



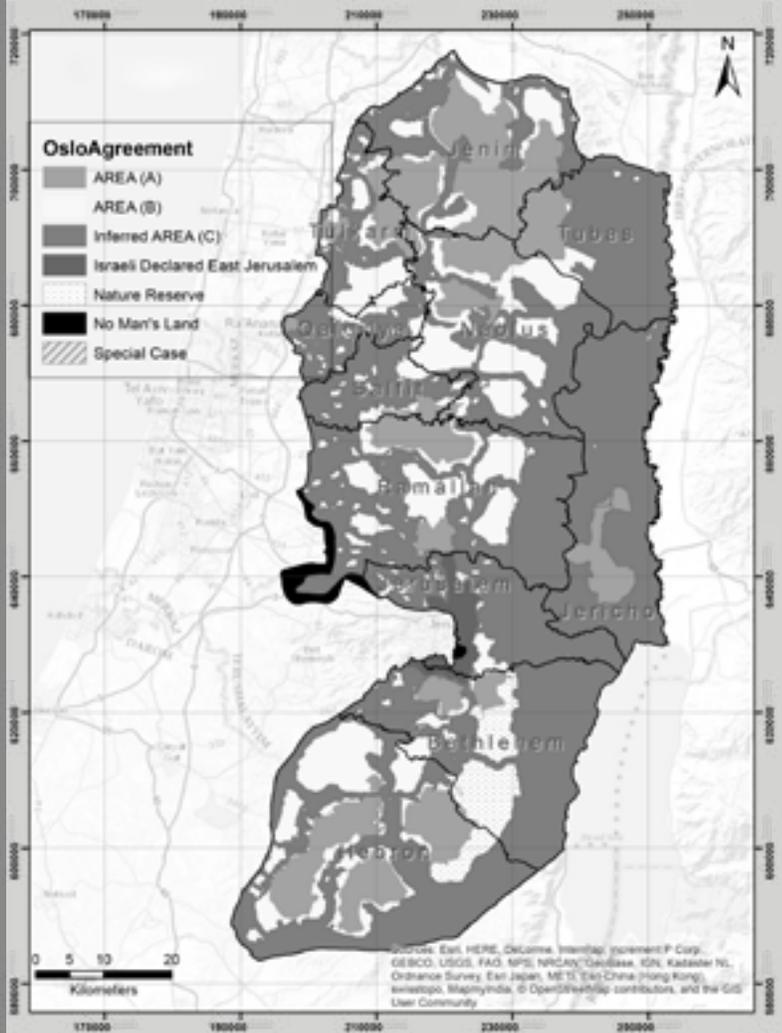
AL-HAQ

# Humanity

Volume I, No. 3, September 2019

# 1979-2019

## CELEBRATING FORTY YEARS OF DEFENDING HUMAN RIGHTS IN PALESTINE



# Annexation

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AL-HAQ

## Raja Shehadeh on Al-Haq 40<sup>th</sup> anniversary



Raja Shehadeh, Al-Haq co-founder, lawyer and writer

I congratulate Al-Haq on its 40<sup>th</sup> anniversary, which is a happy occasion. When my colleagues and I established Al-Haq, we were not sure that the organisation would last, as the political actors of the time used to believe that the conflict with Israel was of a political nature, with no place for a human rights confrontation in that conflict, completely ignoring the fact that defending these rights was not detached from politics. Naturally there was, also, the confrontation with the Israeli occupation and the possibility that its authorities

would close down the organisation at any time because of its activities; yet, the organisation was able to overcome all the obstacles with steady determination.

Al-Haq has been and remains a school, from which my colleagues and myself learned a lot. After working at Al-Haq, many of them went on to work in and to head numerous local and international organisations working in human rights and they have had a great impact on progressing and developing the human rights field.

Since the onset of our work, we took the decision not to deal with condemnations that we considered as void of significance. Al-Haq did not commit the mistake that many political organizations committed by addressing themselves, but rather confronted the positions of the occupier and faced it with arguments and laws; in its work, it focused on legal analyses of the many changes and violations committed by the Israeli authorities of international law.

We also were determined that Al-Haq will be a non-partisan organisation, which is the approach that Al-Haq has maintained until this day.

Until the early 1990s, the organisation addressed and analysed all the illegal transformations carried out by the occupation, by means of amending local laws and land organisation, road projects, and the structuring of the occupation with its

civil administration and other means, which enabled the establishment of the illegal settlements along with the segregation and restriction of the freedom of Palestinian communities in the territory of Palestine. The organisation also promoted knowledge around these violations in a massive way, it could have been better if the negotiators at Oslo would have been informed of the knowledge accumulated by Al-Haq on the nature of the Israeli occupation; the outcome of the signed agreements could have been better than what it is.

After the establishment of the Palestinian National Authority, Al-Haq started facing new challenges, which Al-Haq could address and overcome in the best way possible.

I should point to the positive efforts of Mr. Peter Coleridge, who used to work for Oxfam and died on 12 June this year. He is considered to be one of the earliest donors who supported and believed in the mission and work of Al-Haq. Today, under the management of Mr. Shawan Jabarin and its outstanding staff, Al-Haq is considered to be one of the most important human rights organisations regionally, but also internationally. Al-Haq has received several awards in appreciation of its works and great contributions.

In conclusion, I hope that Al-Haq will continue with its work and in carrying out its great mission for many other years to come.■

**TODAY, AL-HAQ IS CONSIDERED TO BE ONE OF THE MOST IMPORTANT HUMAN RIGHTS ORGANISATIONS REGIONALLY, BUT ALSO INTERNATIONALLY**

## Al-Haq Hosts Thomas Hammarberg, Member of the Swedish Parliament



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On Saturday 24 August 2019, Al-Haq hosted Mr. Thomas Hammarberg, member of the Swedish Parliament for the Social Democratic Party. Hammarberg delivered a keynote speech to a number of Palestinian civil society representatives and activists. Earlier, Mr. Hammarberg took part in a field visit to observe the situation on the ground, particularly Israeli settlement activity and land confiscation as a prelude to the annexation of parts of the West Bank to Israel. Hammarberg's visit was made in the context of Al-Haq's international advocacy activities.



From Left: Shawan Jabarin, Thomas Hammarberg, Nabil Shaath

Mr. Hammarberg began his speech with a statement that highlighted the importance of the question of Palestine on the international stage: "Those interested in Palestinian affairs and the question of Palestine are trapped. They have a chronic disease." Mr. Hammarberg has a particular interest and conviction of the pivotal status of the Palestinian refugee issue. He shared that his

longstanding work on this issue has brought him to the conclusion that the ongoing negligence of refugees will not lead to a solution for the question of Palestine. In his statement, Mr. Hammarberg recalled his relationship and work with Palestinian refugees and children. Mr. Hammarberg is an ardent defender of children's rights, including his work as a member of the United Nations Committee on the

*THOSE INTERESTED IN PALESTINIAN AFFAIRS AND THE QUESTION OF PALESTINE ARE TRAPPED. THEY HAVE A CHRONIC DISEASE*

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*OCCUPATION IS PROLONGED. IT CONTINUES TO CONSTRUCT SETTLEMENTS, ANNEX LAND, AND VIOLATE HUMAN RIGHTS*

Rights of the Child. Commenting on the United Nations Relief and Works Agency (UNRWA), which is facing an acute crisis, Mr. Hammarberg stated: "Unfortunately, UNRWA is still needed. The main reason for which UNRWA was founded has not been achieved yet; that is, the right to self-determination." Mr. Hammarberg added that the US has been working towards undermining UNRWA. It is worth noting that Mr. Hammarberg has recently published a study stressing the importance of the issue of Palestinian refugees. He concludes that all political solutions have not thus far addressed the refugee issue seriously and is one of the reasons that these solutions have failed. He added that failure will persist if the refugee issue is not resolved in accordance with international law.

Commenting on the Israeli occupation, Mr. Hammarberg asserted that the "occupation is prolonged. It continues to construct settlements, annex land, and violate human rights."

According to Mr. Hammarberg, the peace process is complicated, especially in view of the ongoing internal Palestinian political division which undermines peace, making

the process laborious.

In the prevailing situation, Mr. Hammarberg wondered what could be done in his own country. The European Union (EU) is also affected by a split between respective member States and positions. There is no unified position among EU countries on the question of Palestine and the political situation in the Middle East.

Mr. Hammarberg is a Swedish human rights activist, politician, journalist, and member of the Swedish Parliament for the Social Democratic Party. As Secretary General of Amnesty International, he received the Nobel Peace Prize on behalf of the organisation in 1977. He was the appointed UN Envoy for Human Rights in Cambodia and member of the UN Committee on the Rights of the Child. In Sweden, Mr. Hammarberg served as the Secretary General of Save the Children Sweden, Secretary General of the Stockholm-based Olof Palme International Centre, and Ambassador of the Swedish Government on Humanitarian Affairs. He is now advisor to the Swedish Institute of International Affairs on the Middle East.■

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## Al-Haq Organises a Training Course on the International Covenant on Economic, Social and Cultural Rights



**A**l-Haq Center for Applied International Law organised a training course on the International Covenant on Economic, Social and Cultural Rights (ICESCR). The training was delivered by Mr. Joseph Schechla, international expert and coordinator of the Habitat International Coalition's Housing and Land Rights Network. Held over two days, the training course targeted 23 male and female trainees from across Palestinian civil society organisations.

Training sessions featured an intensive and detailed presentation on the ICESCR, a multilateral treaty adopted in 1966. The ICESCR addresses a multitude of rights, including the right to work, right to health, right to education, and right to an adequate standard of living. Most States have ratified the ICESCR, with the exception of the US, which has signed but has not so far ratified the Covenant.

The training addressed State obligations as a binding legal instrument. States parties to the ICESCR submit periodic reports on their compliance with the ICESCR. The Covenant identifies and delineates how compliance

can be promoted, facilitated, and assisted. The seven principles of the ICESCR were a key component of the training event, namely, the right of all peoples to self-determination; right of all peoples to freely dispose of their natural wealth and resources, right to non-discrimination; equal rights of men and women; rule of law; progressive implementation of the Covenant; and the maximum of the state's available resources.

The training also covered key issues which the ICESCR does not explicitly mention or provide for. For example, although it is stated by the Universal Declaration of Human Rights, the right to property is not enshrined in the Covenant. The right to non-discrimination is the common link between the ICESCR and other treaties, forming a bridge between the Covenant and International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) of 1965. Hence, the ICESCR serves as an interpretation of the regulations, principles, resolutions and general comments relating to treaty bodies.

