



# General Assembly

Distr.: General  
1 June 2016

English only

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## Human Rights Council

Thirty-second session

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, Organisation Mondiale des associations pour  
l'éducation prénatale, 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.

[30 May 2016]

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

GE.16-08781(E)



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## Palestine: The Never-Ending Struggle for Survival

### Introduction

Palestinians' struggle for the restoration of their rights is still on-going. The more than half-century-long conflict has bent civilians to their knees.

With Israeli forces regularly confiscating private land, imprisoning individuals without process – including children – and physically abusing them under incarceration, demolishing private homes, destroying shops, orchards and crops, shooting and killing civilians, it is becoming increasingly difficult for Palestinian to live even a resemblance of a normal life.

Violence against Palestinians has been regular and systemic since 1948. Since the end of 2015 around 200 Palestinians have been killed by Israeli armed forces, who continue their harassing campaign on the Palestinian population at present with the aim of restricting their freedoms to the greatest extent possible, thus violating the principles enshrined in the Geneva Conventions.<sup>1</sup>

To contribute to this already worrying picture, a new wave of settlement projects in the West Bank as well as East Jerusalem has been approved by the Israeli authorities. As previous cases have suggested, this will only result in renewed abuses for Palestinians who are progressively being pushed from each side.

A systemic policy of impunity, along with the support of many international actors, has allowed Israel is able to commit war crimes as well as human rights law violations and allows its continuation. What is going on in Palestine is not less than apartheid, and, as such, it must be immediately stopped.

### Background

Since 1967, when Israel conquered the West Bank and Gaza Strip, Palestinians have been living under an oppressive military occupation. While in some parts Israel has allowed a certain degree of “autonomy”, agreeing to Palestinians administering education, health care, infrastructure and policing, Israel retains the overall power. Under such brutal occupation, Palestinians get systematically deprived from their lands and displaced, killed and harassed, including imprisoned and tortured. Their properties get systematically destroyed, as well as farmland, shops and businesses.

Usually civilians are arrested for minor crimes that most times include attempts to rebel against the brutal occupation. Those who are imprisoned, who frequently include under-18s, rarely get to enjoy their right of presumption of innocence<sup>2</sup> and of a fair and impartial trial<sup>3</sup>. The Israeli judiciary is fundamentally flawed, at least with regards to prosecution of Palestinians.<sup>4</sup>

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<sup>1</sup> The Geneva Conventions were instituted after World War II to ensure that civilians would “never again” suffer the human rights abuses that millions of people suffered under the Nazi occupation.

<sup>2</sup> The presumption of innocence is the principle that one is considered innocent unless proven guilty.

It is also regarded as an international human right under Article 11 UN Universal Declaration of Human Rights.

<sup>3</sup> Various rights associated with a fair trial are explicitly proclaimed in Article 10 of the Universal Declaration of Human Rights.

<sup>4</sup> Trials usually take place after months or years of illegal “administrative detention” and, despite the accused can exercise the right of defence and hire a lawyer when the trial finally comes, this will only help to perhaps reduce their final sentence by a few months. Moreover, all Palestinians, except those residing in East Jerusalem, are subject to trial in Israeli military courts, regardless of the charges against them, while Israeli are tried in Israeli civil courts and have the full enjoyment of the rights granted by the Israeli law.

Freedom of movement<sup>5</sup> is systematically violated by Israeli authorities who deny civilians to freely move within the Occupied Palestinian Territory (OPT) unless Israeli guards allow them to. If they have been allowed out, they cannot return to their homes and families unless Israeli guards permit it.

By committing such crimes, Israeli authorities are violating international law and, in particular, human rights laws.

### **New Israeli settlements**

2016 is witnessing a new dramatic increase in Israeli settlement projects in the West Bank and East Jerusalem, mostly. It has in fact been reported that a plan to build 674 housing units was approved in March 2016 by the authorities. This seems to be an extremely high number even compared to previous year's figures<sup>6</sup>.

In 2015, plans to build 1,665 new housing units were approved<sup>7</sup>, despite the construction freeze that Prime Minister Benjamin Netanyahu announced earlier that year.

Israeli settlers are frequently backed by a disproportionate number of soldiers and are ideologically-motivated, and heavily armed, increasing the danger for the Palestinian population. Access restrictions as well as systematic harassment by Israeli settlers and Israeli forces have resulted in the displacement of thousands of Palestinians and the deterioration of the living conditions of those who stayed.

Families living in such conditions remain subject to daily attacks. In many occasions, metal netting has been erected to protect civilians from the garbage and stones thrown by the settlers in order to discourage movement.

In light of such episodes, it is important to remind that settlements in the OPT at the hands of the Occupying Power are illegal under international humanitarian law, as well as all violent actions that have been so far associated with the settlers.

### **The Gaza Strip: an open-air prison**

Although no Israeli military is physically occupying the Gaza strip, today the region is still witnessing unprecedented levels of oppression at the hands of the Israeli authorities. For years, Israel has controlled Gaza air space, its territorial sea and has maintained a blockade<sup>8</sup> to restrict the entrance of goods and supplies into the Palestinian territory.

This has of course resulted in a serious economic deterioration that has damaged civilians to unimaginable levels. The rate of unemployment in Gaza is one of the highest in the world and has caused widespread poverty across every corner of the region.

Additionally, the infamous 2014 Operation Protective Edge has turned the city into rubble, and the situation has not changed much almost two years later: no real reconstruction work took place due to Israel's illegal blockade. Many families have been reported living in shelter conditions that are lacking in safety, dignity and privacy, including living in tents, makeshift shelters or destroyed houses. Construction materials are prevented from entering the city as well as humanitarian aid which could have helped alleviating the suffering of Palestinians living in Gaza.

