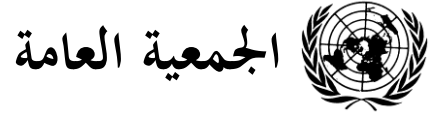


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مجلس حقوق الإنسان

الدورة التاسعة والثلاثون

١٠-٢٨ أيلول/سبتمبر ٢٠١٨

البند ٧ من جدول الأعمال

حالة حقوق الإنسان في فلسطين والأراضي العربية المحتلة الأخرى

رسالة خطية من الهيئة المستقلة لحقوق الإنسان في دولة فلسطين*

مذكرة من الأمانة

تحيل أمانة مجلس حقوق الإنسان طيّه الرسالة الواردة من الهيئة المستقلة لحقوق الإنسان في دولة فلسطين**، وهي مستنسخة أدناه وفقاً للمادة ٧(ب) من النظام الداخلي الوارد في مرفق قرار المجلس ١/٥، التي تقضي بأن تستند مشاركة المؤسسات الوطنية لحقوق الإنسان إلى الترتيبات والممارسات التي وافقت عليها لجنة حقوق الإنسان، بما في ذلك القرار ٧٤/٢٠٠٥ المؤرخ ٢٠ نيسان/أبريل ٢٠٠٥.

* مؤسسة وطنية لحقوق الإنسان اعتمدها التحالف العالمي للمؤسسات الوطنية لحقوق الإنسان ضمن الفئة "ألف".

** استُنسخت في المرفق كما وردت، باللغة التي قُدمت بها فقط.



الرجاء إعادة الاستعمال

GE.18-14591(A)



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Annex

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

Israeli Violations of Palestinian Human Rights in the Occupied Palestinian Territory

The Israeli occupying power have systematically continued to escalate violations of the principles of International Humanitarian Law (IHL) and day-to-day abuses of Palestinian human rights across the Palestinian territory occupied in 1967. The status of human rights and IHL continued to deteriorate as a result of ongoing Israeli breaches of the rights of Palestinian civilians in the occupied Palestinian territory (oPt), including East Jerusalem. Multiple Israeli violations and abusive policies against Palestinian civilians targeted Palestinian lives, freedoms and properties in both West Bank and Gaza Strip.

Attacks on the Gaza Strip

The occupying Power has continued to implement a policy of collective punishment against the Gaza population. For 12 years in a row, Israel has imposed a tightened blockade on the Gaza Strip. Since the beginning of 2018, the Israeli occupying forces have sustained and intensified attacks on Gaza. In addition to airstrikes, encroachments included hundreds of shooting incidents along the eastern border of Gaza as well as dozens of incursions and artillery shellings. Israeli forces attacked Palestinian fishermen at sea, opened fire on, destroyed and seized fishing boats. On arbitrary grounds, Israeli forces arrested civilians on Beit Hanun Crossing. The Israeli occupying forces targeted civilians and workers at industrial and agricultural facilities near the perimeter fence around Gaza.

Israeli abuses have exacerbated after weekly peaceful demonstrations of the Great March of Return began on 30 March 2018. These demonstrations are organised in protest against Israel's continued occupation and encroachments on the Gaza Strip and its population. The Israeli occupying forces continued to use excessive force against civilian participants in peaceful demonstrations. Protestors did not pose a threat to the Israeli occupying troops, who were positioned along the perimeter fence around Gaza. The Israeli occupying forces also continued to target health workers, indicating a systematic Israeli policy to impede this humanitarian action, which is enshrined in and protected by IHL rules.

Israeli attacks on peaceful demonstrations have resulted in the killing of 130 Palestinian civilians, including 23 children including 1 girl. Fatalities included three persons with disabilities, one woman, three paramedics, and two journalists. Almost 6,729 civilians injured by live ammunition and tear gas grenades fired directly on protestors, including 1,140 children, 203 women, 103 paramedics, and 78 journalists. Of these, 422 civilians were in critical health condition. Another 69 injured civilians suffered amputations in upper or lower extremities.

Additionally, ambulances were targeted in direct attacks. Fire was opened on paramedics, preventing them from accessing and providing first aid for injuries. According to the Palestinian Ministry of Health, attacks on health workers have risen by 100 percent. The Israeli occupying power have also continued to obstruct the work of medical teams, deny access for medical personnel, and restrict the entry of medical supplies into the Gaza Strip, marginalised areas, and communities behind the Wall in the West Bank. Mobile clinics and healthcare facilities have been seized, disrupting the provision of healthcare services to Palestinians.

