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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\* 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, 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]

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

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## “Our Reality Here, Daily, is a Violent Reality”\*

### Introduction

Half a century has elapsed since Israel established its brutal military control over the West Bank and Gaza. Since then, Israel has a consistent record of violations of the most fundamental rules of human rights law and international humanitarian law, many of which constitute war crimes<sup>1</sup>. While negatively affecting every aspect of Palestinian everyday life, undermining civil, political, socioeconomic, cultural and religious rights, and imperiling the livelihood and psychological well-being of the Palestinian people, Israel’s violations also perpetuate violence in the region.

It is in this context that we must consider the recent increase in violent attacks by individual Palestinians (“lone wolves”). Describing the attacks as acts of “terror” without shedding light on their root causes obscures the fact that they are a reaction to the violent reality Palestinians are subjected to on a daily basis, that violence is imposed by the occupying power, Israel, while some Palestinians take part. The unfolding picture for Palestinians is one of utter desperation in the face of a constant deterioration of conditions on the ground<sup>2</sup> and the loss of hope for change.

### The Violent Reality of Occupation

Israel’s ongoing illegal occupation has created a situation in which a civilian population faces a vast and powerful military financially sustained by the Israeli State and supported by the Israeli Government. As occupying force, Israel has a pronounced presence in everyday life in the Occupied Palestinian Territory (OPT), including in East Jerusalem. The operations of the Israeli military penetrate Palestinian citizens’ public and private sphere as soldiers, while acting as constabularies, occupy checkpoints, patrol pathways, and search homes and bodies for weaponry or other suspect objects. Hundreds of physical obstacles, in particular the Wall and the system of checkpoints along with the oppressive permit scheme, constantly remind Palestinians of Israeli control over their lives and bar movement between and within Palestinian cities, villages, and neighborhoods<sup>3</sup>.

Heavily armed soldiers and police officers ‘guard’ illegal Israeli settlements in Palestinian neighborhoods, religious sites such as the Al-Aqsa mosque, and the entrances to Palestinian villages. Particularly the Damascus Gate in the Old City of Jerusalem has become an epitome of militarization as it is surrounded by squads of soldiers and police, sometimes on horses, and surveilled by “security cameras”. Palestinians, among them young children and elderly people, undergo “security checks” when passing, often facing acts of intimidation, harassment, and violence by Israeli forces. Responding to the rise in violence since September 2015, Israel passed new laws with one order allowing occupying forces to shoot at anyone allegedly threatening the life of a third party and moreover approved the arming of Jewish Israeli civilians. Many Palestinians feel threatened by the constant military presence and armament of Israel’s civilian population, including settlers, especially in the face of the mounting evidence of extrajudicial killings by the occupying forces.

A particularly gross violation of the Fourth Geneva Convention is Israel’s imposition of collective punishment through, *inter alia*, indiscriminate and excessive use of force, the demolition of homes, the destruction of vital infrastructure,

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<sup>1</sup> In terms of article 147 of the Fourth Geneva Convention and article 85 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflict (Protocol I). These include attacks targeting civilians and civilian objects or failing to distinguish between the former and military targets; excessive and disproportionate use of force; the spreading of terror among the civilian population; and the destruction of property not justified by military necessity.

<sup>2</sup> The situation on the ground is marked by, *inter alia*, the excessive use of force by the Israeli occupying forces, recurring military actions, and discriminatory and repressive Israeli policies and practices violating Palestinian human rights. In this respect, we focus on the violent reality of occupation, particularly Israel’s disproportionate use of force and implied power asymmetry,

<sup>3</sup> In Hebron, Palestinians have to pass through military checkpoints within their own city daily, where soldiers delay, harass, and humiliate them. Israeli soldiers frequently pose unreasonable demands to residents, confiscate their identity cards, or stop them arbitrarily.

sweeping restrictions on freedom of movement, prolonged curfews, raids and incursions, and the bombardment of civilian areas, which often result in injuries and killing of innocent civilians.

Pursuant to the recent attack on 8 January 2017, when a Palestinian drove a truck into a troop of Israeli soldiers in Jerusalem, Israel imposed collective punishment on Palestinians, characteristic of Israeli response to attacks. The same day, Israeli forces invaded the East Jerusalem neighborhood of Jabal al-Mukabbir, where the attacker resided, conducting a detention campaign and imposing a blockade by closing off the main entrance to the neighborhood with cement blocks and by “controlling traffic” at other entrances. Israel’s frequent imposition of collective punishment on the Palestinian population, often involving excessive use of force against innocent civilians, is grossly disproportionate to attacks by Palestinian individuals (“lone wolves”).

These atrocious acts add to the climate of violence in which Palestinians live and inflict substantial psychological violence on Palestinians, especially on children who witness their parents being beaten or humiliated and their homes being demolished<sup>4</sup>.

The most egregious form of collective violence is the prolonged illegal and immoral blockade on Gaza, which punishes two million civilians who face an increasingly dire socioeconomic and humanitarian crisis and intense suffering in a region that is on the brink of collapse.

