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**Human rights situation in Palestine and other
occupied Arab territories**

Written statement* submitted by the Al-Haq, Law in the Service of Man, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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50 Years is Enough.

Introduction

The 10th of June 2017 will mark 50 years of Israeli occupation of Palestinian territory.¹ Since the start of the occupation, Israel has aimed to: 1) control as much of the territory as possible, including through its settlement enterprise, while exploiting the natural resources therein; and 2) to fragment the Palestinian population within the territory while creating an environment aimed towards the expulsion of the population, village by village, family by family, person by person. The right of the Palestinian people to self-determination is found under international law² and continues to be reaffirmed by the international community.³ Israel has consistently denied Palestinians this right and created physical facts on the ground, some of which are tantamount to *de facto* annexation of the occupied territory,⁴ in violation of international law.⁵ Alongside the 50th year of occupation, this year also marks 10 years of closure of Gaza and 15 years since construction on the Annexation Wall began. As years pass, Israel's violations of its obligations as Occupying Power are met with impunity, and Palestinians are forced to adapt to changing, and often unlawful, realities. It is time for the international community to finally take decisive action. This submission focuses on three defining areas of Israel's occupation, including Israel's policies in East Jerusalem, the unlawful use of Palestinian natural resources, and use of force against Palestinians.

Jerusalem: The Forgotten Occupation

Jerusalem has been at the heart of the conflict since 1948 when Israel unilaterally occupied the western part of the city contrary to UN General Assembly (GA) resolutions calling for the full internationalization of the city.⁶ Since 1967, when Israel further occupied and then annexed the eastern part of the city, Israeli policy towards Jerusalem has aimed at changing its demographic balance to create a Jewish majority,⁷ despite international law prohibiting any changes to Jerusalem's *status quo*.⁸ By annexing neighboring villages in addition to East Jerusalem, Israel expanded "the maximum land area that could be incorporated while including the minimum number of Palestinians."⁹ In the Jerusalem

¹UN Security Council, Resolution 242 (1967), 22 November 1967, U.N. Doc S/RES/242 (1967).

² International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, Article 1. International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 03 January 1976) 993 UNTS 3, Article 1.

³ UN General Assembly, Resolution 3236 (XXIX), Question of Palestine, U.N. Doc A/RES/3236 (XXIX), 22 November 1974, paras. 1-2. *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, at 182, 184, and 197, paras. 118, 122, and 149. UN General Assembly, Resolution 67/19, Status of Palestine in the United Nations, U.N. Doc A/RES/67/19, 29 November 2012, para. 1.

⁴*Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, at 184, para. 121.

⁵ Geneva Convention relative to the protection of civilian persons in time of war (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287, Article 47. Riziq Shuqair, "Jerusalem: Its Legal Status and the Possibility of a Durable Settlement" (Al-Haq 1996), page 13.

⁶UN General Assembly, Resolution 181(II), U.N. Doc A/RES/181(II), 29 November 1947, Part III, A. UN General Assembly, Resolution 194(III), U.N. Doc A/RES/194(III), 11 December 1948, para. 8. UN General Assembly, Resolution 303(IV), U.N. Doc A/RES/303(IV), 09 December 1949, para. I.1.

⁷ Geneva Convention relative to the protection of civilian persons in time of war (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287, Article 47. Riziq Shuqair, "Jerusalem: Its Legal Status and the Possibility of a Durable Settlement" (Al-Haq 1996), page 13.

⁸ UN Security Council Resolution 2334, "Condemning all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem." UN Doc S/RES/2334 (2016) .UN General Assembly, Resolution 2253 (ES-V), U.N. Doc A/RES/2253 (ES-V), 04 July 1967. UN General Assembly, Resolution 2254 (ES-V), Measures taken by Israel to change the status of the City of Jerusalem, U.N. Doc A/RES/2254 (ES-V), 14 July 1967. UN Security Council, Resolution 267, U.N. Doc S/RES/267 (1969), 03 July 1969. UN Security Council, Resolution 478, U.N. Doc S/RES/478 (1980), 20 August 1980, paras. 2 and 5.

