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

Written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), 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.

[11 August 2016]

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

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Palestine: The Lost Homeland

Introduction

For over half a century, Palestinians have been tirelessly waiting for somewhere to call “homeland” again. Who is going to be there to preserve their culture, their traditions, their lands, if generations after generations are forced to live in overcrowded IDP camps, in decadent tents showing a dusty UNHCR logo almost there as a mockery to remind them of the vain presence of a UN which is not truly there?

The right to a homeland is universal and sacrosanct and it is enshrined in the principle of self-determination upon which the UN Charter is based. Yet, in a world in which young Palestinian children will never get the chance to see their grandparents’ home, it does not seem this principle applies to everyone indiscriminately nor is it preserved equally.

The United Nations Human Rights Council (HRC), as well as the former United Nations Commission on Human Rights, have year after year, resolution after resolution, clumsily tried to tackle the systematic human rights violations against Palestinians living in the so-called OPT (Occupied Palestinian Territory) at the hands of the Israeli Occupying Forces. Decades of efforts have largely brought the international community to an undeniable paralysis in action, with Israeli forces denying access to UN staff to the OPTs and refusing collaboration and U.S. vetoing any resolution in the name of their over half-century-long alliance.

This policy of impunity goes hand in hand with a constant attitude of denial by the Occupying Power, which has culminated with the declaration on the 32nd Session of the Human Rights Council that the country will most likely leave the Council in view of the renewed accusations made by the UN High Commissioner for Human Rights in his opening statement¹. In his update report, the High Commissioner stated that he reminded the Israeli Government of its obligations under international human rights and humanitarian law on a number of occasions and yet these have been ignored again and again.

Human rights violations across the OPTs

Violence against Palestinians has been systemic since 1948, and the latest developments are no exception. In the past six months, around 200 Palestinians have been killed by Israeli armed forces and almost 700 Palestinians as well as 400 Palestinian children have been incarcerated without due process -more than double the figure at the end of September 2015 and the highest number since June 2008 according to the High Commissioner’s report².

Usually civilians are arrested for minor crimes which may include attempts to rebel against the brutal occupation. Those who are imprisoned, including under-18s, rarely get to enjoy their right of presumption of innocence³ and of a fair and impartial trial⁴. The Israeli judiciary is in fact fundamentally flawed, at least with regards to prosecution of Palestinians.⁵ Despite the appeals⁶ of the High Commissioner to join the call by a number of Treaty Bodies to abolish administrative detention, Israeli authorities have ignored these requests yet again.

¹UNHRC, *Hate is being mainstreamed - global update by the High Commissioner at the 32nd session of the Human Rights Council*, (June 2016), see more at: <http://www.ohchr.org/EN/NewsEvents/Pages/media.aspx?IsMediaPage=true#sthash.SND2v2FE.dpuf>

²Ibid. Global update by the High Commissioner;

³The presumption of innocence is the principle that one is considered innocent unless proven guilty;

It is also regarded as an international human right under Article 11 UN Universal Declaration of Human Rights.

⁴Various rights associated with a fair trial are explicitly proclaimed in Article 10 of the Universal Declaration of Human Rights;

⁵Trials usually take place after months or years of illegal “administrative detention” and, despite the accused can exercise the right of defence and hire a lawyer when the trial finally comes, this will only help to perhaps reduce their final sentence by a few months. Moreover, all Palestinians, except those residing in East Jerusalem, are subject to trial in Israeli military courts, regardless of the charges against them,

In addition to the abductions against civilians, the Secretary General reported⁷ in January 2016 a new wave of Israeli settlements in the OPTs, including the West Bank, East Jerusalem, and in the Occupied Syrian Golan. These settlements, other than having no legal base, have a profound impact on land and housing rights, the right to basic services, such as access to water and sanitation, and result in multiple restrictions on freedom of movement and the right to education, recognized by the International Covenant on Economic, Social and Cultural Rights⁸. Students living near the settlements are often prevented from going to school due to the presence of separation walls, checkpoints and by-pass roads.

The report highlights the direct relation between settler violence and the continued existence and expansion of illegal settlements and documents that, during the period under review, the Office for the Coordination of Humanitarian Affairs (OCHA) recorded 253 incidents of settler-related violence, of which 101 resulted in injury to Palestinians⁹, with the remainder causing damage to Palestinian property. Israeli settlers are, in fact, frequently backed by a disproportionate number of soldiers and are ideologically-motivated and heavily armed.

In many occasions, metal netting has been erected to protect civilians from the garbage and stones thrown by the settlers in order to discourage movement.

How is it possible for Palestinians to live even a resemblance of normal life when a constant threat lies upon them? How is it possible that after decades and decades of incessant strife, an entire population is left with no hope for a better future?

As the High Commissioner stressed in a report¹⁰ submitted in January 2016, the expansion of Israeli settlements is indeed made possible by the lack of enforcement of the rule of law and the rewarding of illegal activity, and this creates additional obstacles to the objective of a negotiated Two-State solution, and the right of Palestinians to self-determination, thereby undermining possibilities of peace.

Sixty-eight years of displacement

Palestinians have an almost 68-years-long history of consecutive internal displacement, making them one of the largest displaced populations in the world. A survey¹¹ carried out by the Office for the Coordination of Humanitarian Affairs on IDPs in April 2016, revealed that in the Gaza Strip alone at least 75,000 people are estimated to remain displaced.

