

Five years on, Israel continues to disregard the International Court of Justice's Advisory Opinion on the Wall

9 July 2009

Statement by the UN High Commissioner for Human Rights

Five years ago today, the International Court of Justice (ICJ) issued its Advisory Opinion on the "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory". In its Advisory Opinion, the ICJ found that the Israeli construction of the Wall within the Occupied Palestinian Territory (OPT), including in and around East Jerusalem, violated Israel's obligations under international law. The ICJ stated that Israel is under an obligation to cease the works of construction of the Wall within the OPT and bring down the parts within the OPT that had already been built. The ICJ also stated that the Israeli Government should terminate the associated system of severe restrictions on the freedom of movement of Palestinian residents of the West Bank, which violates their human rights. The High Commissioner calls on Israel to act in accordance with the Advisory Opinion of the ICJ.

The Israeli Government claims that the Wall is a temporary security measure. However, the ICJ indicated that the specific route Israel has chosen for the wall is not necessary to attain its security objectives and that the construction of the wall constitutes "breaches by Israel of various of its obligations under the applicable international humanitarian law and human rights instruments". The overwhelming majority of the planned route of the Wall - 86 percent, runs *inside* the West Bank, not along the 1949 Armistice Line (the Green Line). The ICJ pointed out that the route of Wall had been planned to encompass the bulk of the Israeli settlements in the OPT – settlements which are illegal under international law.

Five years after the ICJ issued its Advisory Opinion, the situation has not improved. Israel continues to disregard the views of the ICJ, and the Wall remains under construction. Since the ICJ Advisory Opinion, about 200 kilometers have been constructed, bringing the total amount constructed to 413 kilometers – 60% of the planned 709 kilometre long route.

The Wall is but one element of the wider system of severe restrictions on the freedom of movement imposed by the Israeli authorities on Palestinian residents of the West Bank. There are currently well over 600 closure obstacles blocking Palestinian movement within the West Bank. In addition, the system of roads is increasingly segregated: travel on hundreds of kilometres in the West Bank is restricted or prohibited outright for Palestinians, whereby Israelis are allowed to travel on them freely. About one third of the West Bank, including occupied East

Jerusalem, is completely prohibited to Palestinians without a special permit issued by the Israeli military.

These severe restrictions violate not only the right to freedom of movement. They also effectively prevent Palestinian residents from exercising a wide range of other human rights, including their right to work, to health, to education and to an adequate standard of living. Farmers are prevented from accessing their fields and from exercising their right to sustain their livelihood. Due to restricted access and work permit regimes thousands of Palestinians are prevented to seek work outside their locality. Children are prevented from accessing schools and students face restrictions in choosing their university as a result of freedom of movement restrictions. Patients are prevented from accessing hospitals, blocking them from exercising their right to the highest sustainable standard of health. And Palestinian residents currently lack meaningful access to an effective remedy – judicial or otherwise - for their plight.

OHCHR calls on the Israeli Government to:

- Comply with the Advisory Opinion of the ICJ and dismantle the Wall within the OPT and make reparation for all damage suffered by all persons affected by the wall's construction.
- End the current regime of restriction of movement within, to and from the OPT, in order to ensure that Palestinian residents are able to exercise their rights, including their right to freedom of movement, right to work, right to education, and right to the highest attainable standard of health.