The ICESCR outlines the obligations of States, including respect for (i.e. abstention from violating)

*THE RIGHT OF ALL PEOPLES TO SELF-DETERMINATION; RIGHT TO NON-DISCRIMINATION; EQUAL RIGHTS OF MEN AND WOMEN; RULE OF LAW*

*Participants in the training*



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*THE RIGHT TO STRIKE, PROVIDED THAT IT IS EXERCISED IN CONFORMITY WITH THE LAWS OF THE PARTICULAR COUNTRY (ART. 8(1)(D))*

rights, protection of rights against violations, and full realisation of rights. In other words, domestic laws of the States shall be brought in line with the ICESCR norms.

The State must implement the provisions of the ICESCR. All State institutions are responsible for implementing these provisions. According to Article 28 of the ICESCR, "[t]he provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions." This means that by the time of accession or ratification, all State agencies are bound to the Covenant, which applies to all the territories under their jurisdiction.

Mr. Schechla placed special emphasis on the key right to work and the rights of workers. In this context, the right to decent work includes: provision of technical and vocational guidance and training programmes (Art. 6); just and favourable conditions of work (Art. 7); equality between men and women (Art. 7); Rest, leisure and reasonable limitation of working hours and periodic holidays with pay (Art. 7); the right of everyone to form trade unions (Art. 8(1)(a)); the right to strike, provided that it is exercised in conformity with the laws of the particular country (Art. 8(1)(d)); family protection (Art. 10); the right of everyone to an adequate standard of living for himself and his family (Art. 11); right to adequate housing and right of everyone to be free from hunger (Art. 11); everyone's right to the enjoyment of the highest attainable standard of physical and mental health (Art. 12); right to education, particularly primary education which shall be compulsory and available free to all (Art. 13); and right to take part in cultural life (Art.

15).

The training course was organised in the context of the EU-supported Project, 'Righting the Wrong'. The training is in line with Al-Haq's approach to contribute to and strengthen capacities of Palestinian human rights and civil society organisations in relation to international human rights conventions, which the State of Palestine acceded to without reservations in 2014. The three-year project includes a series of trainings on the rights protected by international conventions, protection mechanisms, and implementation of conventions at legislative, policy and practical levels. It also covers mechanisms for monitoring and documenting human rights violations consistent with UN standards. It provides training on report writing, particularly shadow reports submitted by civil society organisations and stakeholders, in relation to the implementation of conventions. Representing the EU, Ms. Sara Dominoni attended the training and commended the participants. Ms. Dominoni confirmed the EU's active support of Palestinian civil society as an essential vehicle to democratisation and defence of human rights.

The first phase of trainings addresses six international conventions. Several months ago, training was delivered on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD). In parallel, similar training sessions were organised in the Gaza Strip in cooperation with Al Mezan Centre for Human Rights. ■

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## Community Consultations on Justice Sector Reform



AL-HAQ

Held in the city of Hebron on 7 September 2019, Al-Haq took part in the fourth session of the community consultations on justice sector reform. This was one in a series of sessions organised by the Advocacy for Justice Sector Reform through Community Consultations Programme, which is organized by a number of Palestinian civil society organisations in collaboration with the UNDP programme SAWASYA II – Promoting the Rule of Law in Palestine. Community consultations are tailored to ensure active participation of civil society throughout all West Bank and Gaza Strip governorates, to come up with specific recommendations on reform of the justice system in Palestine, that will be presented in a joint session held simultaneously in the West Bank and Gaza.

In addition to community

consultations held in northern and central West Bank, and will be held in Gaza Strip, this fourth session brought together representatives of civil society actors in the governorates of Hebron and Bethlehem in the southern West Bank. The audience included judges, members of the public prosecution, lawyers, representatives of civil society, human rights associations and NGOs, law students and professors.

The consultations session addressed the status of the justice sector as well as key challenges to and gaps the justice reform process face. Besides providing proposals for reform and development, the outcome recommendations of the session touched on the roles and jurisdictions of the justice sector, separation of powers, access to justice, and effectiveness of the Palestinian justice system.■

**COMMUNITY CONSULTATIONS ARE TAILORED TO ENSURE ACTIVE PARTICIPATION OF CIVIL SOCIETY THROUGHOUT ALL WEST BANK AND GAZA**

*Advocacy Lawyer Catherine Abu Amsha participates in the 4th session of the community consultation*

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## Al-Haq and Partners Send Joint Submission to the UN Committee on the Elimination of Racial Discrimination Ahead of Israel's Review

**THE ORGANISATIONS UNDERLINED THE SEVERE DENIAL OF PALESTINIANS' FUNDAMENTAL RIGHTS, AND THE CONTINUED DETERIORATION IN THE HUMAN RIGHTS SITUATION**

On Thursday, 5 September 2019, Al-Haq sent a joint submission to the United Nations (UN) Committee on the Elimination of Racial Discrimination (CERD) ahead of Israel's periodic review under the Convention on the Elimination of All Forms of Racial Discrimination (ICERD or 'the Convention') along with partner organisations BADIL Resource Center for Palestinian Residency and Refugee Rights, Cairo Institute for Human Rights Studies (CIHRS), and Habitat International Coalition (HIC) – Housing and Land Rights Network (HLRN).

Submitted for the Committee's list of themes on Israel's report, the organisations highlighted Israel's historic and institutionalised discrimination against the indigenous Palestinian people, resulting in Israel's continued failure to respect, protect, and fulfil the human rights of all Palestinians throughout its territory and subject to its jurisdiction. This includes Palestinian citizens of Israel and Palestinians subject to Israel's effective control, as Occupying Power, in the West Bank, including East Jerusalem, and the Gaza Strip, constituting the occupied Palestinian territory.

In the submission, the organisations underlined the severe denial of Palestinians' fundamental rights, and the continued deterioration in the human rights situation, reaffirming Israel's obligation to fully implement the Convention in good faith. In particular, the groups argued that Israel has entrenched policies and practices of racial discrimination,

racial segregation, and apartheid with respect of the Palestinian people as a whole, in violation of Article 3 of the Convention, giving rise to both State responsibility and individual criminal liability.

Further, the submission examined a series of Israeli violations of the Convention, which have neither been addressed nor effectively remedied despite previous recommendations by the Committee. Notably, the organisations stressed that Israel has not reconsidered its planning, construction, and zoning policies, which discriminate against the indigenous Palestinian people on both sides of the Green Line, including in relation to their rights to adequate housing, property, and access to land and natural resources, particularly affecting Palestinian Bedouin communities of the Palestinian people in the southern Naqab and in the West Bank. Israel has also failed to eliminate its policy of demographic manipulation and forced population transfer against Palestinian permanent residents in the city of Jerusalem.

Finally, the submission highlights Israel's unlawful 12-year closure of the Gaza Strip, which has made Gaza uninhabitable according to UN reports, in violation of Israel's obligations under international human rights law, including the Convention. Accordingly, the four organisations offered a number of recommendations for inclusion in the Committee's list of themes ahead of its review of Israel's seventeenth to nineteenth periodic reports at its upcoming 100th session in Geneva.■

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## Al-Haq Welcomes Decision of Appeals Chamber to Reconsider the Comoros Case and Calls on the Prosecutor to Open Both the Comoros Case and an Investigation into the Situation in Palestine



Al-Haq welcomes the recent decision of the Appeals Chamber of the International Criminal Court (“ICC”) to direct the Prosecutor of the ICC to reconsider her earlier decision not to investigate the May 2010 raid of the Mavi Marmara.

On 31 May 2010, the Mavi Marmara, a passenger vessel, which was part of the Humanitarian Aid Flotilla bound for the Gaza Strip, was targeted in international waters and raided by the Israeli Occupying Forces (IOF), who attacked and killed ten civilians travelling on board, acts which may amount to war crimes.<sup>[1]</sup> On May 2013, the Union of Comoros, under whose flag the Mavi Marmara sailed, referred the attack to the Prosecutor of the ICC.

Regrettably, however, the Prosecutor declined to open an investigation in November 2014, arguing that while “there is a reasonable basis

to believe that war crimes were committed by some members of the Israel Defence Forces... no potential case arising from this situation can, legally speaking, be considered of ‘sufficient gravity’...therefore barring the opening of an investigation”.<sup>[3]</sup> The Prosecutor further argued that “there was no reasonable basis to believe that the identified crimes were committed on a large scale or as part of a plan or policy”.<sup>[4]</sup>

On 16 July 2015, the Pre-Trial Chamber I of the ICC (PTC) requested that the Prosecutor reconsider her decision which they held erred on a number of grounds: she had failed to consider that the persons likely to be the object of the investigation into the situation could include those who bear the greatest responsibility for the identified crimes; she had failed to appreciate the scale of the

crimes in the gravity assessment; she had erred in correctly appreciating the nature of the identified crimes; she failed to properly assess the systematic nature of the plan to attack, kill, or injure civilians; and that she had erred in assessing the impact of the crimes.<sup>[5]</sup>

Two years later, on 30 November 2017, the Prosecutor, in a decision she described as “final”, reaffirmed her initial decision not to investigate, challenging the legal reasoning of the PTC, although reiterating her earlier view that “there is a reasonable basis to believe that war crimes

were committed by some members of the Israel Defence Forces during and after the boarding of the Mavi Marmara”.<sup>[6]</sup>

Following this, the PTC once again disputed the Prosecutor’s decision, ordering her to reconsider in specific reference to the errors identified in its 2015 decision, declaring that these “must serve as the basis for the reconsideration of her 6 November 2014 Decision. In other words, the Prosecutor must demonstrate in detail how she has assessed the relevant facts in light of the specific directions contained in the 16 July 2015 Decision.”<sup>[7]</sup> The Chamber further noted that preliminary examinations must be concluded within a reasonable amount of time, whereas the Prosecutor had taken two years to reach her decision in this case. The PTC regarded this as



## AL-HAQ CALLS ON THE PROSECUTOR TO OPEN AN INVESTIGATION INTO THE SITUATION IN PALESTINE, IN LIGHT OF CONTINUED ISRAELI IMPUNITY FOR INTERNATIONAL CRIMES AGAINST THE PALESTINIAN PEOPLE

