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Situation des droits de l'homme en Palestine et dans les autres territoires arabes occupés

Communication de la Commission indépendante pour les droits de l'homme de l'État de Palestine*

Note du secrétariat

Le secrétariat du Conseil des droits de l'homme a l'honneur de transmettre une communication soumise par la Commission indépendante des droits de l'homme de l'État de Palestine**, reproduite ci-après conformément à l'article 7 b) du Règlement intérieur figurant dans l'annexe de la résolution 5/1 du Conseil, qui dispose que la participation des institutions nationales des droits de l'homme s'exerce selon les modalités et les pratiques que la Commission des droits de l'homme a arrêtées, notamment dans sa résolution 2005/74, du 20 avril 2005.

* Institution nationale des droits de l'homme accréditée avec le statut « A » par l'Alliance mondiale des institutions nationales des droits de l'homme.

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

Israel's expansionist and discriminatory policies against Palestinian citizens in occupied West Bank

On a daily basis, the Israeli occupying authorities continue to violate principles of International Human Rights Law (IHRL) and International Humanitarian Law (IHL) across the occupied Palestinian territory (oPt). To serve its purpose, Israel, the occupying Power, uses land grab to maintain its colonial policy and settlement expansion. Israel infringes on international customary practice, human rights standards, and international laws. Of these, the United Nations Security Council (UNSC) Resolution 2334 (2016) provides that the establishment by Israel of settlements in the oPt has no legal validity. In this resolution, the Security Council also reiterates its demand that Israel immediately and completely ceases all settlement activities in the oPt, including East Jerusalem, and that it fully respect all of its legal obligations in this regard.

Israel's response to the resolutions of international legitimacy clearly defies and disregards the international community of nations. In 2017, the Israeli Knesset approved the so-called Settlement Regularisation Law. While consolidating the occupation, the Law provides for regularising thousands of settlement housing units constructed on privately-owned Palestinian land in the occupied West Bank. It paves the way to seize control of Area C and undermine the idea of establishing an independent, sovereign Palestinian state. In conjunction with growing government support to the settlement enterprise, the Law provides immunity to and allows Israeli settlers to exploit Palestinian lands, plunder Palestinian public and private properties, intensify settlement activity, and create facts on the ground. Illegal settlement expansion, and all associated infrastructure support activities, seriously jeopardize Palestinian lives and right to self-determination in the oPt. Settlement construction is a gross violation of International Law and serious infraction of all resolutions of international legitimacy, first and foremost UNSC Resolution 2334. Still, the Israeli occupying authorities have not taken any steps to put this resolution into effect. Since it was passed almost five years ago, Israel reacted with the announcement of constructing some 33,000 new settlement housing units; that is, 8,244 units a year. This contrasts with approximately 2,300 units in 2016, before the UNSC Resolution 2334 had been issued. Forty percent of these settlement units were constructed deep inside the West Bank. By these, the Israeli occupying authorities aim at changing the demographic composition of the oPt, particularly occupied Jerusalem.

In the first half of 2021, the Independent Commission for Human Rights (ICHR) documented at least 634 settlement activities and settler attacks on Palestinians. Land confiscation has further triggered confrontations and protests across the West Bank. In the town of Beita, protests have been staged to apply pressure and remove the settlement outpost of Avitar on top of Mount Subeih. Since construction started in early May, the town residents have initiated a series of events to remove the outpost and expel settlers from Palestinian lands. During weekly demonstrations and night-time protests against settlers, the Israeli occupying forces killed six Palestinians and injured more than 700 others. Forty five Palestinians, including wounded persons, were also arrested. In addition to a tight siege, Israeli bulldozers closed all entrances to and isolated the town from its surroundings.

In parallel to settlement expansion and creeping annexation of the West Bank lands, home demolitions, forced eviction, and displacement of the Palestinian civilian population have persisted in stark violation of International Law. For example, in Jerusalem, residents of the Sheikh Jarrah and Silwan neighbourhoods are affected by arbitrary practices as well as threats of eviction. Amounting to a war crime, this practice is designed to transfer Israeli settlers, who would replace the local Palestinian population in these areas. In the first half of 2021, the Israeli occupying authorities demolished 2,352 Palestinian structures, including 466 in occupied Jerusalem and Area C, including in the Jordan Valley. In particular, the Khirbet Humsa al-Foqa community in the Northern Jordan Valley was destroyed eight times in a row for settlement expansion and Judaisation of the Jordan Valley area, resulting in the

displacement of 492 Palestinian. Oftentimes, Palestinians are forced to demolish their homes by themselves in occupied Jerusalem to avoid hefty fines imposed by the Israeli authorities.

Key violations of Palestinian human rights due to settlement expansion policies

Illegal settlement construction and expansion across the oPt is a prime factor in human rights abuses. Over the many years of occupation, the Israeli occupying authorities have forcibly displaced thousands of Palestinian citizens in order to unlawfully settle Israelis in the oPt. Israel has diverted many Palestinian natural resources, including water and farmland, for the use of settlements with a population of over 600,000 settlers.

