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**Statement by S. Michael Lynk
Special Rapporteur on the situation of human rights in
the Palestinian territories occupied since 1967**

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Mr/Madame Chair, Excellencies and Distinguished Delegates, Ladies and Gentlemen

Thank you for the opportunity to present my first report to the General Assembly as Special Rapporteur for this mandate. It is a great honour to be able to serve in this position.

As an introductory observation to my remarks today, I would like to draw to the attention of the distinguished delegates that the Government of Israel has continued with its persistent stance of non-cooperation with the Special Rapporteur's mandate. As it has acted towards my two immediate predecessors, the Government of Israel made no response to my written request in June of this year to be allowed to visit Israel and the Occupied Palestinian Territory, and I was not granted entry. I would remind the delegates that the cooperation of all member states is a fundamental obligation of United Nations membership, anchored in Articles 104 and 105 of the *Charter of the United Nations*, as well as in Article VI (Section 22) of the *Convention of the Privileges and Immunities of the United Nations*. The Special Rapporteur is very grateful to the Hashemite Kingdom of Jordan for hosting my mission this past summer, and to the many human rights NGOs, officials of the Palestinian government and the UN officers who travelled from the OPT to Amman to meet with me during my mission this past July, or who spoke to me via video conference or who made written submissions. However, this can be no substitute for being able to visit the Occupied Palestinian Territory, to meet with people and organizations on the ground, and make my own observations with respect to the state of human rights there. This stance of non-cooperation serves no one's interests, least of all the cause of human rights.

You will have before you my full report, which reviews in some detail the human rights situation in the Occupied Palestinian Territory at present. In the short time that I have today, allow me to highlight three particular issues of concern for your attention.

A. Violence and the Lack of Accountability

Since October of last year, there has been a significant upsurge in violence in the West Bank, including East Jerusalem. According to the latest figures more than 230 Palestinians and at least

32 Israelis have been killed during the past 12 months, either during demonstrations, or as a result of attacks or alleged attacks by Palestinians on Israelis and lethal responses by Israeli security forces. As Special Rapporteur, my concerns about this current climate are four-fold:

- First, violence, and particularly violence against civilians, by anyone is to be deplored. Also to be deplored is the frequency of what appear to be disproportionate responses by Israeli security forces, where too often the killing of Palestinians who were alleged to be involved in demonstrations or attacks is the first choice, rather than the last resort.
- Second, statistics suggest that there is little to no accountability for these killings. Findings by human rights organizations demonstrate that cases brought before Israeli military law enforcement mechanisms lead to indictment in only the rarest of cases, resulting in near impunity for Israeli soldiers.
- Third, I am alarmed by the rise in the number of Palestinians being held by Israel in detention, particularly with regards to the growing use of administrative detention and the growing number of Palestinian children under the age of 18 who have been detained.
- And fourth, I am concerned about the increasingly desperate social and political climate that these attacks reflect. The deepening of the Occupation and the utter absence of a political horizon leading to self-determination for the Palestinians have reinforced an atmosphere of despair and hopelessness – this does not excuse the violence, but it goes a long way to understanding why it is happening.

B. Collective Punishment and Forcible Transfers

The second theme that I want to highlight is the ongoing concern with respect to the Occupying Power's frequent use of collective punishment, in the form of punitive home demolitions, geographic closures and severe infringements on the freedom of movement, and the almost decade-long comprehensive blockade of Gaza. Your Excellencies will know that any form of collective punishment is strictly prohibited under Article 33 of the 4th Geneva Convention, and that the Human Rights Committee has observed that the prohibition on collective punishment is absolute and without exceptions (non-derogable).

I would like to offer two brief observations with respect to collective punishment. First: the Government of Israel reinstated the practice of punitive home demolitions in 2014, and it has been since utilizing it with increasing frequency. By July of this year, it had already destroyed more Palestinian homes in 2016 under this policy than it had during the entire year of 2015. These demolitions – whose purpose is to punish the family members of someone suspected of a crime – are illegal under international law, precisely because they offend the foundational rule-of-law principle that an innocent person cannot be punished for a crime purportedly committed by someone else.

Second, Israel continues to employ the practice of geographic closures of parts of the OPT. The wide-scale impact that these closures have on a large percentage of the population of the West Bank suggests an interest in both controlling as well as penalizing the residents. These types of broad restrictions on freedom of movement are in violation of Israel's obligations under human rights law. As one example, in early June of this year four Israeli civilians were killed, in a deplorable act, at a popular shopping mall in Tel Aviv. The two Palestinians who were apprehended by the Israeli police were from the southern West Bank; immediately following their arrests, the Israeli government revoked all 83,000 permits it had issued to residents of the West Bank and Gaza to travel during Ramadan, and sealed off the suspected attackers' entire home town for a number of days.

In this same general context, I would also like to voice my alarm with respect to the Occupying Power's intensifying practice of forcible transfers. This has been occurring with particular frequency in East Jerusalem and in the so-called Area C of the West Bank. These forcible transfers include the repeated demolitions of Arab Bedouin communities, the almost-absolute denial by the Occupation authorities of applications by Palestinians for housing and building permits, and the destruction of international humanitarian aid for these communities, particularly from the European Union. The ongoing practice of forcible transfer is closely tied to the Israeli settlement project. Both are illegal under international law, as recalled by the Security Council and the International Court of Justice, as well as a clear breach of Article 49 of the *Fourth Geneva Convention* and Article 8 of the *Rome Statute*.

