



AL-HAQ

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CELEBRATING FORTY YEARS OF
DEFENDING HUMAN RIGHTS IN PALESTINE



The Barricaded Country

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AL-HAQ

Election of Shawan Jabarin, General Director of Al-Haq, as Secretary-General of FIDH for the 2nd Time

Shawan Jabarin, General Director of Al-Haq



**AL-HAQ EXTENDS
ITS GRATITUDE
TO ALL
ORGANIZATIONS
THAT VOTED IN
FAVOUR AND
CONGRATULATES
ALL COLLEAGUES
WHO WERE
ELECTED**

The International Federation for Human Rights (FIDH) convened its 40th annual international Congress which took place from October 21-25, 2019 in Taipei, Taiwan, and brought together 450 representatives of local, regional and international civil society, experts, diplomats, representatives of international institutions, Taiwanese political authorities, and FIDH financial partners.

Following the secret ballot elections of the federation's President and members, Al-Haq's

General Director Shawan Jabarin was re-elected as FIDH Secretary-General for the second time, with 84 of the 102 organizations participating voting in favour.

The member organisations of the International Federation for Human Rights (FIDH) elected their new president, Botswana activist Alice Mogwe, during its 40th Congress in Taiwan. Alice Mogwe, a staunch human rights advocate and civil society leader, will lead the Federation for the next three years, ushering in its 100th anniversary in 2022.

During the Congress, 16 new organisations were approved to join FIDH, increasing its membership to 192. The newly elected International Board is composed of 22 activists from 21 countries.

Al-Haq extends its gratitude to all organizations that voted in favour and congratulates all colleagues who were elected, in particular at the regional level, including Ms. Nedal Al Salman, who was elected as Vice-President. Al-Haq further congratulates Ms. Alice Mogwe of Botswana on her election as FIDH President.

Al-Haq extends its gratitude and appreciation to all victims of human rights violations worldwide, and in Palestine, and to the global human rights movement, especially to the Palestinian Center for Human Rights and Al Mezan Center for Human Rights. ■

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Al-Haq concludes an orientation course for Internationals in the OPT



Al-Haq Center for Applied International Law has concluded a four-days international law orientation course for diplomatic staff and employees of international organizations currently in the Occupied Palestinian Territory (OPT). The course was held at the Al-Haq Center for Applied International Law in Ramallah, on 30 September - 3 October, 2019, and was attended by 30 participants from different countries representing diplomatic missions and international organizations working in the OPT.

The orientation course included presentations by Al-Haq legal professionals and partner organizations including Addameer Prisoner Support & Human Rights Association and BADIL Resource Center for Palestinian Residency and Refugee Rights on key legal issues in regards to the OPT, both organization gave valuable input on some recent trends witnessed by their work and updated the group on some of the recent violations in regards to Palestinian prisoners and refugees. The sessions also included input

Participants cross the guarded gate by the Ibrahimi Mousque in the old city of Hebron



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THE COURSE ALSO INVOLVED TWO FIELD VISITS; TO THE OLD CITY OF HEBRON (H2), AND TO THE JORDAN VALLEY

on international humanitarian law (IHL) and international human rights law (IHRL) and their applications, in addition to an introduction to business and human rights, an innovative topic investigated by Al-Haq which seeks to challenge the relationship between business interests and the policies of the Israeli Occupying Power, which exploits the prolonged occupation of Palestinian territory for the benefit of Israeli and other transnational corporations.

The course also involved two field visits; to the old city of Hebron (H2), in which the situation on the ground was examined closely in light of human rights violations that were witnessed and documented by Al-Haq. The second field visit was organized in the Jordan Valley, in which forcible transfer and access to natural recourses by Palestinians were observed especially in Ein Ras Al Ouja, Al Ouja water spring and Al Jiftlik community. In Al Jiftlik the group visited a house that was demolished in 2017 and a date farm owned by Palestinian farmers, including its primal packaging house. At the end of the visit to the Jordan Valley, the group did a quick stop by an Israeli packaging house. This was an opportunity for professionals to enhance their understanding of the OPT legal context, impact of occupation and settlement presence and expansion policies on the human rights situation, and expand their knowledge on the applicability of

the different international legal frameworks applied in the OPT and some of the key violations taking place.

The course addressed the human rights situation locally, and the violation committed by the local Palestinian Authorities and examined the situation of the judiciary and the performance of the Supreme Court of Justice. Looking at human rights violations committed by the Palestinian Authority, Al-Haq focused on arbitrary detentions and arrests in addition to violations on the rights to freedom of expression and peaceful assembly.

Advocate Sahar Francis, head of Addameer presented the situation of the Palestinian prisoners in Israeli prisons, and how the Israeli military judicial system is applied. Lubna Shomali from Badil talked in details about the refugees situation and the coercive environment in the OPT. Palestinian refugees constitute one of the largest and longest-standing unresolved refugee groups in the world today.

Al-Haq Center for Applied International Law specializes in the practical application of international law and aims to combine theory and practice to enhance the capabilities of human rights defenders by providing them with essential applied knowledge for defending human rights issues at the national, regional and international levels.■

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Al-Haq Calls on the Liquor Control Board of Ontario (LCBO) to Release Taybeh Wines for Local Sale



In March 2019, Palestine Just Trade Incorporated (PJTI), a Canadian corporation, received approval from the Liquor Control Board of Ontario (LCBO) for the import of 5 types of beers and 5 varieties of wines from Taybeh Brewing Company, a Palestinian brewery based in Taybeh in the occupied West Bank. The labels for each of these ten Taybeh products were pre-approved before shipping by the LCBO on 28 March 2019. The label approvals included the product origin as "Product of Palestine." PJTI explained to Al-Haq, that in May 2019, the Taybeh products were shipped along with a consolidated order from Haifa, which included goods labeled, "Product of Israel". At the time, the shipment represented the first ever export of Taybeh products or any other Palestinian beer and wine into the Canadian market.

According to PJTI, the container of Taybeh beers and wines arrived in Canada on 16 July 2019, whereupon LCBO began the processing and testing of products, as per usual processes. On 2 August 2019, the Taybeh products were ready for sale to the Canadian market.^[1] However on 6 August, PJTI received a message that LCBO had placed the Taybeh products on hold, due a recent Federal Court decision, whereupon PJTI immediately notified Taybeh of the delay.

On 29 July 2019, the Federal Court of Canada ruled in Kattenburg vs.

Attorney General of Canada, that illegal settlement products cannot be labeled as "Product of Israel" as Canadian law requires that consumers have accurate information to inform their purchasing decisions. Now following the ruling in this case, Canada has delayed the Taybeh



imports for labeling assessment, even though these are legitimate Palestinian products.^[2] There is no indication that any Israeli products including those from settlements,

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THE FEDERAL COURT OF CANADA RULED IN KATTENBURG VS. ATTORNEY GENERAL OF CANADA, THAT ILLEGAL SETTLEMENT PRODUCTS CANNOT BE LABELED AS "PRODUCT OF ISRAEL"

illegal under international law and recognized as such by Canada, have been held for such assessments.^[3] On 6 September 2019, the Canada's Attorney General initiated an appeal of federal court decision in Kattenburg.^[4]

On 27 August 2019, the Liquor Control Board of Ontario (LCBO) then informed legal counsel for PJTI that it was waiting on the Canadian Food Inspection Agency (CFIA) for further instructions on labeling. PJTI and Taybeh continue to wait for a decision by the LCBO for release and/or relabeling of the Taybeh wine and beer.

1. Israel's Deliberate Delays to Frustrate Taybeh Exports

Israel routinely delays and hinders the export of Palestinian products, impeding the development of Palestine's export economy. Mr. Nadim Kanaan Daoud Khoury, the manager of Taybeh, described to Al-Haq, how Taybeh had "obtained the necessary licenses from the Palestinian Authority and from the Israeli authorities as we export through Israeli ports."^[5] However, according to Mr. Khoury, the Israeli authorities had initially refused to mix "Product of Israel" goods with "Product of Palestine" delaying the export from Haifa by two months.

2. Discriminatory Application of Canadian Law

The Canadian authorities have further unduly delayed the import

of Palestinian Taybeh wines and beers, despite Palestinian Authority (PA) assurances to the CFIA, "that the Taybeh products that have been placed on hold have not been produced in any Israeli settlement."^[6] Meanwhile, over 60 illegal settlement wines currently produced in the occupied Syrian Golan and the occupied Palestinian territory, yet labeled as "the Israeli-occupied Syrian Golan Heights or Israeli-occupied Palestinian territory" are being sold freely to consumers on the Canadian market,^[7] highlighting Canada's discriminatory import practices and bias rationale against Palestinian products.

3. Legal Analysis

It must be noted that the State of Palestine, while not recognized by Canada, is internationally recognized as a non-member observer State of the United Nations and is party to over 60 international multilateral treaties.^[8] In addition, following the adoption of the Oslo Accords, Canada and the Palestine Liberation Organization (PLO) entered the Joint Canadian-Palestinian Framework for Economic Cooperation and Trade Between Canada and the Palestine Liberation Organization on Behalf of the Palestinian Authority, in recognition that "economic development is essential to peace and stability".^[9] In this vein, the Canadian government assures

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that “Palestinian exports to Canada benefit from preferential treatment offered in the 1997 Canada-Israel Free Trade Agreement (CIFTA)”^[10] and the modernized CIFTA that came in place on September 1, 2019.^[11] However, as a High Contracting Party to the Fourth Geneva Convention, Canada has an obligation to respect and ensure respect for the Convention.^[12] In addition, the United Nations Security Council (UNSC) resolution 2334 (2016), calls on States to distinguish in their dealings between the territory of the State of Israel and territories occupied in 1967. By allowing settlement producers to freely import goods labeled “the Israeli-occupied Syrian Golan Heights or Israeli-occupied Palestinian territory” and delaying the import of Palestinian products labeled as “Product of Palestine”; Canada is simply facilitating the theft of Palestinian land and validating it commercially, in contravention of the Fourth Geneva Convention and UNSC resolution 2334, while denying Palestinian economic development. Al-Haq calls on Canada to immediately release Taybeh wines and beers for import into the Canadian market without any further and undue delay, and further calls on Canada to take steps to not only ensure the accurate labeling of goods, but to prohibit the import of illegal settlement goods and services into the Canadian market, in compliance with international law.■

^[1] Palestine Just Trade, “We are Still Waiting for the Release of Taybeh

Wine and Beer from the LCBO” (14 October 2019), available at: <http://palestinejusttrade.ca/taybeh/we-are-still-waiting-for-the-release-of-taybeh-wine-and-beer-from-the-lcbo/>

^[2] “Canadian Food Inspection Agency Coddles the Oppressors, Victimizes the Oppressed” (13 September 2019), available at: <https://dimitrilascaris.org/2019/09/03/canadian-food-inspection-agency-defends-oppressors-victimizes-the-oppressed/>

^[3] Ibid.

