Celebrating 40 years of protecting human rights in Palestine

Editorial: Third State Action Needed to Address Root Causes

Al-Haq Meets with United Nations High Commissioner for Human Rights

Al-Haq Sends Follow-up Submission to CERD on the State of Palestine’s First Review

Al-Haq Submission to The Committee on the Elimination of Racial Discrimination on the First Periodic Review of the State of Palestine

Al-Haq submits a joint urgent appeal to the United Nations Special Procedures on the ongoing Israeli smear campaign against Al-Haq

Statement on World Humanitarian Day

Great Return March Protests Continue for 68th and 69th Weeks in the Gaza Strip

Great Return March Protests Continue for 70th and 71st Weeks in the Gaza Strip

Continued Threats against Al-Aqsa Mosque Compound and Attacks against Palestinian Worshippers

More than 100 Organisations Call for the Release of the UN Database of Businesses Engaged in Activities with Israeli Settlements

Joint Submission to UN Committee on Economic, Social and Cultural Rights ahead of Israel’s Fourth Periodic Review
Seventeen weeks, with Israeli snipers of the Great Return March in Gaza, for reflected in Israel’s ongoing suppression of their legitimate calls for justice and collective memory and to undermine Palestinians, in an effort to erase their right to leave and to return to their country.

Over the years, such policies and practices, reflected in Israel’s prolonged 52-year occupation of the Palestinian territory, have ranged from systematic destruction and appropriation of Palestinian property and natural resources, including land, to extrajudicial executions, systematic torture and ill-treatment, arbitrary detention of the Palestinian civilian population, and widespread collective punishment, including severe denials of Palestinians’ freedom of movement and residence, comprising the right to leave and to return to their country.

To this day, Israel continues to resort to excessive and lethal force to silence Palestinians, in an effort to erase their collective memory and to undermine their legitimate calls for justice and accountability under international law. These repressive policies are most starkly reflected in Israeli snipers’ use of lethal and excessive force to silence unarmed Palestinian civilians calling for the realisation of their right of return to their homes and property and an end to Israel’s illegal 12-year closure, which has made Gaza uninhabitable.

These repressive policies have underpinned Israel’s raison d’État since the start of the Nakba, when Zionist forces expelled some 800,000 Palestinians from their homes and property, destroying 531 villages, and killing over 10,000 Palestinians in and around 1948. It is in the same vein that Israeli border police killed 49 Palestinians during the Kufr Qasim massacre in 1956, as part of a State-led ethnic cleansing campaign, and that Israeli police killed six Palestinian citizens on Land Day in 1976, as they protested the expropriation of thousands of dunums of their land in the Galilee. Israel’s crimes, including wilful killing, destruction of property, and population transfer, committed since the Nakba, have never been prosecuted let alone remedied, while Palestinian refugees continue to be denied their right of return to their homes and property. All the while, third States have systematically failed to deliver international justice and accountability for crimes committed in Palestine, thereby entrenching Israel’s pervasive climate of impunity for widespread and systematic human rights violations committed against the Palestinian people.

Short of addressing the root causes, by bringing Israel’s prolonged occupation and closure of Gaza to an end, and upholding the right of Palestinian refugees to return to their homes and property as part of a collective right of the Palestinian people to self-determination, Israel’s regime of apartheid over Palestinians will inevitably prevail under the watchful eye of the international community.

