



# General Assembly

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## Human Rights Council

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Agenda item 7

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

### **Written statement\* submitted by the International Organization for the Elimination of all Forms of Racial Discrimination, 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.

[30 May 2012]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **A travesty repeating itself**

Human rights are not only the ideal to which the world may aspire, but also the very base upon which to stand. The most critical challenge and mission that will continue to face the international community is not to accept any exceptions. Rights cannot be given to one group and not another. Exceptions in determining certain human rights undermine their very integrity and spirit, and endanger their relevance to humanity. The moment a margin for any exception is even considered, is the point of compromising the universality, indivisibility, and interdependence of those basic standards and guiding principles. National security, ethnic identity, religious affiliation, faith, belief, customs, cultural relativity – none of these should be used, or allowed to be used, as an excuse to retreat from the responsibility to defend and enforce respect for human rights and fundamental freedoms at the individual and collective level.

Some countries act as if they can do no wrong or that everything they do is unquestionably right. Others are still resisting acceptance of the fact that what they considered national problems are now becoming a matter of global concern, accountability and responsibility. Again, there are governments that may proudly and vigorously defend democracy and human rights at home, but choose the path of exploitation and destruction abroad, ignoring the fact that it is not only how a country treats its own, but also how it treats others that defines it.

A case in question is the fundamental right to self-determination; the barrier of occupation that has prevented Palestinians for sixty years from achieving their full statehood and human potential. Human rights are also Palestinians rights. So, before leading UN member states wave the banner of democracy and human rights in the face of others, they must first examine their own prejudices and double standards, since many human rights defenders cannot help but see how some governments will often say one thing and do another as far as basic rights and fundamental freedoms of the Palestinian people, including their rights in the Occupied Palestinian Territories! For instance, the US government says it is against settlements and settlement expansion, but on the ground it has relentlessly voted against any international resolution critical of the Israeli settlement policy.

The most recent example was in the 19<sup>th</sup> session of the UN Human Rights Council (UNHRC), when the US voted yet again against a decision adopted in Geneva to investigate Jewish settlements. The decision, which also demanded a reversal of the settlement policy, was adopted with 36 votes in favor and 10 abstentions. Only the US voted against it. Following the decision, Israel once more threatened to cut ties with the Geneva-based council, citing excessive politicization of the council and so called rampant hostility to the occupier.

The US decision to vote against the HRC resolution, though quite expected, may have been influenced, at least partially, by the powerful Israeli-Jewish lobby in Washington. The Palestinian delegation, urged Arab states to try to put an end to this travesty that keeps repeating itself. This follows US efforts to thwart and frustrate every political and diplomatic effort by the Palestinians to declare statehood and gain international recognition for Palestinian independence from decades of the colonialist Israeli occupation.

Observers in occupied Palestine argue that the ubiquitous proliferation of Jewish colonies in the West Bank, especially East Jerusalem, the contemplated capital of a contemplated Palestinian state, has effectively killed any remaining reasonable prospects for the creation of a viable and territorially contiguous Palestinian state. Some Palestinians have even lost hope for the two-state solution. Pursuing the vision of having a viable Palestinian state has been reduced to a sort of wishful thinking given Israel's phenomenal settlement expansion.

What is even worse is that Jewish settlements tripled or quadrupled in two decades of futile negotiations. In Jerusalem, the de-Arabization and de-Islamization are assuming an unprecedented and accelerated pace.

At the UNHRC, the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories (OPT) urged in several of his reports that an internationally mandated and unconditional permanent freeze on settlements must be enforced. The status of the settlements is inconsistent with every UN resolution. Old and new, those settlements will remain unquestionably illegal under every basic reading of international law.

In view of mountains of UN documents, reports, and various instruments of international law, the illegality of settlements makes the presence of settlers themselves illegal. Their illegality is further compounded by criminal acts often motivated by economic considerations, and government subsidies, and not so much ideology in grabbing more land and expanding the illegal hold on occupied territories. Illegal settlers continue to attack, beat, and kill innocent Palestinian civilians in the presence and under the protection of the Israeli army. These settlers are never prosecuted for their criminal acts, while Palestinians defending their property and homes are often arrested and detained.

Restricted classifications are used in reference to the criminal acts of illegal settlers who are “selectively” referred to by polite terms even by United Nations various bodies and experts! Racial discrimination is detected not only in the measures taken against various groups that terrorize their victims, but can also be clearly evident in the terminology the international community uses to describe them.

Defenders of the settlement movement who argue that in a so called democracy it should be possible for Jews to live anywhere in the “Land of Israel” fail to acknowledge that the state is allowing basic tenets of democracy to crumble at the hands of violent extremists and religious fanatics. Defence of individual property should be implemented as an absolute and not a relative standard. Illegal settlers are often willing to use violence not only against Palestinians, but also against Israelis to have their way, and have stepped up their acts of terror and intimidation.

The violence of settlers must be addressed more closely by the Human Rights Council. The international community cannot continue to ignore Israel’s responsibility when settlers carry out violent attacks against Palestinians and their property with complete legal immunity, and often with more than implicit support from the military itself that protects and assists settlers in accomplishing their unlawful mission. Israel’s responsibility extends to the UN, which is alarmingly, being used as a platform to attack the very rights it should safeguard, leaving Palestinians without defence and putting its very relevance at stake.

Human rights require respect for the rule of law without discrimination based on race or religion or any other factor. This is not the situation under Israeli occupation. Like any nation, Israel cannot be absolved from criticism, because in the short and long-run, the objective pursuit of truth and justice is what will serve the best interests of both Israelis and Palestinians alike.

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