

**Briefing to the Committee on the Exercise of the Inalienable Rights
of the Palestinian People on the human rights situation in the
Occupied Palestinian Territory including the ongoing crisis in Gaza**

**Statement by UN High Commissioner for Human Rights Zeid Ra'ad
Al Hussein**

23 July 2018

Distinguished Chair,

Members of the Committee,

Excellencies,

I am grateful for the opportunity to voice the acute concerns of my Office regarding the human rights situation in the Occupied Palestinian Territory, including the situation in the occupied Gaza Strip, which in recent months has escalated dramatically, with the potential to generate threats to peace across a far broader region.

On two occasions in the past two weeks, we have seen the heaviest exchanges of fire between Israeli forces and armed groups in Gaza since the 2014 escalation of hostilities. Just three days ago the situation almost exploded into a serious conflict triggered by the killing of an Israeli soldier, and subsequent killings of four Palestinian civilians. During the weekend of 14 July, the Israeli Security Forces launched at least 28 airstrikes firing over 50 missiles; two Palestinian children were killed and 35 people were injured. At the same time Palestinian armed groups fired some 184 rockets and mortar shells towards Israel, with a number landing in southern Israel, injuring three Israelis. Burning kites and incendiary balloons were also deployed by Palestinians. I remind all parties that any disproportionate or indiscriminate use of weapons which lead to the death and injury of civilians is prohibited by international humanitarian law.

Efforts by Egypt and the UN have put in place a ceasefire, but the situation remains extremely fragile. I urge the parties and all those with influence to do their utmost to avoid another round of violence and misery.

Palestinians living in Gaza regularly endure waves of violence which compound the already extreme humanitarian crisis. Skyrocketing unemployment and poverty, crumbling infrastructure, record food-

dependency and a bleak political horizon are together creating massive, devastating and multifaceted deprivation which is entirely man-made and entirely preventable.

The Committee is aware of the shocking recent killings during demonstrations along the Gaza fence. Over 100 Palestinians, including 17 children, have been killed by Israeli security forces in this context since 30 March this year. More than 4100 were injured with live ammunition. A Special Session held by the Human Rights Council on 18 May resolved to dispatch an independent, international Commission of Inquiry. My Office is currently assisting in setting up the Commission, which will update the Council on its work in September and present a final, written report in March 2019.

It is essential that the authorities cooperate with the future Commission to advance accountability for these killings, as well as all alleged violations and abuses of international humanitarian law and international human rights law. Currently, although Israel has put in place a number of accountability mechanisms, there are serious concerns that these are not in compliance with the international standards of independence, impartiality, and effectiveness. Very few investigations ever occur; in the rare cases where an investigation has

led to an indictment, the sentence has been extremely lenient in light of the gravity of the crime committed.

It is also vital to address the root causes of the recent demonstrations – including the grossly inadequate living conditions inflicted on Gaza residents, most of whom are refugees, by the occupation and 11 years of blockade by Israel. In recent times, restrictive measures imposed by Egypt have also exacerbated these conditions. I note that in the coming months the situation may be severely aggravated by the financial crisis facing UNRWA – which, as the Secretary General has pointed out, is "far more grave, and threatens to cut programmes far more savagely", than any previous funding crisis.

Last week's adoption by Israel of the Nation-State Basic Law – which anchors inherent discrimination against non-Jewish communities, most notably the Arab citizens of Israel and residents of occupied East Jerusalem – could also further inflame tensions.

Excellencies,

The approval, planning and construction of Israeli settlements continues unabated across the occupied West Bank, including East Jerusalem. Since the beginning of 2018, settler attacks on Palestinians

have spiked to the highest monthly average of the past three years. Demolitions and forced displacement in the occupied West Bank and East Jerusalem have decreased from the peak of last year, but the past 12 months have seen 366 structures demolished in the West Bank alone – including 11 school structures – and recent weeks have witnessed a fresh wave of demolitions across the occupied West Bank. Since 1 July, 51 structures have been demolished, displacing around 100 Palestinians, including 55 children, and affecting around 350 others. Notably, 19 structures were destroyed in the Palestinian Bedouin community of Abu Nuwar, displacing more than 50 people, including 33 children. Several areas of occupied East Jerusalem have also seen an increase in demolition operations, including self-demolitions¹.

Of great concern at present is the situation of Khan al Ahmar-abu Helu –one of 46 Palestinian Bedouin communities at risk of forcible transfer in the West Bank, and one of 18 communities in the so-called E1 area which the Israeli authorities plan to use to connect the Maale Adummim settlement bloc and East Jerusalem.

Recent months have also seen an overall deterioration of the living conditions of Palestinians living in the H2 area in Hebron. Increasing

¹ Israel's planning and zoning regulations in the West Bank make it nearly impossible for Palestinian families to obtain building permits, and where no permit has been obtained they may be forced to carry out self-demolition, to avoid paying the cost of an official demolition in addition to a fine.

restrictions on movement, daily intimidation by soldiers at checkpoints, settler violence and harassment add to the existing coercive environment, which pushes individuals and communities to leave their places of residence involuntarily. In this context I again emphasise that forcible transfer of individuals and communities by the occupying power is a grave breach of the Fourth Geneva Convention.

The Committee will recall the 2004 advisory opinion of the International Court of Justice regarding the separation wall and its associated régime, encompassing and expanding the settlements in the occupied West Bank. The Court found that the Wall violates customary international law in many respects, including the right to self-determination and other fundamental rights such as liberty of movement as well as the right to work, to health, to education and to an adequate standard of living. It reminded Israel of its obligation to end the illegal situation as well as all States of their *erga omnes* obligations in this regard.

Excellencies,

Hundreds of Palestinian children have been detained by Israel – some without charge, under the so called "administrative detention" system, which constitutes a fundamental human rights violation. It

should be absolutely clear that international law requires detention only be used for children as a last resort. And whether for children or for adults, detention without trial, on evidence that is often kept secret, under often indefinitely renewable administrative detention orders, contravenes Israel's obligations under international law, and must come to an end. An estimated 440 Palestinians are being held in "administrative detention," according to the latest figures; Israel should immediately charge, or release, all of them.

I am disturbed by arbitrary arrests and detentions of activists and human rights defenders by the Israeli authorities, with attempts to undermine and limit the work of human rights defenders and civil society. Legislation, both adopted and proposed, singles out human rights organizations for increased restrictions. Administrative constraints are placed on their operations. Sources of funding are undermined through campaigns to delegitimize organizations working for the rights of Palestinians. Human rights defenders are arrested and threatened, and groups including Israeli organisations as well as foreign Jewish organizations are being targeted for standing up for Palestinians' human rights.

Although they are of a different magnitude, I also have concerns about restrictions on civil society by the Palestinian authorities.

These assaults on fundamental rights dismantle trust in institutions; strip away the social structures which enable peaceful resolution of disputes; and create a tinderbox in which any flash of conflict may ignite severe and unpredictable consequences.

Above all, as this Committee knows very well, only an end to occupation can bring about lasting peace and establish the conditions in which the human rights of all can at last be fully respected and each side respects the humanity and equality of the other. All States have a responsibility to realise this hope, too long promised and too long denied.