



22nd Session of the Human Rights Council – Item 7

Human rights situation in Palestine and other occupied Arab territories

The Spiral of Violence should be Broken

The Israeli-Palestinian conflict can be identified by a spiral of violence in which it is trapped. The structural violence is the military occupation by Israel over Palestinian Territories, which is marked by violations of International Humanitarian Law and Human Rights Law. Since the Occupied Palestinian Territories (OPT) were seized in 1967, both communities have been consumed by violence. Both the Israeli army and settlers and Palestinian armed groups commit violence against civilians. The spiral of violence that has engrossed Palestine and Israel for such a long time continues, causing more than physical violence.¹

Human Rights Situation

Settlements

Over the past two years, more than 16,000 new housing units in the OPT have been announced or approved,² and this is only likely to continue. Settlements have been condemned by a large number of nations and country groups.³ Israel's newest expansion of settlements in Palestinian East Jerusalem, following the General Assembly's vote upgrading Palestine's UN status, undermines the possibility of resuming peace talks, as well as the feasibility of

¹ The conflict in Gaza in November 2012, showed the direct physical human rights violations on both sides, which were well in the news and documented, but in hugely differing numbers on both sides. This can be seen as an illustration of the spiral of violence.

² http://www.fidh.org/IMG/pdf/trading_away_peace_-_embargoed_copy_of_designed_report.pdf

³ On 19 December 2012, the entire UN Security Council, with the exception of the United States, publicly condemned Israel's latest settlement expansion announcement. The Non-Aligned Movement also addressed Israel's settlement activities as constituting "grave breaches of international humanitarian law and violating numerous UN resolutions." Russia and China also expressed concern and condemnation, urging the Middle East Quartet to meet quickly. IBSA (India, Brazil, and South Africa) also stated that Israel's settlements need to be stopped and dismantled. (See: http://www.voanews.com/content/un_eu_russia_condemn_israeli_settlements/1568322.html). On 25 December, the Arab League condemned the Israeli regime, stating that Israel would face consequences for its expansionist policies. (see: <http://www.presstv.ir/detail/2012/12/25/279982/arab-league-raps-israel-settlement-plans/>)

a two-state solution with Jerusalem as a shared capital.⁴ Israeli settlements remain illegal under international law in terms of The Hague Convention,⁵ the Fourth Geneva Convention,⁶ and UN Security Council Resolutions.⁷ In addition to the illegality and international condemnation of Israeli settlements, many are built on prime agricultural land or key water resources, such as the Western Aquifer basin, springs, and wells, thus denying the Palestinian people access to these resources and infringing their right to self-determination.

Water

A significant number of most Israeli settlements are built on hilltops above Palestinian communities, resulting in wastewater being discharged into valleys without treatment. Solid waste generated in Israel is dumped without restriction in the OPT. For example, waste from West Jerusalem is transferred to an unsanitary West Bank dumping site at Abu Dis, which overlays the infiltration area of the Eastern Aquifer. Since the Israeli occupation began in 1967, the demand for water in the OPT has risen greatly. The World Health Organisation recommends a minimum of 100 litres of water per person per day (PPPD). Israeli West Bank settlers consume over 280 litres PPPD while West Bank Palestinians consume a mere 86 litres, only 60 of which are considered potable.⁸ Israel's determination to control shared water resources has benefitted them greatly.⁹

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See:

http://www.voanews.com/content/un_eu_russia_condemn_israeli_settlements/1568322.html

⁵ Article 46 of The Hague Convention prohibits the confiscation of private property in occupied territory; Article 55 declares that the occupying state "shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates." (see: <http://www.icrc.org/ihl.nsf/FULL/195?OpenDocument>)

⁶ Article 49 of the Fourth Geneva Convention stipulates that the "occupying power shall not deport or transfer parts of its own civilian population into the territory it occupied." (see: <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>)

⁷ UNSC Resolution 446 states that "the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieve a comprehensive, just, and lasting peace in the Middle East. (see:

