to citizenship by the Israeli Law of Return, to whom the restrictive regulations do not apply and who are free to move about the zone and to freely enter and exit it; and (2) others – in practice, Palestinians, who require all sorts of permits to enter and exit the zone.

The Seam Zone is a closed military area for Palestinians who have been living there for generations, and an open area without any restriction on freedom of movement for any Jew, including those of the Diaspora who do not even reside in Israel. A discriminatory structure has thus been established in which one community is a detention camp for powerless inhabitants, adjacent to settlements inhabited by free people whose civil and legal rights are equal to those of citizens of Israel. Such segregation and unequal treatment on the basis of national origin is legal apartheid, which is both illegal and immoral. Such a regime constitutes an international crime in itself.
4. THE WALL IS A WAR CRIME

The Wall is clearly a war crime subject to criminal sanction under international humanitarian law which states that “extensive destruction and appropriation of property”⁴ is to be considered a “grave breach” of the IV Geneva Convention and thus a war crime. Already, the Wall has resulted in the destruction of hundreds of buildings in the northern West Bank as well as in the Bethlehem, Jerusalem, and, more recently, Hebron areas. Furthermore, a number of small villages and hamlets near the Wall have been told that most of their community will be destroyed.

5. INTERNATIONAL INTERVENTION TO STOP THE APARTHEID WALL

All High Contracting Parties of the Geneva Conventions (1949), including Israel, have the duty to ensure the application of international humanitarian law in accordance with Article 1 Common which states: “The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.” The information and facts presented in this fact sheet establish the Wall’s illegality; thus all of the states which are signatories to the Geneva Conventions have a responsibility to intervene to demand that its construction be stopped and reversed, which is the only way to end its countless violations of international law.

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¹ The Fourth Geneva Convention has been called a bill of rights for occupied people, as its catalogue of fundamental rights becomes applicable immediately upon occupation.
² Art. 46, Convention IV, Respecting the Laws and Customs of War on Land ( Hague, 1907).
³ One dunum = 1,000 square meters = ¼ acre
⁴ Art.53, GC IV. Also protected under art. 23 (g), Convention IV, Respecting the Laws and Customs of War on Land ( Hague, 1907). An exception is provided if such destruction is “rendered absolutely necessary by military operations,” but not for political considerations. Military necessity does not extend to the defense of inhabitants of the occupier who live in the occupied territory.
⁶ Art. 33, GC IV
⁸ Art.49, GC IV
⁹ Art. 12, ICCPR Also protected under art. 13, UDHR
¹⁰ Art. 49, GC IV
¹¹ Dugard, Ibid
¹² PENGON, Ibid
¹³ Art. 17, UDHR. Also protected under art. 1, ICESCR and art. 1, ICCPR.
¹⁴ For more information see the Anti-Apartheid Wall Campaign Fact Sheet: The Wall’s “First Phase”
¹⁵ Art.56, GC IV. Also protected under art. 12, ICESCR
¹⁶ Art. 17, ICESCR. Also protected under art. 1, CRC, and art. 11. UDHR
¹⁷ Art. 50, GC IV
¹⁸ Art. 6, ICESCR
¹⁹ Art. 23, UDHR
²⁰ Dugard, Ibid
²¹ PENGON, Ibid
²² Art. 11, ICESCR. Also art. 25, UDHR
²³ Art. 18, ICCPR
²⁴ Art. 58, GC IV
²⁵ Art. 8, CRC
²⁶ No. S/2/03
²⁷ According to “Order on Security Instructions (Judea and Samaria) (No. 378), 5730-1970, General Permit to Enter and Stay in the Seam Zone,” tourists from all over the world, are entitled to enter into and stay in the zone as they please, without applying for a permit, while Palestinians who have been living there for hundreds of years must go to the Civil Administration to request a permit to stay on their land and in their homes.
²⁸ International Convention on the Suppression and Punishment of the Crime of Apartheid of November 30, 1973, which defines, in art. II © and (d) as a crime of apartheid the imposition of various legislative measures on different racial groups while injuring the rights of one. See also the Convention on the Elimination of Racial Discrimination, arts. 2, 3, 5.
²⁹ Art. 147, GC IV