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

Written statement* submitted by The Palestinian Return Centre Ltd, 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.

[13 February 2017]

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

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Human Rights in the Occupied Palestinian Territory

The Palestinian Return Centre (PRC) is concerned about the devastating failure of international community to exert real pressure on Israel, the occupying power, to bring its actions in line with its obligations under international humanitarian law and UN resolutions. Inside the occupied territories and Israel, Palestinians continue to suffer from Israel's illegal military occupation, colonial policies and apartheid regime. This is entrenching the prolonged exile of Palestine refugees, and their descendants, forcibly displaced after 1947 and intentionally denied the right to return as stated in UN resolution 194.

West Bank, including East Jerusalem

Increasing fragmentation of the West Bank, including East Jerusalem, by way of a combination of policies and practices including, but not limited to: the wall; the creation of seam zones; checkpoints; zoning and planning restrictions; demolition of homes and forced evictions (particularly of Bedouin communities in Area C); revocation of residency rights; the designation of vast tracts of land in the West Bank as closed military zones or natural reserves; and the expropriation of land for settler agriculture or industrial zones, may irreversibly disrupt the contiguity of the West Bank undermining the right of Palestinians to a state and to self-determination. The policies that effectively entail the expulsion of Palestinians –especially through the revocation of Palestinians' Jerusalem residency cards– continue even where there are no ongoing military operations.

Israel's entire settlement enterprise in the OPT is illegal under international law, as reaffirmed by the International Court of Justice in its Advisory Opinion on Israel's Separation Wall in 2004 and UN Security Council Resolution 2234 in 2016. As reiterated by the International Fact Finding Mission on Israeli Settlements in the Occupied Palestinian Territory: "All Israel's settlements in the Occupied Palestinian Territory, including East Jerusalem, are illegal under international law. The Fourth Geneva Convention prohibits an Occupying Power from transferring its civilian population into an occupied territory".¹ The existence of settlements leads to violations of many of the human rights of Palestinians, including the rights to property, equality, an adequate standard of living and freedom of movement

Recently, on 6 February 2017, immediately following the decisions to advance plans for the construction of more than 5,500 settlement units in illegal settlements across the Occupied West Bank, including East Jerusalem, the Israeli Knesset adopted the so-called "regularization bill", a scheme being presented as "law" with the express purpose of facilitating and authorizing the expropriation, colonization and ultimate *de facto* annexation of Palestinian land.

The situation in the West Bank is increasingly precarious. Palestine refugees continue to experience difficult socioeconomic conditions rooted in occupation-related policies and practices imposed by the Israeli authorities. These include a recent rise in the number of house demolitions, and access and movement restrictions. In addition, Palestinians continue to experience high levels of food insecurity, with those living in refugee camps particularly affected.

Gaza Strip

There should be concern in particular about the disastrous humanitarian situation and the critical socioeconomic and security situations in the Gaza Strip, including that resulting from the prolonged continuous closures and severe economic and movement restrictions that in effect amount to a blockade. The blockade of Gaza by the State of Israel fully implemented since 2007 and has been described by then United Nations Secretary-General as "a continuing collective penalty against the population in Gaza". In 2016, an estimated 1.3 million people are in need of humanitarian assistance in the Gaza Strip. At the same time, impunity for Israeli attacks on Palestinian civilians and the current status

¹ <http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/FFM/FFMSettlements.pdf>

quo is rendering the prospect of another major war increasingly likely. The international community must intervene immediately to protect civilians and lift the blockade, which has been imposed on Gaza for over a decade.

In 2014, the Gaza Strip witnessed the deadliest escalation in hostilities since the beginning of the Israeli occupation in 1967. Evidence collected by the “Report of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1” suggest that a wide range of crimes have been committed by Israel inside the OPT during the summer 2014 hostilities. Some 2,251 Palestinians including 1,462 civilians were killed of whom 299 women and 551 children; and 11,231 Palestinians, including 3,540 women and 3,436 children, of whom 10 per cent suffered permanent disability as a result.² More than 1,500 children were orphaned, an estimated 27,000 children had their homes completely destroyed.

Three wars in six years have caused enormous destruction in Gaza. The “51 Day War” in 2014 displaced over 485’000 people.³ According to UNRWA, at least 140,190 refugee homes were “impacted” by the fighting.⁴ As Amnesty International⁵ has reported, the evident and intentional disproportionate use of military force on the population of Gaza clearly amounts to war crimes for which perpetrators should be held accountable.

Some 11,000 housing units were totally destroyed and 6,800 housing units were severely damaged from the 2014 hostilities; combined, almost 18,000 homes were rendered uninhabitable.⁶ By the end of March 2016, about 17 per cent (3,000) of the approximately 18,000 homes destroyed or severely damaged had been reconstructed or repaired following cash assistance from UN agencies or other international support.⁷ It is estimated that 66,000 people remain displaced.

It is evident that temporary measures that do not challenge the root causes of the conflict are bound to be ineffective. In this regard rather than challenge Israel’s siege and systematic attacks the Gaza Reconstruction Mechanism (GRM) is entrenching the closure. The GRM should not be considered a substitute for a full and immediate lifting of the blockade. Urgent and immediate action is required to prevent another major war against the Gaza Strip. With the exception of the extremely slow reconstruction process of what was destroyed during the last Israel-Gaza war in the summer of 2014, the conditions that preceded that war remain in place. Without improvement on any of the issues Gaza is facing, the risks for a new round of fighting remain high. Given that it is one of the most densely populated areas in the world, and considering the past three recent attacks, a high number of civilian deaths would be extremely likely. The continued escalations show the fragility of the informal truce in place since 2014. The international community must intervene promptly to prevent a disaster, before it happens.

Considering the UN Human Rights Council’s concern over the matter of Israel’s occupation of the OPT, and the urgency to bring to the attention of the Security Council and General Assembly any matter which may threaten the maintenance of international peace and security, the Palestinian Return Centre calls on Mr. President and the Distinguished Members of the Council to:

- Take strong measures to bring to an end the ongoing illegal Occupation of the Palestinian territories, which is the root cause of the ongoing Israeli human rights violations;

² Data compiled by the OCHA Protection Cluster, 31 May 2015. For its methodology, see A/HRC/28/80/Add.1, para. 24, footnote 43.

³ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/008/27/PDF/G1500827.pdf?OpenElement>.

⁴ <http://www.aljazeera.com/news/2015/10/gaza-home-rebuilt-2014-israeli-war-151022143935336.html>.

⁵ <http://www.amnesty.org/en/latest/news/2015/07/gaza-cutting-edge-investigation-rafah>

⁶ https://www.ochaopt.org/documents/idps_report_april_2016_english.pdf

⁷ https://www.ochaopt.org/content/housing-land-and-property-rights-issues-pose-further-challenges-gaza-reconstruction#_ednref2

- Accountability must be pursued for all violations of human rights and humanitarian law, including attacks on medical personnel and infrastructure;
 - Ensure that Human Rights Council Resolution 31/36, which called to produce a database of all business enterprises involved in Israeli settlements related activities, is implemented without further delays;
 - Calls upon all States, bearing in mind Security Council Resolution 2334 (2016), to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;
 - Recall that Israel was accepted into the United Nations on condition that it accepts the Right of Return of the Palestinian refugees. Admission of Israel to membership in the United Nations (General Assembly Resolution 273 of May 11, 1949) requires Israel to comply with General Assembly Resolution 194 of December 11, 1948.
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