



General Assembly

Distr.: General
15 February 2019

English only

Human Rights Council

Fortieth session

25 February–22 March 2019

Agenda item 7

Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by Maat for Peace, Development and Human Rights Association, 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.

[10 February 2019]

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



Human Rights Situation in Occupied Palestinian Territory (OPT) after the 30th March demonstrations

Preface:

Maat for Peace, Development and Human Rights (Egypt) submits this report to clarify its comment on the situation in Palestine after the protests on March 30, 2018.

Since Human Rights Council held a special session on 18 May 2018, in view of the deteriorating human rights situation in the occupied Palestinian territories, during which it adopted a resolution establishing an independent international commission of inquiry to investigate all violations of international law in the occupied Palestinian territories. These protests have left 184 Palestinians killed.

In its resolution adopted, the council decided to dispatch an independent international commission to investigate Israeli violations in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip since the beginning of the large-scale civil protests that began on 30 March 2018.¹

Israeli violations committed after the March 30 protests:

The Israeli occupation forces have committed a number of violations to the international human rights instruments and conventions, including the right of Palestinian citizens to demonstrate peacefully on the 42nd anniversary of the Land Day. The protests were demanding the implementation of the international resolutions on the Palestinian issue including the resolution number 194 which calls for the right of Palestinians to return and to break the blockade of the Gaza Strip. Israeli occupation forces used excessive lethal force against unarmed citizens, young men, women, children and the elderly, who were participating in the peaceful demonstrations.

According to Palestinian human rights organizations, Israeli forces positioned on the Israeli side of the fence; separating Gaza from Israel used excessive force in response to Palestinian demonstrations demanding their rights in Gaza. Since the beginning of the protests, security forces have killed 184 Palestinian demonstrators, including 21 children and 3 medical personnel, and injured more than 17,420 persons with live ammunition, and left 530 injured as a result of gas suffocation. The soldiers also repeatedly fired the demonstrators who were not causing any imminent threat to them. This was pursuant to the orders of shooting by senior officers, which are contrary to international human rights standards. The Israeli army also launched incessant air and artillery strikes against the Gaza Strip. This resulted in the killing of 37 Palestinians, including at least five civilians.

The Israeli violations have not only dealt with the brute force of the return marches, but have continued to destroy the lives of the Palestinian people. The Israeli authorities continued to violate all international laws and norms recognized by international law, not only the use of excessive force but also by taking the lives of the Palestinian people.

Arbitrary detention and arrest

As of October 31, 2018, according to IPS statistics, the Israeli authorities detained 5,426 people for security reasons including 3224 convicted prisoners, 1,465 detainees and 481 administrative detainees on the basis of secret evidence without charge or trial, almost all of them Palestinians. Most of the Palestinians detained in the West Bank (excluding those from East Jerusalem), includes detained for committing violence, and tried by military courts with a conviction rate of almost 100 percent. Israel detained many Palestinians and prisoners from the West Bank and Gaza inside Israel in violation of international

¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23108&LangID>

humanitarian law, which forbids the transfer of detainees outside the occupied territories or restricting the ability of their relatives to visit them.²

Israel commits all kinds of violations against Palestinian detainees; and specially through medical negligence. One case is "Faris Baroud" a Palestinian prisoner, aged 51, from al-Shati refugee camp, west of Gaza City. Baroud died at the Israeli Soroka Hospital as a result of the policy of medical negligence by the Israeli occupation prison administration. For the information available to Palestinian human rights organizations, "Faris Baroud", who was detained for 28 years; underwent a surgery to remove part of his liver last year. However; as a result of the policy of medical negligence by the administration of the prisons of the occupation and the denial of adequate treatment, he died. What happened with the detainee Faris Baroud is a clear violation and contrary to the basic principles of treatment of prisoners; adopted by the GA of the UN in 1979 and 1990, which stressed the protection of the health of prisoners and medical care of detained persons and therefore considers that any violation in this regard will be an Inhuman treatment³

