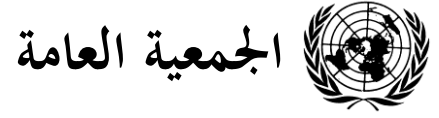


Distr.: General
4 September 2019
Arabic
Original: English



مجلس حقوق الإنسان

الدورة الثانية والأربعون

٩-٢٧ أيلول/سبتمبر ٢٠١٩

البند ٧ من جدول الأعمال

حالة حقوق الإنسان في فلسطين والأراضي العربية المحتلة الأخرى

رسالة خطية مقدمة من دولة فلسطين: الهيئة المستقلة لحقوق الإنسان*

مذكرة من الأمانة

تحيل أمانة مجلس حقوق الإنسان طيه الرسالة المقدمة من دولة فلسطين: الهيئة المستقلة لحقوق الإنسان**، وهي مستنسخة أدناه وفقاً للمادة ٧(ب) من النظام الداخلي الوارد في مرفق قرار المجلس ١/٥، التي تنص على أن 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 لجنة التنسيق الدولية للمؤسسات الوطنية لتعزيز حقوق الإنسان وحمايتها ضمن الفئة "ألف".

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



الرجاء إعادة الاستعمال

GE.19-15146(A)



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Annex

Israeli violations of international law principles and human rights standards in the occupied Palestinian territory

Gross Israeli violations and daily crimes continue to target the Palestinian land and people and affect human rights in the Gaza Strip and West Bank, including East Jerusalem. Israeli practices violate human rights standards, International Law principles, and internationally recognised resolutions.

The Israeli occupying authorities continue to inflict collective punishment and have imposed a tightened siege on the Gaza population for 13 years in a row. This has contributed to deteriorating economic and social rights, exacerbating economic crises, and worsening humanitarian conditions of the people of Gaza. Severe restrictions are placed on the right to freedom of movement enshrined in international human rights conventions. Constraints affect Palestinians' ability to enjoy all fundamental human rights, including right to the highest attainable standard of health, right to education, right to work, right to an adequate standard of living, and right to a clean and healthy environment. The siege has effectively restricted the enjoyment of these fundamental human rights.

In 2018, the Israeli occupying authorities continued to propose and deliberate racist and discriminatory bills, which support, legitimise and promote settlement activity, subjugation, and arbitrary and retaliatory measures against Palestinians. These bills are tailor made to deprive Palestinians of their human and legal rights, suppress their freedoms, create a coercive environment, press ahead with policies of racial discrimination, and Judaise the occupied Palestinian territory (oPt). The Israeli Knesset has approved at least 24 racist laws, affecting all Palestinians wherever they are. Israeli campaigns have also targeted Palestinian political prisoners as well as their human rights and legal status.

Of all proposed or approved bills, the Basic Law: Israel as the Nation-State of the Jewish People is the gravest. Recognising the Jewish character of Israel, the Law provides that Jerusalem is the capital of the State of Israel. Targeting Palestinian presence, the Nation-State Law is clearly overloaded with racism and discrimination, allows an opportunity for further racist practices, and violates International Law principles, namely, fundamental standards of equality and non-discrimination. According to this Law, the occupying Power is bound to pursue settlement activity in the occupied West Bank. Other laws included expulsion of the families of Palestinian who carry out operations, deduction of the salaries of Palestinian prisoners and martyrs' families from clearance revenues of the Palestinian Authority (PA), execution of prisoners who carry out operations, prohibition of funding medical treatment for injured and imprisoned Palestinians, and withholding the bodies of martyrs. The occupying Power is using these and other racist bills and laws to impinge on Palestinians. These regulations have a direct bearing on the prospects the question of Palestine in general, and on the situation of Palestinian human rights in particular.

Targeting the lives and freedoms of Palestinians

The Israeli occupying authorities continue to target the lives of Palestinians in the West Bank and Gaza Strip. Documentation shows that 84 Palestinians, including eight women and 19 children, were killed by the Israeli occupying forces in the first half of 2019. Of these, 59 Palestinians, including 12 children, were slain in the Gaza Strip. The majority of the latter were killed in the context of the Great Return March demonstrations along the Gaza border. Using excessive and deadly force, the Israeli occupying forces extra-judicially killed Palestinians in cold blood, despite the fact that they did not pose a threat to the lives of Israeli soldiers. In the West Bank, the Israeli occupying forces also killed 25 Palestinian citizens.

In the first half of 2019, at least 2,800 Palestinian citizens were detained, including 446 children and 76 women. A total of 900 Palestinians were detained in East Jerusalem. Israeli military courts continued to sentence Palestinians to administrative detention (arrest without charge or trial). During this period, 432 administrative detention orders were issued, the majority involving extension of detention. 500 Palestinians are currently held in

administrative detention. A total of 5,500 Palestinians continue to be detained in Israeli in Israeli prisons, including 43 women and 220 children.

