



Al-Haq Submission for the 3rd cycle of the Universal Periodic Review for Israel

Submitting Party

1. Al-Haq is a Palestinian human rights organization established in the West Bank in 1979 to protect and promote human rights and the rule of law in the Occupied Palestinian Territory (OPT). Al-Haq has special consultative status with the United Nations (UN) Economic and Social Council.

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

2. June 2017 marks 50-years of Israel's occupation of Palestinian territory. Under customary international law, Palestinians enjoy the right to self-determination in the entire OPT including East Jerusalem, which includes the right to permanent sovereignty over their natural resources. However, the Israeli occupation and its settlement enterprise continue to fragment Palestinian communities, exploit Palestinian resources, and obstruct the development of an independent Palestinian state.

3. Israel continues to appropriate Palestinian land for the development of Israeli residential, agricultural, and industrial settlements. Fertile land, including that rich in stone and minerals, are then used for the benefit of the Israeli national and settler economy. Through land confiscation, military orders, and other policies (including discriminatory pricing), Israel has ensured its control over Palestinian water supplies and use of water. As a result, Israeli settler consumption of water has been estimated at nearly six times that of the Palestinian population, even though the settler population is

nearly one-fifth that of the Palestinian population.ⁱ Moreover, while the Gaza Strip faces an electricity crisis, Israel has unilaterally prohibited the develop of Gaza's energy sector through its closure and naval blockade. Instead, it has closed off access to Palestine's territorial waters to protect Israeli gas platforms and export pipelines.ⁱⁱ

4. In violation of its duties as occupying power, Israel also encourages the relocation of Israeli and international businesses to settlements to the West Bank. These businesses exploit non-renewable Palestinian natural resources, pollute the local environment,ⁱⁱⁱ and exploit Palestinian labourers.^{iv}

Proposed Recommendations:

- End all policies which seek to fragment Palestinian land and the Palestinian population, including through recognizing and implementing the 2004 International Court of Justice Advisory Opinion on the Legal Consequences of the Construction of the Wall in the Opt.
- Cease all support, ranging from subsidies to infrastructure development, for settlements and settlers in the OPT.
- Cease the transfer of its civilian population into the OPT, and unconditionally withdraw from and end all settlements in the West Bank, including East Jerusalem.
- Provide avenues for effective remedy for human rights abuses that occurred due to Israel's prolonged occupation, including avenues for remedy for abuses carried out by businesses operating in settlements.

Israel's discriminatory planning and zoning regime in the West Bank, including East Jerusalem, and the transfer of the protected Palestinian population

5. Following the 1967 war, Israel illegally annexed East Jerusalem and expanded its municipal boundaries to include villages surrounding the city. A discriminatory permit and planning regime was then implemented to serve Israel's larger goals of creating a demographic majority in the city. Only 13% of land in East Jerusalem has been zoned for Palestinian construction, while 35% has been confiscated for Israeli settlement use.^v At least a third of Palestinian homes lack a building permit in East Jerusalem, putting over 90,000 at risk of displacement.^{vi}

6. A restrictive planning regime was also implemented by Israeli authorities in Area C (approximately 60% of the West Bank), requiring Palestinians constructing infrastructure or implementing development projects to first obtain permits from the Israeli Civil Administration (ICA). Only 1% of Area C has been planned for Palestinian

development, resulting in the overwhelming majority of permit applications being rejected. Indeed, only 1.5% of permit applications were approved between 2010-2015.^{vii}

7. In order to meet their basic needs, including through building or rehabilitating structures, Palestinians then risk “administrative” demolitions due to lack of permits in the West Bank, including East Jerusalem. Al-Haq documented 321 administrative demolitions in the OPT in 2015, 598 in 2016, and 124 as of 30 April 2017. Last year (2016) marked the highest number on record of demolitions,^{viii} with 2017 already keeping pace with the previous year.

8. Israel’s discriminatory permit and planning system, expansion of its unlawful settlement enterprise, and settler impunity, amongst other factors, creates a coercive environment leading to the transfer of Palestinians within and from the OPT. The indigenous Palestinian Bedouin population in Area C and the East Jerusalem periphery are at further risk of forcible transfer, and face direct and indirect pressure to relocate by the ICA and other Israeli authorities.

Proposed Recommendations:

- Ensure that all planning regimes in the OPT conform to international law and are in the best interest of the protected Palestinian population.
- Immediately cease the demolition and destruction of private and public civilian property in the OPT, which is in breach of Article 53 of the Fourth Geneva Convention and Articles 46, 53, and 55 of the Hague Regulations.
- End all policies and practices aimed at the unlawful transfer of the Palestinian population.

