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Human rights situation in Palestine and other occupied Arab territories

Letter dated 5 June 2020 from the Permanent Observer of the State of Palestine to the United Nations Office at Geneva addressed to the President of the Human Rights Council

As we sombrely commemorate the passage of 53 years since Israel's occupation of Palestinian and Arab territories in 1967, I am writing to draw your attention to the ongoing human rights and protection crisis and deterioration in conditions as Israel, the occupying Power, continues its depraved dehumanization of the Palestinian people and colonization of Palestinian land.

Since mid-May 2020, Israeli occupation forces have murdered five Palestinian civilians, bringing to at least 22 the number of Palestinians, including children, killed since January in such senseless acts of violence.

On 13 May, Israeli soldiers raided Al-Fawwar refugee camp near Al-Khalil (Hebron) and shot dead Palestinian teenager Zaid Qaisiya, 17, while he stood with relatives on the rooftop of a building observing clashes on the street below. Zaid was shot in the head with live ammunition. Four other Palestinians also sustained gunshots, including a 16-year-old boy who was shot in the thigh and whose leg was thus broken.

On 14 May, Bahaeddin al-Awawda, 18, was shot dead by Israeli occupation forces outside the town of Beit Awwa in the vicinity of Al-Khalil. This was followed on 29 May by the killing of Fadi Samara Qaad, 37, a Palestinian who was on a motorcycle on his way to pick up his wife.

On 21 May, a 4-year old girl, Rafif Qara'een, was hit in the head by a stray M-16 bullet as she sat to break Ramadan fast with her family in their home in the Issawiya neighborhood of occupied East Jerusalem, often the scene of incursions by the occupation forces, and tragically died of her wounds.

On 30 May, Iyad Hallak, 32, an autistic Palestinian man from East Jerusalem, was on his way to the special education school he attended and worked at near Lion's Gate, when Israeli police officers shot and killed him, having fired eight bullets into his body. Iyad, who had been diagnosed as being on the low-functioning end of the autism spectrum and who had trouble communicating with those around him, "didn't even know there was such a thing as Jews and Arabs in this country", according to his cousin. "He didn't know what a policeman was. He didn't absorb such things; he didn't know that there even was another side. He didn't know what a soldier was or what a weapon was. He saw a stranger and fled; and then they shot him."

The above are not isolated incidents – far from it. Israeli occupying forces have systematically brutalized defenceless Palestinian civilians, with extrajudicial killings

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amounting to war crimes having become an abhorrent habit. As found by Defense for Children International Palestine, “Israeli forces routinely shoot Palestinian children who pose no imminent threat with live ammunition.” Such disregard for human life is institutionalized and widespread. Since 2000, Israeli forces or settlers have killed at least 2,116 Palestinian children. In 2019 alone, Israel killed 133 Palestinians, including 28 children.

In addition to these killings, the occupying Power has continued its routine violence against Palestinian civilians, including shooting a Palestinian man with Down syndrome during a raid on Nabi Saleh village on 29 May; forcing the family of an elderly Palestinian woman in a wheelchair to demolish the home they had built in East Jerusalem to accommodate her disability; and assaulting Palestinian worshippers as they performed Eid prayers at Lion’s Gate in Jerusalem on 24 May.

These are just a few examples of the constant harassment, intimidation and gross human rights violations being perpetrated by this illegal and cruel occupation. It is not a coincidence that the escalation of Israeli crimes against Palestinian civilians is happening in parallel with measures being taken on the ground by Israel to implement its annexation plan. That plan would entail annexing large parts of the occupied West Bank, including the Jordan Valley and land on which it has illegally established its settlements and wall, all in grave breach of international law, including the Charter of the United Nations, the Fourth Geneva Convention and numerous relevant Security Council and General Assembly resolutions.

Undeterred by the international community’s condemnation of annexation threats and its calls for their cessation, on 24 May the Israeli Prime Minister provocatively repeated that his 1 July deadline to proceed with formal annexation would not change. Against the backdrop of the permissive environment created by the United States administration for Israeli violations, Prime Minister Netanyahu openly declared that Israel had “an opportunity we [have] not [had] since 1948” to annex Palestinian land in the West Bank, and that “we will not let this opportunity pass by”.

Given these appalling circumstances, and the lack of concrete action to hold Israel accountable for its crimes, it should come as no surprise that land appropriation, home demolitions and other acts of colonial violence in the Occupied Palestinian Territory, including East Jerusalem, have been on the rise.