Al-Haq submitted its shadow report to the ninety-ninth session of the United Nations (UN) Committee on the Elimination of Racial Discrimination (CERD) with regard to its review of State of Palestine’s initial and second periodic reports, in relation to Palestine’s compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), to which the State of Palestine has acceded without reservations and according to which it must adopt appropriate measures and means, without delay, to eliminate all forms of racial discrimination. Al-Haq has followed with interest the interactive dialogue between CERD Committee members and the official delegation of the State of Palestine during the Committee’s ninety-ninth session, which took place on 13 and 14 August 2019 at the UN Office in Geneva. In light of the responses given by the delegation of the State of Palestine during the review by the Committee, Al-Haq considers it important to submit a follow-up report.
1. In examining the State of Palestine’s initial and second periodic reports (hereinafter ‘State report’ or ‘the report’),[1] submitted to the ninety-ninth session of the Committee on the Elimination of Racial Discrimination (hereinafter CERD or ‘the Committee’), Al-Haq affirms the importance of examining the broader context of Israel’s prolonged occupation of the Palestinian territory since 1967. At the same time, Al-Haq stresses that this context does not absolve the State of Palestine of its obligation to give effect to the provisions and purposes of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), as well as the other core human rights treaties to which the State of Palestine has acceded without reservations, including the International Covenant on Civil and Political Rights (hereinafter the Convention and its purposes without delay. ICERD, as well as the other core human rights treaties to which the State of Palestine has acceded without reservations, in accordance with the Committee’s general recommendations. The State of Palestine must work without delay to enact a Palestinian law to combat racial discrimination, guided by the Model Law Against Racial Discrimination, which forms part of the UN’s efforts to combat racism and racial discrimination. This Model Law is deemed important as a reference document, especially in providing definitions, general principles, and measures, which may be addressed by national legislation to combat racial discrimination, including in relation to crimes, penalties, and all issues related to the protection of victims of racial discrimination, and the provision of effective remedies to victims. Al-Haq stresses the need to work without delay to adopt a national Palestinian strategy to combat racial discrimination, racial segregation, and apartheid, in partnership with all segments of Palestinian civil society. There is also a need to establish effective mechanisms to ensure the Convention’s proper implementation on the ground, with clear and complementary roles and responsibilities in the implementation process. The strategy must continuously be reviewed, developed, and integrated in school curricula and university courses. A media plan should also be developed to widely promote the strategy. In addition, training programmes are needed for capacity-building in both the public and private sectors, in order effectively contribute to the elimination of all forms of racial discrimination, racial segregation, and apartheid, and to promote human rights education within Palestinian society.

2. The State of Palestine has not submitted its report on time, nor has it submitted its common core document to the UN treaty bodies. In addition, there is a rift in the Palestinian political system and amongst public authorities, which negatively affects the ability of the State of Palestine to enforce the Convention and its purposes without delay. ICERD, as well as the other core human rights treaties to which the State of Palestine has acceded without reservations, has not entered into force in the OPT in what concerns the decisions of the Palestinian Supreme Constitutional Court. No national institution has been established to facilitate the implementation of the Convention and its purposes in Palestine, in accordance with the Committee’s general recommendations.


**AL-HAQ STRESSES THE NEED TO WORK WITHOUT DELAY TO ADOPT A NATIONAL PALESTINIAN STRATEGY TO COMBAT RACIAL DISCRIMINATION, RACIAL SEGREGATION, AND APARtheid, IN PARTNERSHIP WITH ALL SEGMENTS OF PALESTINIAN CIVIL SOCIETY.**

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**On 8 August 2019, Al-Haq submitted a joint urgent appeal to the UN Special Procedures on the ongoing smear campaign and incitement to violence against Mr. Shawan Jabarin. The smear campaign must be viewed and understood in light of attacks against Palestinian civil society, including human rights defenders.**

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**Facebook posts made by or on behalf of the Israeli Ministry of Strategic Affairs on its official Facebook page as part of Israel’s wider effort to restrict civil society space in the Occupied Palestinian Territory are an attack on human rights law and Facebook’s own community standards.**

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Al-Haq calls on the UN Special Procedures to urgently take steps in relation to the ongoing smear campaign and incitement to violence. Al-Haq calls on the international community to intervene to halt Israeli Ministry of Strategic Affairs, smearing of human rights defenders and activists, the restriction of their work and recalling the right to freedom of expression, among others, particularly online and on social media platforms. UN Special Procedures should gather all relevant information, including by approaching Facebook directly, relating to the present alleged violation of the right to freedom of opinion and expression, in addition to discrimination against, threats or use of violence, and acts of harassment, persecution, or intimidation directed at Mr. Shawan Jabarin and any other staff members of Al-Haq or its affiliates.