“irreconcilable with the Prosecutor’s duty to reconsider her decision ‘as soon as possible’, as prescribed by rule 108(2) of the Rules [of Procedure and Evidence]”.<sup>[8]</sup>

On 2 September 2019, the Appeals Chamber upheld the PTC’s order. The Chamber held that the PTC has a statutory power to review decisions which the Prosecutor considers to be “final”, and that Article 53(3)(a) of the Rome Statute and Rule 108(3) of the Rules of Procedure and Evidence do not defeat this power.<sup>[9]</sup> The Chamber further observed that the Prosecutor must reconsider her decision not to investigate, when the PTC decision is based on its authoritative interpretation of relevant law. Accordingly, the Prosecutor failed on this account.<sup>[10]</sup> Further, while the PTC may not direct the Prosecutor as to how information is to be analysed, she must follow its directions to consider certain information.<sup>[11]</sup>

Al-Haq urges the Prosecutor to fully investigate the events of the Mavi Marmara incident on 31 May 2010. Further, Al-Haq calls on the Prosecutor to open without further undue delay, an investigation into the Situation in Palestine, in light of continued Israeli impunity for international crimes against the Palestinian people.<sup>[12]</sup> Al-Haq has previously implored the Prosecutor to open an investigation into the situation in Palestine following the opening of a preliminary examination nearly five years ago,<sup>[13]</sup> twice as long as the two-year time period criticised by the PTC in its 2018 decision. In doing so, the Prosecutor has previously received from Al-Haq a 700-page communication chronicling a systematic and prolonged campaign of persecution and apartheid perpetrated by Israel, the Occupying Power.<sup>[14]</sup>

<sup>[1]</sup>See generally, ICC, “2010 events on Comorian, Greek and Cambodian vessels: Situation assigned to ICC Pre-Trial Chamber I” (5 July 2013), available at: <https://www.icc-cpi.int/Pages/item.aspx?name=pr926>

<sup>[2]</sup>International Criminal Court, ICC Prosecutor receives referral by the authorities of the Union of the Comoros in relation to the events of May 2010 on the vessel ‘Mavi Marmara’ (14 May 2013) <https://www.icc-cpi.int/Pages/item.aspx?name=otp-statement-14-05-2013>(last accessed 5 September 2019).

<sup>[3]</sup>Jerusalem Post, ICC to Reopen War Crimes Probe Against Israel (2 September 2019) <https://www.jpost.com/Middle-East/ICC-to-open-war-crimes-case-against-Israel-breaking-600396>(last accessed 5 September 2019).

<sup>[4]</sup>Ibid.

<sup>[5]</sup>Decision on the request of the Union of the Comoros to review the Prosecutor’s decision not to initiate an investigation (Pre-Trial) ICC-01/13-34 (16 July 2015) at para 49.

<sup>[6]</sup>International Criminal Court, Statement of ICC Prosecutor, Fatou Bensouda, on the Situation on registered vessels of the Union of the Comoros et al. (30 November 2017) [https://www.icc-cpi.int/Pages/item.aspx?name=171130\\_OTP\\_Comoros](https://www.icc-cpi.int/Pages/item.aspx?name=171130_OTP_Comoros)(last accessed 5 September 2017).

<sup>[7]</sup>Decision on the Application for Judicial Review by the Government of the Union of the Comoros (Pre-Trial) ICC-01/13 (15 November 2018) at para 117.

<sup>[8]</sup>Ibid at paras 119-120.

<sup>[9]</sup>Judgement on the appeal of the Prosecutor against Pre-Trial Chamber I’s ‘Decision on the Application for Judicial Review by the Government of the Union of the Comoros’ (Appeal) ICC-01/13 OA 2 (2 September 2019) at para 1.

<sup>[10]</sup>Ibid at para 94.

<sup>[11]</sup>Ibid at para 2.

<sup>[12]</sup>See, Preliminary Examination, Palestine, available at: <https://www.icc-cpi.int/palestine>(last accessed 5 September 2019).

<sup>[13]</sup>Al-Haq, End Impunity and Open Investigation on Palestine(17 September 2018)

<sup>[14]</sup>Al-Haq, Palestinian Human Rights Organisations Submit Evidence to the ICC Prosecutor on Crimes Committed in West Bank (20 September 2017).■

## Al-Haq Condemns as Illegal Prime Minister Netanyahu's Stated Plans to Annex West Bank Settlements and Calls on Third States to Apply Economic Sanctions on Israel



AL-HAQ

On 1 September 2019, Israeli Prime Minister Benjamin Netanyahu announced that "Israel will apply sovereignty to all West Bank settlements. There will be no more uprooting [of settlements], with God's help we will apply Jewish sovereignty over all communities as part of the land of Israel and the State of Israel."<sup>[1]</sup> Notably, the Prime Minister's stated plans would result in the annexation of the 250 illegal West Bank settlements and outposts, into Israel, in violation of international law. Critically, Israel has illegally transferred in over 600,000 Israeli Jewish settlers to colonize the occupied Palestinian territory.<sup>[2]</sup> Prime Minister Netanyahu's recurring threats to annex large tracts of the Palestinian territory comes only six months after United States (US) President Donald Trump signed a "Proclamation on Recognizing the Golan as Part of the State of Israel", effectively rubber stamping Israel's illegal annexation of the occupied Syrian Golan. Al-Haq warns, that the international community's failure to hold Israel to account for previous illegal acts of annexation in Jerusalem and the occupied Syrian Golan, has granted Israel a *carte blanche* to continue its belligerent occupation and colonialist annexationist expansion, unconstrained.

Since 1967, the United Nations (UN) has adopted numerous and comprehensive resolutions warning against Israel's unlawful acquisition of Palestinian territory through the use of force. UN Security Council Resolution 242, adopted unanimously in the aftermath of Israel's establishment of a military occupation in the Palestinian territory underscored "the inadmissibility of the acquisition of territory by war" and called on Israel to withdraw its troops from the occupied territory. Some 52 years later, Israel maintains a prolonged belligerent occupation of

the Palestinian territory, a situation which the UN Special Rapporteur Michael Lynk has recently warned may have "crossed a red line into illegality".

The UN Security Council has also adopted Resolutions 446,<sup>[3]</sup> 452,<sup>[4]</sup> 465, 471,<sup>[5]</sup> and 476 all of which unequivocally affirm that Israel's "settlements ... have no legal validity and pose a serious obstacle to peace." Importantly, UN Security Council Resolution 465 (1 March 1980), imposes third State obligations "not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories." Meanwhile, UN Security Council Resolution 476 (30 June 1980), states that, "all legislative and administrative measures and actions taken by Israel, the Occupying Power, which purport to alter the character and status of the Holy City of Jerusalem have no legal validity and constitute a flagrant violation of the Fourth Geneva Convention." Finally, UN Security Council Resolution 2334 (23 December 2016), states that, Israel's settlement activity constitutes a "flagrant violation" of international law and has "no legal validity". It demands that Israel stop such activity and fulfil its obligations as an Occupying Power under the Fourth Geneva Convention. However, despite the numerous Security Council resolutions over the past seven decades, Israel continues its unlawful and permanent colonization of the Palestinian territory, without meaningful action or sanction.

### Time for Action

Notably, the settlement enterprise violates a number of international humanitarian law provisions including prohibitions on the permanent appropriation of private and public immovable property,<sup>[6]</sup> the prohibition on the destruction of private property not justified by

PRESIDENT  
DONALD  
TRUMP  
SIGNED A  
"PROCLAMATION ON  
RECOGNIZING  
THE GOLAN  
AS PART OF  
THE STATE OF  
ISRAEL"

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military necessity,<sup>[7]</sup> the prohibition on the transfer in of the nationals of the Occupying Power into occupied territory, and the forcible transfer out of the protected occupied population, violations which may amount to war crimes and crimes against humanity.<sup>[8]</sup>

Al-Haq recalls that in comparative occupations, the UN Security Council has acted with stronger measures, noting that in the context of the 1990 Iraqi occupation of Kuwait, the UN Security Council decided that, "all States shall prevent, the import into their territories of all commodities and products originating in Iraq or Kuwait exported there from after the date of the present resolution".<sup>[9]</sup> More recently in the context of the Russia's illegal annexation of Crimea and Sevastopol, the European Union immediately responded with economic sanctions.<sup>[10]</sup> Al-Haq calls on third States to unilaterally or collectively implement trade sanctions against Israel, to ensure Israel's compliance with international law and prevent further erasure of Palestinian presence from the occupied territory.

<sup>[1]</sup>Tovah Lazaroff, "Netanyahu Pledges to Apply Sovereignty to all West Bank Settlements" The

Jerusalem Post (2 September 2019), available at: <https://www.jpost.com/Breaking-News/Netanyahu-Visits-Elkana-Settlement-To-Celebrate-Schools-Start-600297>

<sup>[2]</sup>B'Tselem, "Settlements" (1 January 2011), last updated on 16 January 2019, available at: <https://www.btselem.org/settlements/statistics>

<sup>[3]</sup>In this respect, UN Security Council Resolution 446 (22 March 1979), explains 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 achieving a comprehensive, just and lasting peace in the Middle East".

<sup>[4]</sup>UN Security Council Resolution 452 (20 July 1979), states that "the policy of Israel in establishing settlements in the occupied Arab territories has no legal validity and constitutes a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949" and "calls upon the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem."

<sup>[5]</sup>UN Security Council Resolution 471 (5 June 1980) states that, "Protected persons are entitled, in all circumstances, to respect for their persons . . . They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof..."

<sup>[6]</sup>Article 55, Hague Regulations (1955); Article 46, Hague Regulations (1907).

<sup>[7]</sup>Article 53, Fourth Geneva Convention (1949).

<sup>[8]</sup>Article 49 of the Fourth Geneva Convention (1949), "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."

<sup>[9]</sup>UN Security Council, Security Council resolution 661 (1990) [Iraq-Kuwait], 6 August 1990, SCRES/661.