⁹Riziq Shuqair, "Jerusalem: Its Legal Status and the Possibility of a Durable Settlement" (Al-Haq 1996), page 17.

periphery, the Israeli E1 Plan intends to connect Ma'ale Adumim, the largest settlement in the Occupied Palestinian Territory, with Jerusalem while excluding a number of Palestinian towns such as Abu Dis and Al Eizariya, despite these historically being included within the Jerusalem boundaries.¹⁰ In the same vein, Israel illegally built the Annexation Wall separating a number of Palestinian Jerusalem neighborhoods from accessing the city while increasing the number of Israeli settlers within occupied East Jerusalem.¹¹ The Annexation Wall and its associated closure and permit regime have severed the Palestinian people's ties and claims to Jerusalem, while diminishing Palestinian political, economic, and cultural life there.¹² Throughout the period of the occupation, Israel has therefore actively pursued and expanded policies of residency revocations for Palestinian East Jerusalemites,¹³ while continuing to encourage the relocation of Palestinians to areas beyond the Annexation Wall through a discriminatory planning regime, punitive and 'administrative' house demolitions,¹⁴ amongst other factors. These policies violate a variety of Palestinian rights, including: liberty of movement, right to choose ones residency, and right to adequate standard of living, amongst others. Moreover, taken together, these Israeli policies and practices aim to rid Jerusalem of its Palestinian character, and may amount to the crime of persecution of Jerusalem's indigenous Palestinian population in violation of international criminal law.¹⁵

Exploitation of Palestinian Natural Resources: The Occupation's Forbidden Fruit

Under international law, "[p]ermanent sovereignty over natural resources is considered a pillar of the principle of self-determination."¹⁶ The international community has reaffirmed the "right of the Palestinian people to permanent sovereignty over their natural wealth and resources" which "must be used in the interest of their national development, [...] and as part of the realization of their right to self-determination."¹⁷ Instead, during the past fifty years of occupation, Israeli annexation policies have included the strategic control over and exploitation of Palestinian natural resources, including water, fertile land, Dead Sea minerals, stone resources, and natural gas and oil. In Area C, where the majority of Palestinian natural resources lay, Israel controls Palestinian water resources and restricts Palestinian access to and use of land. The appropriation of Palestinian water by Israel's National Water Company, Mekorot, serves to benefit the Israeli settler and national population and economy.¹⁸ While Mekorot limits the water supply to Palestinian communities, who are often forced to purchase their own water resources at high rates, Israel has diverted the water supply to illegal Israeli settlements, allowing 500,000 Israeli settlers to consume six times more water than the entire Palestinian population of the West Bank.¹⁹ Obstructed and limited access to water is then further reinforced by Israel's demolition and confiscation of water infrastructure in Area C.

Palestinian energy dependency has also been a product of Israeli plans to restrict Palestinians from developing their own supply of energy. In 1967, Israel terminated Palestinian supply agreements for electricity, which now fall under the

¹⁰UN General Assembly, Resolution 181(II), U.N. Doc A/RES/181(II), 29 November 1947, Part III, B.

¹¹ See *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004.

¹²UN General Assembly, Resolution 67/19, Status of Palestine in the United Nations, U.N. Doc A/RES/67/19, 29 November 2012, para. 1.

¹³ This has most recently included the use of "punitive" residency revocations. See *Forcible Transfer of Palestinian Family Members of Accused*, Al-Haq, 31 October 2015 available at <http://www.alhaq.org/advocacy/topics/population-transfer-and-residency-right/981-deportation-of-palestinian-family-members-of-accused>; East Jerusalem: Exploiting Instability to Deepen the Occupation, Al-Haq, see page 39, available at <http://www.alhaq.org/publications/Special.Focus.on.jerusalem.pdf>

¹⁴Al-Haq, "Palestinians in Jerusalem Subjected to House Demolitions" (08 February 2014), available at: <http://www.alhaq.org/documentation/weekly-focuses/780-palestinians-in-jerusalem-subjected-to-house-demolitions>.

