



General Assembly

Distr.: General
4 September 2012

English only

Human Rights Council

Twenty-first session

Agenda item 7

**Human rights situation in Palestine and other
occupied Arab territories**

**Joint written statement* submitted by Al-Haq - Law in
Service of Man, the Al Mezan Centre for Human Rights, the
BADIL Resource Center for Palestinian Residency and
Refugee Rights, non-governmental organizations in special
consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 August 2012]

* This written statement is issued, unedited, in the language received from the submitting non-governmental organizations.

Escalation in forcible transfer and demolitions in Area C**

Al-Haq, on behalf of the Palestinian Human Rights Organizations' Council, would like to express its alarm at the escalation of Israel's policies that aim to forcibly transfer the protected Palestinian population, particularly those living in Area C, which constitutes 60 per cent of the West Bank. Furthermore, we are deeply concerned by the absence of any tangible action by the international community to end Israel's flagrant disregard for the founding principles of the United Nations and the rule of international law in its belligerent occupation of the West Bank, including East Jerusalem, and the Gaza Strip.

In addition to the confiscation of Palestinian land for the construction of settlements, Israel's large-scale appropriation of the Jordan Valley, construction of the Annexation Wall, the demarcation of closed military zones and the creation of an undefined 'no-go' zone along the Gaza Strip's border, have allowed it to enforce increasingly restrictive measures that limit Palestinian access to significant portions of their land and natural resources.

In the West Bank, it does so for the benefit of its own civilian population, which Israel is transferring into colonies, in contravention of the Fourth Geneva Convention. Israel is, in doing so, pressing ahead with the de facto annexation of strategic portions of the Occupied Palestinian Territory, in violation of international humanitarian and human rights law, in particular the right of the Palestinian people to self-determination.

The Jordan Valley and South Hebron Hills

In the Jordan Valley and South Hebron Hills, the Israeli military is using a variety of methods, all of which feature violent intimidation, to pressure vulnerable communities into vacating their land, and Israeli soldiers have frequently urged these communities to leave their villages. In particular, the unjustified demolition of homes and essential structures has been increasing steadily over time.

In the period from January to July 2012, 213 demolitions were carried out by Israeli forces in Area C of the West Bank. This compares to 257 demolitions in all of 2011, and 88 in 2010. As the number of demolitions continues to rise, so too do the number of Palestinians displaced, including children, while at the same time the Occupying Power advances settlement development for Israeli settlers in the Jordan Valley and South Hebron Hills. These demolitions, together with the confiscation of property, escalating levels of settler violence, restrictions on freedom of movement and increased denial of access to water all contribute to the de-development of Palestinian communities while making it more and more difficult for Palestinians to remain living in the area.

Firing zones

One of the primary reasons for the lack of development is the restricted access to livelihood and natural resources. Approximately 94 per cent of the Jordan Valley and Dead Sea area is

** NGOs without consultative status, also share the views expressed in this statement: Addameer Prisoners' Support and Human Rights Association, Defence for Children International - Palestine Section, Ensan Center for Human Rights and Democracy, Hurriyyat - Centre for Defense of Liberties and Civil Rights, Ramallah Centre for Human Rights Studies, Al Dameer Association for Human Rights, Women's Centre for Legal Aid and Counselling, Jerusalem Legal Aid and Human Rights Center.

off-limits to Palestinian development.¹ Demolitions of Palestinian homes, which have existed in these areas for generations, are carried out regularly by Israeli authorities under the pretext of illegal construction or military necessity and many villages have been demolished repeatedly, while the land is often later allocated to settlers.²

In July of this year, 12 acres of land in the Jordan Valley was declared a closed military zone to facilitate Israeli military training. In the aftermath of the training, possession of the land, which had until then been cultivated by Palestinian communities, was granted to settlers from Ro'i, a nearby settlement.³ Similarly, Israel has been progressing plans to demolish 11 Palestinian villages in the South Hebron Hills that have been in existence since the beginning of the 20th century.⁴ The 1,500 inhabitants, who live in caves and small mud and stone houses, are facing forcible transfer ostensibly to allow the Israeli military to train in the area.

Many of these villagers have endured multiple waves of demolitions since the 1970s and in 1999 the Israeli military forcibly transferred by truck some 700 Palestinians from the area to the nearby town of Yatta. In recent weeks, these communities have again been subjected to violent intimidation, including a raid by several helicopter loads of masked Israeli soldiers.⁵

In June 2012, the Israeli authorities distributed demolition orders to more than 50 structures in the nearby village of Sousiya.⁶ The community has been subjected to ongoing house demolitions and the forcible transfer of its population since 1986, when construction of the nearby settlement of 'Susiya' began on privately-owned Palestinian land. On several occasions the Israeli military has evicted villagers claiming that they lived too close to the settlement. To date, the village has been destroyed three times by Israeli authorities in violation of international humanitarian law.

The demolition of Palestinian structures and the forcible transfer of residents constitute a blatant violation of international humanitarian law. Forcible transfer of the protected population is prohibited according to Article 49(1) of the Fourth Geneva Convention, which permits the evacuation of an area if the safety of the occupied population or imperative military necessity so demand. Forcible transfer also constitutes a violation of customary international law and can amount to a grave breach of the Geneva Conventions, the most serious form of war crime. Additionally, according to Article 53 of the Fourth Geneva

¹ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 'Humanitarian Fact Sheet on the Jordan Valley and Dead Sea Area' (February 2012) <http://www.ochaopt.org/documents/ocha_opt_jordan_valley_factSheet_february_2012_english.pdf> accessed 20 August 2012.

