

Item 3 – Interactive Dialogue with the Working Group on the issue of human rights
and transnational corporations and other business enterprises
23RD Session of the United Nations Human Rights Council

Affiliate , International Commission of Jurists - Geneva فرع لجنة الحقوقيين الدولية ، جنيف
تتمتع الحق بصفة استشارية لدى المجلس الاقتصادي والاجتماعي في الأمم المتحدة
NGO in Consultative Status with the Economic and Social Council of the United Nations



A L - H A Q

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Mr. President, Distinguished Members of the Council,

On 18 March 2013, the Independent Fact-Finding Mission on Israeli Settlements presented its findings to the Council. The report reaffirms that Israeli settlements in the Occupied Palestinian Territory (OPT) entail serious breaches of peremptory norms of international law, including, *inter alia*, the right to self-determination, and found that «*some private entities have enabled, facilitated, and profited from the construction and growth of settlements*».¹

However, access to legal remedy for human rights abuses linked to settlement activity is denied to the Palestinian population. The UN Mission's report states that the Israeli High Court of Justice has rendered the issue of settlements non-justiciable. Furthermore, the Israeli judiciary consistently disregards international legal standards in its determinations, thus precluding access to effective legal remedy through the Israeli system. Recourse to legal mechanisms in Third States is therefore essential if justice is to be obtained.

Yet domestic legal systems globally are failing to provide justice to victims. Weak national legislation undermines the possibility of recourse outside of conflict-affected areas. And, even where the necessary legislation is in place, justice remains elusive without political will: evidenced by the recent dismissal following only preliminary investigations of the criminal case brought against Dutch company Riwal for corporate complicity in international crimes in the OPT.

Al-Haq therefore calls on the Working Group to support States in the adoption and implementation of domestic legislation aimed to prevent and punish companies involved in violations of international law. We further call on the Working Group to take an active and integral role in 'explor[ing] [...] avenues to address the gap in situations of conflict' and 'encourage[ing] greater coherence and alignment among relevant standards relating to situations of conflict and the Guiding Principles', including by reporting on the State duty to protect the Palestinian people from the detrimental impact of business activities related to settlements.

¹ 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, Advanced Unedited Version, para. 96. Available at <http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/FFM/FFMSettlements.pdf>