<sup>[10]</sup>See Illegal Annexation of Crimea and Sevastopol: EU extends sanctions by one year, 19 June 2017, European Council, Council of the European Union, available at: [https://www.consilium.europa.eu/en/press/press-releases/2017/06/19/crimea-sevastopol-eu-extends-](https://www.consilium.europa.eu/en/press/press-releases/2017/06/19/crimea-sevastopol-eu-extends-sanctions/)

sanctions, ■

Time for  
SANCTIONS

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## Al-Haq Sends Written Submissions on Gaza and Jerusalem to the UN Human Rights Council



AL-HAQ

On 11 September 2019, Al-Haq and partners delivered a joint oral intervention on Gaza at the United Nations (UN) Human Rights Council at its current 42nd regular session, highlighting the serious and ongoing deterioration in the Gaza Strip as a result of Israel's 12-year closure, which has made Gaza uninhabitable, according to UN reports. Stressing that the UN Commission of Inquiry called on Israel, the Occupying Power, to immediately lift its prolonged closure and blockade of the Gaza Strip, Al-Haq and partners urged the Office of the UN High Commissioner for Human Rights (OHCHR) to set a clear time frame for the implementation of the Commission's recommendations. Ahead of the 42<sup>nd</sup> regular session, Al-Haq submitted two written submissions to the UN Human Rights Council on Gaza and Jerusalem.

### 1. Al-Haq Written Submission on Gaza

On 22 August 2019, Al-Haq sent a written submission to the UN Human Rights Council ahead of its current 42nd regular session, calling on the Council to ensure the implementation of the recommendations of the UN Commission of Inquiry on the Great Return March. In the submission, which was distributed and published by the UN on 4 September 2019, Al-Haq highlighted Israel's continued excessive use of force, including lethal force, to suppress the Great Return March in the occupied Gaza Strip. The submission further examined Israel's latest deadly military incursion into the Gaza Strip, which led to the killing of 25 Palestinians between 3 and 5 May 2019. In addition, the submission highlighted Israel's active de-development of the Gaza Strip and the creation of a coercive environment driving Palestinian transfer from Gaza, stressing that the Gaza Strip has become uninhabitable as a result of Israel's prolonged closure. Finally, the submission stressed the urgent need for justice and accountability, making the following calls to Member States of the UN Human Rights Council:

- Address the root causes of the Great Return March by creating an effective mechanism for the implementation, without delay, of the Commission of Inquiry's recommendations, including by setting a clear time frame towards

bringing the Gaza closure to an end, with immediate effect;

- Condemn Israel's continued excessive use of force and lethal force against protected Palestinians, in particular during the ongoing Great Return March demonstrations, and ensure that Israel aligns its rules of engagement for the use of live fire with international human rights law throughout the occupied Palestinian territory;
- Call on third States to cooperate to end Israel's widespread and systematic violations, including by imposing individual sanctions and travel bans on perpetrators of grave breaches of international law committed in the occupied Palestinian territory;
- Urge the Office of the UN High Commissioner for Human Rights (OHCHR) to refer the dossier on alleged perpetrators prepared by the Commission of Inquiry to the International Criminal Court (ICC) and ensure transparency in the referral process;
- Call on the ICC to open an investigation into the situation in Palestine, without delay, to ensure accountability for suspected war crimes and crimes against humanity committed in the occupied Palestinian territory; and
- Call on third States to activate

**CALL ON THE  
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AL-HAQ

universal jurisdiction mechanisms to hold to account perpetrators of suspected international crimes committed in the occupied Palestinian territory, including in the occupied Gaza Strip since 30 March 2018, as recommended by the Commission of Inquiry.

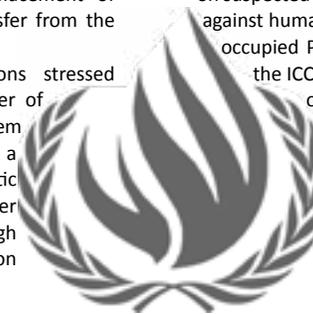
### 2. Joint Written Submission on Jerusalem

Also on 22 August, Al-Haq and partners sent a written submission on Jerusalem to the UN Human Rights Council. The joint submission, made on behalf of Al-Haq, BADIL Resource Center for Palestinian Residency and Refugee Rights, the Cairo Institute for Human Rights Studies (CIHRS), Civic Coalition for Palestinian Rights in Jerusalem, Community Action Center (Al-Quds University), and Jerusalem Legal Aid and Human Rights Center (JLAC), was titled "Increase in house demolitions and forcible transfer in Jerusalem." In the submission, the six organisations highlighted Israel's forcible transfer of Palestinians in Jerusalem and demographic manipulation of the city's population, in violation of international law. In addition, the submission looks at Israel's discriminatory planning and zoning regime in Jerusalem, Israel's unlawful house demolition practice, and the continued construction of the Annexation Wall in and around the city, resulting in the displacement of Palestinians and their transfer from the city.

Overall, the organisations stressed that Israel's forcible transfer of Palestinians from Jerusalem must be seen as part of a widespread and systematic alteration of the character of Jerusalem through demographic manipulation

and the erasure of Palestinian presence from the city, giving rise to individual criminal responsibility at the ICC. Accordingly, the groups called on the UN Human Rights Council to:

- Ensure the protection of the protected Palestinian population in East Jerusalem, and the occupied Palestinian territory at large, from the imminent risk of forcible transfer, through house demolitions, forced evictions, and land appropriation;
- Condemn the measures taken by Israel, the Occupying Power, to alter the legal status, character, and demographic composition of Jerusalem, and not recognise any such changes as lawful;
- Adopt effective measures and a timeline for the enforcement of the obligations contained in the conclusions of the International Court of Justice's 2004 Advisory Opinion on the Annexation Wall, and ensure Israel, the Occupying Power, ceases all works on and dismantles the Annexation Wall; and
- Hold perpetrators accountable for widespread and systematic human rights violations committed against the protected Palestinian population by referring information on suspected war crimes and crimes against humanity committed in the occupied Palestinian territory to the ICC, and urging the Office of the Prosecutor to open, without delay, an investigation into the situation in Palestine since 13 June 2014. ■



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## Joint Submission to UN Committee on Economic, Social and Cultural Rights ahead of Israel's Fourth Periodic Review



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 Golan 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 Golan Syrians, are expected to cause serious health risks, in breach of Article 12 of the Covenant, as well infringing upon the local Golan 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, thwarting attempts to utilise renewable resources, thus stunting their respective economies, in violation of 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



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Settler Violence, Qusra, OPT



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Israeli occupation and systemic violations of the economic, social and cultural rights of Palestinians and Golan 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 UN Member State, to respect the work, independence, and impartiality of the UN High Commissioner for Human Rights, including UN Human Rights Council resolution 31/36 (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 Delivers Joint Oral Intervention on Gaza at the UN Human Rights Council



AL-HAQ

On September 11, Al-Haq delivered a joint oral intervention on Gaza at the 42nd Regular Session of the United Nations (UN) Human Rights Council in Geneva. The joint statement was delivered on behalf of a group of Palestinian and regional human rights organisations, including Al-Haq, Al Mezan Center for Human Rights, the Palestinian Centre for Human Rights (PCHR), BADIL Resource Center for Palestinian Residency and Refugee Rights, and Cairo Institute for Human Rights Studies (CIHRS).

Delivered during the general debate on item 2 of the Human Rights Council's agenda, the statement addressed the update delivered on Monday, 9 September 2019, by UN High Commissioner for Human Rights, Ms. Michelle Bachelet, on the human rights situation in the Gaza Strip and her office's follow up on the recommendations of the UN Commission of Inquiry on the Great Return March, as mandated by UN Human Rights Council Resolution 40/13, adopted on 22 March 2019.

In the joint statement delivered by Al-Haq today, the organisations highlighted their serious concerns as to the ongoing deterioration in the situation in the Gaza Strip as a result of 12 years of prolonged closure and blockade by Israel, the Occupying Power. The organisations further regretted, that while the closure has made Gaza uninhabitable and amounts to unlawful collective punishment, it remained absent from the High Commissioner's update to the Council at the opening of the session, despite constituting a

root cause of the Great Return March demonstrations.

The organisations stressed that the Palestinian people in Gaza, including Palestinian children, have continued to exercise their right of peaceful assembly since 30 March last year, as enshrined under international law, protesting Israel's unlawful closure and calling for the realisation of their inalienable rights, including the right of Palestinian refugees to return to their homes and property.

In addition, the groups stressed that Gaza has become unliveable due to Israel's 12-year closure, which has led to profound and unparalleled levels of aid-dependency, food insecurity, poverty, unemployment, widespread psychological trauma and desperation, with Gaza's hospitals facing shortages in medicines and struggling to treat the thousands of injuries from the ongoing Great Return March demonstrations.

Stressing that the UN Commission of Inquiry called on Israel, the Occupying Power, to immediately lift its prolonged closure and blockade of the Gaza Strip, the human rights organisations urged the Office of the UN High Commissioner for Human Rights (OHCHR) to set a clear time frame for the implementation of the Commission's recommendations. Ultimately, the groups urged UN Member States to pursue international justice and accountability and to call for the opening of an investigation by the International Criminal Court (ICC) into the situation in Palestine. ■



*Destruction in Shajra'iah, Gaza, following Israeli offensive, 2014*

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## Al-Marsad Appeals to UN Experts to Protect Human Rights in the Occupied Syrian Golan



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Al-Marsad – Arab Human Rights Centre in Golan Heights (“Al-Marsad”), in coalition with 15 organizations, including human rights groups, an academic institution, and a trade union, has submitted an emergency appeal to various United Nations experts demanding they intervene immediately to protect human rights in the occupied Syrian Golan. The appeal follows the filing of a legal complaint by Energix Renewable Energies (“Energix”) against Al-Marsad. This lawsuit marks the first time an Israeli entity has sought to suppress the speech and actions of a human rights organization under Israel's anti-boycott law, setting an extraordinarily dangerous precedent. It follows a series of Israeli government actions calculated to limit human rights defenders' ability to operate in areas under its control.

In September 2018, Al-Marsad began investigating Energix's development of an enormous energy project that would occupy almost a quarter of the agricultural land on the less than five percent of the occupied Golan that is still controlled by native Syrians. The investigation revealed that Energix's project violates the indigenous Syrian community's right to self-determination as recognized by United Nations resolutions and treaties that Israel is party to. This includes the right of the Syrian community to exercise sovereignty over its natural resources. During its investigation, members of the Syrian community sought Al-Marsad's help in opposing the project. In response, Al-Marsad facilitated a series of

informational meetings for the community, which ultimately led to a petition against Energix's project that has been signed by 5,500 people—nearly one-fifth of the entire Syrian population in the occupied Golan.