The Israeli naval forces have continued to target Palestinian fishermen across the permissible fishing zone, which Israel has reduced back to 3 nautical miles. Israeli naval personnel opened fire, destroyed and seized fishing boats, affecting the livelihoods of fishermen. The Israeli occupying forces continued to make incursions into, and carried out land levelling operations in the Gaza Strip. The Israeli forces targeted farmers and shepherds in the buffer zone near the perimeter fence east and north of the Gaza Strip, putting their lives at risk. In addition, the Israeli occupying forces attacked and prevented Palestinian farmers from using their agricultural land. In this area, Palestinian civilians suffered from multiple abuses. The Israeli occupying forces used various weapons to create

restricted areas that in some parts of Gaza have extended for up to 1,500 metres along the eastern and northern perimeter fence.

The Israeli occupying power have continued to restrict access to and from the Gaza Strip, particularly for patients referred for medical treatment outside Gaza as well as for students at universities abroad. Furthermore, access restrictions were placed on humanitarian assistance, medical aid, construction materials, food and fuel supplies. Like other civilians, patients allowed access to medical treatment outside Gaza are subjected to strict measures, restrictions and inhuman and degrading treatment in many cases at crossing points, seriously jeopardising the lives and aggravating the pain of these patients.

Abuses in the West Bank

In the first half of 2018, the Israeli occupying forces continued to target, kill and injure Palestinian civilians in the West Bank, using live ammunition, rubber coated steel bullets, and tear gas. In the West Bank, Gaza Strip and East Jerusalem, the Israeli forces killed a total of 211 civilians and injured another 6,258.

As proof of the collective punishment policy, the Israeli occupying power continued to withhold the corpses of 253 male and female Palestinians in the so-called cemeteries of numbers. Of these, the bodies of 28 Palestinians have been withheld since 2015. The occupying Power has held the bodies of over 200 Palestinians for periods that ranged from three days to more than two and a half years. This policy is used as a tool to deter Palestinians who would carry out operations against Israeli soldiers and settlers as well as to cover up suspicions and circumstances surrounding the way they were killed by the Israeli occupying forces.

Since the beginning of 2018, at least 2,729 shooting incidents and 4,209 raids by the Israeli occupying forces into Palestinian cities, towns and villages have been monitored. During the reporting period, restrictions on access and movement on military crossing points, gates and flying checkpoints have been recorded on 2,530 occasions.

The Israeli occupying power also continued to attack freedoms. Since the beginning of 2018, the Israeli occupying forces have arrested at least 3,926 Palestinian civilians on arbitrary grounds in the West Bank, Gaza Strip, and East Jerusalem. On at least 184 occasions, the Israeli occupying forces violated religious freedoms and desecrated places of worship. Based on a decision from US President Trump, the US embassy was relocated to occupied Jerusalem. Consequently, Israeli settlers have increasingly raided Al-Aqsa Mosque compound. During the reporting period, 16,000 Israeli settlers break into the compound.

In West Bank, the Israeli occupying power demolished 62 homes and 181 structures. In East Jerusalem, 11 Palestinian families demolished their own homes to avoid hefty fines. On punitive grounds, the Israeli forces demolished five homes belonging to Palestinian prisoners and charged with military operations. In addition to occupying Palestinian homes on 32 occasions, the Israeli forces carried out 479 instances of destroying, confiscating and attacking Palestinian properties. Home demolitions were 44 percent higher in East Jerusalem than in other areas across the oPt. A total of 190 demolition and stop work orders were distributed, targeting Palestinian homes and structures. Meantime, settlement construction and expansion have continued at an increasing pace, particularly in occupied East Jerusalem. Palestinian homes have been demolished, allegedly for the lack of Israeli-issued building permits. Across the city of Jerusalem, the majority of Palestinian homes no longer meet population growth needs. The Israeli occupying power have set stringent requirements to restrict access to obtain construction licences or to repair and renovate existing homes.

