



# General Assembly

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## Human Rights Council

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Agenda item 7

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

### **Written statement\* submitted by Organization for Defending Victims of Violence (ODVV), 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.

[19 August 2019]

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

## Human Rights in the Occupied of Palestinian territories

From the outset of the occupation of Palestinian territories, alongside with all military issues and violence committed against Palestinians, Israel has extensively violated the human rights of the people living in the occupied territories. This violation which includes various groups of Palestinians and civilians such as women and children, not only seems to have no end, but according to eyewitness reports, international organizations and NGOs, they are on the rise. Continuation of the occupation of Palestine and its expansion has turned into a basis for extensive violations of human rights and international law in occupied territories which with the passage of time, has severely impacted the lives of the people of Palestine. In this statement the Organization for Defending Victims of Violence (ODVV) highlights three cases of violations:

### **1. Violations of Obligations of the Occupying Power under International Humanitarian Law**

Thousands of Palestinians throughout the occupied Palestinian territory have been forcibly displaced or are at risk of forced displacement. Settlements amount to a violation by the occupying Power of the prohibition to transfer parts of its civilian population into territory it occupies. Such prohibition of transfer is considered as crimes against humanity<sup>1</sup>. Under the 1949 Fourth Geneva Convention the occupying power is absolutely forbidden to transfer any of its civilian population into the occupied territory,<sup>2</sup> and according to the Rome Statute, such transfer is considered a war crime.<sup>3</sup>

In spite of Israel being condemned for violating the said commitments, not only its expansionist policies continue, but they are on the increase. Reports show that the 299 structures demolished and the 439 people displaced in the first half of 2019 which marked an increase of around 50 per cent and around 150 per cent respectively, compared to the equivalent period in 2018. Over 80 per cent of these structures were residential and livelihood structures.

Among these figures in June 2019 alone, 71 Palestinian-owned structures were demolished or seized, displacing 106 people and affecting the livelihoods or access to services of thousands of others. All structures demolished in this month lacked building permits, which are virtually impossible for Palestinians to obtain in the West Bank, including East Jerusalem.<sup>4</sup>

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1 . Article 7 of the Rome Statute of the International Criminal Court

2 GCIV Article 49(6).

3 Rome Statute Article 8(2)(b)(viii).

4 West Bank demolitions and displacement, An overview, p.1, Posted on 29 July 2019, available at: <https://www.ochaopt.org/content/west-bank-demolitions-and-displacement-june-2019>

## 2. Civilian casualties in the context of hostilities

Since the events of 30 March 2018, deep concerns have risen with regards to Israel's actions. These concerns are based on the Great March of Return in the form of fighting against excessive force used by the Israeli military against Palestinian civilians, which can be seen as serious violation of human rights such as the right to life and the right to health.

According to the existing reports from 30 March 2018 until 30 June 2019, a total of 312 people have been killed<sup>4</sup>, 139 amputations including 30 children have taken place including 121 lower limb amputations and 18 upper limb amputations. Furthermore, Since 30 March 2018, 58 children have been reportedly killed in Gaza and more than 7,000 injured.<sup>5</sup>

Alongside these issues, other instances such as violence and armed search operations in schools and hospitals, harassment, intimidation and violence against student, teachers, patients and women on their way to and from destination, lack of protection for medical teams, severe shortage of safe places and demolition or "stop work" orders on buildings results in further instances of violations of the rights of civilians.

In this situation, addressing the resulting multiple needs of the mass influx of casualties remains challenging due to the lack of funds, years of blockade, the internal Palestinian political divide and a chronic energy crisis.<sup>6</sup>

## 3. Arbitrary Arrest and Violations of the Rights to a Fair Trial

According to international law, any type of detention and deprivation of freedom of individuals must be on legal basis. Also according to the 4<sup>th</sup> Geneva Convention, as the occupying force, Israel must undertake commitments regarding the protection of civilians during detention, and provide adequate medical care, provide special protection for women and child detainees and protect the right to remain in the occupied territory during all stages of detention, including during the serving of prison sentences if convicted. Furthermore, the International Covenant on Civil and Political Rights,<sup>8</sup> which Israel ratified in 1991, places obligations upon Israel in relation to due process in pre-trial detention. In spite of these issues, lack of access to justice and accountability for Palestinian victims of violations committed by Israeli security forces persists. With the high number of killings at the Gaza fence, it is of particular concern that the internal fact-finding mechanism reportedly used by Israel to examine

<sup>5</sup> [http://www.emro.who.int/images/stories/palestine/documents/SitRep\\_June\\_2019\\_.pdf?ua=1](http://www.emro.who.int/images/stories/palestine/documents/SitRep_June_2019_.pdf?ua=1), p.p.1-2.

<sup>6</sup> <https://www.un.org/unispal/document/ocha-humanitarian-snapshot-casualties-in-the-context-of-demonstrations-and-hostilities-in-gaza-30-march-2018-30-april-2019/>

<sup>7</sup> OCIV, Article 76

<sup>8</sup> International Covenant on Civil and Political Right, Article 9

such incidents might not operate in line with international standards. Several proceedings relating to older cases of human right defenders like Abdallah Abu Rahma, Issa Amro and Fareed al-Atrash of apparent excessive use of force by Israeli security forces were closed with no resulting accountability during the reporting period.<sup>9</sup>

**Recommendations:**

- Organization for Defending Victims of Violence (ODVV) deems the commitment and responsibility of the occupying government towards occupied territories very important and calls upon the international community to foresee measures and guarantee necessary implementation to force Israel to fulfill its commitments.
- ODVV condemns all violent actions especially the use of force by the Israeli occupation forces against Palestinian civilians which result in the violation of human rights of individuals, which include women and children.
- ODVV expresses its concern over the prosecution of Palestinian prisoners and detainees conditions in Israeli prisons and detention centres, and calls for an end to transfer of Palestinian prisoners from the occupied territories into Israel.
- The ODVV strongly condemns the continuation of the destruction of Palestinian homes and properties and calls upon the international community to put an end to these types of expansionist and systematic policies.
- This NGO condemns the gradual omission of Item 7 from the Human Rights Council working agenda and calls upon member states to strengthen Israel's accountability towards its crimes, to help the people of Palestine to achieve their legal rights, which have been stressed in hundreds of UN General Assembly and Human Rights Council resolutions.

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<sup>9</sup> For a detailed analysis of accountability related issues, see A/HRC/40/43.