The Coordinator for Humanitarian and UN Development Activities for the OPT, Robert Piper, stated in a recent press release¹² that over 400 Palestinians in the occupied West Bank have been displaced due to Israeli demolitions during the first six weeks of this year only, and that the number of Palestinians displaced as of mid-February 2016 is already equivalent to over half of the total number displaced in all of 2015.

Houses demolitions and forced evictions¹³ are in fact one of Israel's most adopted strategies to achieve displacement across the OPTs. Mr. Piper reported¹⁴ that between 1 January and 15 February 2016, Israeli forces destroyed, dismantled

while Israeli are tried in Israeli civil courts and have the full enjoyment of the rights granted by the Israeli law;

⁶Ibid. Global update by the High Commissioner;

⁷*Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan, report of the Secretary-General*, submitted to the Human Rights Council Thirty-first session, A/HRC/31/43, p. 3, para.9 (January 2016);

⁸Freedom of movement is a principle safeguarded in Article 13 of the UN Universal Declaration of Human Rights

⁹Ibid. A/HRC/31/43 p. 9, para. 34;

¹⁰*Implementation of the recommendations contained in the report of the independent international fact-finding mission on the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem. Report of the United Nations High Commissioner for Human Rights*, submitted to the Human Rights Council Thirty-first session, p. 4, para. 10;

¹¹See full report of OCHA: <http://gaza.ochaopt.org/2016/04/gaza-internally-displaced-persons-april-2016/>

¹²Office for the Coordination of Humanitarian Affairs (OCHA), (2016), *Humanitarian Coordinator calls on Israel to halt demolitions in the occupied West Bank immediately and to respect international law*, retrieved by: <https://unispal.un.org/DPA/DPR/UNISPAL.NSF/47D4E277B48D9D3685256DDC00612265/023B05C9AF40583585257F5C004EE8A7>

¹³Forced eviction and house demolition constitute a breach to the Right of Adequate Housing, enshrined in the Article 25 of the Universal Declaration of Human Right, as well as a breach to Article 11(1) of the International Covenant on Economic, Social and Cultural Rights.

¹⁴Ibid. Press Release by OCHA

or confiscated 283 homes and other structures, displacing 404 Palestinians, including 219 children, and affecting another 1,150 Palestinians, who lost structures related to their source of income. Evicted families are not entitled to alternative housing or compensation, meaning many face homelessness and destitution.

Israeli authorities have also issued demolition orders against Palestinian schools, clinics, roads, water cisterns, electricity pylons, sheds and animal shelters, thus undermining all aspects of life for Palestinians.

Conclusion

Nobel Peace Prize recipient Archbishop Desmond Tutu once affirmed: *Those who turn a blind eye to injustice actually perpetuate injustice. If you are neutral in situations of injustice, you have chosen the side of the oppressor.*¹⁵

The International Community is today playing the role of mere spectator to the merciless and barbarous policies afflicted to the detriment of Palestinians. Instead of unravelling and de-constructing the logic behind the ruthless force of a *de facto* Apartheid State, the international community, and the UN are becoming collectively stagnant. The last few years have sadly witnessed their lack of interest in the Palestinian struggle. Despite having a standing agenda item on the human rights situation in Palestine and other occupied Arab territories, the UN Human Rights Council is showing less commitment to the Palestinian cause. This is partly due to the criticism and complaints by certain member States, accusing the HRC body of “structural bias” against Israel, and partly due to the inability to translate the mere rhetoric into action.

Only when the International Community will act as a harmonious body, unhampered by political and economic constraints, only when international sanctions are imposed on Israel as it was done in the case of South Africa to reverse and end the decades-long support for the Apartheid regime, only then, perhaps, the Palestinians will be free to rebuild their long-lost homeland.

Recommendations

Concerned NGOs including the International Organization for the Elimination of All Forms of Racial Discrimination, therefore, recommend to the United Nations Human Rights Council, its Member States and the relevant UN bodies to:

- Pressure the Israeli government to immediately stop such policies of Apartheid that aim at degrading, displacing and discriminating against Palestinians living in the OPTs.
- Comply with Resolution A/HRC/31/L.36 which seeks to protect the right to self-determination of Palestinians and calls on pursuing the implementation of the recommendations contained in the reports of the independent commission of inquiry and the fact finding mission on the 2014 Gaza conflict and the civil, political, economic, social and cultural rights of the Palestinian people throughout the OPT, including East Jerusalem, as well as cooperating with the preliminary examination of the International Criminal Court.
- Deliver additional humanitarian assistance to IDPs in OPT, including renegotiate its access in the Gaza Strip, to adequately assess and reflect the needs of people and allow vulnerable parts of the population to exercise their right to an adequate standard of living.
- Put pressure on the Israeli government to immediately stop restricting Palestinians from freely moving in and out of the OPT.
- Take the necessary measures to guarantee to all displaced Palestinians the right to return to their homes.

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¹⁵Jpost.com Staff, “Desmond Tutu: Israel guilty of apartheid in treatment of Palestinians”, *The Jerusalem Post*, 03/10/2014, <http://www.jpost.com/Diplomacy-and-Politics/Desmond-Tutu-Israel-guilty-of-apartheid-in-treatment-of-Palestinians-344874>