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## Human Rights Council

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Agenda item 9

**Racism, racial discrimination, xenophobia and related  
forms of intolerance, follow-up and implementation  
of the Durban Declaration and Programme of Action**

### **Written statement\* submitted by the Meezaan Center for Human Rights, 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]

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

GE.17-02636(E)



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## **The UN Human Rights Council Must Protect Minorities from Systemic Racial Discrimination and Forced Evictions**

1. In the course of the history of the Palestinian-Israeli conflict, the Palestinians have long suffered human rights violations at the hands of the Israeli authorities. Defined legally and acting practically as a Jewish state, Israel places its approximately 1.5 million Palestinian-Arab citizens (20% of Israel's population) under a system of discrimination and exclusion. The legal and political system creates a hierarchical citizenry that privileges Jews over others in Israel. The lack of a constitutionally enshrined right to equality in Israel exposes the community to direct and indirect racial, ethnic, and religious discrimination as well as violence by and impunity of state authorities.
2. Most notably, structural discrimination against the Palestinian citizens of Israel appears in the area of land and housing rights. Whereas the Palestinian citizens have grown eight-folds since 1948, the Israeli government confiscated most of their lands and has not built even one single new locality for them. The Palestinian citizens remained only with 3.5% of Israel's land and their towns and villages are subject to discriminatory zoning laws that prevent their expansion. The case of the Palestinian Bedouin citizens of Israel in the Negev is one example of such policies of racial discrimination.
3. At the outset of the third millennium, the international community recognized and affirmed that "a global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and evolving forms and manifestations is a matter of priority for the international community." It looked to developing innovative and holistic approaches to the elimination of racial discrimination. (2001 Durban Declaration)
4. Guided by the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the UNESCO Declaration on Race and Racial Prejudice, we urge the Human Rights Council to undertake effective measures and to articulate clear objectives for ending house demolitions, land dispossession and eliminating systemic racial discrimination.
5. On 18 January 2017 hundreds of heavily armed Israeli policemen arrived at the Palestinian Bedouin village of Um al-Hiran in the Negev before dawn, accompanied by bulldozers to carry out house demolitions. The campaign resulted with the demolition of eight homes, the injury and arrest of tens of Palestinians, and the murder of 47-year old high school teacher, Ya'qub abu al-Qia'an.<sup>1</sup>
6. We believe that systemic state violence against minorities and marginalized communities is a symptom of structural discrimination and entrenched inequality that are intertwined with state and public practices and discourses of stigmatization and dehumanization. Um al-Hiran is one of thirty five other Palestinian Bedouin villages in the Negev that are subject to demolition and eviction, and abu al-Qia'an is the 62<sup>nd</sup> Palestinian citizen of Israel that is murdered by the Israeli police forces since October 2000.
7. The 1948 war had catastrophic consequences for the Negev Palestinian Bedouins. Only 13 percent of whom, about 11,000, remained within Israel. Most of them were displaced from their villages to join others in an enclosed zone north of Beersheba. Currently, the Bedouin number about 230,000 residents.

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<sup>1</sup> See, <https://www.adalah.org/en/content/view/9001>

