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## مجلس حقوق الإنسان

الدورة الرابعة والأربعون

15 حزيران/يونيه – 3 تموز/يوليه 2020

البند 7 من جدول الأعمال

حالة حقوق الإنسان في فلسطين والأراضي العربية المحتلة الأخرى

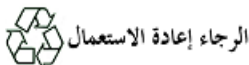
### رسالة خطية مقدمة من دولة فلسطين: الهيئة المستقلة لحقوق الإنسان\*

#### مذكرة مقدمة من الأمانة

تحيل أمانة مجلس حقوق الإنسان طيه الرسالة المقدمة من دولة فلسطين: الهيئة المستقلة لحقوق الإنسان\*\*، والتي استنسخت أدناه وفقاً للفقرة (ب) من المادة 7 من النظام الداخلي الوارد في مرفق قرار المجلس 1/5، وهي الفقرة التي تقضي بأن تتم مشاركة المؤسسات الوطنية لحقوق الإنسان استناداً إلى الترتيبات والممارسات التي وافقت عليها لجنة حقوق الإنسان، بما في ذلك القرار 74/2005 المؤرخ 20 نيسان/أبريل 2005.

\* مؤسسة وطنية لحقوق الإنسان معتمدة من جانب التحالف العالمي للمؤسسات الوطنية لتعزيز وحماية حقوق الإنسان ضمن الفئة "ألف".

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



## Annex

### **Submission by the State of Palestine: Independent Commission for Human Rights**

#### **The Written Statement of Palestine Independent Commission for Human Rights**

1. The Israeli occupation is threatening to annex parts of the 1967 occupied West Bank, as of early next July. The area slated for annexation makes around 30% of the size of the occupied West Bank, including East Jerusalem, settlements and surrounding territories, as well as the Jordan Valley and northern Dead Sea area. The Israeli occupation plans to enforce its law on these territories, within the framework of the so-called “Deal of the Century”, as announced by the US President Donald Trump on 28 January 2020, a plan that consolidates support for the Israeli occupation and its expansionist goals, while ignoring international law and relevant international legitimacy resolutions on the Palestinian cause.

2. The Israeli implementation of the Israeli threats and realization of its expansionist plans constitute a grave violation to the principles of international law that stated on the illegality of occupation forces’ annexation to territories that they occupied in any form. They also stated that any such measure that these forces unilaterally take, under any consideration, is invalid and has no legal effect, as per Paragraph (43) of The Fourth Hague Regulation of 1907. Since 1967, UN Security Council resolutions stressed the same on different occasions. The Israeli threat is a violation to all international resolutions and laws. These include, for instance, the UNSC Res. (252) of 1968, in addition to resolutions (276) of 1969, (446) of 1979 and Res. (2334) of 2016. All of which stated that the Israeli establishment of settlements in the 1967-occupied territories, including Jerusalem, has no legal legitimacy and asked Israel to immediately stop all settlement activities, in addition to not recognizing any changes within the 5 June 1967 borders.

3. The actual Israeli control of the 1967-occupied Palestinian territories started after it occupied the West Bank and Gaza Strip. Since then, annexation took the form of its full control over all of the Palestinian territory, crossings, natural and other resources, in addition to ongoing land confiscation for settlement construction and expansion. Added to the above, a set of arbitrary policies and practices designed to undermine the ability of Palestinians for exercising their right to self-determination. The Israeli annexation plan shall create a de facto that consolidates occupation and racial separation; a matter that will eventually allow Israel to realize its expansionist settlement plans.

4. The Israeli occupation authority has practically already annexed East Jerusalem after occupying it in 1967, by means of its arbitrary policies and practices and enforcement of the Israeli laws. The international community responded with a number of resolutions issued through the UN General Assembly and the United Nations Security Council, which condemns and reject Israel's illegal annexation of East Jerusalem after its occupation.

The Israeli annexation threats come at a time of escalating daily human rights violations against Palestinian citizens in the occupied Palestinian territory, continuation of targeting lives, property, rights and liberties, escalation in arbitrary arrests, house demolitions, forced evictions for residents, especially in the Jerusalem and Jordan Valley areas. Added to that, land confiscation for settlement expansion, escalated settlers’ aggressions against Palestinian citizens and their property, control of natural resources and passing Israeli racial separation legislations. The aforementioned situation shall further exacerbate, in light of the Israeli annexation plan.

5. Annexation will eventually consolidate the Israeli military occupation to the Palestinian territory, in addition to fragmenting the Palestinian West Bank towns and suffocate their contiguity. This will negatively affect the situation of rights and liberties in the occupied territory, at all livelihood and living levels for the Palestinians. The risk that annexation plan brings is not only limited to being a grave violation to the principles of IHL

and the deliberate violation to the rights of the Palestinian people, but also lies in the attempt of the occupying state to end the possibility of an independent Palestinian state, in accordance with the resolutions of international legitimacy. Added to the above, undermining the ability of the Palestinians to exercise their right to self-determination on their own land, undermining the possibility of a two-state solution in a way that undermines peace and security in the occupied Palestinian territory, and undermines the possibilities of a just and comprehensive settlement of the Palestinian cause.

