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

Written statement* submitted by Organization for Defending Victims of Violence, 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.

[21 January 2019]

* Issued as received, in the language(s) of submission only.



Item 7 – The Situation of Human Rights in the Occupied Palestinian Territories

Occupation of Palestine by Israel is the longest military occupation in modern history which does not show any sign of ending and according to eyewitness of local NGOs and international organizations the occupation territories are expanding. The occupation is the departure point of human rights and international law violations in the occupied territories, which has various negative effects on the various aspects of the lives of Palestinian people.

1. Effects of occupation on Palestinian’s economic, social and cultural rights

According to the UN Charter all people have the erga omnes rights, including the right to self-determination according to which they can freely determine their political situation and pursue economic, social and cultural development. However Israel policies, undermine Palestine’s economy and civilian infrastructures, and result in extensive violation of the right to self-determination and spread poverty in the occupied territories.

Israel established a complex matrix of controls over the Palestinian economy featuring a permit system including, roadblocks, earth mounds, trenches, road checkpoints, road gates and the Separation Barrier. The restrictions choke trade and investment by inflating costs and undermining competitiveness,¹ so that, between 1972 and 2017, Israel absorbed 79 per cent of total Palestinian exports and 81 per cent of imports²

These restrictions have important effects on Palestinian’s human rights including the right to food, to adequate housing, to education, to health, to social security, to take part in cultural life, to clean water and sanitation, and to work, which are Palestinian economic, social and cultural rights.

The extensive violation of these rights cause continued or long-term suffering of Palestinians in contradiction to the Geneva Four Conventions and the International Covenant on Economic, Civil and Political Rights. Also, considering that these actions are neither necessary nor appropriate, they can have criminal accountability for Israel.

2. Continuation of expansionist policies

While the occupation and governing of a territory by force is illegal in international law, the occupation government is not the owner of the occupied territories and is not allowed to make deep changes in those regions. Since its founding, Israel started construction of Jewish settlements, destruction of Palestinian properties and infrastructures, and use of policies that force Palestinians to move such as the construction of the Security Barrier³. Israel intends to change the geography, distribution of power and institutionalisation of the Occupied Territories. Recent reports indicate that these policies continue unabated.

During the first three quarters of 2017, approval for construction of new housing units reached 10,000, which was more than double the total for 2016. In early 2018, plans were approved for construction of 5,000 housing units in existing settlements and for the establishment of new settlements⁴. Settlement expansion is combined with relentless destruction of Palestinian assets, including electrification projects, schools and residential

¹ World Bank (2017).Unlocking the Trade Potential of the Palestinian Economy: Immediate Measures and a Long-Term Vision to Improve Palestinian Trade and Economic Outcomes. Report No.ACS22471(Washington, D.C.).

² Report on UNCTAD Assistance to the Palestinian people: Developments in the economy of the Occupied Palestinian Territory, 23 July, 2018. , p.6.

³ <https://www.icj.cij.org/files/case-related/131/131-20040709-ADV-1-00-EN.pdf>

⁴ United Nations (2017a). Report to the Ad Hoc Liaison Committee. 18 September. Palestine United Nations (2018). Report to the Ad Hoc Liaison Committee. 20 March.

properties. Between 2009 and mid-2017, Israel demolished over 4,000 Palestinian-owned structures and 236 European Union-funded structures in Area C.⁵

Israel also, continuously transferred population into settlements and forced the Palestinian population out of the area. By 2018, 611,000 Israelis live in 250 settlements in the occupied West Bank, including East Jerusalem, in contravention of international law.⁶ Furthermore, Israel continued to provide security, administrative services, housing, education, and medical care for about 607,000 settlers residing in unlawful settlements in the West Bank, including East Jerusalem⁷ and invested more than \$19 billion in the construction of settlements and related infrastructure.⁸

As well as a series of human rights violations such as the right to ownership, right to enjoyment of suitable living standards, religious rights and right to freedom of travel, the policies also violate other principles such as prohibition of the expulsion of the citizens of country under occupation, prohibition of the forced displacement of citizens of the occupied territories, as stated in Article 49 of the Fourth Geneva Convention and customary international humanitarian law⁹, which raises the question of war crimes in accordance with the 1998 Rome Statute. Also, it seems as if, Israel is aiming at destruction of the Palestinian society, and actions such as settlement building is done for that purpose, and there should be no doubt in equating that to genocide.

3. Inattention to international decisions and resolutions

Violation of human rights and international commitments are so clear in the occupied territories that numerous United Nations resolutions have condemned Israel policies as an occupation power, due to the continuation of illegal measures based on excessive use of force and the fact that a vast array of human rights violations of Palestinians in Occupied Territories are confirmed.

According to several United Nations resolutions such as: General Assembly A/ES-10/L.23 (11 June 2018), General Assembly A/ES-10/L.22 (19 December 2017) and Security Council resolution 2334 (2016), establishment of settlements by Israel in Palestinian land has no legal validity and represents a flagrant violation under international law.¹⁰ These resolutions also, Condemned all acts of violence against civilians, including acts of terror, as well as all acts of provocation, incitement and destruction.¹¹

Similar Concerns were expressed by the other United Nations organs such as the International Court of Justice. In 2004, the Court issued an advisory opinion on the legal consequences of the construction of the 712 km-long Separation Barrier and expressed concern that the route of the wall will prejudice the future frontier between Israel and Palestine and that Israel may integrate the settlements and their means of access.¹²

In view of the more than 180 resolutions issued by the Security Council and nearly 90 resolutions issued by the General Assembly¹³, those who follow occupied Palestine matters, do not have any doubts towards Israel's disregard of the international treaties and commitments.

⁵ https://www.ochaopt.org/sites/default/files/factsheet_booklet_final_21_12_2017.pdf.

⁶ https://www.ochaopt.org/sites/default/files/factsheet_booklet_final_21_12_2017.pdf.

⁷ <https://www.hrw.org/world-report/2018/country-chapters/israel/palestine>

⁸ Dajani O and Lovatt H (2017). Rethinking Oslo: How Europe can promote peace in Israel-Palestine. European Council on Foreign Relations. Policy Brief.

⁹ Henckaerts Jean-Marie and Doswald-Beck Louise (2005), CUSTOMARY, INTERNATIONAL HUMANITARIAN LAW, Cambridge University Press, p. 323

¹⁰ Security Council resolution 2334 (2016)

¹¹ General Assembly A/ES-10/L.23 (11 June 2018).

¹² <https://www.icj-cij.org/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>, No.121.

¹³ https://en.wikipedia.org/wiki/List_of_United_Nations_resolutions_concerning_Israel

Recommendations

- Organization for Defending Victims of Violence (ODVV) calls upon the international community and international human rights and humanitarian law institutions to endeavour towards the establishment of peace, equality and security in Palestine and to more seriously remind Israel of accountability in violation of international commitments and principles.
- ODVV deems the violation of economic, social and cultural rights of innocent people unacceptable and calls for an immediate end to all forms of systematic discrimination against Palestinians.
- ODVV calls upon Israel to immediately and fully halt settlement construction in occupied Palestinian territories that include East Jerusalem and respect the right of Palestinians to self-determination.

ODVV deems the commitment and accountability of the occupation power towards occupied territories very important and calls upon Israel to be committed towards its commitments as an occupations power.