The occupying Power has developed its infrastructure and capacities using Palestinian resources and assets in disregard of its obligations towards the protected Palestinian population and their lawful rights. Palestinians have suffered a violation of their social, economic, and cultural rights, ability to make a decent living, and creation of sustainable development. Major consequences of settlement activity on Palestinian rights include:

- Settlements and their associated infrastructure network include bypass roads reserved for settlers and settlement development. These connect settlements to one another as well as to the occupying Power. The Separation Wall and military checkpoints are also a major factor in destroying the contiguity of the West Bank and isolating Palestinian communities from one another. The Israeli occupying authorities place restrictions on the movement and access of Palestinians to agricultural land, natural resources, educational institutions, healthcare centres, and social establishments. While ensuring full freedom of movement for settlers, the Israeli occupying authorities set up hundreds of military checkpoints and other physical barriers to protect and facilitate access for settlers. In the first half of 2021, the ICHR documented over 2,035 flying and permanent checkpoints, which obstructed the movement of Palestinians throughout the West Bank.
- Palestinian land is confiscated for the purpose of constructing settlements and relevant transport systems, resulting in less space for Palestinian construction, depriving Palestinian citizens of using their land, and putting Palestinian homes at risk of demolition. This adversely impacts fundamental rights of Palestinians in Area C, the richest in natural resources in Palestine. According to a World Bank study, Palestinians lose some US\$ 3.4 billion every year due to their inability to exploit these resources.
- Environmental pollution is caused by over 23 settlement industrial parks in the West Bank. These have devastating effects on all components of the Palestinian environment, depleting natural resources and polluting water and air. Let alone hazardous gas emissions, solid and liquid waste products are dumped in Palestinian plains and valleys without proper treatment or disposal, causing severe contamination of Palestinian underground water in the West Bank.
- Palestinian citizens suffer from water shortage across the oPt, particularly in Area C. West Bank water sources are concentrated in this area, which is under full Israeli control. Palestinians are denied rights equal to Israeli settlers in access to these water sources. Estimates show that Israeli water consumption is at least four times that of Palestinians across the oPt.

Reflecting inequitable distribution, the Israeli occupying authorities apply a water rationing scheme, which does not meet basic needs of the Palestinian population. This is seen in the deep-green landscape of well-watered farms in Israeli settlements. This contrasts with the scenes of Palestinian villages and towns adjacent to those settlements, where local residents struggle to meet their daily needs and irrigate crops. Over the long years of occupation, while developing its own water infrastructure, Israel has consistently destroyed large portions of Palestinian water facilities, including wells, irrigation canals, reservoirs, and pipelines.

Palestinian communities are forced to purchase water from the Israeli Mekorot company, which fully controls and reduces the quantity and distribution of water supplies to Palestinians. Water is sold to Palestinians at higher prices and in smaller quantities than that

purchased by Israeli settlers. Ranging between US\$ 4-10 per cubic metre, this constitutes a half of Palestinian household monthly income in marginalised areas.

In the West Bank, Palestinian per capita water consumption is 82.3 litres per day, well below the absolute minimum of 100 litres per day recommended by the World Health Organisation. Compared to Israeli per capita water consumption of 300 litres per day, some Palestinian pastoral communities consume as little as 20 litres per day. In Area C, denial of access to water puts at risk Palestinians' existence and paves the way to the systematic displacement of Palestinians from their land. While the occupying power expropriates water sources and pumps water to settlements, Palestinians are prevented from digging wells or storing water with a view to keeping them under Israeli political control. Palestinians are obliged to purchase water in spite of the fact it is under their own ground.

Conclusion

Ending the occupation is a prerequisite for the enjoyment of human rights in the oPt. Israeli expansionist policies impinge on Palestinian people's right to self-determination in an independent, viable state. Israeli abusive policies and practices would have not persisted if it had not been for the international community, which has been lenient on and reluctant to take decisive action. The international community has failed to bear its legal and moral responsibilities to prevent and condemn Israeli crimes and infringements on human rights and international laws. Within the framework of settlement activities, discriminatory policies, relationship with and treatment of Palestinians, and impunity, Israel, the occupying Power, seeks to replace Palestinians with Israeli settlers in blatant violation of IHL rules.

The ICHR calls on the Human Rights Council and international community to shoulder their legal and moral responsibilities, provide effective intervention, and place pressure on the Israeli government to end the Israeli longstanding occupation of the Palestinian territory. Practical action will be taken to stop settlement activity and foster the implementation of UNSC Resolution 2334, which calls for cessing all settlement activities immediately and completely, putting an end to violations of International Law and human rights abuses, and taking action against Israeli encroachments across the oPt.

The ICHR calls on the international community to meet its obligations fully and put in place mechanisms for immediate intervention by UN agencies to put pressure on and oblige Israel to comply with the resolution of international legitimacy. Serious action will be taken to hold accountable and prosecute the occupying Power for settlement activities.