6. Annexing these territories means taking them out of the Palestinian access for agricultural, housing, living and other uses, in addition to turning what remains of the territory into semi-cantons and scattered residential outposts that are separated and secluded from the outside world and are not good for establishing a semi-state and above all, controlled by Israel.

7. The annexation will enable the occupation state to implement the “Deal of the Century” that was announced by the Trump administration, which embraces the Israeli principles for turning Palestine into a homeland for the Jewish people, thus, denying the Palestinians right to self-determination in their own state. It also grants for discrimination and control aiming to expand imposing Israeli control, a matter that can lead to dissolving the Palestinian Authority due to the change of its functional role. It will also have major implications on the lives and rights, especially economic ones, of the Palestinian citizens.

The deal, if implemented, will have negative ramifications on the Palestinian right to self-determination and principles of international law, consequently leading to more persecution and violations to the Palestinian human rights. Thus, any agreement that does not include the Palestinian rights to independence, full sovereign viable statehood and allowing them to exercise their right to self-determination over their land will lead to nothing but more of human rights violations.

8. That deal-based annexation will practically end border contiguity with Jordan and the world, except through the occupation state. Eventually, the occupation will tighten its air and land control over all of the Palestinian territory. Annexation will allow for building more settlements in the occupied West Bank and besieging whatever remains of its territory, consequently allowing the occupation authority to carry out its settlement plans and have a freehand with fewer restrictions. This will further grant the settlers and corporates active in settlements larger space to carry out their illegal activities in the West Bank.

9. Annexation will besiege Jerusalem with settlement blocks and the West Bank with the racial annexation and expansion wall, to the West, as well as the Israeli occupation’s practical control over the Jordan Valley, to the east, consequently, leading to tightening control over whatever remains of the land.

10. Annexation, if actually carried out, will deal a strong blow to the international community, international legitimacy resolutions, international law rules and human rights principles, leading to undermining the state of human rights in the occupied Palestinian territory.

11. ICHR hopes that the international community would stand by its legal and ethical responsibilities, in facing this threat, which is a flagrant violation to international law. ICHR stresses the need for facing and rejecting the Israeli designs, to ensure respect for international law and not to recognize Israel’s sovereignty over the 1967-occupied territory, by means of enabling the Palestinians to exercise their right to self-determination, recognize the State of Palestine. We also hope for the different states to take practical measures in this regard, in addition to trying to limit the ability of the occupation state to further commit human rights violations and deter it, by means of international isolation. ICHR also hopes for states commitment to ensuring harmony between their activities and policies, where ICHR hopes for an active role for the Human Rights state members to have an active role in achieving the aforementioned and in ensuring the illegality of annexation and settlement in the occupied Palestinian territory. ICHR also stresses the need for ensuring implementation of international law and protection for the Palestinian people, through economic sanctions and measures that aim for pressuring Israel, the occupying power, to respect its commitments. ICHR also calls for drafting and enacting legislations that prohibit importing

commodities and services resulting from the illegal Israeli settlement. We also hope for reviewing and downgrading existing trade and cooperation agreements with Israel, deny entry of settlement products to international markets. ICHR also calls for adopting an international campaign to boycott the occupation state, by means of issuing a UN General Assembly resolution, in addition to imposing a travel prohibition against settlers and settlement leaders, including settlement mayors and prohibit their entry to member states territories.

12. The ICHR, Ombudsman, calls of the Human Rights Council, with its mission for strengthening human rights, to exert the needed efforts and take its aspired role in assisting for ensuring states' compliance to international human rights standards and to meet their international human rights commitments. Furthermore, ICHR calls on member states to exercise pressure on the Israeli occupation government and to seek to stop the annexation decision and further appeals for the international community to face and stop the annexation threats, in addition to enabling the Palestinians to exercise their right to self-determination and take practical measures to achieve that.

13. ICHR also calls for holding the conference for the High Contracting Parties to the Fourth Geneva Convention and intensifying contacts with the relevant states, with the objective of considering Convention implementation measures in the occupied Palestinian territory. The aforementioned steps have the objective of re-stressing the illegality of the protracted occupation, beside exercising the needed pressures on the occupation state to ensure its adherence and backing down on its expansionist plans.

14. ICHR calls on the Human Rights Council to seriously act and pressure the occupation state to implement and respect all IHL principles and international conventions in the occupied Palestinian territory. ICHR also calls on the Human Rights Council to establish a fact-finding commission on the violations to the Palestinian human rights by the occupation authority and to activate accountability mechanisms against the perpetrators.

15. The international community and UN organizations have to take up their ethical and legal responsibilities in facing the annexation plan, ending the Israeli occupation, in addition to taking serious tangible measures to ensure accountability for the Israeli occupation, based on the international law and UN resolutions. The international community and UN organizations also have the ethical and legal responsibility of ending decades-long Israeli occupation impunity and unchecked violation and disregard to the international law rules and Palestinian human rights , as well as the Israeli illegal practices in the occupied Palestinian territory, which is expected to exacerbate and increase if annexation was actually implemented on the ground.

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