<http://unispal.un.org/UNISPAL.NSF/0/BA123CDED3EA84A5852560E50077C2DC>) UNSC

Resolution 465 called upon Israel to "dismantle the existing settlements and...to cease, on an urgent basis, the establishment, construction, and planning of settlements in the Arab territories occupied since 1967, including Jerusalem. (see: <http://unispal.un.org/UNISPAL.NSF/0/5AA254A1C8F8B1CB852560E50075D7D5>)

⁸ See: http://thecepr.org/index.php?option=com_content&view=article&id=115:illegal-israeli-settlements&catid=6:memos&Itemid=34

⁹ There are two main ways in which Israel has benefitted from maintaining control of shared water resources. First, they have been able to preserve the unequal division of shared groundwater in the West Bank's Western Aquifer and Northern Aquifer – a division that was created prior to the occupation due to the gap in economic and technological development between Israel and the West Bank. This gap is likely to have closed if Israel had

Israel has worked to manipulate the law to benefit its citizens with neglect toward Palestinian well-being, which violates international humanitarian law. Due to a 1995 agreement with Israel, the PNA is only able to use 20% of all underground and surface water resources in the West Bank, leaving 200,000 West Bank Palestinians with no access to water networks. These citizens are required to travel to the nearest water source and pay excessively, while the ability to reach said sources is obstructed due to movement and access restrictions, such as checkpoints and the separation barrier. As party to the International Covenant on Economic, Social and Cultural Rights, Israel is blatantly violating the requirements as laid out by the UN Committee on Economic, Social and Cultural Rights.¹⁰

The Separation Barrier (Wall)

On 9 July 2004, the International Court of Justice issued an advisory opinion stating that Israel's construction of a barrier in the Occupied Territory is illegal and must stop immediately, and Israel should also make reparations for any damage caused.¹¹ This non-binding opinion by the Court has had no impact on Israel's actions. Israel continues to construct the separation barrier, despite clear violation of United Nations Resolutions.¹² In addition to violating international humanitarian law, the separation barrier infringes on the human rights of Palestinians. The freedom of movement¹³ is being violated as the barrier restricts the access for Palestinians to extensive parts of the West Bank and East Jerusalem. The restriction of freedom of movement has also

not preserved this division. Secondly, Israel has utilised new water resources that they did not have access to prior to 1967, including the Eastern Aquifer and the Gaza Aquifer, to chiefly benefit Israeli settlements in those territories. (see: http://www.btselem.org/water/shared_sources)

¹⁰ As an occupying power, Israel is obliged to ensure the well-being of the occupied population, including access to adequate safe water quantities and a safe environment. General comments 14 and 15 of the International Covenant on Economic, Social and Cultural Rights call for the right to the highest attainable standard of health, and the right to water respectively. Comment 15 clearly states: "environmental hygiene, as an aspect of the right to health under...the Covenant, encompasses taking steps on a non-discriminatory basis to prevent threats to health from unsafe and toxic water conditions. For example, States parties should ensure that natural water resources are protected from contamination by harmful substances and pathogenic microbes" as well as that "the human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. (see: <http://www.unhcr.org/refworld/publisher,CESCR,GENERAL,,4538838d11,0.html>)

¹¹ See: <http://www.un.org/apps/news/story.asp?NewsID=11292&Cr=palestin&Cr1>

¹²[The UN Charter and General Assembly Resolution 2625 states that "all Members shall refrain...from the threat or use of forces against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations" and that "no territorial acquisition resulting from the threat or use of force shall be recognized as legal." \(see: <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/348/90/IMG/NR034890.pdf?OpenElement>\)](http://www.un.org/doc/RESOLUTION/GEN/NR0/348/90/IMG/NR034890.pdf?OpenElement)