The Office for the Coordination of Humanitarian Affairs continues to report demolitions of Palestinian property by Israeli occupying forces, including of homes. The escalation in demolitions, including of internationally-funded humanitarian structures, prompted European Union missions in Jerusalem and Ramallah to issue a statement on 28 May, urging Israel, “in line with the EU’s long-standing position on Israel’s settlement policy – illegal under international law – and actions taken in that context, such as forced transfers, evictions, demolitions and confiscation of homes” to halt demolitions.

In this regard, in addition to the destruction on 27 May of two tourist facilities in the Palestinian town of Sebastiya, which houses various historic sites, including a Roman amphitheater, on 31 May, the occupying Power issued an order for the demolition of 200 structures, including restaurants, car repair shops and other facilities in the only Palestinian industrial area in occupied East Jerusalem. These demolition orders are intended to clear the area for construction of an Israeli “tech area” similar to Silicon Valley, thereby further illegally altering the City’s demographic composition and character.

Here we must again emphasize that Israel’s unilateral annexation plans, if allowed to proceed, will spell the demise of the two-State solution on the basis of pre-1967 borders and result in a one-State apartheid system, with all of the attendant consequences of such a catastrophic scenario.

As cautioned by the Coordinating Bureau of the Non-Aligned Movement in its communiqué of 15 May on Israel’s illegal annexation plans,

if not averted, such plans will have far-reaching and devastating repercussions on the prospects for realizing the rights of the Palestinian people, including to self-determination and independence; the two-State solution on the pre-1967 borders; and just and lasting peace and security in accordance with the internationally-endorsed terms of reference and parameters for a peaceful solution based on the relevant UN

resolutions, the Madrid principles, including the principle of land for peace, and the Arab Peace Initiative.

This was echoed in the briefing delivered on 20 May to the Security Council by the Special Representative of the Secretary-General and Special Coordinator for the Middle East Peace Process, Nickolay Mladenov, who reiterated that “the continuing threat of annexation by Israel of parts of the West Bank would constitute a most serious violation of international law, deal a devastating blow to the two-State solution, close the door to a renewal of negotiations, and threaten efforts to advance regional peace and our broader efforts to maintain international peace and security.”

Such warnings have been made by an overwhelming number of politicians, academics, think tanks, public figures and civil society actors who have recently weighed in on this critical matter. Below are excerpts from just some recent statements in this regard.

On 14 May, the European Council for Foreign Relations warned:

Annexation – whether it starts with one settlement block or most of Area C – will cross a threshold which will be almost impossible to reverse back on. The full repercussions that such a move will trigger may be slow in coming, but they are real. This will challenge EU credibility and relevance. It will also undermine the fundamentals of the international rules-based order – in particular, the prohibition on the acquisition of territory through force. The formal demise of the Oslo-configured two-state peace process – which has been moribund for years – will also confront Israelis and Palestinians with a one-state reality in which Palestinians live under an increasingly explicit system of apartheid.

On 22 May, 70 Italian parliamentarians called on their Government to take action at the domestic and international levels against Israel’s illegal plans to annex parts of the occupied West Bank, which, they warned “would bury the Middle East peace process and the prospect of two peoples living side by side in two States in mutual peace and security.”

On 30 May, the *New York Times* editorial board published an article entitled “Annexing the West Bank is a Brazen Violation of International Law”, in which it warned that “the annexation would render the West Bank into a patchwork of simmering, unstable Bantustans, forever threatening a new intifada.”

On 2 June, 58 former Canadian diplomats and politicians published a letter calling on their Government to stand firmly against Israel’s annexation plans, stating that “territorial conquest and annexation are notorious for contributing to fateful results: war, political instability, economic ruin, systematic discrimination and human suffering.”

It is tragic that the Palestinian people are facing this imminent annexation as they mark the seventy-second year of the Palestinian *Nakba* and the fifty-third year of Israel’s occupation of the West Bank, including East Jerusalem, and the Gaza Strip. Israel’s current annexation scheme brings into sharp focus the central objective and ultimate goal of its colonial occupation, beginning with the *Nakba* to the present day: usurping Palestinian land and resources while expelling or isolating as many Palestinians as possible. This intent has been expressed countless times by Israeli and Zionist leaders, and we must here remind the international community of the decades-long continuum of such provocative statements laden with colonial slurs:

“We have forgotten that we have not come to an empty land to inherit it, but we have come to conquer a country from people inhabiting it, that governs it by the virtue of its language and savage culture.” *Moshe Sharett, later to become second Prime Minister of Israel, 1914*

“After the formation of a large army in the wake of the establishment of the state, we will abolish partition and expand to the whole of Palestine.” *David Ben Gurion, later to become first Prime Minister of Israel, to the Zionist Executive, 1937*