^[4] Marion Kawas, “Canadian government to appeal landmark decision on labels for West Bank settlement products”, Mondoweiss (11 September 2019), available at: <https://mondoweiss.net/2019/09/canadian-government-settlement/>

^[5] Al-Haq Affidavit of Nadim Kanaan Daoud Khoury, on file.

^[6] “‘Product of Palestine Wine’ delayed in Ontario over Labelling” CJNews (30 August 2019), available at: <https://www.cjnews.com/news/israel/court-decision-holds-up-sale-of-palestinian-wine>

^[7] Ibid.

^[8] UNGA 67/1 (2012).

^[9] Joint Canadian-Palestinian Framework for Economic Cooperation and Trade Between Canada and the Palestine Liberation Organization on Behalf of the Palestinian Authority, available at: <https://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/other-autre/palestine.aspx?lang=eng>

^[10] Canada-West Bank/Gaza Strip Relations (31 October 2019), available at: https://www.canadainternational.gc.ca/west_bank_gaza-cisjordanie_bande_de_gaza/bilateral_relations_bilaterales/index.aspx?lang=eng

^[11] Canada-Israel Free Trade Agreement, available at: <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/israel/fta-ale/index.aspx?lang=eng>

^[12] (n 2).



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AL-HAQ CALLS ON CANADA TO TAKE STEPS TO NOT ONLY ENSURE THE ACCURATE LABELING OF GOODS, BUT TO PROHIBIT THE IMPORT OF ILLEGAL SETTLEMENT GOODS



AL-HAQ

Al-Haq Participates in Fifth Session of the IGWG on Transnational Corporations and other Business Enterprises on the Revised Draft of the Legally Binding Instrument on Business and Human Rights

THE ORAL INTERVENTION BROUGHT ATTENTION TO THE IMPORTANCE OF RECOGNIZING THE RIGHT TO SELF-DETERMINATION AND PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES

The fifth session of the Intergovernmental Working Group (IGWG) on transnational corporations and other business enterprises, saw UN Member States, experts, hundreds of civil society organizations, social movements, and other relevant stakeholders convene to discuss the revised draft of the proposed binding treaty on business and human rights (hereinafter Legally Binding Instrument). The fifth session was held between 14 and 18 October 2019, chaired by the Ambassador of the Permanent Mission of the Republic of Ecuador to the United Nations. As part of this session, Al-Haq took part in a number of strategy meetings, including with ESCR-Net, Treaty Alliance and the Global Campaign to Reclaim People’s Sovereignty, Dismantle Corporate Power and Stop Impunity (Global Campaign), and delivered joint oral interventions, participated in side events, a conference, and other advocacy events.

During the session, Al-Haq delivered three joint oral interventions. First among these was delivered on behalf of Al-Haq and ESCR-Net on the Preamble and Article 1 of the revised draft of the Legally Binding Instrument. The oral intervention brought attention to the importance of recognizing the right to self-determination and permanent sovereignty over natural resources within the document, highlighting that to do otherwise would be to neglect the collective rights of

people to their own natural wealth and resources. The intervention further stressed the need to include the rights to life, liberty and security of person within the text, in order to ensure the protection for such rights against corporate human rights abuses. The intervention also recommended the use of the term “contractual relationship” in the text be replaced with “business relationship”, in order to ensure the applicability of its provisions to situations which would be covered by the latter but not the former.

Secondly, Al-Haq delivered an oral intervention under Article 5, on behalf of Al-Haq, ESCR-Net, the International Federation for Human Rights (FIDH), and The Centre for Research on Multinational Corporations (SOMO), Trócaire, Stop the Wall, Via Campesina, and the Trade Union Confederation of the Americas. The organisations welcomed the introduction of paragraph (3)(e) in Article 5 in the revised draft of the Legally Binding Instrument, concerning due diligence requirements in conflict and occupation settings. Nonetheless, the organisations recommended that the text of the Article be brought further in line with that of the UN Guiding Principles on Business and Human Rights in order to provide clarity and concrete mechanisms to ensure that States can take action to directly prohibit businesses from pursuing predatory business operations and relationships in settings of conflict

and occupation. To this end, the intervention recommended that the language of the text be amended to that of “immediate appropriate and effective actions” for the protection and vindication of human rights. The intervention further recommended that where businesses fail or are unable to conduct enhanced human rights due diligence and risk being involved in human rights abuses and internationally recognised crimes in the context of conflict and occupation, Article 5 should provide

Instrument. The organisations recommended that the language be brought further in line with that of international humanitarian law, particularly The Hague Regulations 1907, the four Geneva Conventions 1949, and the Additional Protocols of 1977. In relation to Article 9 and Article 5(3)(b), the organisations recommended the consideration of Articles 7, 8, and 47 of the Fourth Geneva Convention (1949) which prohibit the occupied population and their political representatives



The fifth session of the Intergovernmental Working Group (IGWG) on transnational corporations

for the possibility of explicitly prohibiting businesses from pursuing their relevant operations and relationships.

The third joint oral intervention delivered by Al-Haq was on behalf of Al-Haq, SOMO, Trócaire, and ESCR-Net regarding Articles 7-9 of the revised draft of the Legally Binding

from concluding agreements resulting in the renunciation of rights guaranteed under the Convention. The intervention referred to the strict protections afforded to public immovable property in occupied territory, under Article 55 of the Hague Regulations, with obligations to safeguard the

AL-HAQ PARTICIPATED IN A SIDE EVENT ORGANISED BY TRÓCAIRE AND CHRISTIAN AID ENTITLED “PUTTING INTERSECTIONALITY FRONT AND CENTRE: A UN TREATY TO ADDRESS THE IMPACTS OF CORPORATE IMPUNITY ON WOMEN AND INDIGENOUS PEOPLES.”

properties capital, accompanied by the Article 43 principle that resources be administered for the benefit of the occupied population, thus highlighting the necessity for replacing the requirement for “consultations” in Article 5.3 with “consent”. The organisations further welcomed the inclusion of individual liability in Article 6 to ensure corporate accountability. Meanwhile, the organisations called for further clarification on the question of universal jurisdiction under Articles 7 and 9, while calling for express provision for forum necessitates countering the deliberate hindering and denial of justice rampant in conflict and occupation settings.

Moreover, Al-Haq endorsed three oral interventions. First, that of ESCR-Net member organisation Tebtebba Foundation on Article 5, which stressed the need to include more robust measures to protect the rights of indigenous peoples, including the requirement of “Free, Prior, and Informed Consent” enshrined in Article 5(3)(b) of the UN Declaration on the Rights of Indigenous Peoples. Al-Haq also endorsed an oral intervention made by ESCR-Net member Project Poder regarding Article 5, which highlighted the need to combat the insidious practice of corporate capture in order to ensure the protection and vindication of human rights. To this end, Poder stressed, it is imperative that Article 5(5) remain in future drafts of the Legally Binding Instrument. Finally,

Al-Haq along with Franciscans International and FIDH, endorsed an oral intervention made by ESCR-Net member organisation CELS regarding Article 4 on the rights of victims to information. The intervention highlighted the need of individuals, communities, and organisations to adequate access to information concerning violations.

Al-Haq’s engagement during the session also included co-organizing and participating in side events. On 15 October 2019, Al-Haq participated in a side event organised by Trócaire and Christian Aid entitled “Putting intersectionality front and centre: A UN Treaty to address the impacts of corporate impunity on women and indigenous peoples.” Speakers at this event included Juana Toledo, a Mayan indigenous defender from Guatemala; Anna Shahnzaryan, an Armenian leading environmental leader; Bilio Bolaños, a human rights defender from CAJAR and member of the indigenous community of Awá, Nariño, Dr. Susan Power, Head of Legal Research and Advocacy Department at Al-Haq; and Alejandra Scampini, a corporate capture specialist from Project PODER. Dr. Power presented on corporate involvement in Israel’s prolonged military occupation and colonisation, including policies of forcible transfer, house demolitions and coercive environments, and their impacts on women and girls in particular.

On 16 October 2019, Al-Haq and NOVACT organized a side



event entitled “A Legally Binding Instrument: Another Tool of Resisting Corporate Impunity during Occupation”. This event featured Letícia Paranhos, Friends of the Earth International; Maha Abdallah, Al-Haq; Mahfud Moh Lamin Bechri, NOVACT; Maren Mantovani, Stop the Wall; Mulay Lahsan Mohamed Embarec AMRPEN; and facilitated by Lina Maria Gonzalez Correa, NOVACT. The side event showcased the need for a legally binding instrument in light of corporate impunity in situations of occupation, as well as relevant analysis and recommendations on the revised draft of the Legally Binding Instrument.

Al-Haq’s extensive advocacy efforts were rounded off by participating in a public conference. On 15 October 2019, Al-Haq presented at a conference organised by the Global Campaign, entitled “Transnational Corporations and the Walls-Industry. Migrant, Women and Palestinian Movements Resistances” on the various methods by which corporations contribute towards the “Wall industry” in the Occupied Palestinian Territory, including through construction, maintenance, and the exploitation of Palestinian natural resources.

In Barcelona, on Tuesday, 22 October 2019, Al-Haq participated in a public event organized by La Fede.Cat, supported by NOVACT and Suds, to present case studies from the ground relevant to corporate

impunity in the Occupied Palestinian Territory and to reflect on the recent negotiations on the revised draft of the Legally Binding Instrument. Others were participating in the event included Armenian Environmental Front, Movimiento Rios Vivos Antioquia from Colombia and the Global Campaign.