In January 2019, Al-Marsad published a final report on its investigation. Immediately after the report's publication, individuals, including Energix's agents, started a smear campaign to defame and demoralize Al-Marsad and its small staff. As part of this campaign, a letter accusing Al-Marsad of corruption in its financial practices was sent to Al-Marsad's largest funder. The stated goal of the smear campaign was to force Al-Marsad to close. Al-Marsad refused to be cowed by these attacks and joined forces with the Association for Civil Rights in Israel and Planners for Human Rights (BIMKOM) to file comprehensive objections to Energix's project with the Israeli Committee of National Infrastructure. Apparently frustrated by its failure to halt Al-Marsad's defense of Syrians' rights in the occupied Golan, Energix filed its legal complaint.

On 18 June 2019, Al-Marsad was notified that Energix had filed suit alleging that Al-Marsad had violated Israel's defamation law and infamous anti-boycott law, which has received global condemnation. Energix's complaint inaccurately characterizes Al-Marsad as supporting the Boycott, Divestment, and Sanctions Movement in coalition with “anti-Zionists.” Among other aspects, the complaint accuses Al-Marsad of having engaged in “slander” by



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observing, in its report, that Energix’s project violates international law. It is clear that Energix is appealing to the Israeli government’s affinity for persecuting human rights defenders to silence Al-Marsad by squeezing its condemnation of an industrial project into the parameters of Israel’s repressive anti-boycott law.

The suit against Al-Marsad has created a pivotal moment for human rights in the occupied Golan and, even more so, human rights

defenders around the world. That is why Al-Marsad chose to petition the United Nations today. A corporation cannot be allowed to intimidate human rights defenders by filing frivolous lawsuits designed to limit free expression. Al-Marsad will continue to use all tools available to it to contest this suit and the attacks against it that seek to silence its human rights work.■



Families peer through binoculars and talk on the phone to their relatives who are across the ceasefire line in Syria proper from an area called the “shouting hill station” or the “valley of tears”. Source: Al-Marsad



AL-HAQ

## Al-Haq Condemns Israeli Occupation Forces Raid on Addameer Prisoner Support and Human Rights Association

**O**n 19 September 2019, at approximately 2:00 am, Israeli Occupying Forces (IOF) raided the offices of Addameer, the leading Palestinian human rights organization on prisoner’s rights. Addameer (Arabic for conscience) Prisoner Support and Human Rights Association, was established in 1992, “to support Palestinian political prisoners held in Israeli and Palestinian prisons” and provides “free legal aid to political prisoners, advocates their rights at the national and international level, and works to end torture and other violations of prisoners’ rights through monitoring, legal procedures and solidarity campaigns”. During the early morning raid, the IOF broke into Addameer’s offices and pillaged “five laptops, memory cards, three laptop memories, one laptop card and several books”. In addition, the IOF left a crude note, listing the expropriated items along with the date.

Al-Haq warns that the private property of human rights organizations in occupied territory is especially protected under Article 46 of the Hague Regulations (1907). Critically, the requisition of private property is only permitted in the most limited of circumstances, subject to military need under Article 52 of the Hague Regulations (1907). Interestingly, the army left a crude inventory of the pillaged items, which appears to be an attempt to satisfy the Article 52 requirement that “a receipt shall be given and the payment of the amount due shall be made as soon as possible”, indicating

that this was indeed an attempted requisition.

However, the raid and expropriation fail to meet the rigid and limited threshold of “military need” under Article 52. Specifically, military need, refers to the “needs of the army of occupation” and pertains to immediate needs such as the supply of food, shelter etc. For example, the UK Military Manual, outlines that the Occupying Power may only requisition commodities and services “for its maintenance”.<sup>[1]</sup> According to the Expert Opinion of Professor Michael Bothe, “the sense of this provision is to allow an army of occupation to provide for its sustenance out of the resources of the occupied territory”.<sup>[2]</sup> Certainly, the computers of a human rights organization are not an immediate requirement for the maintenance and sustenance of the IOF, the army of the eighth most powerful country in the world. Rather, the expropriation amounts to an unlawful requisition and pillage, a war crime, prosecutable at the International Criminal Court.

Further, the raid is a deliberate attempt to frustrate the pursuit of justice for Palestinian prisoners, subject to cruel and inhuman conditions under Israeli detention. Currently, there are over 5,150 Palestinian prisoners incarcerated by Israel, many of which UN Special Rapporteur, Michael Lynk has warned “are incarcerated in prisons within Israel, and not in the Occupied Palestinian Territory, in contravention of International Humanitarian Law”. Many of the

*THE SENSE OF THIS PROVISION IS TO ALLOW AN ARMY OF OCCUPATION TO PROVIDE FOR ITS SUSTENANCE OUT OF THE RESOURCES OF THE OCCUPIED TERRITORY*



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prisoners are held in cruel and inhuman conditions, denied access to lawyers and held in solitary confinement. The latest attack on Addameer represents a further assault on Palestinian rights to due process and legal representation in violation of Article 9 and Article 14 of the ICCPR, and amounts to a dangerous, direct and, unwarranted attack on the independence of Addameer's lawyers who provide free legal aid to political prisoners.

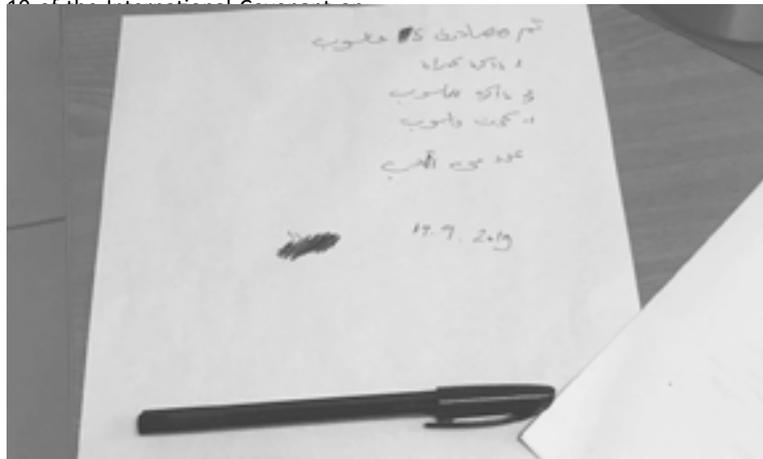
Al-Haq condemns in the strongest terms the attack on Addameer, as an attack on the independence of Palestinian human rights NGOs. It should be further noted that this is the third such incident where the Israeli soldiers have raided the offices of Addameer, the first was in 2002 and the second incident was in 2012. Al-Haq considers that the raid and pillage of property, is a further attempt to silence Palestinian human rights defenders in violation of Article 19 of the International Covenant on

Civil and Political Rights (ICCPR) on the right to freedom of expression and the efforts by Addameer to draw global attention to the systematic policies and practices of Israel's mass incarceration of the Palestinian population as a measure of social control, to silence resistance to the occupation, colonization and annexation of the territory.

<sup>[1]</sup>UK Ministry of Defence, The Manual of the Law of Armed Conflict, Rule 11.83.

<sup>[2]</sup>Michael Bothe, "Expert Opinion: "Limits of the right of expropriation (requisition) and of movement restrictions in occupied territory" (2012), available at: <https://www.diakonia.se/globalassets/blocks-ihl-site/ihl-file-list/ihl--expert-opinions/limits-of-the-right-of-expropriation-requisition-and-of-movement-restrictions-in-occupied-territory.-dr.-iur.-prof-michael-bothe.pdf> ■

**AL-HAQ CONDEMNS IN THE STRONGEST TERMS THE ATTACK ON ADDAMEER, AS AN ATTACK ON THE INDEPENDENCE OF PALESTINIAN HUMAN RIGHTS NGOS**



Israeli occupation army leaves a note of what it had confiscated from Addameer offices



AL-HAQ

**Israeli High Court of Justice Upholds Israel's Policy of Withholding the Bodies of Palestinians Killed**

**THIS AMOUNTS TO A DISCRIMINATORY PRACTICE OF ENFORCED DISAPPEARANCE, CRUEL AND INHUMANE TREATMENT OF GRIEVING BEREAVED FAMILIES**

**A**l-Haq condemns the recent decision reached by the Israeli Supreme Court sitting as the Israeli High Court of Justice, reviewing with approval Israel's policy of withholding the bodies of killed Palestinians under newly enacted Israeli Knesset legislation, applied directly in occupied East Jerusalem. Additionally, Israel's practice of withholding the bodies of deceased Palestinians is also carried out across the rest of the Occupied Palestinian Territory. It should be noted that the Israeli occupying authorities have a long history of such, and similar practices, including the use of Enforced Disappearances<sup>[1]</sup> and "cemeteries of numbers", wherein Palestinians are buried in secret to be solely identified, and dehumanised, by numbers.<sup>[2]</sup> This amounts to a discriminatory practice of Enforced Disappearance, cruel and inhumane treatment of grieving bereaved families, and to an act of collective punishment against Palestinians.

Under a landmark 2017 decision, the Israeli High Court of Justice held that the State of Israel, "did not indicate a source of [legal] authority that allows it to hold bodies until consent to certain funeral arrangements is given" by the families of the deceased.<sup>[3]</sup> The Court recognized that "there are a number of fundamental rights at stake, first and foremost human dignity" involved in the withholding of remains.<sup>[4]</sup> However, while the Court observed the inherent right for a proper and respectful burial, it somewhat paradoxically claimed obiter that the State may explicitly legislate to authorise the violation of fundamental rights.<sup>[5]</sup> Nonetheless, the Court ordered that the bodies be returned within 30 hours of its judgement, with two hours-notice given to the bereaved families.<sup>[6]</sup>

Following the Court's decision, the Israeli government, with cross-party support in the Knesset, passed the Counter-terrorism Law (Amendment No.3, 2018), which allows the Israeli

Occupying Forces (IOF) to withhold bodies pending the coerced acceptance of bereaved families of certain restrictions upon their burial.<sup>[7]</sup> Chief among these restrictions is the requirement that burials take place at night immediately after the return of the remains, which relatives have indicated makes burial according to tradition and the carrying out of an autopsy, impossible.<sup>[8]</sup> Alongside the passing of the amendment, the State of Israel requested, and was granted, permission to delay the returning of Palestinian remains pending an additional hearing in light of the newly adopted legislation.

