

# Claims resolution

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Victims of violations of human rights are entitled to reparations under international human rights and international humanitarian law. The right to reparations and compensation is enshrined in various international legal instruments, including the Hague Convention, the Geneva Convention, the International Law Commission's Draft Articles on State Responsibility, and rulings by the International Court of Justice.

Article 3 of the Hague Convention IV, which reflects norms of customary international law states that “[a] Belligerent Party which violated the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.” Article 1 of the International Law Commission's (ILC) Draft Articles on State Responsibility provides that states are responsible for their internationally wrongful acts.

Once the international responsibility of a state is established, several legal consequences follow (Article 28), including the duty to cease the wrongful act and provide guarantees of non-repetition (Article 30), as well as the obligation to “make full reparation for the injury caused...whether material or moral” (Article 31). Reparations include restitution, compensation, and satisfaction (Article 34), and aim at wiping out all of the consequences of the violation, including by re-establishing the situation that existed before the wrongful act was committed (*restitutio in integrum*) and by providing compensation, where restitution is materially impossible, or when the damage may not be made good by restitution.

Compensation should cover “any financially assessable damage including loss of profits” (Article 35-36). Similarly, according to the UN Basic Principles on Reparations, which were adopted unanimously without vote by the UN General Assembly in 2005, states are required to provide reparation to victims for acts or omissions that can be attributed to the State and that constitute gross violations of international human rights law or serious violations of international humanitarian law.

On several occasions, the international community has called upon Israel to provide effective remedies to our people for Israel's violations of internationally binding obligations. For instance, in 2004, the International Court of Justice (ICJ) ruled almost unanimously on the illegality of Israel's actions in occupied Palestinian territory. The Court reaffirmed Israel's responsibility for the damages resulting from the illegal construction of the Wall in our territory, including in and around occupied Jerusalem. In addition to upholding our right to self-determination and reaffirming the inadmissibility of the acquisition of territory by force, the ICJ held, *inter alia*, that international human rights and humanitarian laws apply; that settlements are illegal under international law; that Israel violated our freedom of movement as well as our right to work, health, education and to an adequate standard of living. Furthermore, the ICJ found that Israeli forcible transfers of Palestinians, deportations and destruction of private property are in breach of international law. Consequently, the ICJ found that Israel is under an obligation to end the violations by ceasing the construction of the Wall, dismantling what has been built, and making full reparations for the damages caused to all the natural or legal persons having suffered any form of material damage as a result of the Wall's construction.

In addition, the UN Fact Finding Mission on the Gaza Conflict concluded in 2009 that Israel committed gross violations of international human rights norms and humanitarian law during its war on Gaza, inflicting extensive harm on our civilian population. Israel compensated the UN for damages to the international organization's personnel and facilities. The Mission was of the view that Israel is obliged to pay similar compensation to Palestine, and called upon the international community to provide for a mechanism of compensation by Israel for damage or loss incurred by Palestinian civilians during Israel's military operations.