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

Written statement* submitted by The Palestinian Return Centre Ltd, 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.

[15 May 2017]

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

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Human Rights in the Occupied Palestinian Territory

The Palestinian Return Centre (PRC) is concerned about the devastating failure of international community to exert real pressure on Israel, the occupying power, to bring its actions in line with its obligations under international humanitarian law and UN resolutions. Inside the occupied territories and Israel, Palestinians continue to suffer from Israel's illegal military occupation, colonial policies and apartheid regime. This is entrenching the prolonged exile of Palestine refugees, and their descendants, forcibly displaced after 1947 and intentionally denied the right to return as stated in UN resolution 194.

In 2017, Israeli forces continued to unlawfully kill Palestinian civilians, including children, in both Israel and the Occupied Palestinian Territories. Israeli authorities continued to promote illegal settlements in the West Bank; trying to "legalize" settlements built on private Palestinian land, severely restricting Palestinians' freedom of movement, closing some areas after attacks by Palestinians on Israelis. These Israeli settlements are a violation of the Geneva Conventions IV, Article 49(6)¹ and the U.N. Charter, Article 2(4)² which both state the illegality of colonizing occupied land. In violation of the UN Partition Plan, Israel took an extra percentage of land in 1948, as well as East Jerusalem and the Golan Heights after the 1967 war.

During the 2016/2017 year, Israeli forces killed 110 Palestinians and two foreign nationals.³ Many were killed unlawfully while posing no threat to life. Israeli forces continue to blockage the Gaza Strip, condemning the 1.9 million people to collective punishment.⁴ In both the West Bank and in the Bedouin villages in Israel's Negev/Naqab region, the Israeli forces continue to demolish homes of Palestinians.

This year enters the 10th year since the start of Israel's military blockade of the Gaza Strip, continuing the collective punishment of the entire population of Gaza. Collective punishment, in Gaza and generally in other part of the OPT where entire neighborhoods of homes and communal farmlands are confiscated or bulldozed, is a violation of the Geneva Conventions IV, Article 33 (1949)⁵ and the Geneva Conventions Protocol I, Article 75(2d), (1977)⁶ which state the illegality of punishing entire communities for the actions of a few.

The Occupying power continues to control the movement and people and goods, alongside Egypt's almost complete closure of the Rafah border crossing – both of which have seriously damaged Gaza's economy and have kept post-conflict reconstruction nearly impossible. Not only in Gaza, but in all of the Occupied Territories, the Israeli government has enacted laws and employs its military to keep approximately 7 million Palestinian Arab civilians from

¹ "Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949: Deportations, Transfers, Evacuations." International Committee of the Red Cross. <https://ihl-databases.icrc.org/ihl/WebART/380-600056>

² "Chapter 1: Purposes and Principles." United Nations. <http://www.un.org/en/sections/un-charter/chapter-i/>

³ "Israel and Occupied Palestinian Territories 2016/2017." Amnesty International. <https://www.amnesty.org/en/countries/middle-east-and-north-africa/israel...estonian-territories/report-israel-and-occupied-palestinian-territories/>

⁴ "Israel and Occupied Palestinian Territories 2016/2017." Amnesty International. <https://www.amnesty.org/en/countries/middle-east-and-north-africa/israel...estonian-territories/report-israel-and-occupied-palestinian-territories/>

⁵ IV: Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 1949; Article 33. United Nations. http://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33_GC-IV-EN.pdf

⁶ "Protocols Additional to the Geneva Conventions of 12 August 1949; Article 75." International Committee of the Red Cross. https://www.icrc.org/eng/assets/files/other/icrc_002_0321.pdf

returning to their homes, which became refugees following the end of the fighting in 1948 and 1967.⁷ The continuous restriction of movement of Palestinians by Israeli authorities is a violation of the Geneva Convention IV, Articles 45, 46 & 49 (1949).⁸

In April of 2017, almost 1,500 Palestinian prisoners started a hunger strike; their primary demands including more frequent family visits, better prison conditions such as medical care, and an end to solitary confinement and administrative detention (detention without charge or trial).⁹ Israel jails most Palestinian prisoners from the occupied West Bank and Gaza inside Israel, despite the fact that transferring residents from occupied territory violates international humanitarian law – Article 49 of the 4th Geneva Convention.¹⁰ This means that families who have an imprisoned family member must get additional permits from the military to enter Israel to visit them – which requires security screening and is often denied on unspecified grounds. This creates tremendous anguish of separation between the prisoner and their family – something that the hunger strike is attempting to address. Despite the fact that Israel begins to punish hunger-striking Palestinian prisoners through actions like solitary confinement and force-feeding, the prisoners remain strong.