It should be noted that the negotiations on the revised draft of the Legally Binding Instrument during the fifth session were concrete, as UN Member States and civil society organisations contributed substantial substantive text proposals. The recommendations and conclusions of the fifth session were adopted by the IGWG. Meanwhile, civil society participation in the process was questioned by some UN Member States, including China and Brazil, whereas other Member States, including Palestine and Egypt, called for the continued involvement of civil society in the process, considering importance. Nonetheless, States agreed on the need to carry out more frequent and direct negotiations amongst them.

The sixth session will be held in October 2020, following the release of a second revised draft of the Legally Binding Instrument by June 2020. Al-Haq will be submitting its written comments and proposals for text amendments to the IGWG on the revised draft of the Legally Binding Instrument.■

AL-HAQ AND NOVACT ORGANIZED A SIDE EVENT ENTITLED “A LEGALLY BINDING INSTRUMENT: ANOTHER TOOL OF RESISTING CORPORATE IMPUNITY DURING OCCUPATION”.



Over 280 ESCR-Net Members Call for Stronger Treaty to Regulate Corporate Activities

Over the last two months, ESCR-Net members have come together across different regions to collectively analyze and discuss the content of a revised Draft Treaty, published on 16 July 2019 as part of an ongoing intergovernmental process to fulfil UN resolution 26/9 to create a legally binding instrument that would regulate, in international human rights law, the activities of transnational corporations and other business enterprises.

ESCR-Net members noted some improvements in the revised Draft Treaty echoing points from our collective position papers issued last year in reaction to the zero Draft. These include improved language on conflict-affected areas, the protection of indigenous peoples, and on protection of human rights defenders.

At the same time, ESCR-Net members identified several gaps in the revised Draft that must be addressed to ensure the full protection of human rights, including in the areas mentioned above. Some of these gaps form red lines, identified by ESCR-Net members, on 11 key issues that if crossed, could undermine the purpose and goals of the Treaty. To that effect, ESCR-Net put together a position outlining alternative language to strengthen the respect, protection, fulfilment and promotion of human rights via this Treaty.

Scope of the Treaty. While the broadened scope is a note-worthy development, it is vital that a strong focus remain on transnational

corporations (TNCs) operating through global value chains in order to ensure that the revised Treaty is able to hold those corporations accountable for human rights violations or abuses.

Human rights defenders: The Treaty must ensure consistency with the UN Declaration on the Rights of Human Rights Defenders to avoid gaps and foster harmonization with the spirit of the Declaration and to ensure the utmost protection of defenders.

Access to Information: The Treaty must have guarantees of access to information for victims and affected individuals or communities to prevent corporate abuses and violations prior to the commencement of, and during the business activity as well as in the remedy process.

Indigenous Peoples Rights: The Treaty must guarantee the right to free, prior and informed consent” of indigenous peoples (FPIC). Consent and not mere consultation should be maintained in the Draft as a key principle as it offers a broader protective measure for marginalized communities beyond mere consultation. It advances within the broader FPIC principle protection of community values and consensus building. Consent must be continuous - with information provided at every stage of the project for subsequent consent.

Gender and the Treaty: A non-binary gender, youth and children lens should be adopted and streamlined throughout the text. Most significantly, the text must

Beigel and Beigel in Barkan industrial zone, Salfit





enable the appointment of gender experts in the Committee that oversees the implementation of the Treaty.

Corporate Capture: The Treaty must adopt stronger safeguards against corporate capture (undue corporate influence). It is fundamental to protect the integrity of the policymaking space, its participants, and outcomes from the interests of these corporations—including any potential, perceived, or actual conflicts of interest. It is imperative to develop good governance measures that safeguard against corporate political interference at the national, international, and intergovernmental levels, in the current discussions that pertain to the Treaty's content, negotiations, implementation and monitoring.

Conflict-affected areas: To ensure prevention of human rights abuses and violations by corporate activities and States in conflict-affected areas, fragile and post conflict States, mandatory enhanced due diligence is necessary and must include a requirement not to pursue or start operations in certain situations in which no due diligence can guarantee that there will not be complicity or contribution to violations that in some cases may amount to international crimes. It is important also to introduce more urgent and immediate preventive measures, divestment and disengagement policies, to avoid corporate involvement in and/or contribution to human rights violations in their activities and relationships.

Business relationship vs. contractual relationship: The Treaty must ensure the responsibility of the parent company for the actions of companies in its value and supply chain that are companies with whom it has a business relationship that can be different from a mere contractual relationship with the parent company.

Primacy of human rights: The Treaty must reflect the primacy of human rights obligations over those under bilateral or multilateral trade, investment or other agreements. Reference to economic and trade agreements is weaker in the revised Draft and can be further strengthened to ensure human rights obligations always take precedence over trade agreements.

State-owned companies: States must take additional steps and exercise a higher standard of care to prevent and protect from abuses and violations related to State-owned enterprises or in areas where the State is an economic actor.

Extraterritorial Obligations: The Treaty can benefit from clearer language articulating the responsibilities of home and host States in regulating business activity and holding accountable business entities for activity that violates or abuses human rights. For example, it is important to note that the concept of forum non conveniens should be explicitly marked as not applicable for the purposes of this Treaty.■

THE TREATY MUST REFLECT THE PRIMACY OF HUMAN RIGHTS OBLIGATIONS OVER THOSE UNDER BILAT- ERAL OR MULTI- LATERAL TRADE, INVESTMENT OR OTHER AGREE- MENTS



Al-Haq's Engagement with the UN Committee on Economic, Social and Cultural Rights for Israel's Fourth Periodic Review

On 30 September 2019, Al-Haq participated in a meeting convened between the United Nations (UN) Committee on Economic, Social and Cultural Rights (the 'Committee' or 'CESCR') and civil society organisations as part of the fourth Periodic Review of the State of Israel under the International Covenant on Economic, Social and Cultural Rights (the 'Covenant'). The meeting included a number of civil society and human rights organisations to discuss Israel's ongoing violations of economic, social, and cultural rights against Palestinians within its jurisdiction, i.e., in the Occupied Palestinian Territory (OPT) and Israel, as well as the Syrian population in the occupied Syrian Golan.

Prior to the meeting, on 6 September 2019, Al-Haq, along with Al-Marsad – Arab Human Rights Centre in Golan Heights and Cornell Law School's International Human Rights Clinic (submitting parties), submitted a joint parallel report to the Committee, focusing on the systemic and manifestly unlawful exploitation of renewable and non-renewable energy resources in the OPT and in the occupied Syrian Golan. The submission further highlighted Israel's infringements of, *inter alia*, the right to self-determination and permanent sovereignty over natural resources for both occupied people, as well as the involvement of business enterprises in these violations.^[1]

During the meeting with the Committee, Al-Haq reiterated recommendations made in the joint written parallel report, reaffirming Israel's continued failure to respect, protect, and fulfil the rights enshrined in the Covenant for the occupied Palestinian people, and systemic

measures and policies of land confiscation, movement restrictions, house and property demolitions, displacement and transfer of the occupied population, which ultimately seek to erase Palestinian presence through demographic engineering and the expansion of Israel's illegal settlement enterprise. Al-Haq specifically highlighted Israel's policies and measures to deny and prevent the occupied Palestinian people access and control over their land and natural resources in the OPT, and the role of private actors, including agencies and business enterprises, in the unlawful exploitation of Palestinian resources for the benefit of the Israeli economy and its settlement enterprise, thus sustaining Israel's prolonged military occupation and making it profitable. Al-Haq highlighted that business enterprises have benefited from the occupation and lack of accountability for their involvement in serious human rights abuses in their operations and relationships in the OPT. This has obstructed and denied the occupied Palestinian people sovereignty over natural wealth and resources, pursuit of economic development, and forced them into an entrenched dependency on aid, thereby creating a captive market.

Al-Haq urged the Committee to acknowledge the role of private actors in infringing upon the social, economic, and cultural rights of the occupied population, as the Committee has done previously in other contexts, including Congo, Madagascar, and Cambodia. Furthermore, Al-Haq urged the Committee to:

- Call on Israel to fulfil its obligations towards the occupied population under





international human rights law and international humanitarian law, notably with regards to the right to self-determination and permanent sovereignty over natural resources;

- Halt all discriminatory policies and practices, especially land confiscation, closure, and movement restrictions imposed on the Palestinian people, and stop providing incentives for businesses to operate in and with illegal Israeli settlements;
- Cease authorizing and encouraging Israeli and multinational business enterprises from engaging in activities in occupied territories that directly and indirectly result in serious and systemic human rights abuses against the occupied peoples, their property, and resources; and
- Ensure that such business activity is fully in line with its obligations, as occupying Power, under international human rights law and international humanitarian law, as well as principles of corporate responsibility under international law.

Meanwhile, civil society organisations addressed other pertinent violations under the Covenant against the Palestinian people within Israel's jurisdiction, including: house demolitions, the revocation of the permanent residency status of Palestinians in Jerusalem, the unlawful 12-year Israeli imposed closure of the Gaza Strip, which amounts to collective punishment, and the ramifications

of Israel's Nation-State Law on the inalienable rights of the Palestinian people.

