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

**Joint written statement* submitted by the International
Organization for the Elimination of All Forms of Racial
Discrimination (EAFORD), Arab Organization for Human
Rights, Indian Movement "Tupaj Amaru", International-
Lawyers.Org, Meezaan Center for Human Rights, Union of
Arab Jurists, non-governmental organizations in special
consultative status, International Educational Development,
Inc., World Peace Council, 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.

[14 February 2017]

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

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Incessant Absence of Human Rights*

Introduction

Although the inalienable rights of the Palestinians people have figured prominently on the United Nations (UN) agenda since its establishment, the plight of the Palestinian people continues and prospects for peace seem to elapse¹. Since the partition of Mandatory Palestine and the establishment of the State of Israel in historic Palestine in 1948, the UN organs have passed hundreds of resolutions deploring Israeli policies and practices and their dire consequences for the inalienable rights of the Palestinian people. In direct contravention to these resolutions, Israel continues its illegal actions on the ground, thereby further derailing all peace efforts, intensifying human misery, undermining the viability of a future Palestinian state, and inflaming violence².

Historical Precedents

Already before self-determination became a principle in international relations, the Occupied Palestinian Territory (OPT), possessing a distinct culture and traditions and having been rooted for centuries in a defined territory, was recognized as one of the entities “whose existence as independent nations can be provisionally recognized”. When the Mandatory Power in its 1939 Statement of Policy recommended that Palestine be an independent and unified country which guarantees the rights of minorities, Zionist opposition, the Second World War, and large-scale Jewish immigration resulting from the horrors of the Holocaust thwarted the implementation of the provisions. The Palestine question was conferred to the UN, which recommended the partition of Palestine that was incongruent with the principle of self-determination enshrined in the Charter. While the partition plan was not formally implemented by the UN, the State of Israel was established and expanded its territorial control far beyond the borders allocated by the partition resolution until it occupied 77 percent of the territory of Palestine and large parts of Jerusalem, which was to be internationalized under the resolution.

The preamble of the resolution admitting Israel as UN Member State explicitly mentioned Israel’s obligations to adhere to the UN Charter and to implement General Assembly resolutions 181 (II) and 194 (III), providing for the establishment of a Palestinian Arab State on basis of the partition borders and demanding the return of Palestinian refugees. In contravention to the resolutions, Israel *de facto* annexed the territories occupied in 1948 by extending its laws to these territories, including West Jerusalem, which it declared Israel’s capital in 1950. In the 1967 Six-Day War, Israel occupied the remaining territory of Palestine of the West Bank, the Gaza Strip and East Jerusalem, as well as the Syrian Golan. While another half a million Palestinians became refugees, raising the number of uprooted Palestinian to 1.5 million, 1.2 million were now under Israeli military occupation. Soon, Israel proceeded with large-scale land confiscations and the construction of settlements in the newly occupied territories.

Flouting Human Rights and International Law

Since 1967, Israel has exacerbated its unlawful colonization of Palestinian land, unabatedly expanding settlements, building the Wall, erecting checkpoints, confiscating Palestinian land, demolishing homes, transferring Israeli settlers into the OPT, exploiting the natural resources and inhibiting Palestinian access to water and agricultural lands³. Israel continuously creates “facts on the ground” in an effort to prevent the establishment of an independent, contiguous and

¹ Half a century of Israeli occupation, which began in 1967, and seven decades since the 1948 Palestinian Nakba, which entailed the expulsion and flight of more than 70.0000 Palestinians to neighboring states and persistent suffering, is an appropriate time to shed light on Israel’s consistent disregard of UN resolutions and constitutes an opportunity to inform future action towards justice for Palestine.

² Hereby, Israel also violates the rights and protection afforded to Palestinians by the human rights treaties it has signed, and persistently refuses to recognize and apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

³ These measures aim at illegally altering the character, status and demography of Palestine and have caused substantial fragmentation, thereby undermining its contiguity and isolating Palestinians in small disconnected enclaves controlled by Israel and surrounded by massive Israeli settlement blocs, walls, checkpoints and vast security zones and roads exclusively allocated to settlers.

viable Palestinian State. Israel's recent decision to further expand its settlements⁴ shortly after the adoption of Security Council resolution 2334 of December 2016 is only a further confirmation that Israel flouts the serious concerns continuously expressed by the international community and completely disregards international law.

Israel persists in its denial of the rights of Palestinian refugees and displaced persons, particularly their right to return. In the absence of just solutions, they face immense suffering and deplorable conditions under occupation and in exile marked by vulnerability, dispossession, and a perilous socioeconomic situation. The consistent Israeli policy of forced population transfer results in incessant displacement among the Palestinian population.

Following their occupation in 1967, the OPT were drawn progressively into a state of interdependency with and control⁵ by the Israeli economy. Moreover, Israel continues to inhibit or directly interfere in Palestinian governance⁶. Related acts have periodically been condemned by UN bodies, without Israel taking effective measures to address violations. By these actions, Israel obstructs the self-generating development of Palestine and turns it into a dependent entity while profiting from Palestinian natural and human resources.

The continued refusal of Israel to apply the Fourth Geneva Convention since 1967 created a situation in which a defenseless civilian population faces a vast and powerful military financially sustained by the Israeli government. Israel persists in its prolonged military occupation, including the suffocating blockade on Gaza, and frequent devastating military operations vis-à-vis a defenseless Palestinian civilian population marked by excessive use of force.