To date, 220 Palestinian children suspected of criminal offenses (usually stone throwing) under military law; have also been detained. Israel has denied Palestinian children detained and prisoned in the West Bank- their legal right of protection such as protection from night arrests and interrogations without the presence of a guardian. Israeli forces frequently used unnecessary force against children during arrest and physically abused them in detention. In July, Israel freed 17-year-old activist "Ahad al-Tamimi" after serving an 8-month of imprisonment for slapping a soldier.⁴

The siege is a collective punishment for Gaza Strip residents

Israel continues its siege of the Gaza Strip for more than a decade, restricting the supply of electricity and water. Gaza households receive electricity between an average of four and five hours a day throughout the year. Israel restricted access to medical care and educational and economic opportunities. The Israeli authorities prevented the shipment of most goods from Gaza, restricted the entry of humanitarian goods and temporarily reduced the fishing area off the Gaza coast from 6 to 3 nautical miles. The unemployment rate in the Gaza Strip during the third quarter of 2018 was 55% according to the Palestinian Central Bureau of Statistics and 80% of Gaza's population of two million people depend on humanitarian assistance.⁵

Settlements

The Israeli authorities continued to expand settlements in the occupied West Bank and systematically discriminate against Palestinians in favor of settlers in providing services, allowing freedom of movement, issuing building permits and other measures. On its way to build its settlements, the Israeli authorities demolished 390 Palestinian homes and properties, displaced 407 people till November 19, 2018, for reasons of not acquiring building permits. Israel allows Palestinians to acquire these permissions only in East Jerusalem and 60 percent of the West Bank; The actual acquirement of these permission is almost impossible due to its exclusive control of (Area C).⁶

² World Human Rights Report 2018, Human Rights Watch, link <https://www.hrw.org/ar/world-report/2019/country-chapters/325797>

³ - استشهاد الاسير فارس بارود داخل السجون جريمة جديدة تضاف إلى سجل الاجرام الاسرائيلي، مؤسسة الضمير لحقوق الانسان، 7 فبراير 2019، الرابط،

⁴ World Human Rights Report 2018, Human Rights Watch, link, <https://www.hrw.org/ar/world-report/2019/country-chapters/325797>

⁵ World Human Rights Report 2018, Human Rights Watch, link, <https://www.hrw.org/ar/world-report/2019/country-chapters/325797>

⁶ World Human Rights Report 2018, Human Rights Watch, link, <https://www.hrw.org/ar/world-report/2019/country-chapters/325797>

Comments by Maat for Peace, Development and Human Rights Association

Maat for Peace denounces the Israeli practices and crimes against the Palestinian people. According to international law, Palestinians in Gaza are protected persons under the Geneva Conventions. Thus, the deliberate killing of protected persons by the occupying power is a violation to what is permitted by human rights standards. Serious violation of the laws of occupation can constitute war crimes, crimes against humanity and a basis for individual criminal responsibility in international courts as well as in domestic courts in many countries under the principle of universal jurisdiction.

Therefore, Maat for Peace supports the Palestinian request to refer the situation in the occupied Palestinian territories, including East Jerusalem, to the International Criminal Court for the investigation and prosecution of Israeli violations committed against peaceful demonstrators since 30 March 2018.

Maat for Peace, appeals to the international community for the necessity of joint and serious action to enable the Palestinian people to attain their right to self-determination and to establish the Palestinian state, which was approved by the UN GA by majority and using the various means of international law, and sanctions to end the occupation of the Palestinian state. In addition to the necessity of urgent and immediate action to force the Israeli occupation authorities to lift the total siege imposed on the Gaza Strip, which prevents the freedom of movement and movement of people and goods and save about two million residents of the Gaza Strip who are living in an unprecedented economic, social, political and cultural strangulation due to the policy of collective punishment and the excessive use force against citizens who claim their rights guaranteed by international law, including the right to return to their lands and to break the unjust siege on the Gaza Strip.

Recommendations

- Urgent cessation of all Israeli violations against the Palestinian people in all occupied Palestinian territories.
- End the siege imposed on the Gaza Strip for more than a decade as collective punishment practiced by Israel against the residents of the Gaza Strip.
- Take all measures necessary and activate all international resolutions condemning Israeli practices against the Palestinian people. As well; referring the situation of the occupied Palestinian territories to the International Criminal Court.