Israel’s Collective Punishment Measures, including closures, punitive home demolitions, and the holding of Palestinian bodies

8. While Israel has historically engaged in measures which amount to collective punishment against the Palestinian population, such acts have undoubtedly increased in scope and variety since 2015 and have been formalized by Israel’s Security Cabinet.^{ix} Palestinians across the Occupied Palestinian Territory, who have neither carried out nor have been accused of carrying out criminal activities, have suffered from Israel’s broad collective punishment measures. Certain measures are aimed at targeting families at a deeply intimate and personal level. For example, Israel has increasingly withheld bodies of Palestinians killed since October 2015. In many cases, the circumstances surrounding the killing of individuals is unclear, with Israel using security as a pretext to use excessive force. Since October 2015, 148 have been held for varying periods of time.^x Israel then places conditions for the return of the bodies to the families, including limiting funeral attendants and prohibiting autopsies. A 2016 report of the UN Secretary General stated

“In addition to amounting to collective punishment, the withholding of bodies is inconsistent with Israel’s obligations as an occupying Power pursuant to the Fourth Geneva Convention (articles 27 and 30) and violates the prohibition of torture and ill-treatment.” Israel is currently holding 12 bodies of deceased Palestinians from the latest period of unrest, with one body being held since April 2016.

9. As extreme movement restrictions imposed by the unlawful Annexation Wall in the West Bank and the closure on Gaza remain, Israel also continued to implement closures of Palestinian towns and neighbourhoods, with many areas being repeatedly targeted. For example during September and October 2016, the village of Zboba was repeatedly raided the village, youth were arrested, had its village entrances closed, and were subjected to flying checkpoints by the Israeli Occupying Forces.^{xi}

10. Since 2014, Israel has also reinstated its practice of punitive home demolitions. In 2016, Al-Haq documented 27 cases of punitive home demolitions, causing the displacement of 125 individuals. In nearly half of the cases, the alleged perpetrator was already killed at scene. Al-Haq documented one punitive home demolition since the beginning of the year, displacing 5 individuals.^{xii}

11. When there is unrest or an alleged attack, Al-Haq often documents both punitive and administrative demolitions operating together in the blur of collective punishment. Following an attack in January by a resident of the Jabal Al Mukabir area of Jerusalem, Israeli authorities arrived in the area the following day, and delivered some 40 notices for homes that were built without permits. Al-Haq documented numerous demolitions in the following days of businesses and animal shelters, amongst other structures.^{xiii}

Proposed Recommendations:

- End shoot-to-kill policy, and ensure that non-lethal force is used where possible to control a situation.
- Conduct relevant investigations and prosecutions of members of Israeli Occupation Forces in cases of excessive force against Palestinians, with an aim to end impunity.
- Ensure that individuals that are accused of committing crimes are detained and brought to trial in procedures that meet international standards.
- End all practices of collective punishment, including by revoking Regulation 119 which gives authority to the Military Commander to demolish the home of a suspect, and end the practice of punitive home demolitions.
- Return the bodies of all Palestinians held by Israel to their families without condition.
- Provide effective remedies for Palestinians that have been subjected to collective punishment measures.

Israel's ongoing blockade of the Gaza Strip

12. This June marks the 10th year of Israel's closure of the Gaza Strip. Although movement and access restrictions have been imposed since the 1990s, they were intensified in June 2007 following the election of Hamas. The ten years of closure has created a man-made humanitarian crisis: 80% of Gazans are now dependent on humanitarian aid, while poverty and unemployment rates have soared to over 40 per cent. The humanitarian crisis has been further aggravated by three Israeli military assaults against the Gaza Strip. During the 2014 Israeli offensive, much of Gaza's infrastructure was destroyed including water, electricity, and sewage.^{xiv} Israel has continued to prevent the entry of building materials and machinery into the Gaza Strip,^{xv} making efforts to completely rebuild from all three military assaults slow and costly.^{xvi}

13. While Israel's closure policy inevitably impacts all aspects of life for Palestinians, it most callously endangers the right to life. Al-Haq has documented numerous cases of individuals attempting to leave Gaza in order to seek medical treatment, but were themselves or their companions/guardians unable to secure the necessary exit permits and passed away as a result.^{xvii} Given the dilapidated infrastructure, electricity cuts, and other issues created by the closure, the number of medical referrals during the last five years for treatment outside of the Gaza Strip has increased by 34%.^{xviii} Although medical referrals have significantly increased, Israel has reduced exit permits for healthcare from 92.5% in 2012 to 44% by October 2016.^{xix} Al-Haq has also documented numerous cases where Israeli authorities ask patients and/or their companions to become collaborators in exchange for exit permits.