As noted by Adalah and the Commission of Detainees' and Ex-Detainees' Affairs, the Israeli Supreme Court "rendered a decision that makes Israel's ongoing violation of international humanitarian law (IHL) possible. IHL prohibits the occupying power from holding bodies, and using them as bargaining chips. In addition, the Supreme Court's decision further delays the transfer of the bodies for burial, thus giving a green light to the grave violation of the right of the families and the deceased themselves to a prompt and proper burial."<sup>[9]</sup>

Under customary IHL, parties to an armed conflict must show respect to the dead, which "must be disposed of in a respectful manner".<sup>[10]</sup> Further, the remains of the dead, as outlined in all four Geneva Conventions, must be returned to their families.<sup>[11]</sup> Moreover, the practice of withholding bodies amounts to a policy of collective punishment,<sup>[12]</sup> which is expressly prohibited under Article 50 of the Hague Regulations, Article 33(1) of the Fourth Geneva Convention, and Article 75(2)(d) of Additional Protocol I to the Geneva Conventions, all of which Israel is either a party to, or are recognised to constitute customary international law. It has also been observed that this practice is contrary to the prohibition on torture and inhuman or degrading treatment.<sup>[13]</sup>



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The final Israeli High Court of Justice decision, of a majority vote, is premised on a gross denial of the provisions of international law: paradoxically Justice Esther Hayut argued that “holding on to bodies does involve a violation of human rights and of the dignity of the deceased and his family”, while also somewhat unpersuasively arguing that “international humanitarian law or laws pertaining to international human rights do not contain a prohibition on withholding the return of bodies during an armed conflict”.<sup>[14]</sup> Although some recognised the clear breach of international law, Justice Barak-Erez of the minority made a strange and unfounded “distinction between the bodies of terrorists from Gaza, which international law allows Israel to keep, and those of terrorists from the West Bank or of Israeli citizens or residents”.<sup>[15]</sup>

It would therefore appear that the Court is willfully unconcerned with Israel’s obligations to respect the dead under the Hague Conventions of 1907 and the Fourth Geneva Convention of 1949, as well as customary IHL and the provisions of the International Covenant on Civil and Political Rights and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as relevant to the Palestinian population.

Al-Haq strongly condemns this extreme ruling and calls upon the State of Israel to recognise and respect the rights of the families of those whose bodies are being unlawfully withheld by the IOF, and to repeal the 2018 Amendment, which stands in reckless violation of international humanitarian and human rights law and human dignity.

<sup>[14]</sup>Al-Haq, Al-Haq Sends Urgent Appeal to UN Special Procedures on the Enforced Disappearance of Saleh Omar Barghouthi (27 December 2018) <http://www.alhaq.org/advocacy/6119.html>

<sup>[15]</sup>The Electronic Intifada, Mother waits 36 years for Israel to return son’s body (2 November 2015) <https://electronicintifada.net/content/>

mother-waits-36-years-israel-return-sons-body/14969

<sup>[3]</sup>HCI 5887/17 Jabareen v Israeli Police at para 4 – English translation by Adalah available at [https://www.adalah.org/uploads/uploads/English\\_SCT\\_decision\\_release\\_bodies\\_Umm\\_al-Fahem\\_July\\_2017\\_FINAL.pdf](https://www.adalah.org/uploads/uploads/English_SCT_decision_release_bodies_Umm_al-Fahem_July_2017_FINAL.pdf)

<sup>[4]</sup>Ibid at 9.

<sup>[5]</sup>Ibid at 10.

<sup>[6]</sup>Jabareen v Israeli Police(n 4) at para 15

<sup>[7]</sup>Al-Haq (n 8); Adalah, Knesset passes law allowing Israeli police to hold bodies of Palestinians as precondition for funeral arrangements (12 March 2018) <https://www.adalah.org/en/content/view/9430>

<sup>[8]</sup>The Electronic Intifada, Israel holding bodies of Palestinians as bargaining chips (14 March 2018) <https://electronicintifada.net/blogs/maureen-clare-murphy/israel-holding-bodies-palestinians-bargaining-chips>

<sup>[9]</sup>Adalah, Israeli Supreme Court decision to allow additional hearing on Israel’s holding of Palestinian bodies violates int’l law (21 February 2018) <https://www.adalah.org/en/content/view/9400>

<sup>[10]</sup>Customary IHL, Rule 115

<sup>[11]</sup>Article 16, First Geneva Convention; Article 19, Second Geneva Convention; Article 122, Third Geneva Convention; Article 33(1), 139, Fourth Geneva Convention

<sup>[12]</sup>Ibid; Al-Haq (n 1); Al-Haq, PHROC Stands in Solidarity with the Manasrah Family for Refusing to Receive their Son’s Frozen Body (22 March 2016) <http://www.alhaq.org/palestinian-human-rights-organizations-council/6425.html>; Adalah, Israeli Supreme Court reverses earlier ruling, authorizes Israel to hold bodies of Palestinians as bargaining chips (9 September 2019) [https://www.adalah.org/en/content/view/9808?fbclid=IwAR28Z1wCuR2UqZYUJ1C1SQwPjoxOcWpEFEIM-ORFmox\\_swu24GEj0tJZs0](https://www.adalah.org/en/content/view/9808?fbclid=IwAR28Z1wCuR2UqZYUJ1C1SQwPjoxOcWpEFEIM-ORFmox_swu24GEj0tJZs0)

<sup>[13]</sup>UN Committee against Torture, Concluding Observations on the fifth periodic report of Israel (3 June 2016) at para 43; UN General Assembly, Israeli Practices Affecting the Human Rights of the Palestinian People in the Occupied Palestinian Territory, including East Jerusalem (30 August 2016) at paras 4, 25, 72(g); Article 7, International Covenant of Civil and Political Rights

<sup>[14]</sup>Hareetz, Israel Can Hold Bodies of Terrorists, High Court Rules, Reversing Landmark Decision (9 September 2019) <https://www.haaretz.com/israel-news/.premium-israel-can-hold-bodies-of-terrorist-high-court-rules-reversing-landmark-decision-1.7823491>

<sup>[15]</sup>Ibid. ■

**“HOLDING ON TO BODIES DOES INVOLVE A VIOLATION OF HUMAN RIGHTS AND OF THE DIGNITY OF THE DECEASED AND HIS FAMILY”**



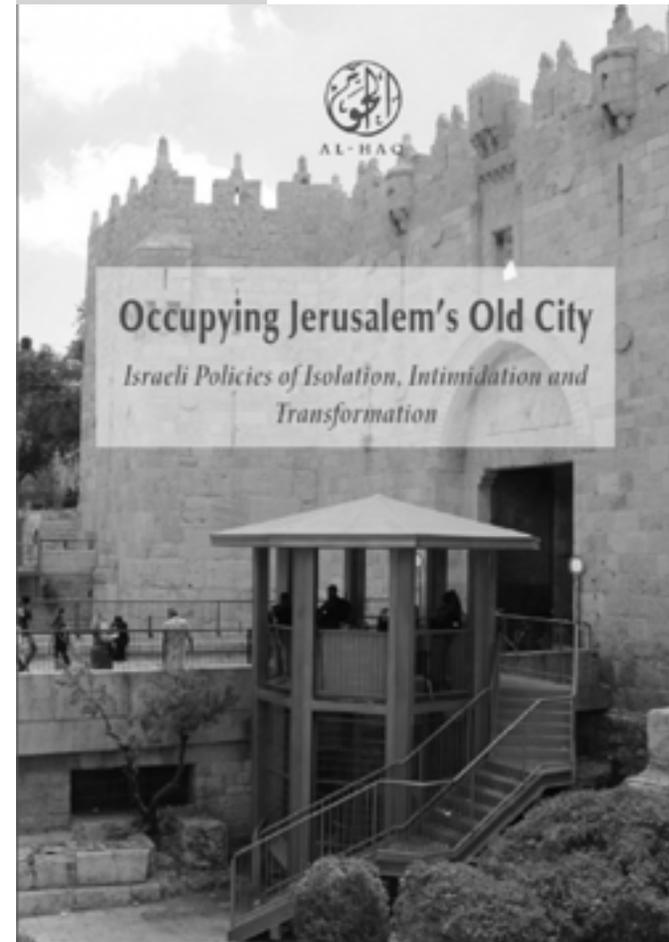
AL-HAQ

## New Report: Occupying Jerusalem’s Old City: Israeli Policies of Isolation, Intimidation, and Transformation

Following the start of the occupation in 1967, Israel moved to annex East Jerusalem and establish the city, alongside annexed West Jerusalem, as its “united capital.” Since that time, Israel has worked to entrench its control over Jerusalem, instituting a variety of policies and practices that aim to drive Palestinians out of the city while acquiring land and property in the process. As a result, the Old City, the heart of Jerusalem, has suffered from the same issues as other Palestinian neighborhoods in the city. This includes, in part, the confiscation of property, a discriminatory planning regime and inadequate

services, the transfer of Israeli settlers, the targeting of Palestinian institutions, the targeted de-development of the economy, and harassment by Israel’s municipal authorities. What sets the Old City apart from other neighborhoods of Jerusalem or other areas of the Occupied Palestinian Territory (OPT), in addition to its unique history and holy sites, is the stark contrast between the Israeli narrative consumed by the countless tourists that flow through its streets and the reality of the human rights abuses happening around them. Consequently, Israel’s targeting of Palestinians and erasure of Palestinian presence is happening in full view.

Al-Haq’s new report “Occupying Jerusalem’s Old City: Israeli Policies of Isolation, Intimidation, and Transformation” seeks to highlight some of the seen and unseen, widespread and systematic policies that Israel uses to deepen its control over the Old City, resulting in the forcible displacement of Palestinians there. ■



## Civil Society Organisations in the West Bank and Gaza Strip Call for Judiciary and Justice Sector Reforms



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On 15 July 2019, Palestinian President Mahmoud Abbas issued two laws by decree amending the Law on the Judicial Authority and establishing a Transitional High Judicial Council (hereinafter ‘the Transnational Council’), which were published in the Official Gazette on the following day. Then, on 29 July 2019, the President issued presidential decrees promoting 33 judges, with a recommendation from the Transnational Council. In addition, on 31 July 2019, a presidential decree was issued creating the High Coordinating Council for the Justice Sector, headed by the President of the Transitional Council, and composed of the President’s legal advisor, the Minister of Justice, the Attorney General of the State of Palestine, the General Director of the Police, the Chairman of the Palestinian Bar Association, and the Director General of the Independent Commission for Human Rights (ICHR).