¹⁵ Al-Haq, "East Jerusalem: Exploiting Instability to Deepen the Occupation" (Al-Haq 2015), pages 47-48.

¹⁶ Anan AbuShanab, "An Environmental Approach: The Protection of Natural Resources in the Occupied Palestinian Territory" (Al-Haq Briefing Paper 2017), page 9.

¹⁷ UN Human Rights Council, Resolution 25/27, U.N. Doc A/HRC/RES/25/27, 25 March 2014, para. 4.

¹⁸Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, The Hague, 18 October 1907, Annex to the Convention: Regulations respecting the Laws and Customs of War on Land, Section III, Articles 43, 47, and 55.

¹⁹Al-Haq, "Exploitation of Water Resources", Facts on the Ground, page 2.

Israel Electric Corporation. As a result, Palestine is forced to buy most of its electricity from Israeli providers.²⁰ In the Gaza Strip, Israel has closed off access to Palestine's territorial waters to protect Israeli pipelines and a gas platform. The closure has severely impacted the lives of Palestinians in Gaza, and "routinely attacks Palestinian fishermen using live ammunition, and arrests, detains, and removes protected Palestinian civilian fishermen beyond the borders of the occupied territory."²¹ The maritime closure, along with the land closure enforced by Israel, impose extreme hardships on the daily lives of Gazans due to energy, food, and water shortages. The closure, as well as the numerous Israeli assaults which have targeted infrastructure, have led to a severe state of underdevelopment and a man-made humanitarian crisis, making Gaza uninhabitable by 2020.²²

In total, as Israel benefits from its use of Palestinian resources, the Palestinian economy is obstructed and basic human rights, including the right to life, the right to pursue economic development, and the right to work are violated.

Unlawful Use of Force, Torture and Cruel, Inhuman and Degrading Treatment

Since 1967, Palestinians have been victims of various forms of violence and use of excessive force by the Israeli Occupying Forces to instill control and fear. Extrajudicial killings, shoot-to-kill policies, torture and ill-treatment of political prisoners, and the violent suppression of peaceful assemblies and demonstrations are a few examples of the persistent use of excessive force by Israel against Palestinians. Although a mainstay of the occupation, Israel's shoot-to-kill policy has been starkly flaunted over the past few years. Al-Haq has documented countless cases where Palestinians have been killed by Israeli Occupying Forces, where lesser, non-lethal means could have been used to control a situation. Importantly, in many cases, eyewitness testimony conflicted with Israel's account of an incident, and Palestinians appear to have been arbitrarily killed.²³ In other cases, Israel has stated that Palestinians were killed "by mistake," however, no steps towards accountability were taken.²⁴ In addition to these incidents, Israel has implemented its shoot-to-kill policy at demonstrations, along with other tools of suppression.²⁵ The use of excessive tear gas and "sponge-tipped" bullets, amongst other weapons, has led to both serious bodily injury and fatalities.²⁶

On a larger scale, Israel has launched military assaults on Gaza which have targeted civilians and civilian infrastructure. Most recently, Israel's so-called "Operation Protective Edge," launched in 2014, killed over 2,000 Palestinians, including approximately 556 children.²⁷

The torture and ill-treatment of political detainees in Israeli prisons has also been a mainstay of the occupation. Such actions have been widely documented, including against Palestinian child detainees.²⁸ In addition to detainees, the

²⁰ Simon Henderson, "Natural Gas in the Palestinian Authority: The Potential of the Gaza Marine Offshore Field" (March 2014), The German Marshall Fund of the United States, Policy Brief, page 3, available at: <http://www.washingtoninstitute.org/uploads/Documents/opeds/Henderson20140301-GermanMarshallFund.pdf>.