Proposed Recommendations:

- End the ongoing closure of the Gaza Strip, and ensure that all movement restrictions on people and goods are lifted.
- Ensure that individuals requiring health care from the Gaza Strip are able to access treatment on a timely basis, including by granting individuals and their companions the right to leave the OPT.

ⁱ Water for One People Only: Discriminatory Access and 'Water-Apartheid' in the OPT, Al-Haq, 2013 available at <http://www.alhaq.org/publications/Water-For-One-People-Only.pdf>

ⁱⁱ Annexing Energy: Exploiting and Preventing the Development of Oil and Gas in the OPT, Al-Haq, 2015, available at <http://www.alhaq.org/publications/publications-index/item/annexing-energy>

ⁱⁱⁱ Environmental Injustice in Occupied Palestinian Territory, Al-Haq, 2015, available at <http://www.alhaq.org/publications/Environmental.Injustice.Report.En.pdf>

^{iv} See for example: Ripe for Abuse: Palestinian Child Labor in Israeli Agricultural Settlements in the West Bank, Human Rights Watch, 13 April 2015, available at <https://www.hrw.org/report/2015/04/13/ripe-abuse/palestinian-child-labor-israeli-agricultural-settlements-west-bank>

^v East Jerusalem: Key humanitarian concerns, August 2014, UN OCHA, available at https://www.ochaopt.org/documents/ocha_opt_jerusalem_factsheet_august2014_english.pdf

^{vi} Id.

^{vii} Under Threat: Demolition Orders in Area C of the West Bank, OCHA, September 2015, p.3, available at https://www.ochaopt.org/demolitionos/demolition_orders_in_area_c_of_the_west_bank_en.pdf

^{viii} Record number of demolitions in 2016; casualty toll declines, UN OCHA, 29 December 2016, available at: <https://www.ochaopt.org/content/record-number-demolitions-2016-casualty-toll-declines>.

^{ix} Security Cabinet approves anti-terror measures, Israeli Ministry of Foreign Affairs, 13 October 2015, available at <http://mfa.gov.il/MFA/PressRoom/2015/Pages/Security-Cabinet-approves-anti-terror-measures-13-Oct-2015.aspx>

^x Figure from Al-Haq Monitoring and Documentation Department as of 29 June 2017.

^{xi} On the 11th of October, two Israeli army jeeps closed the southern and only entrance to the village. The village is encircled by the Annexation Wall on three sides. The pretext for the closing was that youths had thrown stones at the Wall. The village closure lasted most of the day. On October 12, four military jeeps entered the village at 7 pm, sparking clashes. Many residents suffered from severe tear gas inhalation. The four military jeeps left the village center nearly an hour later, however, another jeep then established a flying checkpoint at the entrance of the village that lasted until the middle of the night. The following morning, October 13, the Israeli military established another flying checkpoint at the entrance that lasted near 4 hours. This happened again on the 15th of October. During the week, numerous youth from the village were arrested. Information provided from Al-Haq Monitoring and Documentation Department.

^{xii} This figure is of June 2017.

^{xiii} Al-Haq, "Field Report: Collective Punishment in Jabal Al-Mukabir" (25 January 2017), available at: <http://www.alhaq.org/documentation/weekly-focuses/1097-field-report-collective-punishment-in-jabal-al-mukabir>.

^{xiv} Divide and Conquer: A Legal Analysis of Israel's 2014 Military Offensive Against the Gaza Strip, Al-Haq, available at <http://www.alhaq.org/publications/publications-index/item/divide-and-conquer>

^{xv} WHO, "Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan, 69th World Health Assembly" (20 May 2016), UN Doc A69/INF./6.

^{xvi} General Assembly, Situation of human rights in the Palestinian territories occupied since 1967, Note by the Secretary-General, 19 October 2016, UN Doc A/71/554, para. 45.

^{xvii} Al-Haq Statement on World Health Day, 7 April 2017, available at <http://www.alhaq.org/advocacy/topics/civil-and-social-rights/1116-al-haq-statement-on-world-health-day>

^{xviii} WHO, “Right to health: Crossing barriers to access health in the occupied Palestinian territory 2014-2015” (WHO 2016) 18.

^{xix} WHO releases latest health access report for the occupied Palestinian territory, 29 November 2016, <<http://www.emro.who.int/media/news/who-releases-latest-health-access-report-for-the-occupied-palestinian-territory.html>>