These laws by decree, decisions, and presidential decrees come in light of the continuing crisis in the Palestinian political system and the absence of general elections, years since the end of the constitutional mandate of both the Palestinian President and the Palestinian Legislative Council (PLC), which was dissolved by an explanatory decision rendered by the Supreme Constitutional Court, in violation of the principles of the rule of law and the separation of powers. The laws by decree also come in light of the unprecedented monopoly in decision-making by the executive authority, in addition to the exclusion of the Gaza Strip as well as the Supreme Constitutional Court from

proceedings affecting the judiciary and justice affairs, in violation of the right of Palestinian citizens to genuine justice and litigants’ rights before the judiciary.

The aforementioned laws by decree have given the Palestinian President the exclusive authority to form a Transitional High Judicial Council, and granted this Council broad powers over the judiciary and the Public Prosecution, in addition to the possibility to directly appoint and dismiss judges at all judicial levels, to refer them to early retirement, or to re-assign them to other positions. These laws by decree have reappointed and granted members of the former High Judicial Council the power to draft laws amending the laws on the judiciary. In addition, they have granted the Transitional Council a one-year term with the possibility for a six-month extension based on a recommendation by the Transitional Council itself and a presidential decision in this regard. Furthermore, the laws by decree have given the President the authority to pay an unspecified monthly sum to retired judges who were appointed to the Transitional Council as an addition to their pension. This also applies to the Chief Justice Chancellor of the Transitional Council. Moreover, these decrees have set the retirement age at 60 years, which applies to all judges but excludes the judges of the Transnational Council. At the same time, a number of judges over the age of 60 have been transferred to the High Court, to allow them to maintain their position even after the expiration of the Transnational Council’s mandate, which is in direct violation of the principle of generality and abstraction of legal

*THE LAWS BY DECREE ALSO COME IN LIGHT OF THE UNPRECEDENTED MONOPOLY IN DECISION-MAKING BY THE EXECUTIVE AUTHORITY*

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*THIS INVOLVES VIOLATIONS OF THE PALESTINIAN BASIC LAW, CONSTITUTIONAL PRINCIPLES AND VALUES, AND THE LAW ON THE JUDICIAL AUTHORITY*

texts, is contrary to the Basic Law and the principles of equality and non-discrimination.

The above-mentioned laws by decree have resulted in the referral of a quarter of Palestinian judges to retirement, including judges known for their integrity and impartiality, and judges suspected of corruption but who have not been investigated, who must be held accountable should corruption be proven. This involves violations of the Palestinian Basic Law, constitutional principles and values, and the Law on the Judicial Authority, and are contrary to the principles of integrity and impartiality and requirements of good governance. They also give rise to a conflict of interests, and stand in violation of court decisions in that the adoption of the two laws by decree failed to be carried out through prior consultation of the High Judicial Council, and were instead issued through recommendations by the Presidential Committee for the Development of the Justice Sector. These laws by decree further involve constitutionally prohibited discrimination between judges with regard to retirement age, which does not apply to judges of the Transnational Council. They further overlook the structural imbalance in the Palestinian judiciary as a result of the interference by the executive power and its apparatuses with the justice sector, and its synergies with successive High Judicial Council administrations, weakening their institutional composition and functioning, and violating the independence of the judiciary and judges. Moreover, the executive authority’s monopoly in conducting the reform is in continuity to its

previous attempts, which have failed, despite genuine justice being a right and a duty of Palestinian society in the West Bank and Gaza Strip.

The presidential decrees and decisions have established the High Coordinating Council for the Justice Sector and promoted 33 judges. The Presidential Decree forming the Coordinating Council is in violation of the “exclusive” constitutional powers of the President, as set forth in Article 38 of the Basic Law, explicitly affirming that the President exercises his executive powers and duties as set out in the Basic Law, which does not include such powers. In addition, not declaring the bases and criteria followed in the decision to promote certain judges within the judiciary indicates that the laws by decree and presidential decisions seek to fill the void in the judiciary after the referral to retirement has been made, and that the promotions were not a result of an objective, genuine, and professional assessment of judicial performance, eventually leading to judicial promotions.

The Chief Justice Chancellor of the Transnational Council shall not, constitutionally and legally, occupy the position of a judge, which may be appealed without a time limit and is considered void as it affects the Basic Law and the constitutional legislator’s will. Thereby, the Chief Justice Chancellor of the Transnational Council is prohibited from exercising any powers vested in the President of the High Court of Justice by the Judicial Authority Law and other laws, as the President of the High Court of Justice is a judge while the Chief Justice Chancellor of the Transnational Council is not. One

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example is the role of the president of the High Court in the disciplinary lawsuit that is raised against judges under the Judicial Authority Law. This means that any power exercised by the Chief Justice Chancellor of the Transnational Council as head of the High Court or as a judge, render such powers void, due to their violation of the Amended Basic Law. In addition, judges have a right to freedom of expression enshrined in the Basic Law and international treaties and standards, which must be respected.

Accordingly, the undersigned Palestinian civil society organisations in the West Bank and Gaza Strip call for:

1. The repeal of the laws by decree and presidential decisions issued recently on judicial affairs and an end to the executive power's interference with justice affairs, noting that the executive authority bears the responsibility for the deterioration in the judiciary, the justice sector, and the failed efforts to carry out reforms;
2. The organisation of community-based consultations in all Governorates of the West Bank and Gaza Strip to reform and unify the judiciary and the justice sector, including the Supreme Constitutional Court, within a specified timeframe and with a clear methodology aligning with the principle of the rule of law, in addition to conducting a coordinated and widespread advocacy campaign using various advocacy tools locally and internationally

(including the United Nations human rights mechanisms, if necessary), to exert continuous pressure on the executive authority and its organs to cease its interferences with the judiciary and the justice sector, and to accept the outcomes of the community-based consultation process, bearing in mind that reform is a right of society and that the popular will remains the source of all powers, while working seriously towards holding accountable those already proven guilty or those suspected of corruption, as well as achieving genuine justice and effective remedies;

3. President Mahmoud Abbas to announce the date of general presidential and legislative elections as soon as possible, to end the deep crisis affecting the Palestinian political system, and to create an electoral environment based on and conducive to the maintenance and promotion of fundamental rights and freedoms, respecting the results of general and comprehensive elections, and maintaining their regularity and continuity, simultaneously, in the West Bank and Gaza Strip.

Organisations endorsing this position paper:

1. The Palestinian Center for Human Rights (PCHR)
2. Al-Haq
3. Al Mezan Center for Human Rights
4. The Center for Defence of Liberties and Civil Rights "Hurriyat"
5. The Palestinian Center for the

**PRESIDENT MAHMOUD ABBAS TO ANNOUNCE THE DATE OF GENERAL PRESIDENTIAL AND LEGISLATIVE ELECTIONS AS SOON AS POSSIBLE**



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6. Prisoner Support and Human Rights Association (ADDAMEER)
7. Al Dameer Association for Human Rights
8. Social and Economic Policies Monitor (Al Marsad)
9. The Palestinian General Union of People with disability
10. QADER for Community Development
11. ADWAR Roles for Social Change Association
12. Women Media and Development (TAM)
13. Women's Coalition for Justice and Justice and Equality (ERADA)
14. Palestinian Federation of Women's Action Committees
15. Bisan Center for Research and Development
16. Palestinian Working Woman Society for Development
17. Teacher Creativity Center
18. Cooperation for Community Development Association
19. Mother's School Society
20. Palestinians Businesswomen's Association (ASALA)
21. Association Najdeh
22. Rural Women's Development Society
23. The Palestinian Consultative Staff for Developing NGOs (PCS)
24. Young Men Christian Association (YMCA) - Rehabilitation Program
25. Star of Hope for the Empowerment of Women with Disabilities
26. Advocacy Association for Development and Rehabilitation
27. Society of Physically Handicapped People
28. Al-Dameer Society for Persons with Hearing Disability
29. Palestinian Authority Crescent Relief and Development
30. Brilliant Tomorrow for Homes Sons Society
31. Kotof El-Kheir Association
32. Al-Amal Ass. For the Deaf
33. Association of Female University Graduates in the Gaza Strip
34. Community Media Center
35. Gaza Culture and Development Group
36. Arab Center for Agricultural Development
37. The Palestinian Developmental Women Studies Association/ Gaza
38. Al-Waleed Charity
39. Sharek Youth Forum
40. Journalists Rights Advocating Association
41. Women's Affairs Center
42. Dr. Haider Abdel Shafi Center for Culture and Development
43. Palestinian Najadah Association
44. Center for Women's Legal Research & Counseling and Protection
45. Aisha Association for Women and Child Protection
46. Coalition for the protection of Human Dignity for Children
47. Women Program Center
48. Hemaya Center for Human Rights
49. Women's Awareness Coalition
50. The National Society for Democracy and Law
51. South Women Media Forum
52. Palestine Arab Relief and Development Authority
53. Community Training Center and Crisis Management
54. Central Union of Cultural Centers. ■

## PHROC Calls on the Palestinian Authority to Provide Protection to Palestinians without Discrimination



AL-HAQ

The Palestinian Human Rights Organisations Council (PHROC) views with great concern the press release issued by the Palestinian Police on Saturday, 17 August 2019, preventing any organized activities by Al Qaws and calling to report anyone associated with the organisation. Severe community reactions have resulted from the statement, infringing on human rights, which are indivisible, and creating a negative societal atmosphere involving incitement to violence leading to threats to the right to life and physical integrity, as inherent rights owed to every human being without discrimination.

The Police statement comes within the context of civil society organisations having observed a marked increase in the rates of violence and crime within Palestinian society. This is the result of several factors, most notably, the systematic violations by the Israeli occupying authorities, a deterioration in economic and living conditions, increased rates of poverty and unemployment, and the general state of frustration, especially amongst Palestinian youth.

In many respects, the statement has violated the provisions of the amended Palestinian Basic Law, relevant Palestinian legislation, and the international treaties to which the State of Palestine has acceded without reservations. In particular, it is in breach of the international human rights framework and its indivisibility, the principles of equality and non-discrimination, and the constitutional and legal functions and responsibilities of the Palestinian Police in enforcing the law and upholding the rule of law. In addition,

it undermines the realisation of safety, security, and protection for all citizens, on an equal footing, in full respect of fundamental rights and freedoms. Although the Palestinian Police subsequently withdrew its statement, as a positive step, the serious interactions and backlash that has accompanied the statement's release pose a serious threat to the Palestinian LGBTQ community and to members of the Al Qaws community and have included incitement to violence, reaching the level of incitement to killings, which constitute serious violations of fundamental rights and freedoms and the obligations of the State of Palestine.

