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

Written statement* submitted by the Al Mezan Centre 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]

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

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Normalizing Prolonged Occupation and Fragmentation Demands Practical Steps by the Human Rights Council

In 2017, the Israeli occupation will enter its fiftieth year, and the closure/blockade of the Gaza Strip—with its associated buffer zone policy—will enter its tenth year. The breakdown in human rights standards and continuing violations of the laws of war in the Occupied Palestinian Territory stem from decades of de-development, which, through policies of closure and occupation combined with ineffective intervention by the international community, continue to form a spiraling retrogression in conditions today. Israel's policy of fragmentation shapes the socio-political environment; its settlement enterprise, the Separation Wall, and the isolation of Gaza form the foundations of this policy. Al Mezan Centre for Human Rights reminds the Council that these concerted efforts aimed at fragmenting occupied Palestine and its population and normalizing Israel's prolonged occupation must be responded to with practical steps to ensure Palestinian access to human rights, fundamentally the right to self-determination.

I. Settlement enterprise and fragmentation

In blatant disregard for international law and international consensus on the illegality of Israeli settlements under international law, the Israeli government retroactively legalized, according to Israeli law, approximately 4,000 housing units in the West Bank on 6 February 2017. The Knesset passed the sweeping “Regularization Law” to legalize outposts and new housing units in settlements built illegally on private Palestinian land. Israel's settlement enterprise is implemented hand-in-hand with forced displacement of Palestinian residents and destruction of Palestinian homes.¹ The Law represents the Israeli governments increasingly aggressive settlement policy², which in practice leads to further separation between Palestine's two territorial counterparts, and reflects a dangerous step towards annexation of the West Bank.³

II. Closure/blockade policy

Israeli authorities continue to retreat from pledges to ease restrictions forming the closure/blockade of Gaza that maintains a protracted humanitarian crisis and prevents access to fundamental rights and freedoms of the population. In recent months, the number of Palestinians exiting Gaza—including humanitarian staff and patients—has steadily declined while the exit of goods from Gaza still stands at less than 20% of what it was prior to 2007.⁴

The closure/blockade policy maintains widespread poverty and record unemployment (42%), especially among youth (58% among ages 15-29).⁵ Israel's enforcement of access restricted areas (ARA) (i.e. a “buffer zone”) in Gaza's rich agricultural and marine border areas by land and sea has devastated the fishing and farming sectors and puts the lives of the civilian population at risk through the use of live fire and arbitrary arrest.⁶ Israel has also increased the incidences of

¹ US State Department statement on new West Bank Settlements, 5 October 2016, available here:

(<https://www.state.gov/r/pa/prs/ps/2016/10/262795.htm>),

EU statement on settlement expansion in the West Bank, 7 October 2016, available here:

(https://eeas.europa.eu/headquarters/headquarters-homepage/11386/statement-by-the-spokesperson-on-israels-continuing-settlement-expansion-in-the-west-bank_en)

² Peace Now, Construction Starts in Settlements by Year, available here: <http://peacenow.org.il/en/settlements-watch/settlements-data/construction>

³ For more information, see Adalah, JLAC and Al Mezan joint appeal to the Israeli High Court, available here: <http://mezan.org/en/post/21791>

⁴ See OCHA Humanitarian Bulletin, available here: <http://www.ochaopt.org/content/gaza-strip-humanitarian-impact-blockade-november-2016>

⁵ World Bank overview of labour force in the West Bank and Gaza, available here: <http://www.worldbank.org/en/country/westbankandgaza/overview>

⁶ In the period between 1 January and 31 October 2016, Al Mezan documented 115 shooting incidents and 52 shillings/airstrikes in the ARA, resulting in the death of 8 people (including 3 children and 1 woman)

chemical-spraying of Palestinian farmlands near the border, which have enduring harmful effects on the lands, and possibly on the environment.⁷

The standards of health and healthcare in Gaza remain low, a factor notably amplified by recurrent military bombardments on civilians and medical infrastructure, and lack of clean water and hygiene. Appropriate care is often only available outside of the Gaza Strip; however, permits to exit Gaza are processed by the Israeli authorities in an opaque, complex and onerous process that leaves patients vulnerable to torture and ill-treatment, and often without medical care.⁸ Access to education, housing, and to goods needed in other government sectors and for small businesses, continues to deteriorate as a reflection of continued restrictions on the movement of people and goods. Over two years after Israel's 2014 bombardment, approximately 30% of the demolished housing units have been rebuilt, and less than half of severely damaged (uninhabitable) housing units have been repaired.⁹

Concurrently, there has been a sudden increase in incidents of public suicide. Desperate citizens who find themselves in impossible and humiliating circumstances, *inter alia*, lit themselves on fire and threw themselves off of buildings in order to end their lives.