In a follow up written submission sent on 8 October 2019, responding to the Committee members' questions during the meeting held on 30 September, Al-Haq elaborated on Israel's intentional failure to guarantee the Palestinian people effective judicial remedies for violations committed against them, the tangible implications of Israel's racist Nation-State Law for the non-Jewish population of Israel, Israel's imposed closure of the Gaza Strip, which has made Gaza uninhabitable, and other movement and access restrictions across the OPT, which have had a detrimental impact on the right to health and access to medical care for the occupied Palestinian population. In the follow-up responses submitted to the Committee, Al-Haq urged CESCR to reiterate and adopt the recommendations of the UN Commission of Inquiry on the Great Return March, including to call on Israel, as occupying Power, to lift its illegal closure of the Gaza Strip with immediate effect. Ultimately, Al-Haq called on the Committee to recognise that Israel's prolonged occupation is incompatible with its obligations under the Covenant to uphold the right of the Palestinian people to self-determination.■

^[1] See full list of recommendations at: Al-Haq, 'Joint Submission to UN Committee on Economic, Social and Cultural Rights ahead of Israel's Fourth Periodic Review' (11 September 2019) available at: <http://www.alhaq.org/advocacy/15138.html>

AL-HAQ HIGHLIGHTED THAT BUSINESS ENTERPRISES HAVE BENEFITED FROM THE OCCUPATION AND LACK OF ACCOUNTABILITY FOR THEIR INVOLVEMENT IN SERIOUS HUMAN RIGHTS ABUSES



Joint Statement: Continued Delay of the UN Database by the UN High Commissioner for Human Rights, Unfounded and Unacceptable

"IS NOT ONLY IMPORTANT FOR THE PROTECTION OF THE RIGHTS OF THE PALESTINIAN PEOPLE, BUT ALSO CONSTITUTES AN IMPORTANT DEVELOPMENT IN INTERNATIONAL EFFORTS TO ENSURE RESPECT FOR INTERNATIONAL LAW BY STATE AND NON-STATE ACTORS"

The undersigned organisations express their serious concern and disappointment that the United Nations (UN) High Commissioner for Human Rights did not transmit to the Human Rights Council, at its 42nd session, the database of all businesses engaged in listed activities related to Israel's unlawful settlement enterprise (the Database) in the Occupied Palestinian Territory (OPT), as mandated in Human Rights Council resolution 31/36 (2016).^[1] The Human Rights Council called for transmission of the data at its 34th session in March 2017. The repeated, open-ended, and unexplained delays have no precedent in the handling of previous mandates by the Office of the High Commissioner for Human Rights (OHCHR). In March 2019, the High Commissioner wrote to the President of the Human Rights Council, pledging to fulfil the mandate "in coming months." Her decision not to do so at the Council's September session means that the Council will have no practical opportunity to consider the report before its next session in March 2020 – a full year after the High Commissioner made her commitment.

The OHCHR's failure so far to fulfil the mandate, explicitly stipulating the transmission of the data gathered, is of deep concern, particularly in light of consistent reports of political interference by some states in the implementation of this resolution.^[2] In July 2019, during the 41st Human Rights Council session, some 90 states, in two joint statements, emphasized the crucial importance

that the High Commissioner and her Office maintain their independence and are able to execute their mandates impartially and without interference.^[3] Meanwhile, civil society organisations from around the world have repeatedly called on the High Commissioner to fulfil the mandate of resolution 31/36 (2016) and release the Database, noting that it "is not only important for the protection of the rights of the Palestinian people, but also constitutes an important development in international efforts to ensure respect for international law by State and non-State actors" and "an important tool to strengthen the implementation of international law and standards, including the UN Guiding Principles on Business and Human Rights, in situations of conflict and occupation."^[4]

The High Commissioner has not provided any substantive reasons or explanations consistent with the independence of her Office for the extended delay in the fulfilment of the mandate entrusted to her. The OHCHR has had ample time to make all necessary preparations for the release of the Database, including contacting companies.^[5] In order to protect and uphold the human rights of Palestinians and the integrity of OHCHR, it is imperative that the High Commissioner immediately publish and transmit the Database to the Council, including the names of all companies listed, and commit to the annual update of its contents. Otherwise, the High Commissioner should state publicly her principled grounds, consistent with the



independence of her Office, for not carrying out the specific mandate entrusted to her.

Since the establishment of the Database mandate in 2016, Israel has escalated its construction of illegal settlements in the West Bank and in September approved ex-post facto the outpost settlement of Mevo'ot Yericho near Jericho in the Jordan Valley,^[6] just days after Prime Minister Netanyahu vowed to annex the Jordan Valley if elected.^[7] Business activity in or with settlements contributes in many ways to the growth and development of these settlements and to serious human rights abuses.^[8] OHCHR's repeated delays in releasing the Database and transmitting the data promote impunity and enable further entrenchment and expansion of illegal settlements. Transmission

of the data would provide a degree of transparency over these activities and serve as a tool to assist states and businesses to uphold their obligations and responsibilities under international human rights and humanitarian law.■

- ✓ 11.11.11
- ✓ Al-Haq
- ✓ Amnesty International
- ✓ Cairo Institute for Human Rights Studies (CIHRS)
- ✓ The Centre for Research on Multinational Corporations (SOMO)
- ✓ CNCDD-11.11.11
- ✓ European Middle East Project (EuMEP)
- ✓ Global Legal Action Network (GLAN)
- ✓ Human Rights Watch.

BUSINESS ACTIVITY IN OR WITH SETTLEMENTS CONTRIBUTES IN MANY WAYS TO THE GROWTH AND DEVELOPMENT OF THESE SETTLEMENTS AND TO SERIOUS HUMAN RIGHTS ABUSES

^[1] UN Human Rights Council, A/HRC/RES/31/36 at para 96

^[2] There have been several media reports highlighting political interference exerted against the publication of the Database. See for example: Josef Federman, Josh Lederman and Jamey Keaten, 'Israel races to head off UN settlement "blacklist"' (AP, 26 November 2017), available at: <https://www.apnews.com/9f910e5a7b264c38aad504a6147d9898>; Nick Cumming-Bruce, 'Clash Over Israeli Settlements Has a New Front: A Delayed U.N. Report' (The New York Times, 5 March 2019), available at: <https://www.nytimes.com/2019/03/05/world/middleeast/israel-united-nations-boycottcompanies.html>

^[3] Al-Haq, 'More than 100 Organisations Call for the Release of the UN Database of Businesses Engaged in Activities with Israeli Settlements' (29 August 2019) <http://www.alhaq.org/advocacy/14950.html>

^[4] Al-Haq, '100 Palestinian, Regional and International Organisations Call on High Commissioner for Human Rights to Publish the UN Database on Business Enterprises with Activities Related to Israeli Settlements in the OPT' (30 November 2018) <http://www.alhaq.org/advocacy/6130.html>

^[5] See, for example, letter from High Commissioner for Human Rights, Zeid Ra'ad al-Hussein, to the President of the Human Rights Council, Ambassador Vojislav Šuc, on 7 August 2018, available at: <https://extranet.ohchr.org/sites/hrc/PresidencyBureau/BureauRegionalGroupsCorrespondence/Corresp2014DL180807LetterfromHCDatabase.pdf>

^[6] See for example: United Nations Meetings Coverage and Press Releases 'Special Coordinator Reports Largest Expansion of West Bank Settlements in 2 Years, as He Briefs Security Council on Middle East Peace Process' (20 June 2019) <https://www.un.org/>



[press/en/2019/sc13853.doc.htm](https://www.nytimes.com/2019/04/06/world/middleeast/netanyahu-annex-west-bank.html?module=inline)

^[7] David M. Halbfinger, 'Netanyahu Vows to Start Annexing West Bank, in Bid to Rally the Right' (New York Times, 6 April 2019) <https://www.nytimes.com/2019/04/06/world/middleeast/netanyahu-annex-west-bank.html?module=inline>; BBC, 'Israel PM Netanyahu vows to annex occupied Jordan Valley' (10 September 2019) <https://www.bbc.com/news/world-middle-east-49655226>

^[8] "The violations of human rights associated with the settlements are pervasive and devastating, reaching every facet of Palestinian life, owing to settlement development and infrastructure, Palestinians suffer from restrictions on freedom of religion, movement and education; their rights to land and water; access to livelihood and their right to an adequate standard of living; their rights to family life; and many other fundamental rights." Human Rights Council, Database of all business enterprises involved in the activities detailed in paragraph 96 of the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem (26 January 2018) A/HRC/37/39; The 2013 report of the UN commissioned International Fact-Finding Mission to investigate the implications of the Israeli settlements on the human rights of the Palestinian people, found that "business enterprises have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the settlements." Human Rights Council, Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem (7 February 2013) A/HRC/22/63



Israel's Soda Stream factory in the settlement of Ma'ale Adumim, 2014

Sa'adat Gharib's house in Beit Ijza is fenced in inside the settlement of Givon Hahadasha. October 2019.



Update: Administrative Court of Cologne rules in favor of supporters of BDS Movement



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On Friday 13 September 2019, the Administrative Court of Cologne ruled that the German-Palestinian Women's Association (as well as two other Palestinian Solidarity Movements) must be allowed to participate in the Bonn cultural festival ("Vielfalt! – Bonner Kultur - und Begegnungsfest").^[1]

Over the past number of years, the German-Palestinian Women's Association, the German-Palestinian Society and the Palestinian Community of Bonn, have regularly participated in the annual Bonn Culture and Encounter Festival. However this year, and following the passing of motions by the German Bundestag^[2] (20 September 2018) and the parliament of North-Rhine Westphalia (17 May 2019) condemning the Boycotts, Divestment and Sanctions (BDS) movement, the three organizations were informed that they would not

be permitted to participate, due to their support of BDS.

However on 13 September 2019, the Administrative Court of Cologne found that "the motions of the Bonn City Council, as well as the motions of the parliament of North-Rhine Westphalia (20 September 2018) and the German Bundestag (17 May 2019), do not constitute legislative acts, but are political resolutions or expressions of political will. These motions alone cannot justify, from any legal perspective, the restriction of an existing legal right."^[3]

The Court further found that the conduct of the City of Bonn in preventing participation on the grounds of the organizations' support for BDS, to be in breach of the principle of equality, as provided for in Article 3 of the German Basic Law, while also violating the right to freedom of expression under Article 5 of the Basic Law.^[4] Notably, the Court considered that exclusion on

Court orders City of Bonn to allow Women's Association to participate in festival, ruling their exclusion due to BDS support is "not even remotely justified." BDS website



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THE RIGHT OF INDIVIDUALS TO CHOOSE TO BOYCOTT IS AN IMPORTANT COMPONENT OF THE RIGHT TO FREEDOM OF EXPRESSION AND ASSOCIATION

such grounds constitutes "unequal treatment" ("Ungleichbehandlung"), which is "not even remotely" justified.^[5]

With its decision, the Administrative Court of Cologne follows two earlier rulings by the Administrative Court of Oldenburg (Case 3 A 3012/16)^[6] and the Higher Administrative Court of Lower Saxony in Lüneburg (Case 10 ME 48/19)^[7], which also protect access of BDS activists to public facilities, initially denied by local authorities.

