

STATEMENT
UPR Pre-session on Israel
Geneva, 13 December 2017
Delivered by: Al-Haq

This statement is delivered on behalf of Al-Haq, Community Action Centre (CAC), and the Cairo Institute for Human Rights (CIHRS), and based on submissions to the Human Rights Council UPR Working Group in June 2017.

Israel has failed to implement recommendations made by states in the 2nd cycle of universal periodic review, particularly those concerning the Palestinian population in the OPT. As such, this statement addresses the following:

1. The right to self-determination and permanent sovereignty over natural resources;
2. Discriminatory residency rights and the planning and zoning regime in East Jerusalem;
3. Collective punishment; and
4. The ongoing closure of the Gaza Strip.

Failure to hold Israel accountable for its violations of international law, coupled with Israel's disregard for international law and international legal mechanisms, have allowed for the continuation of human rights violations in the OPT. Inaction by the international community has contributed to a culture of impunity for Israel. In 2013, several states made recommendations for Israel to comply with, respect, and uphold its obligations under international human rights and humanitarian law – something that Israel continues to deliberately disregard.

1. The right to self-determination and permanent sovereignty over natural resources:

- Several recommendations were made by states in the previous cycle for Israel to respect the Palestinian right to self-determination, which includes the right to permanent sovereignty over natural resources.
- However, 2017 marked 50 years since Israel's occupation of Palestinian territory with an ever-expanding settler-colonial enterprise which continues to appropriate Palestinian land, fragment Palestinian communities, exploit natural resources, and obstruct development.
- Agricultural, industrial and residential settlements continue to be built on private and public Palestinian lands, appropriated as state land, 'survey land', nature reserves, archaeological sites, or closed military zones.
- In addition to controlling and exploiting Palestinian natural resources, polluting the local environment, and exploiting Palestinian labourers, Israeli settlements provide millions of dollars in revenue annually for the occupying power, Israel.
- Furthermore, to allow for the establishment and expansion of settlements, Palestinian communities face imminent risk of eviction and forcible transfer.

Recommendations:

We urge states to address the fundamental right to self-determination, which includes permanent sovereignty over natural resources, during the upcoming UPR. We recommend that the State of Israel:

- Lift restrictions on the freedom of movement, including restrictions on access to, utilizing and developing land and sea resources, including water and gas among others;
- Cease the transfer of its civilian population into the OPT and end all support, by means of finance and infrastructure development, for settlements and settlers in the OPT. Israel must dismantle the settlements and remove Israeli settlers from the OPT as recommended by the Human Rights Committee in 2014.

2. Discriminatory residency rights, planning and zoning regime in East Jerusalem:¹

- Israel has sought to maintain a Jewish majority in Jerusalem,² using a variety of methods to reduce the number of Palestinians therein and force their removal.
- These methods include: confiscating land and property, employing a discriminatory permit and planning regime, house demolitions, residency revocations, restricting family unification and child registration, collective punishment, and physically isolating the city from its neighbourhoods and the rest of the OPT via the Annexation Wall, checkpoints, and other measures.
 - o Planning, zoning and construction:
 - Only 13 per cent of land in East Jerusalem can be used for Palestinian construction, which is already overcrowded. While 35% of land has been confiscated for settlement use.³
 - In 2016, 17 per cent of the 1,093 structures demolished or seized across the West Bank were in East Jerusalem.⁴
 - o Residency revocation:
 - Israel has escalated residency revocations and punitively revoked residency and family unification permits.
 - Residencies of Palestinian Jerusalemites have been revoked for “breach of loyalty to the State of Israel.” In November 2017, a bill was introduced to the Knesset to grant the Israeli Minister of Interior the discretion to revoke residencies on the grounds of allegiance.⁵ If the criterion of allegiance is incorporated into Israeli law, this will allow for more forcible transfers of Palestinian Jerusalemites.

¹ For more details on this section, please refer to the joint submission to the UPR Working Group on Israel, by Al-Haq, Community Action Centre, Society of St. Yves and the Cairo Institute for Human Rights, entitled 50 Years of Forcible Transfer of Palestinians from Occupied East Jerusalem, 29 June 2017.

² Demographic target for 2020 of 60% Jews and 40% Arabs set by the municipal authorities of Jerusalem in 2009: “Master plan 2000”, local master plan for Jerusalem deposited by the district commission. This target has also been adopted by the district master plan.

³ UN OCHA, East Jerusalem: Key Humanitarian Concerns, August 2014, available at:

https://www.ochaopt.org/sites/default/files/ocha_opt_Jerusalem_FactSheet_August2014_english.pdf

⁴ UN OCHA, Record Number of Demolitions and Displacements in the West Bank during 2016, 10 February 2017, available at: <https://www.ochaopt.org/content/record-number-demolitions-and-displacements-west-bank-during-2016>

⁵ Bill Number P/20/4744, Bill for the Entry into Israel Law (Amendment – Applicability to East Jerusalem’s residents and resorting to the Interior Minister’s judgment), 2017.

