

**Letter to the President of the Court from the Permanent Representative
of the Republic of Guinea to the United Nations
dated 15 January 2004**

[Translation]

Referring to the Order issued on 19 December 2003 entitled “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory” and pursuant to Article 66, paragraph 2, of the Statute of the International Court of Justice, I have the honour to inform you, on the orders of my Government, as follows:

Israel’s construction of the separation wall in the occupied Palestinian territory, which is at odds with the relevant resolutions of the Security Council and General Assembly of the United Nations, is an illegal measure under international law.

Far from satisfying the need for security of the Israeli populations, the continued construction of this wall leads to reinforcing the feelings of frustration and hate of the put-upon Palestinian populations and, by extension, to deepening the lack of understanding between the two parties. It imperils the very core of the painstakingly negotiated Road Map of the Quartet, whose implementation is just beginning.

There should be no doubt that the sole purpose in constructing this separation barrier, whose route cuts seriously and deeply into Palestinian territories, is to pursue, by pernicious means, the settlement of the occupied territory and to deprive the Palestinian people of a territorial element that is essential to the full exercise of its sovereignty. It is the expression of a policy known as “bantustanization”, whose objective is to create enclaves that are not viable, thus denying any freedom of movement to the Palestinian people and robbing it of the most fertile and most productive lands, for the sole benefit of the Israeli occupier.

This is an enterprise doomed to failure, being counter to elementary standards of international law, human rights and humanitarian law and aimed at undermining the very basis of the peace process in the Middle East. It clearly runs counter to historical development and to the universally accepted vision of two States, Palestinian and Israeli, living side by side, within secure and internationally recognized borders. Worse, it is the most flagrant manifestation of the denial to the Palestinian people of the exercise of their right to full sovereignty within the framework of an independent, free and viable State.

Confident in the foregoing, the Republic of Guinea, committed to defending the legitimate rights of the Palestinian people, unequivocally condemns the ongoing construction of the separation wall. It urges the Israeli Government to demonstrate common sense by immediately ending this deplorable practice and by restoring to the Palestinian people the territories arbitrarily confiscated from them, which would be the sign of a greater readiness to contribute to a just and lasting solution to the crisis in the Middle East.

Accordingly, the Republic of Guinea reiterates its support for the application of resolution A/RES/ES-10/14 adopted on 8 December 2003 by the Resumed Tenth Emergency Special Session of the United Nations General Assembly on the illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory. It joins the many peace-loving nations of the world in requesting the International Court of Justice urgently to render an advisory opinion on the consequences arising under international law from the construction by the Israeli Government of the separation wall in the occupied Palestinian territory.