Al-Haq welcomes the decision by the Administrative Court of Cologne, and notes that it additionally ensures the protection of the rights of freedom of expression and freedom of association and assembly, as

provided for under Articles 10 and 11 respectively of the European Convention on Human Rights (ECHR) and integrated into German Basic Law. The right of individuals to choose to boycott is an important component of the right to freedom of expression and association. For this reason, the EU has explicitly affirmed the necessity to protect the rights to freedom of expression and of association, as enshrined in the EU Charter of Fundamental Rights, including with regards to BDS activities throughout EU Member States.^[8] Al-Haq considers the protection of these rights as vital to a healthy and vibrant democracy based on international principals of human rights and dignity.■

[1] ELSC, "Another German Court rules in favor of supporters of BDS Movement" (16 September 2019), available at: <https://rightsforum.org/2.0/wp-content/uploads/2019/09/2019-09-16-ELSC-Press-release-Bonn-ENGDE.pdf>

[2] German Bundestag (19th parliamentary term), "Resisting the BDS Movement with Determination – Combating Anti-Semitism" (15 May 2019), proposal by the political groups of CDU/CSU, SPD, FDP, and Alliance 90/the Greens.

[3] See Supra 1.

[4] Basic Law for the Federal Republic of Germany, available at: <https://www.btg-bestellservice.de/pdf/80201000.pdf>

[5] ELSC (n 1).

[6] "Kommunalrecht-Rechtswidrige Aufhebung des für die Überlassung eines Vortragssaals in einer öffentlichen Einrichtung vorausgesetzten Zulassungsverwaltungsakts" (Fortsetzungsfeststellungsklage) available at: <http://www.rechtsprechung.niedersachsen.de/jportal/?quelle=jlink&docid=MWRE190000178&psml=bsndprod.psml&max=true>

[7] Verteilung der Darlegungs- und Beweislast bei Ausschluss eines Einwohners von der Nutzung einer öffentlichen Einrichtung der Gemeinde wegen Nichteinstehens für die freiheitlich-demokratische Grundordnung, available at: <http://www.rechtsprechung.niedersachsen.de/jportal/portal/page/bsndprod.psml?docid=MWRE1900001146&st=null&showdoccase=1>

[8] European Parliament, Parliamentary Questions, 15 September 2016, Answer given by Vice-President Mogherini on behalf of the Commission, available at: http://www.europarl.europa.eu/doceo/document/E-8-2016-005122-ASW_EN.html?redirect

Special Focus: Three Palestinians Killed during the Great Return March Protests

Reporting period: 26 August – 6 September 2019



AL-HAQ

Since 30 March 2018, Palestinians have been protesting against Israel's prolonged closure of the Gaza Strip, calling for the realization of the right of Palestinian refugees to return, and for an end to Israel's prolonged occupation, in five return camps across the Gaza Strip, in the Great Return March.^[1] The Israeli Occupying Forces (IOF) have responded to the Great Return March protests by using excessive force and lethal force against Palestinian protestors, which have resulted in the killing of 211 Palestinians, including 3 women, 46 children, two journalists, seven persons with disabilities, and four paramedics. Meanwhile, 13,809 of Palestinians have been injured due to the IOF's excessive and disproportionate use of force against the protestors, including 2,932 children, 233 paramedics and



213 journalists.^[2]

On Friday, 30 August 2019, during the 72nd Great Return March protests, the IOF killed Bader El-Din Nabil Abu Mousa, 25. The following week, on Friday, 6 September 2019, during the 73rd Great Return March protests, the IOF killed Ali Sami Al-Ashqar, 17, and Khaled Abu Bakr Rabie, 14. On both Fridays, 181 Palestinians were injured, including 98 by live ammunition, 49 by rubber coated metal bullets, 34 by tear gas canisters. Of the 181 Palestinians injured during the 72nd and 73rd Great Return March protests, 74 were children, one journalist and three medics.

The Killing of Bader El-Din Nabil Abu Mousa – Al-Emirati Neighborhood – Khan Younis

On Saturday, 31 August 2019, at approximately 11:00 am, Bader El-Din Nabil Abu Mousa, 25, was pronounced dead at the Gaza European Hospital in Khan Younis due to a bullet wound sustained from IOF live fire the evening before. At around 6:25 pm on Friday, 30 August 2019, Bader El-Din was shot with a live bullet in the left side of the head while participating in the 72nd week of the Great Return March protests east of Khuza'a village, east of Khan Younis in the southern Gaza Strip.

According to Mousa Abed Abu 'Azab, 31, Bader El-Din's friend, the two had been participating in the Great Return March protests since 30 March 2018, to assert the right of return and demand an end to the Israeli imposed closure on the Gaza Strip. Initially, Bader El-

A photo of Bader El-Din Nabil Abu Mousa during the Great Return March. (Source: Arab 48, 31 August 2019)^[3]

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Great Return March. Picture credit: Yusef Basam



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Din and Mousa were about 70-100 metres away from the fence, and then approached the barbed wire, where they could see Israeli military jeeps and soldiers, positioned atop the hills and dirt mounds, with their guns pointed at the protestors. There, some of the protestors, including Bader El-Din, threw stones and Molotov cocktails at the soldiers and military jeeps, as the soldiers fired live ammunition, rubber-coated metal bullets and tear gas canisters towards them.

At around 6:25 pm, towards the end of the protests and when numbers of people were starting to leave, Mousa recalls seeing an Israeli drone hovering in the sky for visual documentation purposes. Mousa and Bader El-Din crossed the barbed wire, when the IOF opened live fire towards them, injuring Bader El-Din with a live bullet in the head. Bader El-Din fell to the ground on his face and was bleeding from his head profusely. Bader El-Din was then taken to a Palestinian Red Crescent ambulance where they began to treat him. He was then transferred to the Gaza European Hospital in Khan Younis, where he was admitted to the intensive care unit for treatment. At approximately 11:00 am the next day, Bader El-Din was pronounced dead at the hospital.^[4] Bader El-Din was from Al-Emirati neighborhood, west of Khan Younis.

The Killing of Ali Sami Al-Ashqar – Jabaliya – Northern Gaza Strip

On Friday, 6 September 2019, at about 6:05 pm, Ali Sami Al-Ashqar, 17, arrived and was pronounced dead

at the Indonesian Hospital in Beit Lahia, from a live bullet shot at him by the IOF. Ali was from the Jabaliya refugee camp in the northern Gaza Strip. At approximately 5:40 pm on Friday, 6 September 2019, Ali was injured with a live bullet during his participation in the 73rd Great Return March in Abu Safia camp, east of the town of Jabaliya in the northern Gaza Strip located a few metres from the separation fence.

Ali was about 40-50 metres away from the first barbed wire fence, which is about 20 metres away from the second fence, opposite the Abu Safiya gate, along with other demonstrators. Some of the youth were throwing stones at an Israeli military jeep near the gate where four armed Israeli soldiers were firing tear gas canisters, rubber bullets and live bullets every now and then at the demonstrators near the fence.

At approximately 5:40 pm, the IOF continued to fire live ammunition and tear gas canisters at the protestors. In the meantime, Ali and Salim Abd Al-Salam Al-Dabaji, 21, walked about 10 metres south from the fence to escape the tear gas. Ali approached Salim, calling "my back... my back". His hands were on the lower part of the right side of his neck. Salim saw that there was a one-centimeter hole on Ali's neck from which he was bleeding profusely. Salim checked Ali's back where he saw another smaller hole from which Ali was also bleeding. In the meantime, white foam was coming out of Ali's mouth and he ceased breathing. Ali was rushed to the Indonesian Hospital in Beit Lahia by an ambulance, where he



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was pronounced dead upon arrival.^[5]

The Killing of Khaled Abu Bakr Rabie – Al-Shojaeya – East Gaza City

On Friday, 6 September 2019, at 5:40 pm, doctors pronounced Khaled Abu Bakr Rabie dead due to a live bullet shot at him by the IOF. Khaled, 14, was from Al-Shujai'ya neighborhood in the east of Gaza City. At approximately 5:10 pm on Friday, 6 September 2019, Khaled was injured with a live bullet in the right side while he was participating in the 73rd Great Return March east of Gaza City. Khaled was about 300 metres from the fence when he was shot in his right side by a live bullet. After numerous attempts to revive him in the field, he was taken to Al-Shifa Hospital in Gaza at approximately 5:35 pm, where he was pronounced dead, at 5:40 pm.^[6]

Legal Analysis

Israel has imposed movement restrictions on the Gaza Strip since the early 1990's. In June 2007, Israel imposed a land, sea and air blockade on Gaza, claiming "security" concerns.^[7] Around 1.8 million Palestinians in Gaza remain 'locked in', denied free access to the remainder of the OPT and the outside world. The closure and blockade of the Gaza Strip is a denial of basic human rights in contravention of international human rights treaties and customary law. In particular the killings stand in violation of Article 6 of the International Covenant on Civil and Political Rights (ICCPR), which provides that "every human being has the inherent right to life....No one

shall be arbitrarily deprived of his life."^[8] The Israeli-imposed blockade and closure has also severely affected the living conditions in Gaza and made it uninhabitable and further amounting to collective punishment of the civilian Palestinian population.

Moreover, under international law, Palestinians have the right to demonstrate and participate in the Great Return March protests. This right is guaranteed in Articles 19 and 21 of the ICCPR. Article 19 of the ICCPR states that "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."^[9] Meanwhile, Article 21 of the ICCPR grants that "the right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others."^[10]

Meanwhile, Israel's disregard for international humanitarian and human rights law has continued to result in civilian casualties, notably during the Great Return March protests since 30 March 2018. The use of excessive force against the Palestinians protestors participating in the Great Return March is unlawful under international human rights



Great Return March, Gaza, 2018. Source: Amnesty

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laws and humanitarian law. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials was adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and was welcomed by the General Assembly of the UN in resolution 45/166 in 1990.^[11] The preamble states, "whereas law enforcement officials have a vital role in the protection of the right to life, liberty and security of the person, as guaranteed in the Universal Declaration of Human Rights and reaffirmed in the International Covenant on Civil and Political Rights."^[12] The IOF's deliberate and disproportionate excessive use of force against Palestinians does not fulfill the IOF's obligations in protecting the rights to life, liberty, and security of persons.

