

Date: 6 April 2006

In the response please cite: 31450, 37230

Mr. Meni Mazuz
Attorney General
Ministry of Justice
Jerusalem

By fax – most urgent!!!

Re: **Government decision to cut off ties with the Palestinian District
Coordination Offices**

We hereby request that you urgently intervene to prevent measures which constitute a disavowal of the State's most fundamental obligation in the territories it is holding under belligerent occupation: to ensure normal life for the protected residents, subject to military needs only. These measures, if implemented, will create chaos in the Territories, destroy the fabric of life and violate human rights in every area of life.

We were informed today that the Palestinian DCOs have received notice stating the government has instructed the military to cut off all ties with them, except in cases of medical emergencies. Additionally, we learned that on Sunday, the government is scheduled to decide on far reaching measures, such as a cessation of processing of applications submitted to the DCOs by the civilian population in the Occupied Territories. This information was corroborated by the military's humanitarian desk. If the information is correct, indeed, these measures would constitute a **gross and severe violation of international law**.

The State may conduct foreign relations as it wishes, but so long as the territories are under Israeli occupation, the State is obligated to respect the human rights of the residents of the Palestinian territories and facilitate normal life. These obligations are incumbent upon the State of Israel and the military commander by law.

The State of Israel transferred many powers to the Palestinian Authority, including powers relating to the population registry, residency, immigration, education, healthcare and more. The normal operation of these authorities depends on the submission of applications to Israel via the Palestinian DCO. An Israeli boycott of the DCOs would cause unprecedented impingement of human rights, in all areas of life.

Authorities exercised by the military alone, such as issuance of travel permits and control over the crossings, are also exercised only upon submission of applications via the Palestinian DCO. It follows that putting a halt to all communication with the Palestinian DCOs would lead to an absurd situation in which Israel would cease from exercising its authorities and fulfilling its obligations.

Obviously such a situation would be unlawful. The fundamental and foremost obligation of the occupying power is to ensure order and security. The occupying power is permitted to transfer some of its powers to authorities in the occupied territory, but it continues to bear overall responsibility.

Israel may not, in any way, shirk its responsibilities towards the residents of the territories it occupies due to a boycott of the authorities of the occupied territory. The drafters of the Fourth Geneva Convention anticipated such a problematic contingency and explicitly prohibited it in Article 47 of the Convention. A situation in which the competent authority disavows its responsibility is entirely unacceptable, as is a state of affairs in which the authorities of the occupying power transfer powers to local authorities but refuse to recognize their decisions. The occupying power is prohibited from "freezing" life in the territory.

Causing harm to the entire population due to a boycott on the authorities of the occupied territory also constitutes collective punishment, which is expressly prohibited by customary international law. See Article 50 of the Hague Regulations and Article 33 of the Fourth Geneva Convention.

If this were not enough, political considerations are irrelevant in international law. The military commander is not permitted to disavow his responsibilities towards the residents of the Occupied Territories with the aim of promoting a political boycott of the Palestinian Authority by the State of Israel. The only consideration which is relevant for human rights violations is the military consideration - there is no other.

In light of the aforesaid, if Israel wishes to cut off all ties with the Palestinian authorities and DCOs, it must immediately transfer control over these territories to the local authorities, including control over the crossings and the population registry, and must make available to them all the resources required for fulfilling their obligations, as is necessary after 40, less one, years of occupation.

The second option is to reinstate the civil administration and give the residents the option of appealing directly to the Israeli authorities, in every matter within the scope of the authority of the military commander which emanates from their rights and needs, including entry to and exit from the Territories, movement between the Gaza Strip and the West Bank, entry to Israel, residency, registry and so on.

As Israel is averse to all the above options, we request that you instruct the government to avoid taking measures which constitute a blatant and severe violation of international law and its obligations as an occupying power.

We require your response urgently.

Respectfully,

Gil Gan Mor, Att.

Copies:

Osnat Mendel, Director, HCJ Division

Major General Yosef Mishlav, Coordinator of Government Activities in the Territories

Colonel Pnina Sharvit Baruch, Head of International Law Division

Brigadier General Avihai Mendelblit, Military Advocate General

Colonel Yair Lotstein, Military Legal Advisor for the West Bank

Lieutenant Colonel David Binyamin, Military Legal Advisor for the Gaza Strip