UN Special Procedures should communicate with Facebook to remind the company of its responsibilities to respect human rights and international law, as well as its responsibility to not provide a public platform for incitement, hate speech, discrimination, and death threats, especially against human rights defenders.

The Special Procedures should seek information from Facebook as to why such posts and comments continue to be allowed and have not been removed or moderated in any way despite their violation of international human rights law standards, including the right to freedom of opinion and expression.
19 August 2019, marks the 16th anniversary of World Humanitarian Day, commemorated by the United Nations (UN) General Assembly to recognize the role of humanitarian workers and the ongoing humanitarian crisis in the Occupied Palestinian Territory (OPT). Between 30 March 2018 and 1 August 2019, and throughout the Great Return March in the Gaza Strip, Al-Haq documented the targeting and killing of 208 peaceful Palestinian protestors, including four paramedics, two protestors, including a 15-year-old child and killing of Muhammad Judeily by Israeli snipers.

Palestinians have been protesting for their right of return to their places of origin, the lifting of the closure of the Gaza Strip and an end to mass collective punishment of the protected Palestinian population therein.[1] Critically, in March 2019, the UN Commission of Inquiry (COI) recommended that Israel “Refrain from using lethal force against civilians, including children, journalists, health workers and persons with disabilities, who pose no imminent threat to life.”[2] Since then, Al-Haq documented a total of almost 8,000 of Gaza’s Great Return March protestors had been admitted to hospital, with more than 3,500 suffering from shrapnel wounds and have sustained permanent injuries, including limb amputations.[5] Israel’s intentional closure restrictions and permit regime makes healthcare for Gaza’s residents difficult, and in many cases, impossible to access. Applications for permits to access treatment outside of Gaza are rarely approved, with one report indicating that out of the 93 applications submitted by Gazans to the Israeli authorities to access healthcare in the West Bank including Jerusalem, only 24 were approved. Forty-nine were denied and 20 are still pending. Gaza’s hospitals are overwhelmed by the number of patients in need of treatment and Israel’s denial of permits places a greater burden on Gaza’s weakened health infrastructure. Gaza’s limited electrical supply, poor water access, lack of sewage treatment facilities, and the world’s highest unemployment rates worsen the social-health crisis.[6]

Additionally, Gaza’s key agricultural and maritime employment sectors are hindered by Israel’s continued enforcement of the ‘buffer zone’, which it maintains by levelling farmland, damaging property and infrastructure, and destroying crops. Israel sprays unidentified chemical agents in the buffer zone, burning and damaging crops of Palestinian farmers in the area. At sea, Gaza’s marine trade (Zone L), has been unlawfully reduced from 20 nm to six nm to secure Israeli gas fields in the nearby Mari-B field, greatly restricting fishing, recreational, and economic activities for Gaza’s residents. Palestinian fishermen from Gaza are increasingly threatened by the imposing of ever diminishing access to income-generating opportunities.[7] Palestinian fishermen from Gaza are continually detained, suffering from torture, facing denial of permits to access the buffer zone, facing demolition of their boats, and having their boats confiscated by Israeli forces, resulting in the loss of means of livelihood.