The actions by the so-called Israeli “Defense” Forces (IDF) with respect to Gaza have clearly demonstrated that modern technology allows an occupying Power to effectively control a population even without constant physical military presence. In alleged response to threats and militant attacks, Israel launches massive operations in Gaza, conducting rocket attacks, air strikes and shelling, thereby mostly killing civilians, destroying infrastructure and agricultural land, public institutions, and homes. Israel’s military operations in Gaza raise serious concerns regarding the IDF’s adherence to the legal principles of distinction, proportionality and precaution during attacks<sup>5</sup>. The deep power asymmetry is highlighted by the recorded death tolls of the two intifadas and major military operations in Gaza, which show striking (yet growing) disparities between Palestinian and Israeli casualties, especially among the civilian populations<sup>6</sup>.

Apart from the disproportionate violence directly executed by Israeli military forces, Israel’s system of strategic and institutionalized discrimination against Palestinians, its creeping annexation of Palestinian land through the construction of illegal settlements and the separation Wall, the exploitation of natural resources, perpetration of legal injustice (e.g. arbitrary arrest and mistreatment), economic oppression, restrictions on movement, frequent house demolitions and destruction of infrastructure, and the persistent denial of the right of return of Palestinian refugees and displaced persons exacerbate the violent reality Palestinians face.

### **Loss of Hope**

The experience of occupation is compounded by a loss of prospects for effective remedy and change. Palestinians in the third and fourth generation, some survivors of the violent *Nakba*, have to witness how Israel flouts human rights and international law without facing any serious consequences. They suffer daily from the failure of the international community to take effective action: Israel barely faces sanctions despite its blatant non-compliance with UN resolutions and overt violations. Instead, many Member States continue to cooperate with the Israeli occupation by offering their military, economic, diplomatic, and ideological support. Palestinians thus fall victims to proliferating power politics and

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<sup>4</sup> See CRC/C/ISR/CO/2-4

<sup>5</sup> These concerns arise in the context of targeting decisions, the taking of all necessary precautions; proportionality of the attacks; respect for the distinction between civilians and civilian and military objectives, especially during the ground operation; attacks on and close to schools, including those used as shelters for the displaced; attacks on hospitals, ambulances and ambulance staff; and the alleged arrest and transfer of Palestinians from Gaza to Israel during the ground operation.

<sup>6</sup> According to OCHA, in Israel’s last major military operation in Gaza, in July and August 2014, 2,220 Palestinians were killed, of whom at least 1,492 were civilians, including 551 children and 299 women. At the same time, 66 IDF soldiers were killed, while 5 Israeli civilians died due to Palestinian rocket fire.

political expediency. Moreover, they are painfully aware that international outcry resounds more loudly over attacks by Palestinian individuals than over the incessant violence inflicted upon the Palestinian people by the Israeli occupation.

Suffocating under the Israeli occupation and feeling hopeless due to the neglect by the international community and the weakness of Palestinian leadership, individual Palestinians commit violent acts of resistance against the system of injustice – which often costs them their lives and the security, wellbeing and lives of innocent family members and entire communities.

Not only violent acts of resistance are met with excessive force. Based on its archaic Military Order 101 (1967), which criminalizes peaceful political expression and activity, Israeli forces continue to disperse peaceful, nonviolent Palestinian protests against the occupation by employing unwarranted excessive violence, including live ammunition, rubber-coated metal bullets, artillery shells, and tear gas, and by arbitrarily detaining participants and submitting them to ill-treatment.

As long as the Israeli occupation persists, Palestinians will resist the violence they are facing. In order to put an end to the bloodshed in the region, Israel must cease its illegal activities.

### **Conclusion**

The wholehearted condemnation of violence without taking account of its context is politically correct, while it hides the reality of violence created by Israel's ongoing illegal occupation that constitutes a permanent element of Palestinians' existence.

Israel's prolonged military occupation and oppressive, discriminatory, and inhumane actions deprive Palestinians of their fundamental rights, including their right to self-determination, exacerbate violence, and further thwart efforts for the achievement of just peace in the region.

To prove that the international community is genuinely concerned about human rights and about fostering peace, it must act as united front, unconstrained by immediate political and economic interests, impose sanctions on Israel, and make every effort to establish real peace in Palestine, which cannot be achieved without realizing the inalienable rights of the Palestinians people<sup>7</sup>.

### **Recommendations**

In light of the above mentioned violations and context, we, NGOs Signatories to this statement, recommend to the UN Human Rights Council, its Member States and the relevant UN bodies to:

- Take all necessary measures to ensure that Israel recognizes and applies human rights and international humanitarian law, particularly the Fourth Geneva Convention, in occupied Palestine.
- Pressure the Israeli authorities to cease the excessive use of force, including extrajudicial killings, against Palestinians, and to refrain from violently dispersing peaceful protests.
- Urge the Israeli Government to end its policy of collective punishment against the Palestinian civilian population, particularly its destructive decade-long blockade on the Gaza Strip.

We furthermore recommend to the UN Human Rights Council and other relevant UN bodies to:

- Call on Member States to cease all forms of military, police or intelligence cooperation with the Israeli authorities.
- Exert pressure on Member States to impose political and economic sanctions on Israel.

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<sup>7</sup> The realization of Palestinian inalienable rights includes the right to self-determination, the right of return of refugees, and the right of establishing an independent state.

\*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 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.