¹³ As provided for in Article 12 of the International Covenant on Civil and Political Rights

interfered with other rights: the right to health, the right to a family life, the right to education. In addition to movement, Palestinians' rights to: (a) own property; (b) to a livelihood and adequate standard of living; (c) to equality; and (d) to self-determination have been infringed by Israel.¹⁴

Right to Labour

In an attempt to combat illegal foreign workers in Israel, the Israeli government has enforced tougher visa restrictions, causing international NGO workers and investors difficulty in entering the OPT¹⁵ and from receiving work visas, severely weakening Palestinian economic growth by blocking foreign investment.¹⁶ Many areas within Israel are dependent on illegal Palestinian labour to fill construction jobs,¹⁷ yet these illegal workers are often subject to exploitation and abuse.¹⁸ Recently, Israel has granted Palestinian spouses of Israeli citizens work permits and has agreed to issue more permits, showing some flexibility.¹⁹ Despite this, there remain strict measures in place on the employment of Palestinian workers, including security clearance, barrier inspection, and denial of entry. Israel has human rights obligations to citizens of the OPT, but they are currently violating their right to labour.

Palestinian Prisoners

Since the successful bid of the Palestinian National Authority to obtain a non-member observer status at the UN in November 2012, Israel has increased detentions of West Bank Palestinians.²⁰ As of November 2012, there were an estimated 4,432 prisoners, from all social classes of Palestinian society, spread throughout seventeen detention centres and jails.²¹ Palestinian prisoners suffer from attacks that involve extensive searching, punishment, and frequent prison transfers without families being notified. In Israel, a common criminal has the right to make phone calls to their families and lawyers; however,

¹⁴ See: http://www.btselem.org/publications/summaries/201210_arrested_development

¹⁵ See: <http://www.theworld.org/2010/03/palestinian-business-hampered-by-visa-problems/>

¹⁶ See: <http://news.yahoo.com/palestinians-seek-israel-crisis-deepens-063128062.html>

¹⁷ See: <http://www.aljazeera.com/indepth/features/2012/12/2012121110361755969.html>

¹⁸ See: <http://www.btselem.org/workers>

¹⁹ Israel has agreed to issue another 3,000 work permits for Palestinians seeking work in the construction industry, and 1,000 more permits for Palestinians working in agriculture. (see: <http://www.haaretz.com/news/diplomacy-defense/palestinian-spouses-of-israeli-citizens-to-be-given-work-permits.premium-1.476861>)

²⁰ At least 200 Palestinians are detained weekly and sent to prisons and detention centres, which are already overcrowded. (see: http://www.btselem.org/statistics/detainees_and_prisoners)

²¹ 83% of prisoners are from the West Bank, 10% from the Gaza Strip, and the rest from Jerusalem. Also as of November 2012, 216 are detainees; 3,048 are serving sentences; 990 are detained until the conclusion of legal proceedings; and 178 are administrative detainees. (see: http://www.btselem.org/statistics/detainees_and_prisoners)

Palestinian “‘security prisoners’” are not entitled to this right.²² Israeli security forces increasingly detain children under the age of 18, yet neglect to inform their families of their exact location.²³ Child prisoners are often held in solitary confinement, which can inflict mental damage.²⁴ Palestinian prisoners are denied medical and dental services, despite some families of Palestinian prisoners offering to pay for services.²⁵ Approximately 1,200 out of 4,600 total prisoners suffer from diseases due to medical negligence.²⁶

Freedom of Association and Expression

Until the establishment of the Palestinian Authority, civil society organisations played a vital role in initiating democratic and developmental debate. Civil society has the ability to drive change; the challenge is for them to present an alternate discourse to the state's dominant one, but they use their resources to address the consequences of the violence.²⁷ Palestinian civil society is influenced by three primary factors that have worked to hinder their power and influence while limiting their impact on the conflict.²⁸ In December 2012, three civil society organisation offices in Palestine were raided by Israeli military forces.²⁹ These attacks were not only targeted on specific organisations; they were an attack on Palestinian civil society as a whole. Israel publicly displayed their ability to attack whenever and whomever they want.