- In 2013, states made specific recommendations to Israel with regards to East Jerusalem, calling upon Israel to end the Judization of the city, and respect its status under international law as an occupied territory. However, the Israeli 1980 Basic Law which claims that “a united and complete” Jerusalem is the capital of Israel disregards and undermines international law and consensus on Jerusalem.
- Recommendations were also made to stop the revocation of residency permits of Palestinians, on the right to housing for Palestinians, including in East Jerusalem, and against the demolition of houses and other public and private Palestinian property. Israel disregarded these recommendations, including by:
 - o revoking the residency of 84 Palestinian Jerusalemites in 2015, and 95 in 2016.⁶
 - o demolishing 61 homes and structures in East Jerusalem in 2017, displacing 180, including 100 children.⁷
- Furthermore, members of the Israeli government are aiming to modify the Israeli-declared municipal boundaries of Jerusalem through bills introduced at the Knesset. This is exemplified in the Basic Law: Jerusalem, the Capital of Israel (Amendment No. 2) Bill (26 July 2017) and the Greater Jerusalem Bill (10 July 2017). The latter aims at the annexation of illegal Israeli settlements surrounding Jerusalem, while severing Palestinian neighbourhoods located behind the Annexation Wall from the city, in which one-third of Palestinian East Jerusalemites live.

Recommendations:

- End the unlawful transfer of the Palestinian population and fulfil obligations under Article 49 of the Fourth Geneva Convention;
- Ensure that all planning and zoning regimes in the OPT conform with international law, are in the best interest of the protected population, and do not facilitate the growth or maintenance of the Israeli settlement enterprise;
- Cease the destruction and demolition of private and public property;
- Cease the practice of residency revocation and reinstate all residencies that have been revoked since 1967;
- Revoke the 1980 Basic Law on Jerusalem and refrain from adopting new legislation, such as the Greater Jerusalem Bill of 2017 (5578) that aims to annex settlements on the outskirts of East Jerusalem and forcibly transfer over a third of the Palestinian population therein.

3. Collective punishment:

Only one state (Jordan) made a recommendation to Israel to refrain from subjecting Palestinians to collective punishment in 2013. Over the past few years, however, Israel has increased its measures of collective punishment against Palestinians across the OPT. Such measures include: withholding of Palestinian bodies; punitive home demolitions;

⁶ Hamoked, Israel continues its "quiet deportation" policy: in 2016, the Ministry of Interior revoked the residency status of 95 Palestinians from East Jerusalem, 6 April 2017, available at: <http://www.hamoked.org/Document.aspx?dID=Updates1864>; and Hamoked, Israel continues its “quiet deportation” policy: in 2015, the Ministry of Interior revoked the residency status of 84 Palestinians from East Jerusalem”, 28 February 2016, available at: <http://www.hamoked.org/Document.aspx?dID=Updates1717>

⁷ Number as of 1 November 2017, source: Al-Haq.

punitive residency revocations; confiscation of money and personal property; and the closure of Palestinian towns, villages, roads, and businesses.

Recommendations:

Collective punishment is prohibited under international humanitarian law and violates numerous rights and guarantees under international human rights law. Various UN bodies have condemned collective punishment, including the UNGA in its 2546 Resolution.

In light of this, we recommend the State of Israel:

- End practices of collective punishment and revoke those adopted as a government policy.⁸

4. Israel's ongoing closure of the Gaza Strip:

Several states have called on Israel in 2013 to immediately lift the blockade imposed on the Gaza Strip. However, 11 years later, the closure remains in place with severe access and movement restrictions imposed on the 2 million Palestinians therein. The closure has negatively impacted every aspect of life, including the right to an adequate standard of living, the right to access medical care, and denial of basic infrastructure, such as sewage and water networks. The closure has served to de-develop Gaza, where individuals only having access to electricity for four hours a day, and nearly 96% of abstracted water is polluted and unfit for human consumption.⁹ The world continues to stand silently by as Palestinians face a man-made humanitarian crisis, which is only set to deepen. Indeed, the UN has estimated that Gaza will be unliveable by 2020.¹⁰

Recommendations:

- End the prolonged closure of the Gaza Strip and lift all movement restrictions, which prohibit the free flow of people and goods by land and sea to and from the Gaza Strip.
- Ensure territorial contiguity across occupied Palestine.

Lastly, it is worth noting that the aforementioned recommendations have been reiterated by various UN bodies, including the UN Security Council, General Assembly, Human Rights Council, and other treaty bodies over the past 50 years of occupation. Alongside making recommendations, States must actively ensure that Israel upholds its duties as occupying power, and that the occupation ends.

Thank you for your attention.

⁸ For example, Regulation 119 of the Defence Regulation (1945) from the British Mandate which grants power to the military commander to forfeit, seal off and destroy property of inhabitants who are suspected to have committed violence – regardless of whether they are the owners of the property or not; see the Israeli High Court of Justice 2005 ruling in the case of Amar et al v. IDF Commander of the West Bank (2002) grants authority to the military to execute punitive demolitions without a hearing or judicial review.

⁹ Wash Assessment at the Household Level in the Gaza Strip, June 2017, available at: https://reliefweb.int/sites/reliefweb.int/files/resources/Gaza_WASH_HH_report_July2017_final.pdf

¹⁰ United Nations Country Team in the OPT, Gaza Ten Years Later, July 2017, available at: https://unsco.unmissions.org/sites/default/files/gaza_10_years_later_-_11_july_2017.pdf