



General Assembly

Distr.: General
23 February 2012

English only

Human Rights Council

Nineteenth session

Agenda item 7

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

**Joint written statement* submitted by Al-Haq, Law in the
Service of Man, the Al Mezan Centre for Human Rights, the
Badil Resource Center for Palestinian Residency and Refugee
Rights, the Women's Centre for Legal Aid and Counselling,
non-governmental organizations 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.

[13 February 2012]

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

Israel's policies increase levels of forcible transfer in the occupied Palestinian territory**

As Palestinian human rights organisations, we, the undersigned, would like to express to the Council our gravest concerns about the escalating forcible transfer of the protected Palestinian population in the Occupied Palestinian Territory (OPT) as a result of illegal Israeli practices. In 2011 alone, Israel has displaced more than 1,000 Palestinians, an increase of 80 per cent from 2010. More than half of those displaced are children.¹ From 1967 to 2008, between 129,000 and 160,000 Palestinians have been forcibly displaced in the OPT.²

While Israel's discriminatory practices, which include home demolition and restrictions on building permits, the denial of the right to water and access to and use of other natural resources, as well as restrictions on freedom of movement and basic services, are implemented throughout the OPT, they particularly target the strategic areas of Area C³ and the East Jerusalem area. In addition, Israel's illegal closure of the Gaza Strip combined with its Occupying Forces' aggressive enforcement of the 'Buffer zone' and recurring indiscriminate military attacks are leading to internal displacement in this part of the OPT.

Area C, which comprises 60 per cent of the West Bank, is home to Palestinian communities most vulnerable to displacement and provides a stark example of the effects of Israel's illegal measures. The Jordan Valley, which lies in Area C, is a particularly fertile region rich in natural resources and was once the centre of Palestinian agricultural development. However, Palestinians are currently denied access to and use of 77 per cent of the Valley, including the Jordan River and its adjacent springs. Since Israel's military occupation began in 1967, the area and its natural resources have been consistently exploited for the benefit of Israeli colonies, which are illegal under international humanitarian law, to the detriment of Palestinians. Prior to 1967 there were between 200,000 and 320,000 Palestinians in the Jordan Valley; today, the Palestinian population is approximately 56,000.⁴ During 2011, more than one third of all Palestinians forcibly transferred in the West Bank were residents of the Jordan Valley.⁵ Approximately 40 per cent of the structures demolished during 2011 in the West Bank, including East Jerusalem, were located in the Jordan Valley.⁶

** The Aldameer Association for Human Rights, Addameer Prisoners' Support and Human Rights Association, Defence for Children International - Palestine Section, Ensan Center for Human Rights and Democracy, Hurriyat - Centre for Defense of Liberties and Civil Rights, Jerusalem Centre for Legal Aid and Human Rights, Ramallah Centre for Human Rights Studies, NGOs without consultative status, also share the views expressed in this statement.

¹ United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), 'Demolitions and Forced Displacement in the Occupied West Bank' (26 January 2012) <http://www.ochaopt.org/documents/ocha_opt_demolitions_factSheet_january_2012_english.pdf> accessed 13 February 2012.

² Diakonia International Humanitarian Law Resource Centre, 'Palestine's Application to the United Nations and Its on the Protection of Civilians – A Conference Report' (12 July 2011) 9 <<http://www.diakonia.se/sa/node.asp?node=4098>> accessed 13 February 2012.

³ Under the Oslo Accords, Area C is under the full civil and administrative control of Israel.

⁴ Ma'an Development Center and Jordan Valley Popular Committees, 'Eye on the Jordan Valley' (2010) 27 <<http://www.ma-an-ctr.org/pdfs/Eyeon%20theJVReportFinal.pdf>> accessed 13 February 2012.

⁵ UN OCHA, Protection Cluster Displacement Working Group oPt, Demolition Summary Table (29 December 2011) and Damaged Assessment Form (June 2011).

⁶ Ibid.

The occupied East Jerusalem area is also experiencing a high level of population transfer. Since illegally expanding and annexing East Jerusalem in 1967, Israel has implemented discriminatory policies against the local Palestinian population that amount to practices of apartheid. In 2008 alone, 4,500 East Jerusalemites had their permanent residency status revoked, resulting in their expulsion from the city. At times, the forcible expulsion from the city is used as a punitive means of political oppression against the participation of Palestinian political officials. In the last six months, four Palestinian lawmakers have been transferred from East Jerusalem after having their residency status revoked.

Much of the land and housing available to the 270,000 Palestinians who remain in the city is already overpopulated and the number of building permits approved annually fails to adequately meet the needs of the natural growth of the Palestinian population.⁷ Only 13 per cent of the East Jerusalem area is zoned for Palestinian development, compared with 35 per cent of appropriated land for illegal Israeli settlement expansion.⁸ Even within this 13 per cent of land, acquiring a building permit is virtually impossible. Palestinians are forced to build without the required documentation and as a result at least 93,100 residents are currently at risk of displacement due to Israel's discriminatory policy of demolishing Palestinian houses.⁹

The hardships of Palestinians in East Jerusalem have been further exacerbated by Israel's illegal construction of the Annexation Wall, which has resulted in the separation of the city from the rest of the West Bank, including some of its own neighbourhoods, through a system of closures and checkpoints. The Wall has fragmented the communities of East Jerusalem by physically separating some 55,000 Palestinian residents from the urban centre. This has led to the economic, social and cultural isolation of the city.