The Israeli occupying authorities implement a systematic policy of restricting access and movement of Palestinian citizens. In addition to iron gates, on a daily basis, the Israeli occupying forces set up dozens of military checkpoints and barriers at the entrances and on main roads and junctions leading to Palestinian cities, towns and refugee camps. Fragmenting territorial contiguity of the Palestinian territory, these obstacles immobilise, delay and inhibit timely access to work places, educational institutions, and healthcare services, disrupting Palestinians' ability to go about their daily business normally. Movement restrictions also create traffic congestions and unduly long waiting times at checkpoints. Citizens are subjected to humiliating bodily searches at these checkpoints, which also control their lives, movement and future. Additionally, settler violence continues to target Palestinian citizens.

Withholding the bodies of Palestinian martyrs

For years, Palestinians have suffered from Israeli crimes, which grossly violate all international values, laws and customary practice. Along this vein, the Israeli occupying authorities continue to withhold the bodies of Palestinian martyrs with a view to punishing and depriving their families from holding proper burials for them. Since the Al-Quds Intifada broke out in late 2015, the bodies of 51 martyrs have been withheld in Israeli mortuaries. Since 1967, the bodies of another 253 Palestinian martyrs have also been withheld in the cemeteries of numbers. To intimidate those who resist the occupation, this is one form of retaliation and collective punishment imposed by the Israeli occupying authorities on the families of martyrs.

This is a flagrant violation of International Humanitarian Law (IHL) principles. According to Article 130 of the 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, the "detaining authorities shall ensure that internees who die while interned are honourably buried, if possible according to the rites of the religion to which they belonged and that their graves are respected, properly maintained, and marked in such a way that they can always be recognised."

The Israeli occupying authorities have also deducted salaries of political prisoners and martyrs' families from the clearance revenues it collects on behalf of the PA. As a result, the State of Palestine and Palestinian citizens have been crippled by a stifling financial crisis, which has had a negative impact on fundamental human rights.

Targeting the occupied city of Jerusalem and policy of home demolitions

The Israeli occupying authorities continue to implement a systematic policy of escalation and discrimination against Palestinians in the occupied city of Jerusalem. In an attempt "Israelise" the city, Israel seeks to impose a new de facto situation on the ground and erase the Arab and Islamic identity of Jerusalem. Palestinian residents of Jerusalem have suffered from increasing Israeli human rights abuses and settlement expansion. Dozens of settlement enterprises have been launched in the context of Judaising the city. In addition to denial of building permits to Palestinians, Israel places restrictions on freedoms, prohibits the celebration of national events, implements a military policy of deportation, and incessantly raids the grounds of Al-Aqsa Mosque.

Jerusalemites are subjected to arbitrary detentions and hefty fines. Without prior notice, home demolitions have abruptly increased, intimidating and terrorising families and children. Besides losing their personal belongings and properties, affected families suffer post-traumatic stress disorders. Furthermore, the Israeli occupying authorities unrelentingly attempt to "Israelise" the education system and distort education curricula in Jerusalem schools.

In a recent instance of Israeli crimes, escalating demolitions and forced displacement in Jerusalem, in July 2019, the Israeli occupying authorities demolished dozens of Palestinian homes in Wadi al-Hummus neighbourhood of Sur Bahir village, south of Jerusalem, allegedly because they were in close proximity to the Separation Wall. Demolished structures included 100 apartments, home to almost 500 Palestinians. The owners of demolished structures have already obtained building permits from the PA. Since the

beginning of 2019, a total of 126 structures have been demolished in Jerusalem, resulting in the forced displacement of 203 Palestinians and affecting 1,036 others. Escalating demolitions of Palestinian homes and properties are part of an Israeli plan to seize control of, and completely Judaize, the occupied city of Jerusalem and its suburbs. Demolitions have been on the rise over the past three years, particularly following the US Administration's decision to recognise the occupied city of Jerusalem as capital of the occupying Power in late 2017.

Conclusion

Failure to hold Israel to account for abuses and crimes perpetrated against Palestinians encourages the Israeli occupying authorities and leaders to persist in committing more crimes and violations of Palestinian rights and freedoms. Israel will continue to implement settlement activity and plans at the expense of Palestinian rights and presence in the oPt.

Against this background, the **Independent Commission for Human Rights (ICHR)** calls on the United Nations Human Rights Council (UNHRC) and international community to take serious, effective and urgent action to bring an end to Israeli violations and provide protection to Palestinian civilians across the oPt. To also safeguard their freedoms, protection should be provided to Palestinians in the city of Jerusalem from displacement. Israel should fulfil its legal and moral responsibilities under conventions, to which it is a party. Serious and effective action needs to be taken to halt Israeli crimes against Palestinians, including home demolitions. Palestinians' right to freedom of movement and adequate housing should be ensured.

The ICHR calls on the UNHRC and international organisations to assume their legal and moral responsibilities, take a firm and serious stand on Israeli violations of IHL principles, and place pressure on Israel in its capacity as the occupying Power. Israel should put an end to infringements of International Law; stop targeting Palestinian lives, rights and freedoms; bring settlement expansion enterprises to a halt; lift the illegal and immoral tightened siege on the Gaza Strip; and allow access to persons and goods, including needed food supplies and medicines.

From this rostrum, the ICHR also calls on the UNHRC and international organisations to meet their moral and legal responsibilities, exert pressure on the occupying Power, and take action to retrieve the withheld bodies of Palestinian martyrs.