Accordingly, this requires all relevant official bodies and law enforcement agencies to adopt serious measures based on open, rights-based, and progressive dialogue, encouraging community debate on various human rights issues. At the same time, officials must ensure, at all times, the safety and security of all citizens, without discrimination, uphold the rule of law, and protect fundamental rights and freedoms.

PHROC is gravely concerned that the State of Palestine is breaching its obligations to fulfil the principles of equality and non-discrimination. This includes the implementation of the protections enshrined in the human rights treaties to all persons subject to its jurisdiction without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Critically, the general human rights obligations of non-discrimination form the very core of basic human

*THE STATE HAS VIOLATED THE PROVISIONS OF THE AMENDED PALESTINIAN BASIC LAW, RELEVANT PALESTINIAN LEGISLATION, AND THE INTERNATIONAL TREATIES*

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*PHROC REITERATES ITS CALL ON THE OFFICIAL AUTHORITIES AND THE PALESTINIAN CIVIL POLICE TO OPEN UP TO COMMUNITY-BASED DIALOGUE*

rights protection and are binding on all public authorities and branches of Government (executive, legislative and judicial), and at the national, regional, and international levels. As such, the State is bound by the obligation of non-discrimination locally and internationally and must fulfil its duty to protect the rights of all citizens. Accordingly, Palestinian authorities may not engage in any activities that would, in one way or another, create an atmosphere of incitement, hatred, and discrimination of any kind, including discrimination on the basis of sexual orientation and gender identity. They must ensure, at all times, that persons are protected from any attack on this ground, subject to liability and punishment, and that their performance and all their activities abide by the Code of Conduct and Ethics of the Palestinian Police and the United Nations (UN) Code of Conduct for Law Enforcement Officials adopted by the General Assembly in 1979 to uphold and respect fundamental rights.

PHROC deplores the death threats issued by persons following the issuance of the Police statement. In this regard, PHROC recalls the positions by UN human rights experts that States must fulfil their obligation to create an enabling space for the right to freedom of expression for all individuals and to counteract hate speech made by public officials and politicians, not only through administrative measures, but also by encouraging public figures to speak out against hatred and intolerance. In addition, human rights experts

have observed that in seeking to reject hate speech and incitement to violence, a key catalyst is the ever-growing presence of social media and its responsiveness to human rights.

In light of the above, PHROC affirms its determination to fulfil its duty to document and to follow-up on any violation in this regard in accordance with the law and international human rights treaties. Accordingly, PHROC calls upon the Palestinian Police and the Public Prosecution to open effective criminal investigations into any discriminatory attack of any kind and to hold those responsible for publishing the statement accountable, for its violation of the provisions of the Basic Law, relevant Palestinian legislation, and international treaties, and to provide guarantees of non-repetition.

PHROC reiterates its call on the official authorities and the Palestinian Civil Police to open up to community-based dialogue, grounded in human rights, and to seek the expansion of such debate to include all components of Palestinian society, and to stimulate serious and progressive civil society discussions on various human rights issues, in a manner that upholds the rights of all, preserves the rule of law, and promotes human rights principles, including the indivisibility of human rights, in respect of the international treaties to which the State of Palestine has acceded and the standards protecting and preserving the international human rights system.■

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# Al-Haq Field Report– September 2019



## Killings

In September 2019, four Palestinians, including a woman and two children, were killed. These were:

**Khaled Abu Bakr al-Raba'i**, 14 years old: In the afternoon of Friday, 6 September 2019, the Israeli Occupying Forces (IOF) opened fire and killed Al-Raba'i. He sustained three bullet wounds while he was participating in the 73rd week of the Great Return March protests along the perimeter fence in the Malaka border area, east of Al-Zaytunn neighbourhood, east of Gaza city, south of Al-Awda camp. Al-Raba'i was standing 250-300 metres from the fence and did not pose a threat to the lives of Israeli soldiers.

**Ali Samer al-Ashqar**, 17 years old: In the afternoon of Friday, 6 September 2019, Al-Ashqar was killed during his participation in the 73rd week of the Great Return March protests along Gaza's perimeter fence south of Al-Awda camp, east of Jabalya, in northern Gaza. The IOF opened fire, fatally injuring Al-Ashqar in the neck. He did not pose a threat to the lives of Israeli troops.

**Nayfeh Mohammed Ka'abneh**, 50 years old: At about 6:00 am on 18 September 2019, guards employed by an Israeli private security company killed Ka'abneh at the Israeli military Qalandiya checkpoint north of occupied Jerusalem, allegedly because she attempted to carry out a stabbing attack. The IOF denied access to young Palestinian men, who tried to deliver first aid to Ka'abneh after she had been injured.

**Saher Awadhallah Othman**, 20 years old: At about 5:45 pm on Friday, 27 September 2019, Israeli soldiers positioned behind sand

barricades along Gaza's perimeter fence shot Othman with a live bullet in the chest. Othman was killed while he was participating in the 76th week of the Great Return March protests. He was standing and watching events from 80-100 metres from the fence. He did not pose a threat to the lives of Israeli soldiers. At about 9:20 am on Saturday, 28 September 2019, Othman was pronounced dead.

## Demolitions

In September 2019, the IOF demolished 29 structures, including 11 homes, 16 livelihood structures, and two public facilities. Two of the demolished structures were located in the occupied city of Jerusalem and 27 in Area C, so classified under the terms of Oslo Accords.

All affected homes were demolished on grounds of lacking Israeli-issued building permits. No homes were demolished on punitive grounds. While one was located in the occupied city of Jerusalem, the rest of demolished homes were in the Oslo-classified Area C. In all cases, demolitions were carried out by the Israeli Civil Administration (ICA). In Jerusalem, one home was destroyed by the Israeli municipality. With the exception of one home which was demolished in the evening, all other homes were demolished early in the morning. Eight of the targeted homes were in close proximity to Israeli settlements, planning schemes, or military training zones. Four families were not allowed a chance to evacuate their



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Nayfeh Mohammed Ka'abneh, 50, killed at Qalandiya

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Demolished structures

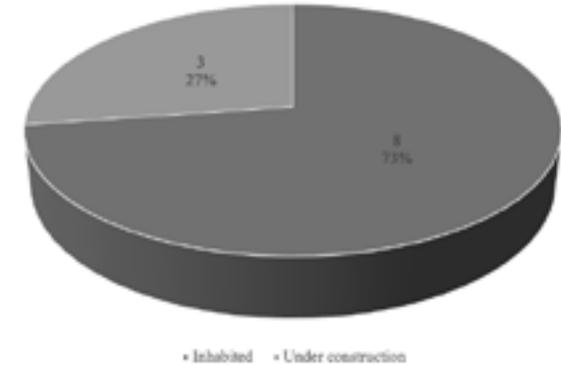


belongings from their homes before they demolitions were carried out. Having received demolition notices, nine affected persons attempt to stop the demolitions following legal procedures through lawyers

demolished. Demolitions resulted in the displacement of 26 Palestinians, including 12 women, six children, and five school pupils.

In relation to the demolished livelihood structures, one was

Homes



or local bodies, but in vain. Of all targeted structures, the five families had other homes, which had been demolished earlier. While eight were inhabited, three homes were still under construction when they were

located in the city of Jerusalem and 15 in Area C. These included five animal shelters, seven wells, three agricultural holdings, and a concrete wall. In all cases, demolitions were carried out by the ICA officers,



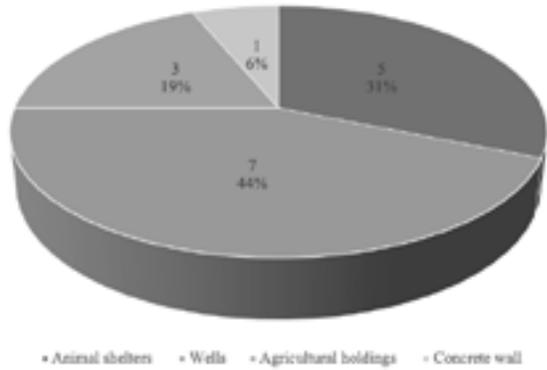
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who were accompanied by the IOF. Apart from these, one livelihood structure was demolished in the city of Jerusalem under protection of the Israeli Occupation police. The contents of five demolished structures were damaged as evacuation was not allowed. Seven of the demolished livelihood structures

**Other Israeli violations**

In addition to killings and demolitions, Al-Haq documented 58 other violations committed by the IOF and Israeli settlers in September 2019. A striking pattern of violations involves repeated incidents of cutting down trees, which the IOF carried out on the basis of official decisions.

Livelihood structures



provided a main source of income to respective families, causing economic damage beyond the cost of building. Of all demolished structures, four were destroyed for the second time after they had been reconstructed. Six of the demolished livelihood structures were close to Israeli settlements or colonial planning schemes designed for settlement expansion and displacement of more Palestinians.

Located in Area C, demolished public facilities included a mosque and an adjacent well. Both were destroyed early in the morning. Contents of the mosque were damaged as evacuation was inaccessible prior to the demolition.

According to Al-Haq documentation, approximately 270 olives trees were cut down in the town of Bruqin, Salfit, ostensibly because they were planted on "State land".

Also of particular note, the IOF raided offices and confiscated contents of the Addameer Prisoner Support and Human Rights Association in Ramallah. The IOF also raided and searched offices of the Palestinian Family Planning and Protection Association (PFPPA) in Hebron. In addition, the IOF broke into and seized some contents of offices of the Union of Palestinian Women's Committee (UPWC) in Hebron. These incidents are evidence that the IOF has recently escalated



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and intensified attacks against Palestinian civil society organisations.

**Violations by the Palestinian Authority (PA) and de facto Government of Hamas in the Gaza Strip**

During September 2019, Al-Haq documented 39 violations committed by the PA in the West Bank and de facto

authority in the Gaza Strip. Reported violations mainly included arbitrary detention (9), summons service (4), and unwarranted entry into and search of residences (6). Reflecting an essentially official trend, these abuses were primarily perpetrated by the Preventive Security Forces (11) and the Police (8).■

House demolition in East Jerusalem



# AL-HAQ ORGANIZATION

## 40 YEARS DEFENDING HUMAN RIGHTS



AL-HAQ

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.



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