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Совет по правам человека

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**Положение в области прав человека в Палестине
и на других оккупированных арабских территориях**

Письменное представление Государства Палестина: Независимая комиссия по правам человека*

Записка секретариата

Секретариат Совета по правам человека настоящим препровождает сообщение, представленное Независимой комиссией по правам человека Государства Палестина** и воспроизводимое ниже в соответствии с правилом 7 b) правил процедуры, содержащихся в приложении к резолюции 5/1 Совета, согласно которому участие национальных правозащитных учреждений основывается на процедурах и практике, согласованных Комиссией по правам человека, включая резолюцию 2005/74 от 20 апреля 2005 года.

* Национальное правозащитное учреждение с аккредитационным статусом категории «А», присвоенным Глобальным альянсом национальных учреждений, занимающихся поощрением и защитой прав человека.

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Annex

Submission by the State of Palestine: Independent Commission for Human Rights

Collective punishment: A policy implemented by the Israeli occupying authorities against Palestinian citizens

Collective punishment is one of the gravest human rights violations, exerting the most negative influence on the situation of human rights in Palestine. It is a policy that involves a set of arbitrary measures and practices, which the Israeli occupying authorities use to punish all Palestinian citizens as a result of suspicion that a Palestinian individual or group have engaged in resistance against the occupation. This policy limits Palestinians' ability to enjoy the rights enshrined in International Humanitarian Law (IHL) and International Human Rights Law (IHRL).

Collective punishment is prohibited under IHL, particularly Article 33 of the 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Since 1967, the Israeli occupying authorities have systematically imposed collective punishment on Palestinian citizens across the occupied Palestinian territory (oPt). Among the most pronounced forms of collective punishment is the strict blockade on the Gaza Strip, closure of all crossing points to Gaza, and restrictions on the movement of persons and goods, including medical supplies and food. Other forms of collective punishment include ban on travel, obstruction of freedom of movement, construction of the Annexation Wall, closure and restriction of access to Jerusalem, home demolitions, and forced population displacement.

The most prominent forms of collective punishment imposed by the Israeli occupying authorities. Military checkpoints and restrictions on the freedom of movement

The Israeli occupying authorities have restricted freedom of movement and access of Palestinian citizens. In addition to iron gates installed on some Palestinian communities, the Israeli authorities have set up dozens of military checkpoints at the entrances, along public roads and on road junctions to Palestinian cities, towns, villages and refugee camps, fragmenting the oPt, effectively immobilising and taking control of the lives and movement of Palestinians.

In 2019, in addition to at least 55 permanent checkpoints, the Israeli occupying forces set up at least 4,000 flying checkpoints, obstructing the enjoyment of all fundamental human rights, including the rights to health, education, work, and a decent standard of living. Thousands of Palestinian citizens were also banned from travel under the pretext of security reasons.

Imposing a siege on Palestinian towns and cities and blockade on Gaza

For the 13th year in a row, the Israeli occupying authorities have continued to impose a tight blockade on the Gaza Strip, leading to disastrous consequences on all fundamental rights of the Gaza population. The blockade has contributed to the deterioration of the human rights situation, economic crisis, and humanitarian conditions of Gazans. Restriction of freedom of movement has obstructed Palestinians' ability to enjoy fundamental human rights, including the rights to health, education, work, movement, and a decent standard of living. Furthermore, the Israeli occupying authorities have repeatedly attacked the Gaza Strip, closed its crossing points, denied patients access to medical treatment abroad, and prevented the entry of food, medical supplies, medicines, goods, and construction material. The Israeli occupying forces have also targeted the lives of Palestinians in the Great Return March protests on the perimeter fence. All these are key tools of collective punishment against the Gaza population.

In Gaza, without stating reasons, permit applications for patients referred to medical treatment outside Gaza are denied. Patients and their attendants are interrogated and blackmailed against access permits needed for medical treatment. Others are arrested at the Beit Hanun (Erez) Crossing. Permit applications are either delayed or remain unanswered in complete disregard of the time of medical appointments. Between 1 January and 30

November 2019, the Israeli occupying authorities banned the travel of 7,794 patients from Gaza. These represented 35.1 percent of 22,144 permit applications submitted for medical treatment outside Gaza.

As a form of collective punishment, the Israeli occupying authorities have also intensified attacks on Palestinian fishers, targeting and damaging their fishing equipment and boats. Over the past years, hundreds of Palestinian fishers have been arrested, undermining their livelihoods, jeopardising their properties, and depriving them of the right to a decent standard of living.

Withholding the bodies of Palestinian martyrs

The Israeli occupying authorities have continued to withhold the bodies of Palestinian martyrs. Targeting the families of these martyrs, Israel implements this measure as one form of retaliation and collective punishment, which is prohibited under International Law. Along this vein, Palestinian families are deprived of holding proper burials for their martyred members. Since 2015, the bodies of almost 55 martyrs have been withheld. Even after they die, Palestinian martyrs and their families are punished by seizing the bodies in Israeli mortuaries. Contrary to IHL, particularly Article 17 of Geneva Convention I, Palestinian martyrs are not buried in accordance with national and religious traditions. This constitutes a war crime under IHL, especially Geneva Convention IV, which provides for burying the dead in a manner consistent with human dignity.