Similarly, a matrix of illegal Israeli policies is internally displacing Palestinians in the Gaza Strip, who are already physically separated from the West Bank. The most illustrative example of the deteriorating living conditions in the Gaza Strip is that of the lack of access to clean water following the destruction of vital infrastructure in Israel's "Cast Lead" operations. Israel's illegal, four-year long closure of the Gaza Strip, constituting a form of collective punishment, prevents the movement of people and the entry of essential goods and services. Without access to the necessary materials to improve the water and sanitation infrastructure, the quality of water in the Gaza Strip will continue to worsen. In the absence of these materials and an improved water and sanitation infrastructure, experts estimate that the Gaza Strip will become unfit for human habitation by 2016.¹⁰

The prolonged closure, coupled with the restrictions imposed by Israel's enforcement of the 'Buffer zone,' which covers 35 per cent of arable land in the Gaza Strip,¹¹ is forcing the local population to move to safer areas in the hope of better living conditions.

⁷ UN OCHA, 'East Jerusalem: Key Humanitarian Concern' (1 December 2011) <<http://unispal.un.org/UNISPAL.NSF/0/545CF3A809FC40568525795A006AA6AB>> accessed 13 February 2012.

⁸ Ibid.

⁹ UN OCHA, 'Demolitions and Forced Displacement in the Occupied West Bank' (n 1).

¹⁰ Al-Haq and EWASH, 'Joint Parallel Report to the Committee on Economic, Social and Cultural Rights on the occasion of the consideration of the Third Periodic Report of Israel' (1 September 2011) paragraph 80 <http://www2.ohchr.org/english/bodies/cescr/docs/ngos/EWASH-Al-Haq_Israel_CESCR47.pdf> accessed 13 February 2012.

¹¹ UN OCHA and the World Food Programme (WFP), 'Between the Fence and a Hard Place: the Humanitarian Impact of Israeli-imposed restrictions on Access to Land and Sea in the Gaza Strip', Special Focus (19 August 2010)

The protected Palestinian population in the OPT is subjected to a series of illegal Israeli practices resulting in the illegal appropriation of land, denial of access to and use of natural resources resulting in fragmentation of community life. The UN Special Rapporteur on the Human Rights Dimensions of Population Transfer indicated some of the possible consequences of these practices in stating, “there is an obvious causal connection between the denial, or erosion, of economic, social and cultural rights, and conditions leading to subtle and cumulative transfers of populations.”

Under international humanitarian law, the forcible transfer of protected persons is categorically prohibited, as established in Article 49(1) of the Fourth Geneva Convention, which is reflective of customary law. The Occupying Power has a legal obligation to provide for the welfare and wellbeing of the occupied population. In addition, the forcible transfer of protected persons constitutes a grave breach of the Fourth Geneva Convention as established under Article 147 thereof, entailing individual criminal responsibility. The measures perpetrated by Israel in wilfully implementing policies resulting in the deterioration of living conditions in the OPT in order to displace the protected Palestinian population clearly violate these obligations and protections.

The forcible displacement of the Palestinian population is also one of a series of violations that, combined, amount to the denial of the right of the Palestinian people to self-determination as enshrined in Article 2 of the UN Charter and Common Article 1 of the International Covenants of Civil and Political Rights and of Economic, Social and Cultural Rights.

As the United Nations body responsible for protecting and promoting universal human rights and addressing systematic violations of international law, we urge this Council to:

- form a UN Fact-Finding Mission to investigate the widespread and systematic nature of Israel’s policies and practices that lead to the forcible transfer of the protected Palestinian population;
- call on the Occupying Power to comply with its obligations under international humanitarian law, in particular by immediately discontinuing all illegal policies leading to the forcible transfer of the Palestinian population;
- demand that the Occupying Power end all discriminatory policies against Palestinians, including restrictions on freedom of movement, right to housing, and access to and use of natural resources;
- call for the reconvening of the Conference of the High Contracting Parties to the Geneva Conventions, as suggested in the Report of the UN Fact-Finding Mission on the Gaza Conflict, with a view to finding clear mechanisms to enforce the Occupying Power’s obligations under the Conventions;
- urge the Special Rapporteur on the Human Rights of Internally Displaced Persons to conduct a visit to the OPT without delay and to report on his findings to the Council;
- suggest practical steps to ensure that all Member States respect their erga omnes obligations and refrain from providing any support to Israeli policies denying the right of the Palestinian people to self-determination.

<http://www.ochaopt.org/documents/ocha_opt_special_focus_2010_08_19_english.pdf> accessed 13 February 2012.