The preamble also states, that "article 3 of the Code of Conduct for Law Enforcement Officials provides that law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty."^[13] As seen in the cases of Khaled, Ali and Bader El-Din, the use of excessive and lethal force used by the IOF was unnecessary and not required for the performance of their duty. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials also highlights the importance of protecting the people and preventing the use of excessive force where possible.^[14]

On 18 March 2019, The UN Independent Commission of Inquiry on the protests in the Occupied

Palestinian Territory presented its findings to the UN Human Rights Council, after investigating the killings and injuries primarily within the context of the Great Return March protests.^[15] As noted in the report, the killings of Palestinian protestors within this context were always authorized:

"We noted that a senior Israeli official recently stated to international media that each and every bullet received authorization by an experienced commander. When examining the Israel Defense Forces' use of live fire against the Palestinian protestors, the Commission, however, found that application of lethal force was in the majority of cases authorized unlawfully. This inevitably led to arbitrary deprivation of life."^[16]

Furthermore, the UN Commission of Inquiry's report highlights that "there was no justification for Israel's forces killing and injuring persons who pose no imminent threat of death or serious injury to those around them, including journalists, health workers and children."^[17] Al-Haq calls for the immediate cessation on the use of force and lethal force by Israel and calls on the international community to ensure Israel's respect for the Geneva Conventions in this regard, including by exercising jurisdiction to prosecute grave breaches.■

^[1] See: Al-Haq, "Q&A The Great Return March: One Year On", 25 May 2019, available at: <https://www.alhaq.org/advocacy/6044.html>

^[2] Pchr. "Palestinian Center for Human

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Rights.” Palestinian Center for Human Rights, 6 Sept. 2019, <https://pchr.org/en/?p=12883>.

[3] Arab 48, (31 August 2019) available at: <https://bit.ly/2IXle6w>

[4] Al-Haq Affidavit No. A362/2019, taken on 1 September 2019.

[5] Al-Haq Affidavit No. A369/2019, taken on 7 September 2019.

[6] Palestine Chronicle (6 September 2019) available at: <http://www.palestinechronicle.com/israeli-forces-kill-two-minors-in-gaza/>

[7] “Gaza Blockade.” United Nations Office for the Coordination of Humanitarian Affairs - Occupied Palestinian Territory, <https://www.ochaopt.org/theme/gaza-blockade>.

[8] “Human Rights Committee Developing New Right to Life General Comment.” International Justice Resource Center, <https://ijrcenter.org/2015/07/28/human-rights-committee-developing-new-right-to-life-general-comment/#targetText=Article%20%20of%20the%20ICCPR,arbitrarily%20deprived%20of%20his%20life>.

[9] Article 19, ICCPR

[10] “Article 21, ICCPR

[11] “UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.” Facing Finance, <http://www.facing-finance.org/en/database/norms-and-standards/un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials/>.

[12] “Basic Principles on the Use of Force and Firearms.” OHCHR, <https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>.

[13] Ibid.

[14] Ibid.

[15] “UN Commission Urges Israel to Review Rules of Engagement before Gaza Protest Anniversary.” OHCHR, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24348&LangID=E>.

[16] “UN Commission Urges Israel to

Review Rules of Engagement before Gaza Protest Anniversary.” Paragraph 4, OHCHR, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24348&LangID=E>.



Great Return March, May 2019

Al-Haq Welcomes Launch of World Health Organization Report on the Right to Health in the Occupied Palestinian Territory

On 8 October 2019, Al-Haq participated at a launch event for the new report by the World Health Organization (WHO) in the occupied Palestinian territory on the [Right to Health 2018](#), which examines obstacles to achieving the highest attainable standard of physical and mental health for Palestinians living under Israel’s prolonged military occupation in the West Bank, including East Jerusalem, and the Gaza Strip, including barriers to adequate healthcare provision, movement and access restrictions, denials of the underlying determinants of health, and attacks on healthcare.^[1]

Held in Ramallah, the launch event included opening remarks from Dr. Gerald Rockenschaub, head of WHO office in the occupied Palestinian territory, Mr. James Heenan, head of office for the Office of the High Commissioner of Human Rights (OHCHR) in Palestine, Mr. Jamie McGoldrick, the United Nations (UN) Humanitarian Coordinator for the occupied Palestinian territory, and Dr. Mai Alkaila, the Minister of Health for the State of Palestine.

Opening the launch event on behalf of WHO, Dr. Gerald Rockenschaub stressed that WHO’s 2018 Right to Health report is an important tool for advocacy for the promotion of the right to health in Palestine in the face of chronic occupation and fragmentation, affecting access to healthcare for all Palestinians. Dr. Rockenschaub highlighted the continued attacks on health facilities and workers, including the recent military raid by the Israeli occupying forces on Augusta Victoria hospital in occupied East Jerusalem and the killing of Palestinian health workers, in particular during the Great Return



March in Gaza. Discussing the dire fate of Palestinian cancer patients from Gaza, Dr. Rockenschaub highlighted the urgent need to revisit the Israeli permit regime for the referral of patients for treatment, stressing that upholding the right to health under occupation requires principled and collective advocacy efforts.

Speaking on behalf of OHCHR in the occupied Palestinian territory, Mr. James Heenan welcomed WHO’s report for its solid analytical data as a resource for advocacy to strengthen the human rights-based approach to health as a legal right. In particular, Mr. Heenan emphasized that the Israeli occupation remains a clear barrier to the enjoyment of the right to health in the occupied Palestinian territory, stressing the importance of a human rights-based approach based on non-discrimination and the full enjoyment of the rights to freedom of expression and peaceful assembly to claim the right to health.

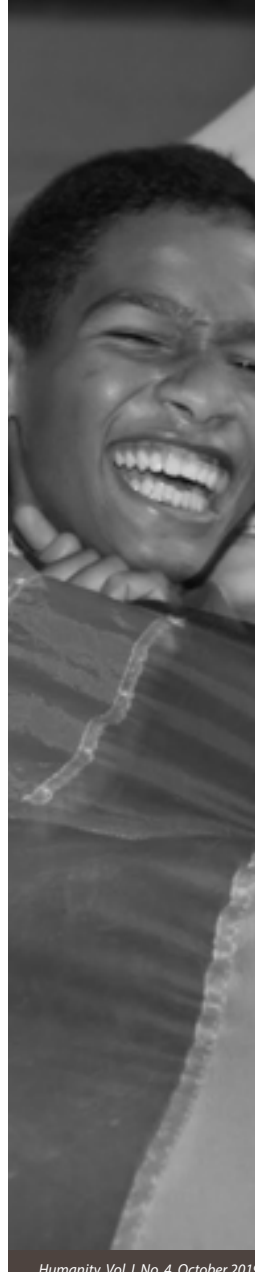
Mr. Jamie McGoldrick, the UN Humanitarian Coordinator, recalled that 2018 had seen a rise in attacks on health workers, with three paramedics killed during the Great Return March, a large number of killings and injuries during demonstrations in Gaza, including complex injuries, which have overwhelmed the Palestinian health sector, and the impacts of conflict and occupation on the mental health of Palestinians, the full extent of which remains unknown as of yet. Addressing WHO's new annual report, Mr. McGoldrick underlined the obstacles to enjoyment of the right to health in Palestine, including restrictions on patients and their companions seeking referral outside the Gaza Strip. In particular, he highlighted the effects of Israel's 12-year closure and de-development of Gaza as an impediment to the full realisation of the right to health, including underlying determinants of health. Accordingly, Mr. McGoldrick called for collective advocacy for the implementation of the recommendations contained in WHO's 2018 Right to Health report.

The Palestinian Minister of Health, Dr. Mai Alkaila, thanked WHO for their important report. Highlighting the prolonged deprivation of the rights of Palestinians for over seven decades, Dr. Alkaila highlighted Israel's pervasive violations of the right to health of Palestinians, including as a result of freedom of movement and access restrictions, the closure of Gaza and inability of patients to travel for treatment, the construction of the Annexation Wall and fragmentation of the West Bank, and continued attacks on healthcare, including raids on hospitals and the killing and injury of health workers. In addition, the Minister further

addressed the torture and ill-treatment of Palestinian detainees in Israeli prisons and incidents of medical negligence by the Israeli occupying authorities, highlighting the recent torture and ill-treatment of Palestinian detainee Samer Arbeed by Israeli interrogators. As such, Dr. Alkaila stressed that the Israeli occupation impacts all aspects of Palestinians' lives and called for the implementation of the Human Rights Council [resolution on accountability](#) 13/40, in which the Council adopted the recommendations of the UN Commission of Inquiry on the Great Return March.

An affected health worker with the Palestine Red Crescent Society (PRCS) described the challenging environment for paramedics providing healthcare in the occupied Palestinian territory, highlighting the barriers for ambulances to access East Jerusalem hospitals, as a result of the Israeli-imposed permit regime, delays and at times denials of access at checkpoints, which may have life-threatening consequences for Palestinian patients across the West Bank. The affected health worker further described inhumane "back to back" procedures requiring the transfer of patients from one ambulance to another at Israeli checkpoints, in addition to mandatory checks imposed by the Israeli occupying authorities on Palestinian ambulances reaching Israeli hospitals in East Jerusalem, even in life-threatening situations.

Welcoming WHO's new report on the right to health, Al-Haq's legal researcher, Rania Muhareb, highlighted the report's relevance for advocacy with its focus not only on violations of the right to health but also on the detrimental impact



Dr. Gerald Rockenschaub, head of WHO office in the occupied Palestinian territory, Mr. James Heenan, head of office for the Office of the High Commissioner of Human Rights (OHCHR) in Palestine, Dr. Mai Alkaila, the Minister of Health for the State of Palestine and Mr. Jamie McGoldrick, the United Nations (UN) Humanitarian Coordinator for the occupied Palestinian territory

of Israel's prolonged occupation on Palestinians' enjoyment of the right to the highest attainable standard of physical and mental health, thereby underlining the urgent need to reform Israel's permit regime, to remove barriers, and "to depoliticize humanitarian health access." In particular, Al-Haq welcomed the report's attention to Palestinians' high exposure to violence under Israeli occupation, including to excessive use force and lethal force by the Israeli occupying forces, which, as the report highlights, "has longer-term implications for physical and mental health, with Palestinian adolescents having one of the highest burdens of mental disorders in the [region]."