C. The Right to Development

Excellencies:

The final theme from my report that I wish to present to you relates to the Right to Development and its application to the Occupied Palestinian Territory. As you know, the Declaration on the Right to Development was adopted by the General Assembly in 1986, and it provides that every human being and all peoples have an inalienable right to economic and social development that is equitable and just, and fully observant of all human rights. This Right applies with full force to a territory under occupation. In my report, I have examined the economic and social condition of the Palestinians in the OPT through the lens of the Right to Development.

It must be stressed at the outset that the Palestinian economy is without parallel in the modern world. Its territorial components – the West Bank, including East Jerusalem, and Gaza – are separated physically from one another. Its largest geographic entity – the West Bank – has been divided by Israel into small islands of densely-populated areas disconnected from one another by the Wall or by settlements, by-pass roads connecting the settlements to each other and to the Israeli transportation system, roadblocks, exclusive zoning laws, restricted areas and military no-go zones. Within these areas occupied by Israel, the local political authority is likewise splintered: the Palestinian Authority (PA) has limited rule over a part of the fragmented archipelago in the West Bank, Gaza is governed by a separate political authority not accountable to the PA, and Israel has illegally annexed East Jerusalem. Furthermore, Israel has imposed a comprehensive land, sea and air blockade on Gaza since 2007. Within the West Bank, Israel exercises full civil and security authority over “Area C”, which makes up over 60% of this part of the territory and which completely surrounds and divides the archipelago of Palestinian cities and towns, a hybrid situation that one human rights group has called “occunexation”. The OPT lacks any secure transit access – whether by land, sea or air – to the outside world: All of its borders, with one exception, are controlled by Israel; consequently, the ability of Palestinians to move freely and to trade reliably with the world and with each other is severely circumscribed. No other society in the world faces such an array of cumulative challenges that include

belligerent occupation, territorial discontinuity, political and administrative divergence, demographic confinement and economic disconnectedness.

The result has been a stifled and disfigured Palestinian economy that Israel, the Occupying Power, decisively controls and exploits for its own benefit.

- In 2014, Palestinian real GDP per capita was at virtually the same level as it was in 1999, with Gaza's real GDP per capita standing at only 71% of its 1999 level, using constant dollars.
- Unemployment in 2016 stood at 27% in the OPT, compared to 12% in 1999. In Gaza, the unemployment rate has reached 42%, with 58% of its youth without work. These are among the highest unemployment rates in the world.
- Poverty has been steadily increasing among Palestinians since 2012, with 26% of the population now deemed to be poor, and 13% suffering from extreme poverty. Food insecurity is endemic: with an estimated 2.4 million people in the West Bank and Gaza projected to require some form of humanitarian assistance in 2016.
- Gaza, in particular, is suffering. In 2016, two years after the most recent conflict ended, only 45% of its energy needs are being met, causing 16-18 hours of daily power cuts; 70% of Gaza's population only have piped water supplies for 6-8 hours every 2-4 days; and 65,000 Gazans displaced from the 2014 war still do not have reconstructed homes. The World Bank in 2015 observed that "the quality of life for the large majority of Gaza's citizens is hardly bearable."

Excellencies, this Occupation – which will be 50 years old in 2017 – is both seriously deficient in its respect for the legal principles and obligations embedded within the Right to Development, and has lasted well beyond any reasonable length for an Occupying Power acting in good faith. My recommendation, first and foremost, is to fully end the Occupation at the earliest possible moment, for it is impossible to justify its continuation in law or by any measure of justice, and because it is impossible to separate the Occupation from the array of human rights and humanitarian violations that plagues this situation.

Among my recommendations to improve the immediate situation are the following:

- Israel must ensure that its practices concerning the use of lethal force fully comply with international standards; it must end the practices of collective punishment, administrative detention and forcible transfer forthwith; and it must commit itself to full and genuine accountability in its investigation of allegations of unlawful acts by its security forces.
- With respect to the Right to Development, Israel must allow for the freedom of movement of people and goods throughout the OPT; it must end the blockade of Gaza, and lift all restrictions on imports and exports, with due consideration to legitimate security concerns; and allow the Palestinian Authority to assume civil and security control over Area C and end the geographic fragmentation of the OPT.

Excellencies, I do not want to leave you with an entirely bleak and gloomy picture, as much as pessimism may be the justified sentiment in these circumstances. I do want to tell you how encouraged I have been to meet, and to learn from, the vibrant and energetic community of human rights defenders and humanitarian workers—Palestinians, Israelis and internationals – who doggedly work on some of the most difficult and challenging issues within the Occupation. They are fluent in the universal language of human rights and humanity; they face scorn, and worse, from those invested in the violation of human rights, and yet they remain more committed than ever to their indispensable work. The consistently high quality of their research, their reports and their activism is an inspiration to the rest of us. If a just and compassionate peace is ever to come to the Middle East, we will owe much to these fearless advocates.

Thank you, Excellencies, for your attention.