²² See:

http://thecepr.org/index.php?option=com_content&view=article&id=116%3Apalestinian-prisoners-in-israel&catid=6%3Amemos&Itemid=34&lang=en

²³ The neglect of informing families of their children's' location forces families to trace them through the Red Cross and other organisations which often takes months. (see: <http://electronicintifada.net/blogs/adri-nieuwhof/israeli-prisons-equipped-notorious-security-firm-g4s-hold-palestinian-teens>)

²⁴ See: <http://electronicintifada.net/blogs/adri-nieuwhof/israeli-prisons-equipped-notorious-security-firm-g4s-hold-palestinian-teens>

²⁵ Palestinian prisoners who are on hunger strike are often denied medical attention as well, in an attempt to force them to break their strike. (see: http://www.zawya.com/story/Israel_steps_up_West_Bank_detentions-GN_19122012_201210/ and <http://palestinechronicle.com/israel-palestinian-civil-society-and-political-prisoners/>)

²⁶ See: <http://english.pnn.ps/index.php/prisoners/3404-report-4600-prisoners-in-israeli-jails-including-182-children-184-administrative-detainees>

²⁷ See: http://www.berghof-handbook.net/documents/publications/dialogue9_darweish_comm.pdf

²⁸ The three primary factors that influence Palestinian civil society are: (1) the absence of a sovereign and democratic state in the Palestinian territories; (2) the repressive Israeli occupation; and (3) the dependence of these organisations on foreign funds. (see: http://www.microconflict.eu/publications/PWP3_NM_NP.pdf)

²⁹ One of the organisations that were raided was Addameer, which is a vocal organisation on behalf of Palestinian prisoners' rights. In the past, the Israeli government has placed travel bans on several staff members of Addameer in order to stifle their defence of Palestinian prisoners. In December, specific computers, files, and various other properties were stolen. (see: <http://palestinechronicle.com/israel-palestinian-civil-society-and-political-prisoners/>)

Recommendations

Pax Christi International urges the Human Rights Council to take a close look at the serious human rights violations being committed in the conflict between Israel and Palestine. Although Israel has the upper-hand in the conflict, and as the occupying power is subject to additional obligations under international humanitarian law, both parties have violated international law on multiple occasions. Pax Christi International calls upon the HRC to address the issues of visas, prisoners, civil society, settlements, water, and the separation Wall in an effort to achieve a peaceful solution. Both parties must be held accountable for their actions, which violate international law.

Pax Christi International calls on the Human Rights Council to:

- Address the numerous issues with illegal Israeli settlements; work to prevent Israel from further expanding settlements and encourage the beginning of their dismantling.
- Hold Israel accountable for their violations of the International Covenant on Economic, Social and Cultural Rights in respect to the lack of sufficient water quality and quantity.
- Call on the UN and its members to take measures to discourage the completion of the separation barrier in violation of United Nations and General Assembly Resolutions.
- Encourage Israel to issue more visas for Palestinians seeking employment in order to allow Palestinians to earn their livelihood legally in Israel, given the de-development of the Palestinian economy caused by the Israeli occupation and the resultant dependence of Palestinian workers on the Israeli economy. Security clearance measures should be relaxed so as to make checkpoints more efficient and to prepare for their eventual closure.
- Request that Israeli forces reduce the number of child prisoners, increase communication techniques between prisoners and their families, and permit Palestinian prisoners access to medical services.
- Strengthen support for Palestinian civil society and hold Israeli forces responsible for the raiding of three NGOs in Area A of the West Bank, where Israeli military is not permitted to enter.

It has become increasingly urgent that the spiral of violence of the Israel-Palestine conflict come to an end, with each party being held responsible for its actions. Without accountability, the spiral will only continue, growing evermore perilous. Pax Christi International encourages and supports the Human Rights Council in taking an active and effective role in finding solutions to the many human rights violations occurring in Israel and Palestine.