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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by 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.

[31 January 2023]

* Issued as received, in the language of submission only.



Occupied Palestinian Territory: No More Impunity For The Crimes Committed By The Israeli Illegal Occupation

The Humanitarian Situation

In a press conference held at the UN Office in Geneva on 24 January 2023, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) High-Commissioner appealed for US\$ 1.6 billion for programmes and operations in 2023. UNRWA operates in the West Bank, including East Jerusalem, the Gaza Strip, Jordan, Lebanon and the Syrian Arab Republic supporting tens of thousands of Palestinian refugees who lost their homes and livelihoods due to the 1948 conflict and continue to be displaced and in need of support, nearly 75 years after.

Throughout the years, infrastructures financed and administered by UNRWA have been targeted and destroyed by the Israeli Army, while the Agency has to fulfil its mandate with resources that have not changed over the last decade.

UNRWA considers that the lack of livelihoods opportunities across the Occupied Palestinian Territory is a main driver of dependence on humanitarian aid and increasing vulnerability.

For 2022 only, almost a thousand infrastructures have been destroyed by the occupier in over 400 operations in West Bank and East Jerusalem, which led to the displacement of more than a thousand Palestinians.

In its last report to the UN General Assembly (A/77/295), the United Nations Conference on Trade and Development (UNCTAD), stresses that to facilitate the expansion of settlements; Israel imposed strict restrictions on Palestinian economic activities in Area C, over and above those imposed in Areas A and B of the West Bank. Israel, the occupying Power, includes 70 per cent of Area C within the boundaries of the regional councils of settlements, rendering that area off limits for Palestinian development. Meanwhile, Palestinian access to the remainder of Area C remains heavily restricted.

The report estimates that the annual cost of these restrictions is estimated at 25.3 percent of West Bank gross domestic product (GDP) and the cumulative GDP loss during the period 2000–2020 is estimated at \$50 billion. The report also estimates that the cumulative contribution of settlements to the economy of Israel between 2000 and 2020 is estimated at \$628 billion (constant 2015 dollars). It is of utmost importance to take note that the settler population rose from 198,315 in 2000 to more than 650,000 in early 2021.

In its humanitarian needs overview (1), issued in January 2023, the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) reveals that in 2023, approximately 2.1 million Palestinians across the Occupied Palestinian Territory will require humanitarian assistance. UNOCHA considers that the high number of demolitions and seizures of Palestinian structures, under the pretext “of lacking Israeli-required building permits”, continues to represent a key fact of a coercive environment that leaves many Palestinians throughout the West Bank, including East Jerusalem, with little option but to leave their homes and communities or resist. The Office highlights that the Multi-Sectoral Needs Assessment (MSNA) undertaken in 2022 identified 38 per cent of households as being in ‘catastrophic’, ‘extreme’ or ‘severe’ conditions.

According to the UNOCHA demolitions database, there has been a systematic increase in demolished or seized Palestinian-owned structures in recent years. As of 31 October 2022, the Israeli authorities had demolished 695 structures, including 110 donor-funded structures, because they lacked Israeli-issued building permits, which are practically impossible for Palestinians to obtain.

Due to the occupation, the document emphasizes that the health care system in the Occupied Palestinian Territory continues to struggle to provide adequate essential services due to the consequences of the occupation. The health system is suffering from major shortages in specialized personnel and facilities, as well as the availability of drugs. In addition, continued restrictions on patients needing to exit Gaza to obtain essential and often life-saving medical

care in Israel or the West Bank, as well as the movement of essential medical equipment and supplies into Gaza, is a matter of grave concern.

UNOCHA considers that the imposition of physical and administrative measures continues to restrict humanitarian programmes, including constraints on the delivery of materials needed, and limitations on the implementation of projects that involve building, expanding, restoring, or rehabilitating infrastructure.

Application Of International Law

UNOCHA stresses that policies and practices that are applied in the Occupied Palestinian Territory, particularly by the Israeli authorities, raise very serious questions regarding adherence to their obligations under International Humanitarian Law (IHL) and accountability.

Numerous reports and resolutions adopted by the UN Human Rights Council, the UN General Assembly and the UN Security Council calls upon for the application of International Law, including IHL in the Occupied Palestinian Territory, including East Jerusalem.

In its most recent resolution A/RES/77/247, adopted on 30 December 2022, the UN General Assembly stresses the need to ensure accountability for all violations of international humanitarian law and international human rights law to end impunity and to ensure justice.

The UN General Assembly expressed its grave concern about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including those arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children, women and peaceful demonstrators, as well as journalists, medical and humanitarian personnel. It also expresses its grave concern by the ongoing demolitions perpetrated by Israel, the occupying Power, of Palestinian homes, as well as of infrastructures key to civil society, such as schools, provided as under international humanitarian aid.

Furthermore, the UN General Assembly expresses its grave concern that thousands of Palestinians, including many women and children, as well as elected representatives, continue to be held in Israeli prisons and/or detention centres under harsh conditions, including solitary confinement, unsanitary conditions, lack of proper medical care, widespread medical neglect, denial of family visits, and reports of torture of Palestinian prisoners.

The UN General Assembly, calls for urgent measures to ensure the safety and protection of the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, condemns all acts of violence, including all acts of terror, provocation, incitement and destruction, especially any use of force by the Israeli occupying forces against Palestinian civilians in violation of international law. It stresses the urgent need to address the continuing health crisis in the Gaza Strip, including the provision of adequate infrastructure, medical supplies and equipment.

Recommendations

The American Association of Jurists, while fully supporting the UN General Assembly request addressed to the International Court of Justice, also calls upon the international community to secure the implementation of the recommendations made by the Human Rights Council's special procedures and of the resolutions or decisions taken by the Human Rights Council, the General Assembly and the Security Council with regard to the violation of international law by the Israeli occupying Power, in the Occupied Palestinian Territory, including East Jerusalem.

(1) https://www.ochaopt.org/sites/default/files/HNO_2023.pdf