Palestinians in Gaza continue to live under an increasingly worsening humanitarian crisis from Israel’s relentless military siege. In a recent brief, Al-Haq called on the ICRC to immediately intervene against the attacks of Palestinian prisoners. Al-Haq’s call comes at the heels of a January 2019 declaration by Israel’s Public Security Minister, Gilad Erdan, to “worsen” the conditions for Palestinian prisoners, including by rationing water supply and cutting off associated funds. The ongoing humanitarian crises in the OPT warrants the attention of the international community as Palestinians continue to live with the threat of an uncertain future at the hands of the Occupying Power. The international community must call upon Israel to take responsibility for the wellbeing of the occupied population in the OPT, notably Palestinians in Gaza, and ensure the right to life, dignity and an adequate standard of living, healthcare services,[11] among other necessary basic needs, are made available. Al-Haq reminds Israel of the UN COI recommendation to “lift the blockade on Gaza with immediate effect” and further calls on the international community to comply with Article 1 of the Geneva Conventions, i.e., to respect and ensure respect for international humanitarian law. More specifically, Al-Haq recalls the recommendation of the COI to UN Member States to “consider waiving all or part of any further international humanitarian sanctions, such as a travel ban or assets freeze, on those identified by the Commission of Inquiry as responsible for violations.”[12] Al-Haq is deeply concerned by the fragmentation of Gaza and the divisions between the two Palestinian leaderships and calls on the international community to take immediate and collective action to halt the ongoing and imminent demolitions and to ensure that Palestinians whose homes have been demolished by Israel, the Occupying Power, are ensured effective remedies.[10]

According to a UN agency, seawater has leaked into Gaza’s sole water source, the coastal aquifer, with 96 percent of the groundwater becoming unfit for human consumption.[4]

Gaza’s healthcare infrastructure and as a result of the ongoing and imminent demolitions and to ensure that Palestinians whose homes have been demolished by Israel, the Occupying Power, are ensured effective remedies.[10] Additionally, Gaza’s healthcare infrastructure and as a result of the ongoing and imminent demolitions and to ensure that Palestinians whose homes have been demolished by Israel, the Occupying Power, are ensured effective remedies.[10]


“Al-Haq Sends Urgent Appeal to UN Special Procedures and Calls for Immediate Halt to Demolitions in Wadi Al-Hummus” (9 August 2019), available at: http://www.alhaq.org/advocacy/targets/united-nations/1438--qq-

Ibid at 227.


Ibid.
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et italics for emphasis:

One Palestinian was killed in Khan Younis and 69 protesters were injured on Friday, 26 July 2019, during the 68th Great Return March demonstrations in the occupied Gaza Strip. Amongst the injured, 44 demonstrators were wounded with live bullets and bullet shrapnel, 18 were hit by rubber bullets, and seven were injured by direct gas canister hits. Of the total number of injuries, 29 were children. On Friday, 2 August 2019, during the 69th Great Return March demonstrations, 67 Palestinians were injured by the Israeli occupying forces throughout the Gaza Strip. Of the injured, 27 were wounded with live bullets and shrapnel, 20 were wounded with rubber bullets, and 20 were injured by direct gas canister hits. Amongst the injured were 29 children, two journalists, and a paramedic.

68th Great Return March Demonstrations on 26 July 2019

On Friday, 26 July 2019, the Israeli occupying forces targeted peaceful Palestinian protesters participating in the 68th Great Return March demonstrations across the Gaza Strip. According to Al-Haq’s field research and documentation, thousands of Palestinians, including youth, children, the elderly and entire families, gathered between 4:00 pm and 7:00 pm in the vicinity of the five fenced areas set up near the fence on the east of the Gaza Strip. During the peaceful demonstrations, participants organized, as usual, popular and folkloric activities inside and around the camps areas. They chanted national slogans and raised Palestinian flags. Dozens of demonstrators, including children, gathered at distances of 50 to 300 metres from the Gaza fence, and were visible to Israeli snipers positioned behind sand hills and earth mounds behind the fence. During the protests, Israeli soldiers fired live ammunition, rubber bullets, and tear gas canister hits. Among the injured, two were shot with live bullets and bullet shrapnel, seven were injured by rubber-coated metal bullets, and four were injured by direct gas canister hits. The injured journalist is a photojournalist with the Chinese Xinhua News Agency.

69th Great Return March Demonstrations in the Gaza Strip

On Friday, 2 August 2019, during the 69th Great Return March protests, the Israeli occupying forces injured 67 Palestinians throughout the Gaza Strip. Of the injured, 27 were wounded with live bullets and shrapnel, 20 were wounded with rubber bullets, and 20 were injured by direct gas canister hits. Amongst the injured were 29 children, two journalists, and a paramedic.