According to Addameer: Prisoner Support and Human Rights Association,¹¹ in April 2017, there are:

- 6,300 Palestinian Prisoners
- 500 Administrative Detainees
- 300 Child Prisoners
- 61 Female Prisoners
- 480 East Jerusalem prisoners
- 330 Gaza prisoners
- 13 Palestinian Legislative Council members

Of which:

- 459 prisoners are serving a sentence above 20 years
- 458 prisoners are serving life sentences
- 40 prisoners are serving more than 20 years
- 17 prisoners serving more than 25 years

Israeli soldiers, police and Israel Security Agency (ISA) officers tortured Palestinian detainees, including children, and subjected them to ill treatment with impunity, particularly on arrest and during interrogation. Methods including beatings, slapping, painful shackling, sleep deprivation, use of stress positions, and threats have all been reported.¹²

Last September 2016, the High Court upheld a law allowing the authorities to force-feed hunger-striking detainees. Recently with the hunger strike in April, Israeli authorities were forced to create temporary military hospitals when civilian hospitals refused to force feed prisoners.¹³ In and outside of prisons, the human rights violations carried out by

⁷ “Israel’s Violations of International Law – Brief Introduction.” Ireland Palestine Solidarity Campaign. <http://www.ipsc.ie/israels-violations-of-international-law-a-brief-introduction>

⁸ “III: Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949.” United Nations. http://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.32_GC-III-EN.pdf

⁹ “Hunger Strikes Highlight Isolation of Palestinian Prisoners: Detainees Seek Better Conditions, Access to Families.” Human Rights Watch. <https://www.hrw.org/news/2017/05/02/hunger-strikes-highlight-isolation-palestinian-prisoners>

¹⁰ Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 1949; Article 49. United Nations.

¹¹ “Statistics: April 2017.” Addameer: Prisoner Support and Human Rights Association. <http://www.addameer.org/statistics>

¹² “Human rights situation in the Occupied Palestinian Territory, including East Jerusalem.” UN General Assembly; Human Rights Council Thirty-fourth Session (21 March 2017). <http://unispal.un.org/DPA/DPR/unispal.nsf/0/DD4864A009359ADF852580EC00537645>

¹³ “Israeli doctors reject force-feeding prisoners on hunger strike.” Al-Monitor. <http://www.al-monitor.com/pulse/originals/2017/05/israel-doctors-force-feed-palestine-prisoners-hunger-strike.html>

Israel including but not limited to: torture; imprisonment without charges or trial; land confiscation; harassment at checkpoints; civilian shootings; unwarranted disruption of medical care, commerce, employment, freedom of movement; destruction of public and private property; and family separation¹⁴ are all massive violations of human rights that violated numerous international laws, particularly the U.N. Charter Article 1(1945) and the Declaration on Principles of International Law Concerning Friendly Relations, Principle 5 (1970).¹⁵

Between 1947 and 1949, Jewish-Israeli military forces ethnically cleansed at least 750,000 Palestinians from what became the state of Israel – some 85% of the indigenous Palestinian population. Again in 1967, Israel forced around 300,000 people (many of them already refugees from 1948) from their homeland.¹⁶ Today, refugees and their descendants total, at a conservative estimate, around 5 million people.¹⁷ Article 49 of the 4th Geneva Convention states that “forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.”¹⁸ For almost seven decades, Israel has refused Palestinian refugees their Right of Return, despite the UN General Assembly Resolution 194 that states that Palestinian “refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date.”¹⁹

Israel is currently the subject of, or in breach of, over 30 UN Security Council resolutions directed at the state of Israel alone – for violations that it has never attempted to remedy. Considering the UN Human Rights Council’s concern over the matter of Israel’s occupation of the OPT, and the urgency to bring to the attention of the Security Council and General Assembly any matter which may threaten the maintenance of international peace and security, the Palestinian Return Centre calls on Mr. President and the Distinguished Members of the Council to:

- Take strong measures to bring to an end the ongoing illegal Occupation of the Palestinian territories, which is the root cause of the ongoing Israeli human rights violations;
- Accountability must be pursued for all violations of human rights and humanitarian law, including attacks on medical personnel and infrastructure;
- Ensure that Human Rights Council Resolution 31/36, which called to produce a database of all business enterprises involved in Israeli settlements related activities, is implemented without further delays;
- Calls upon all States, bearing in mind Security Council Resolution 2334 (2016), to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;
- Recall that Israel was accepted into the United Nations on condition that it accepts the Right of Return of the Palestinian refugees. Admission of Israel to membership in the United Nations (General Assembly Resolution 273 of May 11, 1949) requires Israel to comply with General Assembly Resolution 194 of December 11, 1948

¹⁴ *ibid.*

¹⁵ “Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations.” UN General Assembly (24 October 1970)
<http://www.refworld.org/docid/3dda1f104.html>

¹⁶ “Israel’s violations of international law – a brief introduction.” Ireland Palestine Solidarity Campaign.
<http://www.ipsc.ie/israels-violations-of-international-law-a-brief-introduction>

¹⁷ “Palestinian Refugees.” United Nations Relief and Works Agency. <https://www.unrwa.org/palestine-refugees>

¹⁸ IV: Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 1949; Article 33. United Nations. http://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf

¹⁹ “Resolution 194 (III), Palestine.” UN General Assembly (11 December 1948).
<https://unispal.un.org/DPA/DPR/unispal.nsf/0/C758572B78D1CD0085256BCF0077E51A>