III. Accountability and access to justice

The Israeli Military Advocate General Office (MAG) announced in the summer of 2016 that numerous files submitted by Al Mezan and partner NGOs would be closed without criminal investigation. Failing to investigate according to international legal obligations while convicting three low-level perpetrators¹⁰ as a symbol of justice has proven what previous experience with the Israeli system has long made clear: Israel is unwilling to conduct genuine, independent investigations into suspected war crimes and hold those responsible to account as required by international law.¹¹ This situation continues to be the case even after the Israeli military established its Fact-Finding Assessment Mechanism.¹² Failing to credibly investigate attacks that contain evidence that the Israeli military committed war crimes highlights Israel's insistence on favoring impunity over accountability and justice.^{13,14}

IV. Intimidation of human rights defenders

The human rights defenders and civil society organizations working for the promotion and protection of Palestinian human rights, and notably working on accountability for Israeli violations of international law, are under marked pressure seeming to emanate directly from the Israeli government. The protracted campaign of defamation, intimidation

and wounding of 193. Further, 114 incidents of shooting at fishermen were documented, resulting in 14 injuries, arrest of 127 fishermen (including 17 children), and confiscation of 40 boats.

⁷ See Al Mezan's press release for further details, available here: <http://mezan.org/en/post/21468>

⁸ See for example Al Mezan's new film on access to medical care, available here: <https://www.youtube.com/watch?v=ehe8S9o3ZR0>.

⁹ UNOCHA, <http://www.ochaopt.org/content/intensified-restrictions-entry-building-materials-delay-completion-housing-projects-gaza>

¹⁰ "Decisions of the IDF MAG regarding Exceptional Incidents that Allegedly Occurred During Operation 'Protective Edge' – Update No. 5" <http://www.law.idf.il/163-7596-en/Patzar.aspx>, 24 Aug 2016.

¹¹ Briefing on Israeli investigations into criminal complaints submitted by Palestinian NGOs in Gaza on behalf of victims of attacks on Gaza in July and August 2014: http://mezan.org/en/uploads/upload_center/kiWkMhPrYIZx.pdf

¹² See Adalah-Al Mezan Report, "Gaza 2 Years On: Impunity over Accountability: Israel's unwillingness to investigate violations of international law in the Gaza Strip", 28 August 2016: http://www.adalah.org/uploads/uploads/REPORT_Gaza_Obstacles_English_28_Aug_2016.pdf and Case List: http://www.adalah.org/uploads/uploads/Adalah_Gaza_Case_List_English_FINAL.pdf

¹³ See for example the joint press release by Adalah and Al Mezan regarding the closure of the file concerning the bombing of UNRWA school in Rafah at <http://mezan.org/en/post/21523>, and the joint brief report by Adalah and Al Mezan "Two Years On: Impunity over Accountability", available at <http://mezan.org/en/post/21501>.

¹⁴ For details about this engagement and its outcomes, see 'Gaza Two Years On: 27 cases of suspected war crimes, 0 indictments', available online at <http://mezan.org/en/post/21503>.

and threats to life and physical security aims to stifle effective work in support of Palestinian human rights.¹⁵ This Council must call for the attacks to be seriously investigated by relevant bodies as possible reprisals against human rights defenders for their engagement and cooperation with UN human rights mechanisms and other international accountability institutions.

With the apparent failure of domestic remedies to secure justice, it has become crucial that international mechanisms be made available without further delay. This Council must effectively pursue implementation of the recommendations of the Commission of Inquiry report and support the International Criminal Court in launching a full investigation.

While the end of 2016 saw the emboldening of Israel's separation policies, spurred by the outcome of the US election, the positive development of UN SC 2334 provides opportunity for action on some of the most serious violations of international law by Israeli authorities, some of which are cited above. This resolution must be harnessed by the Council for its authority on the international legal positions of Israeli actions in occupied Palestine.

In view of the principles of equal access to human rights and equal worth of all individuals, we call on the Council to resolutely ensure protection for the civilian population, dignity, and freedom by taking concrete steps to immediately and fully lift the closure/blockade. Any measures taken to ease the closure/blockade are considered inadequate against a policy that amounts to a prohibited collective punishment. The principles of justice and accountability must be upheld by holding perpetrators to account for the closure/blockade policy as a crime against humanity under the Rome Statute of the International Criminal Court.¹⁶

¹⁵ See for example <http://mezan.org/en/post/21477> and <https://www.hrw.org/news/2016/08/14/israel/palestine-palestinian-rights-defenders-threatened/>.

¹⁶ For more information, see the joint Al-Haq, PCHR, Al Dameer and Al Mezan third communication to the ICC Prosecutor on the closure/blockade policy, available here: <http://mezan.org/en/post/21630>