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

Written statement* submitted by the American Association of Jurists, 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.

[18 August 2017]

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

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Continued violations of international law by Israel's illegal occupation of Palestinian territory, including East Jerusalem

Background

This year marks the 50th anniversary of the illegal Israeli occupation of Palestinian Territories, including East Jerusalem.

Over the course of these five decades, the State of Israel, whether governed by one camp or another in the political spectrum, has implemented policies that led to the mass exodus of the Palestinian people, notably into the Kingdom of Jordan, and to the settlement of tens of thousands of Jewish settlers to the Occupied Territories, which constitutes a violation of Article 49 of the Fourth Geneva Convention.

In the last 12 years, following the disengagement from Gaza (August 2005), Israel has conducted hundreds of airstrikes on the Gaza Strip, including major destruction operations from the air and on the ground, among them:

- Operation “Hot Winter”, February – March 2005: 112 Palestinians and 3 Israeli killed;
- Operation “Cast Lead”, Dec. 2008/Jan. 2009: between 1,200 and 1,400 Palestinians killed; thousands of civilian Palestinian injured; 13 Israeli killed;
- Operation “Returning Echo”, March 2012: 26 Palestinians killed and hundreds injured;
- Operation “Pillar of Defense”, Nov. 2012: the Israeli authorities claimed to have struck more than 1,500 sites in the Gaza Strip and according to a UNHCR report 174 Palestinians were killed;
- Operation “Protective Edge”, July-Aug.2014: about 550 Palestinians died, including women and children; hundreds were injured.

The Report¹ on UNCTAD assistance to the Palestinian people of July 2015 highlighted that while the economy of the Occupied Palestinian Territory witnessed the first recession since 2006, the number of Israeli settlers quadrupled since the Oslo Accords in 1993 and 1995 and they outnumber Palestinians in Area C, which represents 61 percent of West Bank area.

Moreover, since 2007, Israeli governments have maintained a harsh blockade of the Gaza Strip.

In recent years, the State of Israel has adopted racist legislative and administrative measures towards Palestinians in Israel, as well as in the Occupied Territory, that various UN bodies have characterized as a form of *apartheid*.

Consequences of the blockade of Gaza

A UNICEF study² published in 2012 projected that for Gaza to be a livable place in 2020 “herculean efforts” needed to be accelerated in such sectors as health, education, energy, water and sanitation. Three years later, after Operation “Protective Edge”, the above mentioned UNCTAD report noted that instead of such efforts, the situation in Gaza has deteriorated and its de-development was accelerated by destruction in 2014.

It underscored that, between 2009 and 2015, Gaza has endured severe human losses, with three military operations claiming the lives of at least 3,782 Palestinians and 95 Israelis and that by May 2015, 20 percent of Gaza’s population, or 360,000 people, needed treatment for mental health conditions, while 400,000 children were in need of immediate psychosocial support.

UNCTAD report noted that three Israeli military operations in the past six years, in addition to eight years of economic blockade, have ravaged the already debilitated infrastructure of Gaza, shattered its productive base, left no time for meaningful reconstruction or economic recovery and impoverished the Palestinian population in Gaza.

In May 2017, the UN Development Programme (UNDP) published a study³ which highlights that a crippling Israeli economic blockade, now entering its eleventh year, continues to take a debilitating toll on all aspects of life in Gaza. Isolated and under severe restrictions on movement of people and trade, Gaza’s economic troubles are further

1 TD/B/62/3 (6 July 2015)

2 <https://www.unrwa.org/userfiles/file/publications/gaza/Gaza%20in%202020.pdf>

3 <http://reliefweb.int/sites/reliefweb.int/files/resources/UNDP-papp-research-Gazaeconomy072017-2022.pdf>

compounded by continued chronic shortages in electricity, water, and fuel supplies. The study also stresses that Gaza's population, 43% of which is under the age of 15, recently surpassed the 2 million mark and that the young labor force is increasing by 4.5% per year, with the majority of new entrants to the labor market (estimated at 35,000 annually) becoming unemployed⁴.

In the End of Mission statement of the UN Special Committee to investigate Israeli Practices⁵ (17 July 2017) the members of the Committee stressed that the deteriorating humanitarian situation in Gaza, compounded by the ongoing electricity crisis, was repeatedly raised as one of the most pressing issues. The Committee heard with concern about the atmosphere of increasing hopelessness and desperation among the population of Gaza as Israel's blockade and closure continues for its tenth year, with ongoing restrictions imposed by Israel on the movement of people and goods in and out of Gaza impacting every aspect of life for residents.

