

Item 7: Human rights situation in Palestine and other occupied Arab territories

Human Rights Situation in OPT

The long term human rights sufferings of OPT are continued for over 5 decades. Israel's lack of commitment to the numerous resolutions adopted by the UN has complicated the OPT situation, making the people suffer from breaches for decades.

The breaches include: widespread discrimination against Palestinians including their unequal access to basic services,¹ 2 education, water^{3 4 5}, electricity^{6 7 8}, goods, and employment⁹; continuous extra-judicial Killings of Palestinians^{10 11}; raids and attacks to Palestinian properties, arresting and abducting people¹², destruction of properties and confiscation of Palestinian lands^{13 14}.

The Situation of Prisoners

Israel has received 55 recommendations on detention conditions and torture in the last two UPR cycles only 4 of which are accepted. However, torture, ill

¹ . <http://www.hpcrresearch.org/sites/default/files/publications/sassoli.pdf>

² . http://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33_GC-IV-EN.pdf

Article 43 of the Regulations Respecting the Laws and Customs of War on Land, annexed to the Fourth Convention Respecting the Laws of War on Land signed in The Hague on 18 October 1907 ("the Hague Regulations).

³ . <http://www.reuters.com/article/us-palestinians-gaza-water-idUSKBN15A1FC>

⁴ . <http://www.aljazeera.com/news/2016/10/palestinian-villages-hours-water-week-161023105150024.html>

⁵ . <http://english.wafa.ps/page.aspx?id=ogmZZra81252105363aogmZZr>

⁶ . <http://imemc.org/article/icrc-gaza-on-edge-of-collapse-due-to-electricity-crisis/>

⁷ . <https://www.middleeastmonitor.com/20170503-another-gaza-hospital-reduces-operations-due-to-electricity-crisis/>

⁸ . <http://maannews.com/Content.aspx?id=776640>

⁹ . <https://www.middleeastmonitor.com/20170502-statistics-361000-unemployed-palestinians-in-2016/>

¹⁰ . <http://www.aljazeera.com/news/2017/01/2016-deadliest-year-west-bank-children-decade-170103145022165.html>

¹¹ . <https://www.theguardian.com/world/2017/jul/21/palestinian-killed-israel-restricts-access-to-jerusalem-old-city-protest-security-measure>

¹² . <https://www.hrw.org/world-report/2015/country-chapters/israel/palestine>

¹³ . In the time interval between July 2015 and August 2017, more than 4750 incidents of raid/ kidnappings and arrests are recorded in the territories controlled by Israel <http://staatvanbeleg.com/archive/>

¹⁴ . <https://english.palinfo.com/news/2017/7/28/Scores-of-worshippers-detained-injured-in-night-police-raid-on-Aghsa>. On 28 Jul 2017, 120 Palestinian worshippers were arrested inside Aghsa during a night police raid.

treatment of prisoners and their deprivation of fundamental human rights continue leading to protests such as hunger strikes of thousands of detainees. On April 2017, 1500 detainees started a new mass hunger strike to protest against prison conditions¹⁵. The prisoners demand ending solitary confinement, restrictions of family visits and administrative detention, which is a detention without charge or trial.

3. Freedom of Movement

Construction of the illegal Wall¹⁶ is continuing regardless of repeated international calls. The numerous check points make the Palestinians spend a considerable time of their life in queues every day, violating the freedom of movement for groups of Palestinians, ^{17 18 19} restricting their fundamental rights of access to medical care, education and farmlands in addition to the abuses happening in the checkpoints. In about 2 years, (from July 2015 to August, 1st, 2017) more than 100 cases of violence and intimidation by Israeli forces at the checkpoints are reported²⁰. On May, 19th 2017, Israeli state comptroller called for more checkpoints²¹.

2. The right to property and Confiscation of land

There has been the 18 “Noted” recommendations and UN numerous resolutions calling on Israel to stop illegal settlements²². However, construction of settlements, demolition and confiscation of Palestinian properties continue.²³ From July 2015 to August 2017, more than 1700 cases

15 . <https://www.middleeastmonitor.com/20170429-palestinian-prisoners-are-on-hunger-strike-for-fundamental-human-rights/>

16 . <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6>, According to ICJ Advisory Opinion¹⁶ on 2004, the construction of the Wall in the occupied territories is contrary to international law, the already built Wall should be destroyed and the damage to the region as a consequence of such construction should be repaired.