Presenting Al-Haq's documentation of violations of the right to health of Palestinians, Ms. Muhareb

highlighted Israel's disregard for Palestinian life and health under occupation, including the result of torture and ill-treatment in Israeli detention, and the continued use of live fire against Palestinian civilians. In particular, she outlined the failure by the Israeli occupying forces, in most cases, to provide first aid and medical attention to injured Palestinians, but also denials of access for Palestinian ambulances, and increased attacks on health workers, in particular within the context of the Great Return March. She recalled that, according to the findings of the UN Commission of Inquiry on the 2018 protests in the occupied Palestinian territory, all health workers killed in Gaza in 2018 were clearly distinguishable as such and were shot without posing a threat to the lives of Israeli soldiers. Accordingly,

Al-Haq recalled the recommendation by the UN Commission of Inquiry for Israel to bring its rules of engagement for the use of live fire in line with international human rights law, stressing that this recommendation must be fulfilled to address Israel's policy of excessive use of force, in violation of international law.

Examining international legal mechanisms of accountability, Al-Haq's intervention further outlined the experience of Palestinian civil society and human rights organisations in engaging with the UN Commission of Inquiry and the importance of addressing the [root causes](#) of the Great Return March and overall human rights violations committed in the occupied Palestinian territory, noting that the Israeli closure of Gaza for the past 12 years has made Gaza [uninhabitable](#), giving rise to obligations on Israel, as occupying Power, to lift the Gaza closure, as recommended by the Commission of Inquiry, and on third States to cooperate to bring the illegal situation to an end. Accordingly, Al-Haq stressed the urgent need for justice and accountability for widespread and systematic human rights violations, including suspected crimes, committed in Palestine. This, Al-Haq argued, requires an end to Israeli impunity, the opening of an investigation by the International Criminal Court into the situation in Palestine, and immediate follow-up on the implementation of the Commission of Inquiry's recommendations both by OHCHR, as mandated by Human Rights Council resolution 40/13, and at a system-wide UN level for the promotion and protection of the rights of the Palestinian people, including to the highest attainable standard of health.



Presenting the findings of WHO's report, Dr. Ben Bouquet explained the conceptual framework of the right to health, focusing on the importance of fulfilling the underlying determinants of health, or those conditions of life conducive to good health and well-being. These conditions include access to secure housing, adequate water and sanitation, food, nutrition, and livelihoods, all of which have a significant impact on health outcomes. Within this framework, Dr. Bouquet highlighted existing health inequities, which are fundamentally unjust, and require duty bearers to implement core minimum obligations to respect, protect, and fulfil the right to health. Within the context of a captive Palestinian economy, Dr. Bouquet

highlighted the financial barriers hampering the availability and affordability of healthcare, including the provision of essential medicines and other health deliverables. He also presented on barriers to health access in the Gaza Strip, with the second lowest approval rate for patient travel permits recorded in 2018, and in the West Bank, mostly linked to the fragmentation of the territory, the Annexation Wall and its associated permit regime, hampering freedom of movement of Palestinians. Looking at attacks on healthcare, Dr. Bouquet presented on WHO's surveillance system for the monitoring of health attacks, stressing the importance of further developing this mechanism. Finally, he outlined the recommendations of WHO's report, which reiterate recommendations put forward by UN Special Rapporteur on the situation of human rights in the Palestinian territory occupied in 1967, as presented to the UN Human Rights Council in June 2018,^[2] and the recommendations of the UN Commission of Inquiry on the Great Return March,^[3] which require urgent implementation and follow-up.

For Al-Haq's previous work on the right to health, see:

- [Towards a Joint Strategy for the Protection of Healthcare in Palestine](#) (11 July 2019)
- [Israeli Occupying Forces Target and Kill Palestinian Civilians, including a Paramedic](#) (20 June 2019)
- [Al-Haq Refutes Israeli Army and Media Claims on the Killing of Volunteer First Responder Sajed Mizher in Dheisheh Refugee Camp](#) (8 April 2019)
- [Palestinian, Regional, and International Civil Society Call](#)

[for Action Ahead of One-Year Commemoration of Great Return March](#) (27 March 2019)

- [Diplomatic Briefing: "The Great Return March: One Year On"](#) (15 March 2019)
- [Two Palestinians Killed, including a Volunteer Paramedic, during 20th Great Return March Protests](#) (13 August 2018)
- [Israeli Forces Kill Paramedic and Injure 100 Palestinians as Great Return March Enters 10th Week](#) (3 June 2018)
- [Israel Deliberately Injures and Maims Palestinian Civilians, Prevents Evacuation of Wounded, and Denies Access to Vital Healthcare Facilities Outside the Gaza Strip](#) (18 April 2018)
- [Gaza: Dialysis Patients Face Death and Denial of Medical Transfer Causes Death, Violates Right to Life and Amounts to Inhuman, Cruel, Degrading Treatment](#) (5 February 2018).■

^[1] See WHO, WHO launches report on the Right to Health 2018, October 2019, available at: <http://www.emro.who.int/pse/palestine-news/who-launches-report-on-the-right-to-health-2018-october-2019.html?format=html>.

^[2] UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 14 June 1967, UN Doc. A/HRC/75/37.

^[3] Human Rights Council, Report of the independent international commission of inquiry on the protests in the Occupied Palestinian Territory, 25 February 2019, UN Doc. A/HRC/74/40.

Al-Haq Launches a Report and a Documentary on Climate Change Adaptation in the Occupied Palestinian Territory



On Monday 30 September 2019, Al-Haq launched its latest report and documentary film on climate change adaptation in the south Hebron hills, located to the south of the occupied West Bank. The report and the film were produced with the support of the Heinrich Böll Stiftung. The event was hosted at the Heinrich Böll Stiftung's office in Ramallah, and was attended by representatives from diplomatic missions, a range of local and international human rights, research and media organizations, as well as community members from the south Hebron hills.

In her opening remarks, Dr. Bettina Marx, director of the Heinrich Böll Stiftung's office in Ramallah, stressed the significance of producing this report, particularly in light of the wave of [climate strikes](#) taking place around the world. Dr. Marx further stated that "we really are confronting a world-wide climate catastrophe... for Palestinians, climate change adaptability is hampered and made more difficult by the Israeli occupation". Ms. Suha Jarrar, author of Al-Haq's report, added that "climate change is a global catastrophe... yet it impact people differently and disproportionately... global climate action should place indigenous peoples, racialized populations and those who contribute the least to climate change, at the center of the global climate struggle".

The event included a presentation of Al-Haq's latest report [Climate Change Adaptation under Occupation: Climate Change Vulnerability in the Occupied Palestinian Territory](#). The report examines the applicability of community-based climate change adaptation measures in the south Hebron hills, including in Masafer Yatta, one of the most climatically vulnerable areas of occupied Palestinian territory (OPT). The report assesses the ability of the occupied

Palestinian population to adapt to climate change within the context of Israel's prolonged occupation of the Palestinian territory since 1967. The report further highlights how Israel's discriminatory policies and practices imposed on the occupied West Bank, particularly in Area C, impede the ability of Palestinians to effectively adapt to climate change. Examining the applicability of international law, including international environmental law to the context in the south Hebron hills and the Palestinian territory at large, the report concludes that Palestinians residing in climatically vulnerable areas, are precluded from applying basic community-based adaptation options, without the genuine realisation of the collective right of the Palestinian people to self-determination, including permanent sovereignty over their natural wealth and resources in the OPT.

The presentation was followed by the screening of [The Struggle for Self-Determination in the Face of Climate Change](#), a film produced by Al-Haq, which captures the reality of climate change adaptation in the occupied Palestinian territory, within the context of Israel's prolonged occupation. The film features examples from the south Hebron hills, and highlights the experiences of local farming and herding communities in facing the impacts of climate change, while simultaneously enduring Israel's discriminatory policies and control over natural resources.■



Report launch in Ramallah

Adaptation under Occupation: Climate Change Vulnerability in the Occupied Palestinian Territory

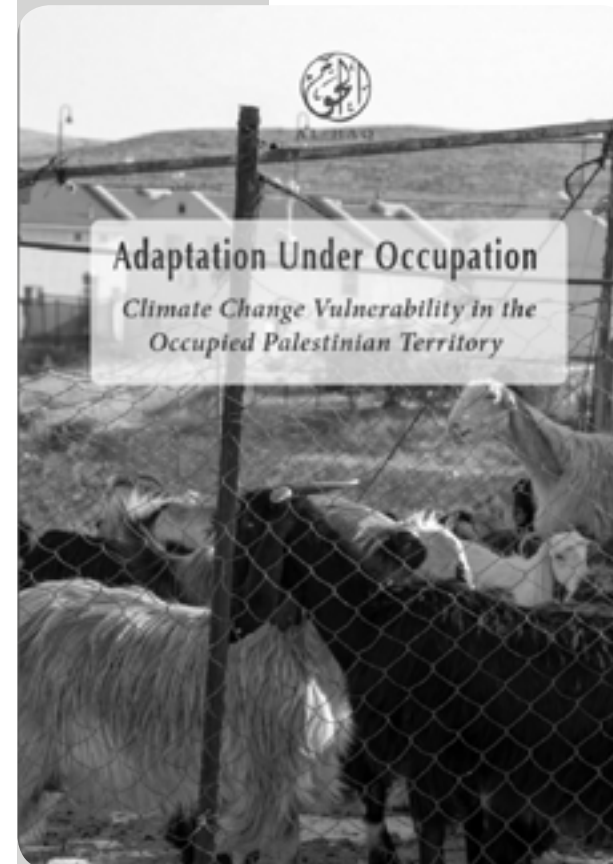


Communities in the Occupied Palestinian Territory (OPT), particularly in Area C of the West Bank, experience the magnified impacts of climate change due to Israel's discriminatory policies and practices. While adapting to climate change, Palestinians simultaneously endure coercive environments created by Israel to drive Palestinian displacement and forcible transfer. Future climate change projections for the OPT entail an increase in annual temperatures and a decline in rainfall. Consequently, the urgent need for proper climate change

adaptation will continue to rise.