During the 68th week of protests, Palestinian demonstrators again chanted national slogans and raised Palestinian flags. Dozens of demonstrators gathered at a distance of 50 to 100 metres from the Gaza fence, exposed and visible to Israeli snipers positioned behind sand hills and earth mounds and amidst civilians. During the protest, Israeli soldiers fired live ammunition, rubber bullets, and tear gas canister hits at unarmed Palestinian demonstrators. Amongst the injured, 12 were wounded with live bullets and bullet shrapnel, three were injured by rubber bullets, and one was injured by a direct gas canister hit. The injured journalist, is a photojournalist with the Chinese Xinhua News Agency.

On Friday, 26 July 2019, doctors at the Gaza European Hospital in Khan Younis pronounced the death of Ahmad Muhammad Al-Qara, 23. A resident of Bani Suhaila in Khan Younis, Ahmad was injured by live ammunition fired by the Israeli occupying forces at approximately 5:50 pm on Friday, 26 July 2019, while participating in the Great Return March demonstrations east of Khuza’a, east of Khan Younis. Ahmad was standing about 80 metres from the fence when he was shot in the abdomen. He was taken to the Gaza European Hospital in critical condition and admitted into surgery, where his death was pronounced at around 11:40 pm that same evening.[1] The Injury of 69 Protesters across the Gaza Strip

In the Rafah Governorate, the Israeli occupying forces injured 21 protesters, including eight children, during Great Return March demonstrations east of Al-Shawk’a, east of Rafah. One of the injuries was described as critical. Of the wounded, ten were injured by live bullets and bullet shrapnel, seven were injured by rubber-coated metal bullets, and four were injured by direct gas canister hits. In the Central Governorate, during the demonstrations east of Al-Breij refugee camp, the Israeli occupying forces injured 16 demonstrators, including eight children. Of the injured, nine were wounded by live bullets and bullet shrapnel, three were injured by rubber bullets, and one was injured by a direct gas canister hit. The Injury of 67 Protesters across the Gaza Strip

In the North Gaza Governorate, hundreds of peaceful demonstrators, including women and children, took part in the Great Return March at Abu Safiya hill, east of Jabalia in the northern Gaza Strip. Twenty-one protesters, including 11 children and a paramedic, were injured. Amongst the injured, 12 were wounded by live bullets, five by rubber bullets, and four by direct gas canister hits. The injured paramedic is Wafa Omar Jabar, 24, a volunteer paramedic with the Ministry of Health in Gaza, who was injured with a rubber bullet to the left ankle.

In the Gaza Governorate, hundreds of peaceful demonstrators, including children, participated in the Great Return March in Al-Malaka area, east of Gaza City. No injuries were reported during the demonstrations.

In the Central Governorate, hundreds of peaceful demonstrators participated in the Great Return March, east of Al-Breij refugee camp in the central Gaza Strip. The Israeli occupying forces injured 16 Palestinian protesters, including four children and a journalist. Of the wounded, eight were injured with live bullets and bullet shrapnel, three were injured by rubber bullets, and five were injured by direct gas canister hits. The injured journalist is Osama Sharif Al-Kahlout, 33, a Palestinian journalist, who was shot with a live bullet in his left leg.

In the Khan Younis Governorate, hundreds of peaceful demonstrators took part in the events of the Great Return March east of Khuza’a, east of Khan Younis where the Israeli occupying forces injured 17 demonstrators, including ten children and a journalist. Amongst the injured, four were shot with live bullets and a bullet shrapnel, nine were injured by rubber bullets, and four were injured by direct gas canister hits. The injured journalist is Ahmed Saadi Omar, 39, who was wounded by a rubber-coated metal bullet in the leg. He is a photojournalist with the Chinese Xinhua News Agency.