Regardless of repeated appeals by the international community to apply its obligations under international human rights and humanitarian law in the OPT, Israel has entrenched its deliberate, organized, and institutionalized violations of human rights of Palestinians by:

- The use of excessive and often lethal force by Israeli occupying forces and the failure to prevent settler violence;
- Conducting large-scale arbitrary arrests and detention under untenable conditions of imprisonment and under the use of torture; imposing collective punishment, most deplorably in the form of its blockade on the entire population of Gaza; and forcibly displacing and deporting Palestinians;
- Arbitrarily and violently interfering with privacy, home, and property, on basis of discriminatory laws, and the destruction of homes and vital infrastructure on the basis of an apartheid zoning and planning policies;
- Severely infringing on Palestinian freedom of expression, association and peaceful assembly, and the right to participate in public and political life by, *inter alia*, closing down institutions, violently dispersing peaceful protests and arresting human rights defenders;
- Limiting the right to education, through restrictions on school development, demolitions and closing down of educational institutions, movement restrictions, and violence;
- Restricting freedom of movement through the imposition of curfews, the construction of physical obstacles (the Wall, the system of checkpoints) and the associated permit scheme, all of which fragmented Palestinian land and separated communities and families;
- Undermining the right to residence and family life by enacting discriminatory laws governing entry and residence as well as family reunification and by perpetuating practices that discriminate against the Palestinian population, *inter alia*, the denial and revocation of residency statuses;
- Restricting the freedom of religion and worship; notably through access restrictions; archeological excavations imperiling the maintenance of Holy Places; through incursions, provocations and incitement by government officials, occupying forces, and extremist settlers, in disrespect of the sanctity of the Holy Sites;

⁴ Since 1967, Israel has illegally constructed approximately 140 settlements and moved more than half a million Israeli settlers into the West Bank, including East Jerusalem.

⁵ Apart from the entire economic sector, all movement of goods and people, the natural resources and the allocation of water resources, and the development of infrastructure are controlled by the Occupying Power.

⁶ Israel infringes on Palestinian governance through, *inter alia*, the withholding of funds, the prevention of development projects, the closing down of institutions and offices, the curbing of political activity, and the restriction on movement of Palestinian government officials.

- Depriving Palestinians of an adequate standard of living, which imperil livelihoods, heighten poverty and food insecurity, deny Palestinians social services, restrict access to quality medical care, and hurled Gaza into an entrenched humanitarian crisis.

Conclusion

While Israel continued to defy international law and human rights law with utmost impunity throughout decades, Palestinians see their inalienable rights disintegrate in the face of prolonged occupation, asymmetrical warfare, power politics, and political expediency.

The international community fails to take practical measures, such as imposing political and economic sanctions, to compel Israel to cease its illegal activities in the OPT and to hold Israel accountable. Instead, appeasement and inaction by the international community encourage Israel to carry on with its illegal actions with impunity⁷. To end the violence in the region, Israel must cease its illegal occupation. Until now, its colonial agenda has superseded any peace agenda.

Recommendations

Contrary to the widespread allegation that the conflict is intractable, it has become clear that the Israeli occupation is the root cause for violence in the region and that the solution is firmly rooted in some of the oldest UN resolutions⁸, notably, the realization of the inalienable rights of the Palestinian people, including the right to self-determination, the right of return of refugees, and the right of establishing an independent state with East Jerusalem as its capital. Rather than “managing” the conflict and “merely” alleviating the humanitarian crisis, the international community needs to mobilize its political will to implement the longstanding principles.

In light of the above mentioned violations and context, and taking into account the latest plans for new settlement construction defying Security Council resolution 2334, we, NGOs Signatories to this statement, thus recommend to the UN Human Rights Council, its Member States and the relevant UN bodies to:

- Pressure the Israeli government to immediately cease all settlement and annexation policies and practices.
- Demand Israeli authorities to abide scrupulously by its obligations under the Fourth Geneva Convention, to cease its excessive use of force and to put an end to military operations endangering the Palestinian civilian population.
- Urge the Israeli government to cease its policies of Apartheid that degrade, dispossess, and discriminate against Palestinians in the OPT and in Israel.
- Take the necessary steps to implement General Assembly resolution 194 (III) of 11 December 1948, hence to enable the return of Palestinian refugees and displaced persons and to compensate those that do not wish to return.
- Spare no efforts to establish a just, comprehensive and lasting peace in Palestine, on the basis of long-established principles⁹.

*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association- UK, Human Rights Defenders (HRD), Alternative Information Center (AIC), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), Women Will Association (WWA), Alliance to Renew Co-operation among Humankind, The Iraqi Centre for Human Rights, The Perdana Global Peace Foundation, The International League of Iraqi Academics (ILIA), Women Solidarity for an Independent

⁷ The failure to effectively uphold Charter duties signifies the persistent deterioration of the situation of the Palestinian people, including of millions of refugees, owing to the exacerbation of an already deplorable security, humanitarian and socio-economic situation and undermining the foundation of a just and comprehensive solution. It also deeply compromises the credibility and reputation of the UN and places in jeopardy the international human rights movement.

⁸ It has furthermore been long established by the Madrid principles and the Arab Peace Initiative.

⁹ Granting the Palestinian refugees right to return and the Palestinian people their right to self-determination and to independence in their State of Palestine, with East Jerusalem as its capital.

and Unified Iraq, Organization for Widows and Orphans (OWO), International Anti-Occupation Network (IAON), 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, NGOs without consultative status, also share the views expressed in this statement.