²¹ Al Haq, "Israel's Deadly Catch: Special Report for United Nations Business and Human Rights Forum 2015 on the Persecution of Fishermen in the Occupied Palestinian Territory" (Al Haq 2015), page 16.

²² UN Conference on Trade and Development (UNCTAD), Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the Occupied Palestinian Territory, U.N. Doc TD/B/62/3, 06 July 2015, paras. 40-43.

²³ From Killing to Burial: Questions Left Unanswered, Al-Haq, 10 March 2016, available at <http://www.alhaq.org/documentation/weekly-focuses/1028-from-killing-to-burial-questions-left-unanswered>

²⁴ "Mistaken" Killings: IOF kill Palestinian civilians Mustafa Nimer and Iyad Hamed despite posing no threat or danger to anyone, Al-Haq, 20 September 2016, available at <http://www.alhaq.org/documentation/weekly-focuses/1072-qmistakenq-killings-iof-kill-palestinian-civilians-mustafa-nimer-and-iyad-hamed-despite-posing-no-threat-or-danger-to-anyone>

²⁵ Use of Live Ammunition Confirmed in Nawarah Shooting, Al-Haq, 13 June 2014, <http://www.alhaq.org/advocacy/targets/accountability/81-general/810-use-of-live-ammunition-confirmed-in-nawarah-shooting>

²⁶ See the case of Zakaria Al Joulani in "Three Pictures from Jerusalem," Al-Haq, available at https://www.youtube.com/watch?time_continue=324&v=KbIBMbUAero

²⁷ Divide and Conquer: A Legal Analysis of Israel's 2014 offensive against the Gaza Strip, Al-Haq, 22 February 2015, available at <http://www.alhaq.org/advocacy/topics/gaza/898-divide-and-conquer>

Palestinian population at-large has been the target of cruel, inhuman, and degrading treatment via Israeli collective punishment policies.²⁹

Israeli policies and practices are symptomatic of Israel's occupation and disregard for Palestinian rights to life, the inherent dignity of the human person, and security of person.

Conclusion

After fifty years of military rule, the prolonged Israeli occupation of Palestinian territory has become the longest occupation in recent history. Since 1967, the international community has failed to hold Israel accountable for its violations of international human rights and humanitarian law in the OPT using the means at its disposal. As an *erga omnes* obligation,³⁰ the right to self-determination "imposes specific [positive] obligations on States parties, not only in relation to their own peoples but vis-à-vis all peoples which have not been able to exercise or have been deprived of the possibility of exercising their right to self-determination."³¹ Accordingly, we call on the international community to take immediate action to end Israel's occupation. Over the past 50 years, Israel has attempted to rewrite and recreate the history of the Occupied Palestinian Territory, most palpably in East Jerusalem, has used Palestinian resources for its benefit, deprived the Palestinian population of its right to development, and most importantly, has operated in blatant disregard of the Palestinian right to life, all in violation of its most basic duties as Occupying Power. The occupation must end.

²⁸ Children in Israeli Military Detention, UNICEF February 2015, available at https://www.unicef.org/oPt/Children_in_Israeli_Military_Detention_-_Observations_and_Recommendations_-_Bulletin_No._2_-_February_2015.pdf

²⁹ "In addition to amounting to collective punishment, the withholding of bodies is inconsistent with Israel's obligations as an occupying Power pursuant to the Fourth Geneva Convention (articles 27 and 30) and violates the prohibition of torture and ill-treatment." Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, Report of the Secretary-General, 30 August 2016 para. 25, See also, Committee Against Torture Review of Israel, 2016, finding that punitive home demolitions are in violation of Article 16.

³⁰ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, at 172, para. 88.

³¹ UN Human Rights Committee, General Comment No. 12, Article 1 (Right to Self-determination), 13 March 1984, para. 6.