Al-Haq calls on third States to join the efforts to follow-up on and to ensure the implementation of the Recommendations of the UN Commission of Inquiry. 70 weeks since the start of the Great Return March on 30 March 2018, Palestinians in the occupied Gaza Strip have continued to call for the realisation of their inalienable rights, including the right of Palestinian refugees to return to their homes and property, and an end to Israel’s 12-year closure of the Gaza Strip, which amounts to unlawful collective punishment, in violation of international humanitarian law, and has made Gaza uninhabitable. As the Great Return March protests enter their 70th week, Al-Haq calls on third States and the Office of the High Commissioner for Human Rights (OHCHR) to exert genuine efforts to follow-up on and to ensure the implementation of the recommendations.
stresses that further efforts are needed to strengthen its field presence, monitoring, and documentation during the demonstrations. In addition, Al-Haq recalls the obligation of third States to achieve Palestinian protesters' rights-based accountability and international justice to bring to an end Israel's pervasive impunity and crimes committed by the Israeli occupying Forces during the Great Return March since 30 March 2018. Al-Haq underlines the centrality of accountability and international justice to achieve Palestinian protesters' rights-based demands.


In the Gaza Governorate, Al-Malaka area, east of Al-Zaytoun neighbourhood, at Gaza City, hundreds of protesters were injured by live bullets and rubber-coated metal bullets, and five from rubber bullets. In the North Gaza Governorate, at Abu Safiya hill, east of Jabaliya, 24 demonstrators, including 10 children and one woman, were injured by the IOF. Of the 15 wounded, six children sustained injuries from live bullets, and five (including three children and one woman) were injured by rubber bullets, while four protestors including a child, were injured by direct tear gas canisters. In the Khan Younis Governorate, east of Khuza’a, another 11 protestors, including nine demonstrators, including two children and a woman, were injured by bullet shrapnel, two from rubber bullets, and four sustained injuries from tear gas canisters.

Tens of protestors suffered injuries as a result of tear gas inhalation and were treated in the field by health workers.

On Friday, 23 August 2019, hundreds of peaceful demonstrators gathered in the five official Great Return March camps located across the Gaza Strip, whereupon strategically placed snipers from the IOF opened fire, injuring several protesters. The Israeli occupying forces, in response, fired活 fire ammunition, rubber bullets and tear gas canisters. The volunteer first responder paramedic, while treating an injured youth, was wounded by a rubber-coated metal bullet.
Injures
In the North Gaza Governorate, at Abu Safiya hill, east of Jabalia, hundreds of peaceable demonstrators, including women and children, participated at the peaceful protest. IOF snipers positioned behind the border fence, opened fire on the crowds, injuring 37 demonstrators, including 17 children and a paramedic. Amongst the injured, 27 were wounded with live ammunition, six by rubber bullets, and four by tear gas canisters. Injured paramedic, Na‘im Bashir Khader, 32, a member of the Palestinian Civil Defense was wounded by a rubber-coated metal bullet in the neck. In the Khan Younis Governorate, east of Khuza‘a, east of Khan Younis, hundreds of peaceful demonstrators, including women and children, gathered at the Great Return March. Snipers from the IOF fired at the protesters, resulting in the injury of 45 demonstrators, including 20 children and two paramedics. Amongst the wounded, medic Sami Mousa Abu Mustafa, 27, sustained injuries from a rubber-coated metal bullet in the lower limbs. In addition, Emad Yousef Al-Sinwar, 22, a volunteer first responder paramedic was wounded by a rubber-coated metal bullet in the neck. In the Rafah Governorate, east of Al-Shouka, east of Rafah, hundreds more peaceful demonstrators, including women and children, participated in the Great Return March. IOF snipers positioned behind the border fence, opened fire on the crowds, including five children and a paramedic. Among the injured, 27 were wounded with live bullets and shrapnel, two with rubber bullets, and two directly from tear gas canisters. Paramedic, Islam Subhi Abu Shawaish, 29, was wounded by a rubber-coated metal bullet in the head.

Injuring 159 Palestinian civilians with unnecessary, disproportionate and excessive use of force. Of these, 86 were wounded with live bullets and shrapnel, 47 by rubber bullets, and 26 directly by tear gas canisters. The injured included 56 children and six first responder paramedics.