<sup>5</sup> Freedom of movement is a principle safeguarded and guaranteed by Article 13 of the UN Universal Declaration of Human Rights

<sup>6</sup>In the same period last year, settlement plans amounted to 194 units.

<sup>7</sup>Within the total amount of new housing units built in 2015, more than a 1,000 were initially built without government authorisation,

<sup>8</sup> Economic blockades which deprive the civilian population of the basic means of survival are a breach to the Protocol Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.

Israeli harsh control also denies Palestinians the right of free movement: residents of Gaza are not allowed to leave or enter the region unless Israeli authorities allow them to. Moreover, about 35,000 Gaza Palestinians lack identity cards, severely limiting their already compromised ability to travel.

Such a dramatic picture is worsened by the internal conflict and policies that resulted in a restriction of civilians' civil liberties, such as freedom of expression<sup>9</sup>, peaceful assembly and association.<sup>10</sup>

The blockade adopted by Israel as well as the oppressive internal system of governance are today causes of great concern and they constitute a breach of international human rights law. Today, the Gaza Strip in 2016 is nothing more than an open-air prison for thousands of hopeless Palestinians.

### **68 years of displacement**

Palestinians have an almost 68-years-long history of consecutive internal displacement<sup>11</sup>. Israeli forces have for decades displaced entire villages under the OPT as another occupation strategy through the demolition of residents' houses and forced exile. Over three generations of Palestinians have been living in IDP camps, in miserable and unsafe conditions, and have been grouped and classified by their villages and areas of origins. In this already tragic picture, they are also systematically impeded from returning home<sup>12</sup>.

The situation in 2016 is alarming: a survey<sup>13</sup> on internally displaced persons has been released in April, revealing that in the Gaza Strip alone at least 75,000 people are estimated to remain displaced.

A UN official<sup>14</sup> stated that over 400 Palestinians in the occupied West Bank have been displaced due to Israeli demolitions during the first six weeks of the year only, and that the number of Palestinians displaced in 2016 is already equivalent to over half of the total number displaced in all of 2015.

Houses demolitions and forced evictions<sup>15</sup> at the hands of Israel occur systematically across the OPT. Evicted families are not entitled to alternative housing or compensation, meaning many face homelessness and destitution. Israeli authorities have also issued demolition orders against Palestinian schools, clinics, roads, water cisterns, electricity pylons, sheds and animal shelters, thus undermining all aspects of life for Palestinians.

### **Water shortage**

Water shortage has become the umpteenth challenge for Palestine. For years, Palestinian residents of the OPT have been deprived of vital water resources by the Israeli authorities, who have impeded them from exercising effective control over the management of the available resources in the area. They have instead overexploited the shared water resources resulting in the exhaustion of long-term storages and the deterioration of water quality, leaving Palestinians with very little, unclean water.<sup>16</sup>

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<sup>9</sup> The principle of press freedom contained within the human basic rights to freedom of opinion and expression, which are enshrined in Article 19 of the 1948 UN Universal Declaration of Human Rights.

<sup>10</sup> The right to peaceful assembly and association is enshrined in Article 20 of the UN Universal Declaration of Human Rights.

<sup>11</sup> Palestinians are today one of the biggest displaced populations in the world.

<sup>12</sup> The right of return is a principle which is drawn from Article 13 of Universal Declaration of Human Rights and from Article 13 of the International Covenant on Civil and Political Rights

<sup>13</sup> The survey has been carried out by the UN Office for the Coordination of Humanitarian Affairs (OCHA) in the occupied Palestinian territory.

<sup>14</sup> Robert Piper, Coordinator for Humanitarian and UN Development Activities for the occupied Palestinian territory.

<sup>15</sup> Forced eviction and house demolition constitute a breach to the Right of Adequate Housing, enshrined in the Article 25 of the Universal Declaration of Human Right, as well as a breach to Article 11(1) of the International Covenant on Economic, Social and Cultural Rights.

<sup>16</sup> For more information on the *Water issue in the OPT*, please read *Water, for one people only. Discriminatory Access and "Water-Apartheid" in the OPT*. Al-Haq, 2013.

This has once more deprived Palestinians of the possibility to achieve a dignified standard of living<sup>17</sup>.

### **Conclusions and Recommendations**

We, NGOs Signatories to this statement recommend to the United Nations Human Rights Council, its Member States and the relevant UN bodies to:

- Pressure the Israeli government to immediately stop such policies of Apartheid that aim at discriminating, degrading, displacing and eliminating Palestinians living in the OPT, and immediately withdraw from the occupied territories.
- Comply with Resolution A/HRC/31/L.36 which seeks to protect the right to self-determination of the people of Palestine and calls on pursuing the implementation of the recommendations contained in the reports of the independent commission of inquiry and the fact finding mission on the 2014 Gaza conflict and the civil, political, economic, social and cultural rights of the Palestinian people throughout the OPT, including East Jerusalem, as well as cooperating with the preliminary examination of the International Criminal Court.
- Deliver additional humanitarian assistance to IDPs in OPT, including renegotiate its access in the Gaza Strip, which adequately reflects the needs of people and that allows such a vulnerable part of the population to exercise their right to an adequate standard of living.
- Put pressure on the Israeli government to immediately stop restricting Palestinians from freely moving in and out of the OPT.
- Put pressure on the Israeli government to guarantee to all displaced Palestinians the right to return to their homes.

The Geneva International Centre for Justice (GICJ), The Arab Lawyers Association- UK, The BRussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.

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<sup>17</sup> The right to an adequate standard of living is enshrined in Article 25 of the Universal Declaration of Human Rights (UDHR) and Article 11 of the International Covenant on Economic, Social and Cultural Rights.