17 . <http://www.haaretz.com/israel-news/1.786233>

18 . <https://english.palinfo.com/news/2017/4/29/IOA-banned-42-Palestinians-from-travel-last-week>

19 . <https://www.middleeastmonitor.com/20170428-israel-to-close-gaza-commercial-crossing-for-2-days/>

20 . <http://staatvanbeleg.com/archive/>

21 . <http://english.pnn.ps/2017/05/19/israeli-state-comptroller-calls-for-more-checkpoints-in-occupied-west-bank/>

22 . including recommendations number: 136.108; 136.151; 136.150 (Noted)

23 . <http://staatvanbeleg.com/archive/>

of “Annexation/Demolition/Building/Expropriation” are reported in Israel²⁴, for example:

In September 2014, Israel declared 400 hectares of the West Bank “state land,” to facilitate the construction of a large new settlement in the area.²⁵

On May, 2017, Israel resumed construction of the illegal Separation Wall southern occupied West Bank and placed a 4-meter-high-barbed fence Ain Jweiza area northwest of the village of Al-Walaja, while the Israeli newspaper Haaretz, renouncing the move, announced that the construction had stopped three years ago.

3. Right to Education

The Gaza blockade continues collective punishment of civilians in the region. In the Gaza War, over 200 schools, including three UN schools, were destroyed by Israel attacks. The reconstruction of these schools is hampered by the decade Gaza blockade. The inequality of access to education for Palestinians is the consequence of attacks to school, university campuses and students, especially arrests of student activists, discriminatory policies, the violation of the freedom of movement including the movement of academics.

4. Freedom of religion or belief, expression

In August 2017, there were a new array of attacks to Al-Aqsa, killing peaceful Palestinian worshippers²⁶. The UN Secretary General condemned the attacks and killings of Palestinians²⁷ while Israel continued excessive use of force against the peaceful gathering.

24 . <http://staatvanbeleg.com/archive/>

25 . Previous Source

26 . <https://www.amnesty.org/en/latest/news/2017/07/israeli-forces-attack-peaceful-crowds-at-jerusalem-holy-site/>

27 . <http://www.aljazeera.com/news/2017/07/al-aqsa-slams-israel-killings-young-palestinians-170722052806171.html>

Journalists and social network users end up in Israel prisons for criticizing the government policies. On 18 Apr 2017 The Palestinian ministry of information announced that 28 Palestinian journalists²⁸ are imprisoned by Israel, are in administrative detention without trial and receive military court verdicts. On April 17, 2017, 400 Palestinians²⁹ were arrested for Facebook posts. The Israel intelligence service has developed a database that screens Palestinian comments in social networks. The system has delivered a list of 2200 Palestinians out of which 400 are arrested for having intentions of carrying out attacks against Israel.

5. Recommendations

Being concerned about the widespread long term breaches of various kinds in Israel, the Organization for Defending Victims of Violence (ODVV) calls on the Human Rights Council to urge the government to:

Take practical measures and amend the existing laws to effectively address the serious existing discrimination against Palestinians;

Meet its commitments under the Geneva Conventions, as the occupying power, maintain public order and civil life, including public welfare and find durable solutions for the continuing challenges of Arab people in the occupied territories;

Prevent the construction of all illegal settlements, confiscation of Palestinian lands and demolition of their properties;

Start impartial and independent investigations on all cases of extrajudicial killings and torture, ending the impunity of all perpetrators;

End torture, solitary confinement, administrative detention and put measures in place to safeguard the human rights of all prisoners;

²⁸ . <https://english.palinfo.com/news/2017/4/18/Information-ministry-28-journalists-in-Israeli-prisons>

²⁹ . <https://www.middleeastmonitor.com/20170417-400-palestinians-arrested-for-facebook-posts/>

Stop arrests of users of social networks based the information screened by “Big Data”;

Respect Palestinians freedom of movement and all the other rights dependent on it such as the right to a family, education and the right to have access to one’s properties;

Respect the Palestinians freedom of religion, belief and expression, protect their places of worship and release all prisoners of conscious;

Maximize efforts to protect the rights of Bedouin population and eliminate racial discrimination against them;

Gather data on cases of child labor, aiming at protection of children’s rights and elimination of the labor;

And finally, respect the will and concerns of the International Public Opinion enshrined in various number of resolutions adopted by the Security Council, General Assembly, and Human Rights Council.³⁰

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Numerous UN Security Council Resolutions including: 162, 237, 242, and the most recent one, 2334 adopted on 23 December 2016

Numerous Un General Assembly Resolutions including: A/RES/71/93, A/RES/71/94, A/RES/71/95,

A/RES/71/96, A/RES/71/97 and A/RES/71/98

Numerous UN Human Rights Council Resolutions including: A/HRC/27, A/HRC/28, A/HRC/29, A/HRC/30, and A/HRC/31