“Everybody has to move, run and grab as many [Palestinian] hilltops as they can to enlarge the settlements because everything we take now will stay ours... Everything we don’t grab will go to them.” *Ariel Sharon, in his former role as Foreign Minister of Israel, in comments broadcast on Israeli radio, November 1998*

“As you know we oppose the idea of a Palestinian state and we will fight with all our power against its establishment. As you know there is no such thing as Palestinian people so that there can be a Palestinian state. Not today, not tomorrow, not in this or that border, not by this name and not by other names...” *Israeli Minister Bazelel Smotrich, Facebook, 17 February 2020*

It is astounding that, despite these blatantly unlawful objectives and decades of dispossession, displacement and oppression of the Palestinian people, not only has the international community failed to mobilize genuine political will to redress this unlawful situation – from its root causes to the crises of today – but has allowed the situation to further deteriorate, with regression of both conditions on the ground and the prospects for a just solution. This has allowed Israel to entrench its occupation and colonial regime with impunity, with a disastrous impact on the lives of millions of Palestinians and prospects for peace and security.

The Israeli occupation was not inevitable, nor is its continuation. Had it not been for the shielding of Israel from accountability by some, the course of Palestine’s history would have been different. Had Israel been treated like any other State – not a State above the law – accountable for its actions and penalized for its crimes, it would not have considered the idea of acquiring territory by force, let alone in broad daylight and with explicit statements to that end. Had it been treated as a State like all others, it would not have been allowed to continue expelling, besieging and killing Palestinian civilians, refusing the return of Palestine refugees, or inflicting institutionalized racism on the Palestinian population that it perceives as sub-human.

Israel will continue to act in this rogue manner and with absolute disregard for the law and Palestinian lives so long as it is exempted from legal and political accountability. The international community must realize that allowing such crimes to continue against the Palestinian people actually normalizes these crimes worldwide, undermining international norms and order and precluding peace and security. Beyond verbal censure, the international community must uphold its responsibilities and ensure respect for international law through concrete actions. Such action could include, inter alia, closing markets to Israeli settlement products, supporting the International Criminal Court in its consideration of the situation in Palestine, and imposing economic and diplomatic sanctions until the occupying Power abides by the law.

In this regard, we welcome the ministerial resolution of the League of Arab States, the communiqué of the Non-aligned Movement and the declaration recently adopted by the Organization of Islamic Cooperation, and the clear affirmations and calls they have made. We also welcome the call made by the Association of International Development Agencies on behalf of its 84 humanitarian, development and human rights member organizations “on third States, the EU, and its member States, to devise and publish an exhaustive list of countermeasures to adopt in order to disincentivise Israel’s annexation policies in the occupied Palestinian territory to ensure the protection of Palestinian communities in the West Bank.” We also recognize the importance of the letter sent on 11 May by 51 anti-war groups to US presidential candidate Joe Biden, urging him to “use a combination of pressure and incentives, including leveraging the annual \$3.8 billion in U.S. military funding to Israel” towards an agreement that upholds Security Council resolutions and international law towards ending “Israel’s military occupation; disbanding Israel’s illegal settlements in the West Bank and East Jerusalem; ending the Israeli military blockade of Gaza; and ending all attacks on civilians.”

We draw hope and strength from the constant messages of solidarity expressed by countries and peoples worldwide with Palestine’s cause for freedom, justice and return, as well as protection for the Palestinian people and accountability for Israel, including the publication of an open letter on 13 May by more than 500 international musicians, actors, film-makers and others, calling for an end to Israel’s siege of Gaza, and stating that “what happens in Gaza is a test for the conscience of humanity. We back Amnesty International’s call on all world governments to impose a military embargo on Israel until it fully complies with its obligations under international law.”

As our people continue to suffer this illegal occupation, we appeal again to the international community to speak up and take responsible action. We appeal to you to stand firmly in defence of the Charter, the Universal Declaration of Human Rights and international law, and in respect of the countless United Nations resolutions adopted on the Palestine question, including by the Human Rights Council. On this sombre fifty-third anniversary of the occupation, we appeal to you to act with urgency to protect human rights; to salvage the prospects for a just peace based on the two-State solution that you have advocated for and championed across decades; and to preserve the international rules-based order that you have so painstakingly created and which is now under serious threat.

I should be grateful if you would arrange to make the present letter available to the States Members of the Human Rights Council for their immediate, valuable consideration, and also to have it distributed as a document of the forty-third session of the Human Rights Council, under agenda item 7.

(Signed) H.E. Ambassador Ibrahim **Khraishi**
Permanent Observer of the
State of Palestine to the United Nations Office at Geneva
