



# 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**

**Joint written statement<sup>\*</sup> submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the Union of Arab Jurists, the Arab Lawyers Union, the General Arab Women Federation (GAWF), North-South XX1, the United Towns Agency for North-South Cooperation, the Indian Movement “*Tupaj Amaru*”, the International Association of Democratic Lawyers (IADL), the Arab Organization for Human Rights (AOHR), the American Association of Jurists (AAJ), the Palestinian Centre for Human Rights (PCHR), Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE, non-governmental organizations in special consultative status; the International Human Rights Association of American Minorities (IHRAAM), the World Peace Council and International Educational Development, Inc. (IED), non-governmental organizations on the roster**

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

[10 May 2013]

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

## The impact of increased settlements on Palestinian rights\*

### Introduction

The acquisition by force of another state's territory is illegal<sup>1</sup>. This fundamental principle of international law is stipulated by the Geneva Conventions and reaffirmed in a series of Security Councils resolutions<sup>2</sup>. Moreover, settlements are illegal. The IV Geneva Convention<sup>3</sup>, specifies in article 49 that the occupying power shall not "deport or transfer parts of its own civilian population into the territories it occupies" and prohibits "any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons. " <sup>4</sup>." (Article 53)

Israeli settlements in the oPT have therefore been widely condemned by the international community, affirming that they "are an obstacle to the creation of a future Palestinian state" and demanding the immediate cessation of Israeli settlement activities.<sup>5</sup> The International Fact-Finding Mission (FFM) , stated in its report from January 2013 that "a multitude of the human rights of the Palestinians are violated in various forms and ways due to the existence of the settlements" and that "These violations are [...] characterized principally by the denial of the right to self-determination and a systemic discrimination against the Palestinian people"<sup>6</sup>.

Instead of submitting to international human rights principles, Israel has labeled the Human Rights Council a "political tool and convenient platform", which culminated in Israel's unilateral withdrawal from the Universal Periodic Review in January 2013. Israel has not changed its settlement policy, claiming that the oPT are in fact not "occupied" but "disputed", that Israeli citizens „voluntarily chose their place of residence" and that finally "settlements are not intended to displace Arab inhabitants, nor do they do so in practice"<sup>7</sup>. Such statements are a travesty in view of what actually takes place.

### Increased settlement activities

The day following the General Assembly's vote to recognize Palestine as non-member state the Israeli Prime minister Benjamin Netanyahu announced plans to develop 3000 further housing units. His announcement led to an international outcry, including the US. .

Since November 2012, demolitions have increased. According to the Israeli Information Center B'Tselem Israeli forces demolished 55 Palestinian housing units alone in January 2013. These demolitions forcedly displaced 229 Palestinians, including 129 children. The number of demolitions of houses in only one month has thus been seven times higher than the average number of demolitions in 2012 and is higher than in any other year since 1987<sup>8</sup>.

<sup>1</sup> <http://unispal.un.org/UNISPAL.NSF/0/04FF85F46E9EFD8B85257A00004C5AD2>

<sup>2</sup> <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/240/94/IMG/NR024094.pdf?OpenElement>

<sup>3</sup> <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>

<sup>4</sup> <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>

<sup>5</sup> Compare Report A/67/375 by the General Assembly, 18 September 2012

<http://unispal.un.org/UNISPAL.NSF/0/A38CC9891ED4C23785257AAF005052A3>

<sup>6</sup> [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/FFM/PR\\_FFM\\_31012013\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/FFM/PR_FFM_31012013_en.pdf)

<sup>7</sup> [http://www.mfa.gov.il/MFA/MFAArchive/2000\\_2009/2003/11/Israel-%20the%20Conflict%20and%20Peace-%20Answers%20to%20Frequen](http://www.mfa.gov.il/MFA/MFAArchive/2000_2009/2003/11/Israel-%20the%20Conflict%20and%20Peace-%20Answers%20to%20Frequen)

<sup>8</sup> [http://www.btselem.org/planning\\_and\\_building/statistics](http://www.btselem.org/planning_and_building/statistics)

Contrary to the requirement in article 49 of the IV Geneva Convention<sup>9</sup> demanding that the Occupying Power undertaking evacuations “shall ensure, to the greatest practicable extent, that proper accommodation is provided” emergency shelters are equally demolished, as happened on January 19, 2013 in the Hammamat al Maleh area, where the families were told that they would be subject to arrest and confiscation if they would erect further emergency shelters or try to re-build their homes.

The Palestinians affected are often caught by surprise. According to local sources it is common practice to deliver demolition orders in remote areas unannounced, place the demolition order behind a stone, and take an evidence picture and leave. Since these communities are often vulnerable it happens that they never find the order. In other cases, families were waiting to receive construction permits or say they have never received a demolition order, as occurred on 11 February 2013 in Idna (Hebron area).

Actions like this seriously undermine Israel’s proclaimed interest in a peaceful two-state solution. They confirm instead the estimation, that “The motivation behind [...] is to drive the local populations away from their lands, allowing the settlements to expand.”<sup>10</sup>

### **Firing zones**

Some of the most vulnerable communities are located in “firing zones”. Approximately 5,000 Palestinians live in these areas, mostly Bedouin or herding communities, many of which existed prior to the closing of the area. According to a report by the Office for the coordination of Humanitarian Affairs (OCHA) established in August 2012, most residents have “limited or difficult access to education and health services.”<sup>11</sup> According to the same report, Israeli authorities regularly carry out demolitions in these communities and many of them have sustained multiple waves of destruction. Israeli settlement outposts in the same areas do not normally face demolitions of their structures.

