



# 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 the Norwegian Refugee Council, 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.

[09 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.17-02251(E)



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## Protecting Palestinians' Housing, Land and Property Rights

1. The Norwegian Refugee Council (NRC) provides assistance, protection and durable solutions to refugees and internally displaced persons worldwide, and those at risk of forcible displacement and/or transfer, to defend their fundamental human rights, including the right to return to their areas of origin and the right to enjoy one's private property.
2. By means of the information, counselling and legal assistance (ICLA), NRC offers legal services to beneficiaries in the area of Housing, Land and Property (HLP) and Residency rights. In the occupied Palestinian territory (oPt) these services are aimed at contesting administrative orders issued by the Israeli Military Commander, in its capacity as the Occupying Power, including stop-work orders, demolition orders, eviction orders, confiscation orders, revocation of residency rights, access restrictions as well as to reduce settler violence.
3. Litigation collectively challenges the disenfranchising spatial planning and zoning policies imposed in Area C and East Jerusalem, which forcibly displace and/or transfer Palestinian persons and communities; while establishing and expanding illegal Israeli settlements in occupied Palestinian territory. The overarching aim of legal aid, as a form of humanitarian assistance, is to hold Israeli settlers accountable for acts of vandalism and violence, prevent forcible transfer particularly Area C, and protect residency rights in East Jerusalem.
4. NRC has during its 11-year presence in Palestine assisted in 4,629 HLP cases in Israeli Courts on behalf of Palestinians. NRC's current caseload consists of 3,085 judicial cases providing interim protection for 16,968 people from forcible displacement and/or transfer. Regrettably, of the 1,544 HLP cases closed in the past, only 569 had a successful final outcome, meaning that only 37% of NRC's cases are closed with favourable rulings and offer effective remedies to prevent forcible displacement and transfer.
5. Nonetheless, NRC continues to engage in litigation on behalf of Palestinian households and communities before Israeli courts, so as to challenge policies that are absolutely proscribed in international law, in order to obtain interim injunctions that provide beneficiaries with temporary reprieve from human rights violations and subsequent humanitarian hardship; allow for additional protective measures to be considered; with the hope that respect for international law will pervade in the meantime, and the violations of the Occupying Power suppressed.
6. The average duration of an ICLA-supported HLP case is 2 years and 3 months. When this duration is put in the context of 3,085 currently open cases, it is manifest that NRC is effectively protecting Palestinians from imminent forcible transfer, a grave breach of International Humanitarian Law.
7. Moreover, in the event that domestic legal remedies are exhausted, and demolition orders are executed resulting in wanton and extensive destruction of property, NRC provides beneficiaries with post-demolition legal counselling so that they may receive timely material humanitarian assistance.
8. Litigation within the domestic judiciary aims to preserve the normative and physical character of occupied territory, in line with the limitations which the law of belligerent occupation imposes on the rights of the Occupying Power; for the sake of maintaining the rights of the lawful sovereign (including the prohibition of *faits accomplis* regarding the status of the territory, captured in conservationist principle). Maintaining the HLP rights of Palestinians'; enabling the presence of Palestinian communities in Area C and East Jerusalem; and the prevention of settlement establishment, expansion, consolidation and de-facto annexation; are all paramount to ensuring the administration of occupied territory in the manner inculcated by the law of occupation.
9. NRC remains cognisant of the inherent challenges and inevitable risks associated with domestic litigation, in regards to challenging aspects of the Israeli legal framework, institutions and decisions through the Israeli judicial system, which has for the past 50 years exercised jurisdiction over the actions of the Military Commander.

10. Thus, NRC is currently supporting 75 public interest cases (PICs) in the West Bank, including East Jerusalem, that challenge key principle issues pertaining to Palestinians' HLP rights and broader human rights entitled to them. These cases aim to establish positive precedent in Israeli courts, with the aim of limiting the issuance of demolition, eviction, and confiscation orders, while creating positive *opinio juris* for pending cases that would previously have a slim margin for meaningful remedies.

11. The success of PICs is inter-dependent upon the influence exerted by EU and Third State, UN Bodies and other multilateral institutions, to obtain favourable statements and resolutions founded on IHL and IHRL precepts; which in turn inform the stance of parties to litigation. PICs consequently, and due to their principled nature, have a significantly longer duration than individual cases, often lasting upwards of 10 years without a final ruling; thus, facilitating long-term prevention of large-scale eviction, demolitions and confiscation orders that would affect numerous Palestinian communities.

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