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most basic human rights of the occupied Palestinian population. In addition to the illegal relocation of the United States and other embassies to Jerusalem, entrenching Israel’s annexation in violation of international law. The international community must implement sanctions against Israel and Israeli authorities must fully cooperate with the Office of the Prosecutor’s preliminary examination; and take other meaningful actions in line with their duties under international law.


On 27 August 2019, 103 local, regional and international organizations called on the United Nations (UN) High Commissioner for Human Rights, Madam Michelle Bachelet, to release the UN database of businesses engaged in activities related to Israeli settlements in the occupied Palestinian territory (hereinafter the Database). In the letter, the undersigned organizations expressed their deep concern that the release of the Database, including the names of companies facilitating Israel’s settlement enterprise, has been repeatedly delayed potentially due to political pressure. The delay comes over three years after the Human Rights Council (HRC) established the mandate to create the Database and more than two years after its initial scheduled release in March 2017.

The organizations urged the UN High Commissioner for Human Rights to fully implement the mandate provided in HRC resolution 31/36 of March 2016 by releasing and transmitting the data, including the names of companies involved in the specified activities, to the Human Rights Council, so that the Database may be considered at the upcoming Council session in September 2019 and be updated annually. The organisations expressed that there has been no other mandate given to the Office of the High Commissioner for Human Rights (OHCHR) by the HRC that has been subject to such a prolonged and open-ended delay. The undersigned also stressed the importance of protecting the independence and impartiality of the Office of the High Commissioner, including by fully implementing the mandates by the UN Human Rights Council.

Meanwhile, the letter reiterated that over the past few years, the Israeli government has escalated the construction of new settlements in the West Bank, while the Israeli Prime Minister has indicated his intention to formally annex parts of the West Bank, in violation of international law, which constitute grave breaches that amount to internationally recognized crimes. According to Al-Haq General Director, Mr. Shawan Jabarin: “The prevailing culture of impunity for Israel’s persistent violations of international law and infringements on the rights of the Palestinian people has also allowed business enterprises to contribute to and benefit from the prolonged occupation and gross human rights violations in the OPT, particularly Israel’s expanding settlement enterprise, which deprives Palestinians fundamental rights, notably the right to self-determination and sovereignty over natural resources.”

The mobilization of organizations behind the release of the Database demonstrates the importance of fulfilling the mandate entrusted to the High Commissioner in order to ensure the protection of human rights and respect for international law by state and non-state actors and bolster the development of the business and human rights framework in situations of armed conflict and occupation.

“[T]he message from global civil society is clear: the database must be released in full. The credibility of Human Rights Council and Office of the High Commissioner is at stake”, said the director of the Cairo Institute for Human Rights Studies in Geneva, Mr. Jeremie Smith.
On Friday, 6 September 2019, Al-Marsad – Arab Human Rights Centre in Golan Heights, Cornell Law School’s International Human Rights Clinic and Al-Haq sent a joint submission to the Committee on Economic, Social and Cultural Rights (the “Committee”) ahead of the State of Israel’s periodic review under the International Covenant on Economic, Social and Cultural Rights (the “Covenant”). The submission, focusing on the systemic and manifestly unlawful exploitation of renewable and non-renewable energy resources in the Occupied Palestinian Territory (OPT) and the occupied Syrian Golan, sheds light on Israel’s extensive failures, as Occupying Power, under the Covenant and international humanitarian law to protect and refrain from infringing on the economic, social and cultural rights of the occupied Palestinian and Syrian people in the OPT and Golan, primarily the right to self-determination and permanent sovereignty over natural resources.

For more than 50 years, Israel, as Occupying Power, has devised a myriad of methods to deepen and expand its territorial control. Israel has systematically implemented these measures to hamper the economic, social, and cultural rights of the Palestinians and Golani Syrians, while favouring the interests of Israel, its citizens, its economy, and corporate entities, notably in occupied territories. The submission specifically highlights the role of business enterprises in the unlawful exploitation of natural resources in both occupied territories, thus infringing on the social, economic and cultural rights of the occupied populations therein. For example, the submission highlights the ongoing involvement of Afek Oil and Gas, Noble Energy and Delek Drilling in the unlawful exploitation of natural oil and gas reserves, violating their responsibilities under international law.