Israel's practices of displacement and dispossession of the occupied Palestinian population is demonstrated by its practice of systematically targeting the resources necessary to maintain the livelihood of Palestinians. Exploitation of, and control over, natural resources has been central to build, sustain and develop Israel's illegal settlement enterprise. These resources include those that are relevant to climate change adaptation, namely land and water. The targeting of natural resources includes Israel's obstruction of the development of the water and agricultural sectors, livestock production included.

The report, 'Adaptation Under Occupation: Climate Change Vulnerability in the Occupied Palestinian Territory' examines the applicability of community-based climate change adaptation measures in the south Hebron hills region, including in Masafer Yatta in the Hebron Governorate, one of the most climatically vulnerable areas of OPT. The report assesses the ability of the occupied Palestinian population to adapt to climate change within the context of Israel's prolonged occupation of the Palestinian territory since 1967. The report further highlights how Israel's discriminatory policies and practices imposed on the occupied West Bank, particularly in Area C, impede the ability of Palestinians to effectively adapt to climate change. Examining the applicability of international law to the context in the south Hebron hills and the Palestinian territory at large, the report concludes that Palestinians residing in climatically vulnerable areas, are precluded from applying basic community-based adaptation options, without the genuine realisation of the collective right of the Palestinian people to self-determination, including permanent sovereignty over their natural wealth and resources in the OPT.■



Al-Haq Field Report on Human Rights Violations in October 2019



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Humanity

Killings

In October 2019, Israeli Occupation Forces (IOF) killed three Palestinians. Of these, two were killed in the Great Return March (GRM) protests and one at a checkpoint in Tulkarem:

Ala' Nizar Hamdan, 28 years old: At about 4:35 pm on Friday, 4 October 2019, IOF, positioned behind the perimeter fence and around military jeeps, fired live ammunition, rubber-coated steel bullets, and tear gas canisters on dozens of protestors, including young people and children, opposite the Abu Safiyyah border gate east of the Jabalya town in northern Gaza. As a result, Ala' Hamdan, a resident of Beit Hanoun, sustained a bullet wound in the chest. Hamdan was transported by an ambulance of the Palestine Red Crescent Society (PRCS) to a trauma stabilisation point behind Al-Awda camps. For half an hour, doctors attempted to revive Hamdan, but to no effect. At around 5:05 pm, Hamdan was transported to the Indonesian Hospital in Beit Lahiyah and admitted to the intensive care unit. About 15 minutes later, doctors pronounced him dead. Hamdan was injured while he was standing 70-80 metres away from the perimeter fence and did not pose a threat to the lives of Israeli soldiers. He was married and a father of a 3-year-old girl.

Fadi Osama Hijazi, 20 years old: At around 12:30 pm on Monday, 7 October 2019, the Palestinian Ministry of Health (MOH) in Gaza announced the death of Hijazi, a resident of Beit Hanoun, of injuries sustained earlier during his participation in the GRM protests. On 22 February 2019, Hijazi was injured for the first time. He sustained a bullet wound with entrance and exit in the thigh east of the Al-Awda camp in Abu Safiyyah area, east of

Jabalya in northern Gaza. In addition to vein lacerations, Hamdan suffered injuries to his tendons and arteries. At the time, his health condition was diagnosed as critical. He stayed at the Al-Shifa' Hospital in Gaza City for several days and suffered from an acute haemorrhagic stroke. On 19 April 2019, for the second time, Hijazi sustained a bullet wound in the right knee in the Al-Awda camp east of Al-Bureij refugee camp, resulting again in vein lacerations as well as injuries in his tendons and arteries. He was then transported to the Al-Aqsa Martyrs Hospital in Deir al-Balah. Due to his critical health condition, however, he was relocated to the Al-Shifa' Hospital in Gaza City.

Ra'd Majed al-Bahri, 25 years old: At about 7:30 pm on Friday, 18 October 2019, IOF positioned at the Jubara checkpoint opened fire on Al-Bahri, a resident of the Kafr Zibad village. Al-Bahri was killed after he had approached the checkpoint, where the IOF prevents Palestinians from crossing on foot. Soon thereafter, a PRCS ambulance arrived, but the IOF forced it to stop 300-350 metres away from the place where Al-Bahri had fallen on the ground, and refused to allow it to proceed further. A white ambulance of the Red Star of David arrived at the scene about 10 minutes after the incident. However, the IOFs also prevented the ambulance from approaching the victim. Almost two and a half hours later, an Israeli ambulance arrived and transported the dead body to an area inside the Green Line. Having reported Al-Bahri's death to the Palestinian District Coordination and Liaison Office, the IOF has continued to withhold Al-Bahri's body.

As at the end of October 2019, a total



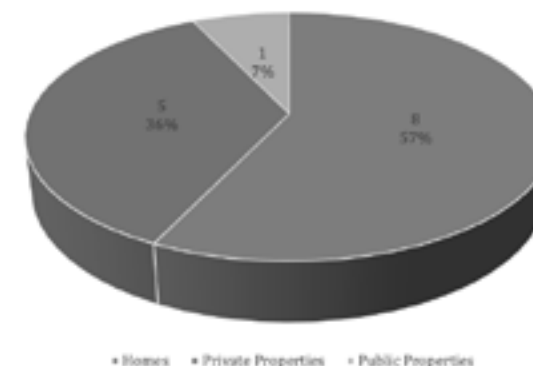
of 95 Palestinians, including 20 children, were killed by the IOF in 2019. Of these, 32 Palestinians were slain in the context of the GRM protests.

Demolitions

In October 2019, the IOF demolished

an opportunity to evacuate their belongings from their homes before the demolitions were carried out. One family home was demolished for, at least, the second time. While four homes were inhabited, four were still under construction when they were

Distribution of Demolished Structures



14 structures, including eight homes, five livelihood structures, and one public facility.

Homes: Citing the lack of Israeli-issued building permits, the IOF demolished eight homes in October. Of these, one was destroyed on punitive grounds. Seven of the affected homes were demolished early in the morning or after midnight. Six of the targeted homes were located in Area C, so designated under the Oslo Accords, one within the municipal borders of Jerusalem, and one in Area A. In one incident, a home was demolished by the Israeli municipality of Jerusalem. The IOF demolished another home on punitive grounds. In all the remaining cases, demolitions were carried out by the Israeli Civil Administration (ICA). In three instances, home owners were not allowed

demolished. Demolitions resulted in the displacement of 17 Palestinians, including nine women and four children. Displaced persons included 11 Palestinian refugees.

Livelihood structures: On the grounds of lacking Israeli-issued building permits, the IOF demolished five private livelihood structures, including two animal shelters, one agricultural holding, and a cesspit. All located in Area C, these were destroyed early in the morning. Three of the demolished structures were in close proximity to settlements or settler bypass roads. Two affected families have had to change their place of residence. One of the demolished livelihood structures provided a main source of income to a family.

Public facilities: In Dhahr al-Malih in the Northern Jordan Valley (Area C),

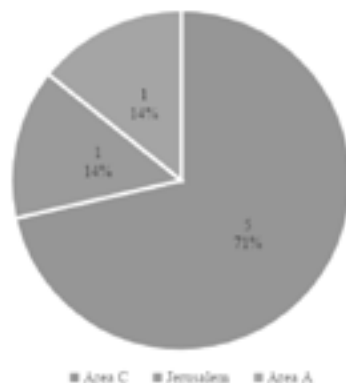


AL-HAQ

the IOF confiscated a barracks used as a school canteen. Together with its contents, the barracks was seized early in the morning on a school day. Given the fact that the Israeli occu-

late during the olive harvest season. Of particular note, on 26 October 2019, the IOF shot 15-year-old Ibrahim al-Satri with a live bullet in the back that exited from the upper

Distribution of demolished homes in Oslo-designated areas



pying authorities rarely grant Palestinians building permits, Palestinians have no choice but to build their structures without permit in Area C and East Jerusalem. That said, the barrack was confiscated on the basis of lacking such a permit.

As of the end of October 2019, a total of 267 structures were demolished. These included 123 homes, 132 livelihood structures, and 12 public facilities.

Other Israeli violations

During the month of October 2019, the IOF committed numerous other violations. Of these, Al-Haq documented 78 Israeli abuses, including 19 committed by Israeli settlers. With the majority taking place in the Nablus governorate, a large number of attacks targeted farmers while they were harvesting olives. Israeli settler violations against Palestinians and Palestinian properties usually esca-

chest. Al-Satri was participating in the GRM protests east of the Khuza'a town in the eastern Khan Younis governorate.

Since the GRM protests began on 30 March 2018, a total of 195 injuries have resulted in limb amputations or permanent disabilities among Palestinians.

Violations by the Palestinian Authority (PA) and *de facto* authority in the Gaza Strip

During October 2019, Al-Haq documented 102 violations committed by the PA in the West Bank and the *de facto* authority in the Gaza Strip. Reported violations mainly included violations of the right to freedom of expression (17), ill-treatment (6), right to humane conditions of detention/imprisonment (8), arbitrary detention (14), and beating or torture during various phases of detention (6).

AL-HAQ DOCUMENTED 102 VIOLATIONS COMMITTED BY THE PA IN THE WEST BANK AND THE *DE FACTO* AUTHORITY IN THE GAZA STRIP

Humanity, Vol. 1, No. 4, October 2019



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Human rights abuses were primarily perpetrated by the Preventive Security (27), Public Prosecution (27), Police in both the West Bank and the Gaza Strip (30), and Internal Security (23).

One of the most prominent violations reported in October 2019 was the blocking of 59 news websites and Facebook pages. At the request of the Attorney General, the Ramallah-based Court of Conciliation rendered a decision on the blocking of these sites on 17 October 2019. Based on Article 39 of the Cybercrime Law by Decree No. 10 of 2018, websites were allegedly blocked because

they had published images, articles and expressions that jeopardised the Palestinian national security and public order.

In the Gaza Strip, following calls for protests, the *de facto* authority continued to prosecute young activists of the "We Want to Live" movement. In October, Al-Haq documented cases where activists were summoned and detained by security agencies. Of these, many were subjected to torture and cruel treatment while being detained in substandard conditions. Al-Haq documented the detention of at least seven activists against the backdrop of this movement.

Israeli occupation forces arrest a group of journalists and foreign solidarity during a protest in Ain Al-Baida, Northern Jordan Valley, October 2019.



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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