² OCHA, 'The Humanitarian Impact of Israeli Infrastructure in the West Bank' (July 2007) 42.

³ The Israeli Committee Against House Demolitions, 'Following Military Exercise, Settlers Seize Control of Jordan Valley Land' (23 July 2012) <<http://www.icahd.org/node/244>> accessed 18 August 2012.

⁴ Al-Haq, 'Plans in progress to evacuate villages and appropriate land to south-east of Yatta' (8 August 2012) On file with Al-Haq ; Amira Hass, 'Israel orders demolition of 8 Palestinian villages, claims need for IDF training land' Haaretz (Israel 23 July 2012) <<http://www.haaretz.com/news/diplomacy-defense/israel-orders-demolition-of-8-palestinian-villages-claims-need-for-idf-training-land-1.453015>> accessed 18 August 2012.

⁵ Amira Hass, 'IDF raids Hebron-area village; residents fear impending demolition' Haaretz (7 August 2012) <<http://www.haaretz.com/news/diplomacy-defense/idf-raids-hebron-area-village-residents-fear-impending-demolition.premium-1.456665>> accessed 23 August 2012.

⁶ Al-Haq, 'Sousiya May Soon Disappear' (22 June 2012) <<http://www.alhaq.org/documentation/weekly-focuses/590-sousiya-may-soon-disappear>> accessed 18 July 2012.

Convention, the destruction of property is expressly prohibited except when rendered absolutely necessary by military operations.

Destruction of property or forcible transfer for the purpose of establishing a “Firing Zone” for training cannot be justified under international humanitarian law, especially considering that training does not qualify as an imperative military operation in this regard.⁷ Neither can property destruction or forcible transfer be justified by a claim that the protected population live too close to an Israeli settlement, built in contravention of international humanitarian law.

A coercive environment

Israel’s illegal policies have virtually deprived Palestinian residents of Area C of any means of livelihood, ensuring the de-development of local communities to the point that they are highly dependent on international aid for the most basic commodities. Indeed, many of the structures being demolished have been funded by the international community.

Combined with violent intimidation and severe restrictions on movement and building that prevent Palestinians from having access to housing, healthcare and education, Israel’s policies in these regions perversely create a coercive environment that forces the transfer of the protected population from the area. Furthermore, these policies have left Palestinian communities fragmented and confined to shrinking areas that resemble a land-locked archipelago of territory in which essential human rights are being continuously denied.

Conversely, such practices allow for the economic development of Israeli settlements and clearly demonstrate Israel’s gradual annexation of large portions of Area C. Indeed, the United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories found that Israel “want(s) to block Palestinian development and expand [Israeli] settlements”, while declaring such practices to be “systematic” with the aim of “moving Palestinians off their land.”⁸

Further evidence of Israel’s intentions lies in the recent presentation by an Israeli parliamentary caucus of a draft bill legislating for the de jure annexation of the vast majority of the Jordan Valley. The bill, based on the Israeli government’s position that the region will remain part of Israel in any final status agreement, calls for the application of Israeli sovereignty over “all Israeli settlements...and...areas except non-Jewish villages” in the Jordan Valley.⁹

By virtue of its illegal policies, Israel is denying the Palestinian people their right to self-determination - of which economic development is an essential component - and in doing so is continuing to violate what the International Court of Justice has declared to be “one of the essential principles of contemporary international law.”¹⁰

⁷ Michael Bothe, ‘Expert Opinion: The limits of the right of expropriation (requisition) and of movement restrictions in occupied territory (Firing Zones)’ <<http://www.diakonia.se/sa/node.asp?node=4394>> accessed 19 August 2012.

⁸ Al-Haq, ‘UN Special Committee: Israeli practices aimed at “moving Palestinians off their land” (21 July 2012) <<http://www.alhaq.org/advocacy/targets/united-nations/607-un-special-committee-israeli-practices-aimed-at-moving-palestinians-off-their-land>> accessed 15 August 2012.

⁹ MK Brigadier General Miri Regev, ‘Bill applying Israeli law to all Jewish settlements in the Jordan Valley and over Jordan Valley areas except non-Jewish villages’ (July 2012) <<http://www.miri-regev.co.il/content.php?id=634>> accessed 8 August 2012.

¹⁰ East Timor (Portugal v. Australia), Judgment [1995] ICJ Rep 90-102.

Conclusion

As the United Nations body responsible for protecting and promoting universal human rights and for addressing systematic violations of international law, we urge this Council to:

- Investigate the widespread and systematic nature of Israel's policies and practices that lead to the forcible transfer of the protected Palestinian population;
- Urge the Occupying Power to comply with its obligations under international humanitarian law, in particular by immediately discontinuing all illegal policies leading to the forcible transfer of the Palestinian population;
- Call for the reconvening of the Conference of the High Contracting Parties to the Geneva Conventions, as suggested in the Report of the UN Fact-Finding Mission on the Gaza Conflict, with a view to finding clear mechanisms to enforce the Occupying Power's obligations under the Conventions;
- Urge the Special Rapporteur on the Human Rights of Internally Displaced Persons to conduct a visit to the OPT without delay and to report on his findings to the Council;
- Warn the international community that any acceptance of Israel's plans to relocate Palestinians affected by demolitions and evictions could amount to recognition of an unlawful situation in violation of Article 41 of the International Law Commission's Draft Articles on State Responsibility;¹¹
- Recommend practical steps to ensure that all Member States respect their erga omnes obligations and refrain from providing support to Israeli policies denying the right of the Palestinian people to self-determination.

¹¹ UNGA Resolution on Responsibility of States for Internationally Wrongful Acts (adopted 28 January 2002) 56/83 Art.41.