In addition, the submission notes the prevalence of violations in the renewable sector throughout the occupied territories, particularly the proposed erection of 31 wind turbines by Energix Renewable Energies in the occupied Syrian Golan. These turbines, which are estimated to occupy a quarter of the remaining agricultural land available to Golani Syrians, are expected to cause serious health risks, in breach of Article 12 of the Covenant, as well infringing upon the local Golani Syrian peoples’ cultural relationship with the land, as protected under Article 15. Further, the submission notes the activities of Clal Sun, First Solar, PADCON, SMA Solar Technology, and ABB Group in the construction of solar fields in illegal Israeli settlements in the West Bank. The construction of these solar fields accompanies a de facto prohibition on the development of renewable energy projects by Palestinians, as well as the demolition and confiscation of pre-existing solar fields by the Israeli authorities, resulting in various infringements on the rights guaranteed in the Covenant, notably the right to self-determination and pre-existing solar fields by the Israeli authorities, resulting in various infringements on the rights guaranteed in the Article 11 right to an adequate standard of living, and amounting to discrimination, prohibited under Article 2.

The cases presented in the joint submission are emblematic of the wider situation depicting Israel’s extensive and unlawful exploitation of natural resources in occupied territories and serve to provide an account of corporate involvement and complicity in the prolonged Israeli occupation and systemic violations of the economic, social and cultural rights of Palestinians and Golani Syrians.

In light of the above, the following recommendations were made to the Committee:

- Call on Israel to fulfil its obligations under international human rights law, notably its obligations under the Covenant, and international humanitarian law in the Golan and OPT;
- Condemn Israel’s failure to safeguard Palestinians’ and Syrians’ rights as guaranteed by the Covenant, notably the right to self-determination and permanent sovereignty over natural resources, among others;
- Condemn Israel’s discriminatory application of laws and regulations in the areas under its control, especially laws and regulations that prohibit Syrians and Palestinians from controlling, accessing, and developing their natural resources;
- Call on Israel to ensure the genuine consent of the occupied populations in the OPT and Golan before engaging in any projects that extract their resources, including by holding extensive and effective consultations;
- Call on Israel to establish policies, while it insists on maintaining its unlawful occupations, that allow Syrians and Palestinians within their respective homelands, in line with international law, to freely develop their natural resources and foster natural resource-based industries;
- Call on Israel to stop providing incentives that allow for and facilitate the expansion of illegal settlements in occupied territories;
- Call on Israel to cease its encouragement and authorization of Israeli and multinational commercial enterprises’ activities in occupied territories under circumstances that violate Israel’s obligations under international humanitarian and human rights law. Further, Israel must regulate, in line with international law, the operations and activities of Israeli and multinational corporations in the occupied territories;
- Call on Israel, as a U.N. Member State, to respect the work, independence, and impartiality of the U.N. High Commissioner for Human Rights, including U.N. Human Rights Council resolution 33/36 (2016); Call on Israel, as an Occupying Power, to comply with the U.N. Guiding Principles on Business and Human Rights in relation to business activities in the OPT and Golan;
- Condemn Israel’s attempts to silence opposition to its policies and practices that violate rights under the Covenant through such mechanisms as “anti-BDS” laws;
- Call on Israel to guarantee the right of human rights defenders in occupied territories to exercise free speech, including their right to criticize the policies and practices of the Israeli government and other private entities that violate the rights enshrined in the Covenant.
Al-Haq is an independent Palestinian non-governmental human rights organisation based in Ramallah. Established in 1979 to protect and promote human rights and the rule of law in the occupied Palestinian territory (OPT). Al-Haq documents violations of the individual and collective rights of Palestinians in the OPT, irrespective of identity of the perpetrator, and seeks to end such breaches by way of advocacy before national and international mechanisms and by holding the violators accountable.