Solitary confinement and torture of prisoners, humiliation of prisoners' families, and deprivation of family visits

In the context of arbitrary detentions, in 2019, the Israeli occupying authorities detained over 5,500 Palestinians across the oPt, including at least 889 children and 128 women. These included family members, friends and colleagues of resistance activists or persons suspected of engaging in resistance activities. In addition to individual and collective punishment, Palestinian prisoners are subjected to torture or cruel, inhuman and degrading treatment or punishment. Some prisoners are placed in solitary confinement. Night raids into prison cells serve to disturb and retaliate against prisoners. Some prisoners are arbitrarily relocated from one prison to another. Hundreds of Palestinians have been placed under renewed administrative detention (arrest without charge or trial). Not to mention verbal abuse and hefty fines, prisoners are deprived of fundamental human rights, including family visits, as a result of a campaign of incitement against Palestinian prisoners is incessantly launched by the political level and extremist officials of the Israeli government.

Home demolitions

The Israeli occupying authorities use home demolitions as a form of collective punishment and a tool of deterrence. In this context, Israel has demolished hundreds of Palestinian homes, displacing hundreds of Palestinian families. This policy victimises are persons who have done nothing. Israel demolishes the homes of the families of martyrs, who carried out attacks and alleged attacks against Israelis, and were killed by the Israeli occupying forces. Home demolitions also target Palestinian prisoners who are sentenced to very heavy terms. Hence, as a collective punishment, affected families and others are abused for something they did not personally commit.

In 2019, the Israeli occupying authorities demolished 686 Palestinian structures across the occupied West Bank. Of these, 80 percent were demolished in the governorates of Jerusalem, Bethlehem, and Hebron.

Last year, about 456 home demolition and stop work orders were documented. Home demolitions resulted in the displacement of a total of 898 Palestinians. Citing the lack of Israeli-issued permits, home demolitions were on the rise in East Jerusalem. The Israeli Jerusalem Municipality issued demolition notices against thousands of Palestinian structures, allegedly due to planning violations. Hundreds of home demolitions were documented, ostensibly for lacking construction licences. As an example of escalating demolitions and displacement in East Jerusalem, the Israeli occupying authorities destroyed dozens of Palestinian homes in the Sur Bahir village, south of Jerusalem, in July 2019. The demolition of 100 residential flats resulted in the displacement of as many as 500 Palestinian citizens.

The Annexation Wall

As another form of collective punishment, the Annexation Wall negatively impacts the Palestinian social fabric and fundamental human rights. With a planned route of 712 km, the Wall infringes on the entire human rights of Palestinian citizens, who reside on both sides of the Wall. Disproportionately restricting freedom of movement, the Wall and gates associated with it violate Palestinians' fundamental rights, including the rights to education, health, work, a decent standard of living, and family life.

Approximately 973,000 Palestinian citizens live in close proximity to the Wall and Israeli settlements in the West Bank. Thousands of Palestinians are forced to apply for special permits to allow residence and movement from one area to another, including access to homes and land. As a result, the Wall has impeded access to workplaces, schools, and health care centres. Having disrupted family visits, the Wall has further separated Palestinian families and disrupted territorial contiguity between Palestinian villages and towns. Combined with restrictions on freedom of movement, the Wall has denied Palestinian citizens access to holy shrines and prevented them from performing religious worship in the occupied city of Jerusalem.

Consequences of the Deal of the Century on the human rights situation in Palestine

On 28 January 2020, the so-called Deal of the Century was announced by the US Administration. Though lacking the foundations necessary to peace, the Deal of the Century has been promoted as a draft peace agreement. Presented as a reward to the occupying Power, it provides supports to Israel and Israeli expansionist aims, disregarding International Law and all internationally recognised resolutions on the question of Palestine.

The Deal of the Century isolates and deprives Palestinians of control and sovereignty. It confines them into small pockets of isolated, besieged and fragmented cantons, setting the grounds of an apartheid regime and preventing Palestinians from exercising their right to self-determination. Entrenching Israeli systematic policies against Palestinians, the deal legitimises Israel's control over the oPt and natural resources, and maintains Palestinians' submission to full Israeli security control over their affairs and fundamental rights, most notably the right to freedom of movement. It also consolidates Palestinians' submission to the Israeli permit regime and construction policies, ensuring full Palestinian dependence on the occupying Power.

If applied, the Deal of the Century will have negative consequences on the situation of human rights in Palestine. Essentially, it denies and violates the Palestinian right to self-determination and norms of International Law, maintaining a persistent repression of Palestinians and encroachment on their rights. Any agreement that does not safeguard Palestinians' right to establish their fully independent, sovereign and viable state, and enable them to exercise their right to self-determination on their own territory, will only lead to further human rights abuses.

The Independent Commission for Human Rights (ICHR) calls for an end to the policy of collective punishment against Palestinian citizens, and calls on the Human Rights Council to take serious action and place pressure on the occupying Power to enforce and respect all IHL principles and international human rights conventions in the oPt. The ICHR also calls on the Council to establish a fact-finding commission on the violation of Palestinian human rights by the Israeli occupying authorities and to put into effect the mechanisms necessary to hold perpetrators to account.