A case which demonstrates the issue is Firing Zone 918, located in the Masafer Yatta area. It gives home to around 1700 Palestinians, traditionally earning their living through farming and shepherding. In the 1970s the majority of the area was designated as closed military area for training. As a result the Palestinian residents have been at continued risk of displacement. In 1999 the majority were forcibly removed. After appealing to the Israeli High Court of Justice (HCJ) they received a temporary permission to return.

In July 2012, the Israeli Ministry of Defense then ordered the permanent eviction of 8 out of 12 communities. Only four communities would be allowed to remain, while the remaining eight communities will be displaced. The eviction will lead to the displacement of 932 people, including 452 children. The remaining 4 communities will be severely affected. Israeli authorities claim that these people are living in the area on a seasonal basis, however according to OCHA surveys there is little cross-year variation in population numbers.<sup>12</sup>

Contrary to the IV Geneva Convention article 53, demanding that “the Occupying Power shall [...], facilitate the proper working of all institutions devoted to the care and education of children” (article 50<sup>13</sup>) the only school in the firing zone, has also received a demolition order. This is all the worse as this school had recently been upgraded by UNICEF. Finally,

<sup>9</sup> <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>

<sup>11</sup> [http://www.ochaopt.org/documents/ocha\\_opt\\_firing\\_zone\\_factsheet\\_august\\_2012\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_firing_zone_factsheet_august_2012_english.pdf)

<sup>12</sup> [http://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2012\\_08\\_23\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2012_08_23_english.pdf)

<sup>13</sup> <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>

also the only dirt road leading out of the firing zone to Yatta City is part of the demolition plan, which will, in practice, render the agricultural use of the area during periods in which military trainings do not take place, impossible.

The extensive harm caused to the inhabitants of all the twelve villages is out of proportion to the advantage of training conditions. Not only does it consist in the loss of homes and agricultural land but will affect the future use of the whole area. The International community should urge Israeli authorities to submit to international Human Rights standards, search for alternative solutions and reverse these demolition orders.

### **Impact of settlements**

Today more than 60% of the West Bank, known as area C, is under full Israeli control and home to about 350,000 Jewish settlers. The impacts of these settlements have been widely reported. Separate road systems, a multitude of military checkpoints, a dual system of law as well as restrictions imposed on the freedom of movement have led to a discriminatory system and the denial of the right to self-determination.<sup>14</sup>

One of the most critical situations has emerged in Hebron, where settlements have been installed in the heart of the city. According to an OCHA report, about 600 settlers are living in these settlements, with a military presence of about 1500 soldiers.<sup>15</sup> This has led to the forcible eviction of hundreds of houses. The main market street was closed to Palestinians. A number of 1612 Palestinian shops were closed either due to Israeli military orders or the heavy measures imposed on customers. The remaining families living are subject to severe restrictions.

As the occupying force, Israel must protect the Palestinians. However, authorities neglect to fulfill this responsibility and do little to prevent Israeli settlers from attacking Palestinians. According to the same OCHA report, violent settler activity in Hebron appears aimed at pushing Palestinians out of the area. Metal netting has been erected above the sections under the settlements, since settlers throw garbage and stones to discourage movement below.<sup>16</sup> Settlers are rarely held accountable for their acts but numerous cases have been reported where victims have been arrested instead of the offenders.<sup>17</sup>

The International community should urge on Israel to immediately put an end to the discriminatory situation according to the Universal Declaration of Human Rights “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”.<sup>18</sup>

### **Conclusion**

Since the General Assembly’s decision of November 2012 Israel seems more than ever determined to establish facts on the ground. It has never ceased its settlement activities and instead increased the number of demolitions. Contrary to Israel’s assertion it continues to appropriate Palestinian property and imposes severe movement restrictions on Palestinians. The constant breaches of international right, the undue hardship towards civilians seriously violate international law and undermine the efforts to advance the Middle East peace process.

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<sup>14</sup> <http://unispal.un.org/UNISPAL.NSF/0/90FA73FA1B2C487285257B040053BD92>

<sup>15</sup> [http://www.ochaopt.org/documents/ochaHU0705\\_En.pdf](http://www.ochaopt.org/documents/ochaHU0705_En.pdf)

<sup>16</sup> [http://www.ochaopt.org/documents/ochaHU0705\\_En.pdf](http://www.ochaopt.org/documents/ochaHU0705_En.pdf)

<sup>17</sup> <http://www.un.org/en/documents/udhr/index.shtml>

<sup>18</sup> <http://www.un.org/en/documents/udhr/index.shtml>

Commitment to International Human Rights Standards is a prerequisite for healthy international relations and a fundamental obligation for all member states. In view of the recent developments and increase of violations of Human Rights, the International Community cannot wait until Israel creates more precedents but shall react as soon as possible to restore peace and justice in the region, which will not only be in the interest of the Palestinians but also of the interest of Israel itself and the whole world.

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\* BRussels Tribunal, Arab Lawyers Association- UK, Geneva International Centre for Justice (GICJ), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, Wariscrime.org, Arms Against War, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Iraq Veterans Against the War, Iraq Veterans Against the War - Kansas City, Stop the War Coalition (UK), Stop the War (UK), Iraq Solidarity Association in Stockholm, Association of Human Rights Defenders in Iraq (AHRDI), Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association internationale des droits de l'homme, NGOs without consultative status, also share the views expressed in this statement.