In this context, the Israeli High Court of Justice rendered a decision, approving the demolition of Khan al-Ahmar Bedouin community east of occupied Jerusalem, including the community's mosque and school. Residents are at risk of an Israeli plan of forcible transfer and relocation from their community. The Israeli authorities attempt to designate large swathes of land for a settlement plan to connect the settlement of Ma'ale Adumim to occupied Jerusalem and expand the city's municipal boundaries at the expense of Palestinians. Amounting to a war crime, this action paves the way for isolating northern from southern West Bank and thwarting the establishment of a future independent Palestinian state. The Khan al-Ahmar community is home of 41 Palestinian families, including 180 members, of Al-Jahalin Bedouin tribe. Serving almost 170 students from five neighbouring Bedouin communities, the school is built of wheel tyres and mud.

By means of occupation, arbitrary property destruction and forcible transfer, Israeli policies seek to replace the Palestinian civilian population with Israeli settlers in the oPt. This is a

grave breach of the 1949 Fourth Geneva Convention. It also amounts to a war crime under the Rome Statute of the International Criminal Court (ICC).

Settlement expansion has also continued unabated across the West Bank, particularly in Area C. For the purposes of settlement activity, the Israeli occupying power confiscated Palestinian-owned land, constructed settler bypass roads, and declared large swathes of land as closed military and firing zones. In the first half of 2018, the Israeli occupying power confiscated over 337 *dunums* (83.2 acres) of Palestinian privately-owned land and levelled hundreds of acres of agricultural land across the West Bank.

According to the Palestinian Monitoring Group of the Palestine Liberation Organisation, almost 364 incidents and encroachments involving settlement activity were reported. During the reporting period, the Israeli occupying power approved the construction of 2,620 new housing units in West Bank settlements. Older construction plans were also resumed, including 166 housing units for retired military and police officers in southern Jerusalem. A tender was announced for the construction of 459 housing units in the settlement of Ma'ale Adumim. Licences were issued for the construction of 450 housing units in settlements built on Palestinian privately-owned land south and east of the Bethlehem city. In several areas across the West Bank, Israeli settlers took control of Palestinian privately-owned land, installed caravans, and constructed settlement outposts. The Israeli occupying power approved the processing of a set of settlement plans. Projects to construct new settler bypass roads to fragment, and connect settlements in the West Bank were endorsed. In this context, Israeli bulldozers have already begun constructing several settler bypass roads in the West Bank.

In the meantime, an upsurge in settler violence was reported across the West Bank. Israeli settlers killed four civilians and injured 106 others, including 19 children. Settler violence included vehicle-ramming attacks along West Bank roads, shootings, uprooting and arson of fruit-bearing trees, killing and theft of livestock, damage of car wheel tyres. On dozens of occasions, Israeli settlers threw stones at, and caused extensive damage to, Palestinian civilian cars and homes. Under the protection of Israeli occupying forces, Israeli settlers raided religious and archaeological sites in some West Bank governorates.

Conclusion

All these violations of International Law and IHL rules are underpinned by impunity and lack of accountability of the occupying Power. Hence, Israel is encouraged to perpetrate more atrocities, systematically violate human rights, and derogate from the Rome Statute of the ICC and 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. According to Article 1 of the Fourth Geneva Convention, the High Contracting Parties undertake to respect and to ensure respect for the Convention in all circumstances. Article 146 also provides that each High Contracting Party is under the obligation to prosecute persons alleged to have committed, or to have ordered to be committed, grave breaches of the Convention. High Contracting Parties should call on and ensure that the occupying Power respect the Convention and safeguard the Palestinian civilian population's right to protection across oPt.

The Independent Commission for Human Rights (ICHR) calls on the United Nations Human Rights Council (UNHRC) to play its role in promoting and protecting Palestinian human life and rights. ICHR requests that UNHRC hold the occupying Power to account for violating IHL rules.

ICHR calls on the UNHRC and international community to take immediate action and bear their legal and moral responsibilities for putting an end to Israeli settlement activity plans across oPt. ICHR further calls for an unequivocal position towards Israel's continued policy of withholding the bodies of Palestinians. These should be handed over to their families to be honourably buried according to the rites of their religion and in a manner befitting their human dignity.

ICHR calls upon UNHRC to expedite the dispatch of the Independent, International Commission of Inquiry, which was decided by UNHRC on 18 May 2018, to Investigate Human Rights Violations in the Context of Large-Scale Civilian Protests in oPt.

ICHR calls upon UNHRC to call for a complete lifting of the blockade on the Gaza Strip, which considered as a collective punishment of the Palestinian civilian population.