8. The Bedouin villages were all excluded from Israeli zoning plans and maps, thus becoming illegal in the eyes of the Israeli authorities who refuse to provide the villages with any state services including, running water, electricity, paved roads, and garbage collection. Since the late 1960s, the Israeli authorities looked to demolish these villages and evict the Bedouin and concentrate them in urban towns.
9. Indeed, between the late 1960s until the 1990s, Israel had recognized the status of seven Bedouin villages and planned to expand them to host all Bedouin residents. These townships, like the rest of Palestinian localities in Israel, suffer from Israeli discriminatory policies in budget allocation and services, and are the poorest seven localities in Israel. The socioeconomic conditions of the townships and the Israeli denial of Bedouin land ownership led many Bedouin (about 110,000 residents) to refuse to leave their villages.
10. In 1970, the Israeli government asked the Bedouin citizens to file claims to lands they claim as their own. They filed 3,220 land claims to a total of 1.5 million dunams. A governmental committee, headed by Plia Albeck, had decided in 1975 that the Bedouin-claimed land was only 850,000 dunams and stated that the Bedouins had no legal rights to the land. Relying on British and Ottoman laws, the Albeck committee determined that the land was “dead land that belonged to the state. This same legal reasoning was deployed by Albeck on behalf of the Israeli government to appropriate lands for Jewish settlements in the West Bank.
11. The Albeck committee recommended freezing the land claims and instead negotiating with the Bedouin claimants by offering about 10% compensation of their claim, conditional upon their moving to the townships. Due to the low compensation rate, by 2005, the government had resolved only 15 percent of the claims, most of them by force.
12. Since 2005, the Israeli government moved to a more aggressive mode while seeking to resolve the “Bedouin problema.” It increased the rate of house demolitions and forced evictions, and initiated a policy of counter-claims-- the de-freezing and the disputing of the original claims of the Bedouins and bringing them to court. To this day the Israeli government has won 100 percent of the cases, numbering nearly 300 cases.
13. In parallel, the Israeli government appointed several committees and initiated a legislation to resolve the Bedouin land and housing question. The proposed Bill is expected to displace 40,000 Bedouins from their villages and offers very low compensation for the land claims.
14. The denial of land rights and security of tenure led to the violation of a wide range of political, social and economic rights. We emphasize that “Discrimination undermines the fulfilment of economic, social and cultural rights for a significant proportion of the world’s population.” And that “Covenant rights, such as access to water services and protection from forced eviction, should not be made conditional on a person’s land tenure status, such as living in an informal settlement.” (General Comment No. 20 of the Committee on ESC Rights, para. 1, 25, E/C.12/GC/20).
15. The village of Um al-Hiran is home to 1,000 residents. Until 1948, the abu al-Qia’an family lived in the area of Wadi Zubala in the western Negev until they were ordered by the Israeli authorities to leave its residence for six months. This was followed by two other episodes of expulsion, until their final resettlement in Um al-Hiran in 1956. Abu al-Qia’an’s lands were granted to the Jewish Kibbutz of Shoval.
16. Neglected for decades, Um al-Hiran received eviction orders from the Israeli authorities in 2003. The government planned to replace Um al-Hiran with a new Jewish settlement named Hiran. The residents of Um al-Hiran initiated legal proceedings and asked for their village to receive a legal status and not build a Jewish settlement instead.

Further, they asked to become part of the future Hiran settlement or alternatively to be returned to their original lands in Wadi Zubala.

17. The Israeli authorities rejected all proposals and argued that the Bedouins were trespassers. The Israeli Supreme Court ordered the eviction of the village in May 2015. The Israeli authorities first ploughed the fields of Um al-Hiran and destroyed their crops.
18. On 1<sup>st</sup> January 2017, the massive Israeli police force stormed the village before dawn, demolishing eight houses, arresting and injuring tens of residents, and killing Ya'cub abu al-Qia'an. After shooting Abu al-Qia'an he lost control of his vehicle which ran over a policeman and killed him. The policemen opened massive fire with live ammunition at abu al-Qia'an and prevented the medical staff from assisting him. The forensic file stated that abu al-Qia'an bled for 30 minutes before his death. The Israeli police held his body for one week and released it for burial only per a court order.
19. As emphasized by the Committee on ESC Rights, "States parties must give due priority to those social groups living in unfavourable conditions by giving them particular consideration. Policies and legislation should correspondingly not be designed to benefit already advantaged social groups at the expense of others." (General Comment No. 4, para. 11)
20. We welcome the continued efforts of the Human Rights Council, the OHCHR, the Special Procedures and Treaty Bodies in combating racial discrimination, and urge them to make these concerns a shared international priority. We call on the Human Rights Council to:
  - a. Condemn Israeli racial discrimination, land expropriation and house demolitions, as well as police violence against its Palestinian citizens,
  - b. Call on Israel to grant a legal status to the village of Um al-Hiran and all Palestinian Bedouin villages in the Negev,
  - c. Call on Israel to open criminal investigations into the killings of abu al-Qia'an and other Palestinian citizens of Israel,
  - d. Demand that Israel give access to UN Special Rapporteurs so as to conduct their independent fact-finding missions.