The Apartheid policy of Israel

In November 2011, the Russell Tribunal on Palestine⁶ found that Israel subjects the Palestinian people to an institutionalized regime of domination amounting to apartheid as defined under international law. The Tribunal stressed that individual inhuman acts committed in the context of such a system are defined by international law as crimes of apartheid. It highlighted that it heard abundant evidence of practices that constitute 'inhuman acts' perpetrated against the Palestinian people by the Israeli authorities, including widespread deprivation of Palestinian life through military operations and incursions, torture and ill-treatment of Palestinians in the context of widespread deprivation of liberty through policies of arbitrary arrest and administrative detention, as well as systematic human rights violations that preclude Palestinian development and prevent the Palestinians from participating in political, economic, social and cultural life, and, finally, severe limitations of the civil and political rights of Palestinians, including rights to movement, residence, and freedom of opinion and association.

In February 2012, in its Concluding Observation⁷ on the fourteenth to sixteenth periodic reports of Israel, the Committee on the Elimination of Racial Discrimination expressed its increasingly concern at the Israeli discriminatory planning policy and its extreme concern at the consequences of policies and practices which amount to de facto segregation. The Committee urged the State of Israel to take immediate measures to prohibit and eradicate any policy and practices of racial segregation and apartheid.

Most recently, in May 2017, a report⁸ of the UN Economic and Social Commission for Western Asia concluded that Israel has established an apartheid regime that dominates the Palestinian people as a whole. The report stresses that the Israel Lands Authority (ILA) manages State land, which accounts for 93 percent of the land within the internationally recognized borders of Israel and is by law closed to use, development or ownership by non-Jews. It further highlights that demographic engineering is another area of policy serving the purpose of maintaining Israel as a Jewish State. The report also finds that the strategic fragmentation of the Palestinian people is the principal method by which Israel imposes an apartheid regime.

International complicity

The immunity and impunity the State of Israel is enjoying for the crimes committed against the Palestinian people is unique in modern history in terms of duration and scale.

In particular, the European Union and its member States, as well as, the United States of America are falling short on their international obligations with regard to the UNGA resolution 2625 (XXV), to the duty of due diligence pertaining to respect for the most fundamental rules of international law and to the International Humanitarian Law.

Furthermore, the military cooperation in the field of research, technological transfer, as well as the financial and material support to the State of Israel, contribute to the impunity enjoyed by it.

⁴ The unemployment rate for youth aged 15-29 of 56.0% is the highest in the world

⁵ [https://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/7082A8A58C1E0B24C125816000398AF0?OpenDocument](https://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/7082A8A58C1E0B24C125816000398AF0?OpenDocument)

⁶ <http://www.russelltribunalonpalestine.com/en/sessions/south-africa/south-africa-session-%e2%80%9494-full-findings>

⁷ CERD/C/ISR/CO/14-16

⁸ <https://web.archive.org/web/20170316054753/https://www.unescwa.org/sites/www.unescwa.org/files/publications/files/israeli-practices-palestinian-people-apartheid-occupation-english.pdf>

Lastly, the approach of the European and US major media outlet towards the Israeli-Palestinian conflict, consisting in reporting systematically on any individual act of a Palestinian, while ignoring the repeated Israeli air strikes and daily acts of humiliation on the Palestinian people, also contribute to the continued impunity of the State of Israel.

Recommendations

In light of the information contained in the above mentioned UN reports, the American Association of Jurists recommends:

- to all High Contracting Parties to the Geneva Conventions to comply with common Article 1 and to ensure the application of the Conventions in the Occupied Territory of Palestine;
 - to all members of the United Nations:
 - a) to freeze all programs of cooperation and support with the Israeli Military Forces and to suspend all transfer of military technology or material to the State of Israel;
 - b) to take the appropriate actions to end the impunity for the crimes committed by the State of Israel as Occupying power of the Palestinian Territories;
 - c) to ensure the implementation of the inalienable right to self-determination of the Palestinian people;
 - to the members of the UN Security Council to implement the recommendations contained in the Report of the UN Fact-Finding Mission on the Gaza Conflict and to call on the International Criminal Court to exercise its jurisdiction for the crimes committed by Israel in the Occupied Territory of Palestine;
 - to the State of Israel to implement the recommendations made by the UN Fact-Finding Mission on the Gaza Conflict, the Independent Commission of Inquiry established pursuant to HRC resolution S-21/1, the UN Human Rights Special Procedures and the UN Treaty Bodies.
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