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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Identical letters dated 17 November 2020 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

I write in follow-up to our recent letters regarding the crimes and violations that continue to be perpetrated by Israel, the occupying Power, against the Palestinian people. The occupation's cruelty and brutality have persisted, even in this time of global pandemic. This includes relentless colonization and annexation measures that are destroying the viability of the two-State solution and violating the independence and sovereignty of the State of Palestine, depriving the Palestinian people of their inalienable right to self-determination and freedom.

Impunity for such gross violations has alarmingly become normalized when it comes to the situation in the Occupied Palestinian Territory, including East Jerusalem, as accountability remains absent. This has been exacerbated by the current United States administration, which has created a wholly permissive environment for the occupation and has moreover acted in complicity in a manner undermining international law and the international consensus on a just solution to the Israeli-Palestinian conflict.

As a result, Israel has been hyper-emboldened, escalating its crime spree with zero fear of consequences, forcing the Palestinian people to grapple not only with the same challenges being faced by the entirety of the international community owing to the spread of the coronavirus disease (COVID-19), but also with constant violations of their rights, well-being and security and threats to their very existence.

As the world focuses on mitigating the pandemic's impact and aiding the most vulnerable, Israel carries on shamelessly with its violations, accelerating its illegal settlement, colonization and annexation schemes. As our countries intensify cooperation to advance multilateralism, Israel instead exploits the pandemic to advance its policy of unilateralism. As health-care workers and medical supplies are dispatched throughout the globe to contain the spread of the virus, Palestinian medical facilities are being shut down by the occupying Power.

As countries around the world work to protect their citizenry and infrastructure from the ravages of natural disasters like hurricanes, typhoons and earthquakes,



Palestinian homes and properties are being punitively destroyed by Israel as it continues its settlement march. This has included the demolition of humanitarian development projects, particularly those provided as support by European Union States, including schools and shelters. As a result, hundreds more Palestinians have been rendered homeless and deprived of their property and livelihoods by this illegal occupation, creating even more need and endangering the lives of the most vulnerable, including children.

In this regard, the occupying Power is yet again flaunting plans to construct more settlements in Occupied Palestine in flagrant breach of international law and United Nations resolutions, including Security Council resolution [2334 \(2016\)](#). Ignoring the global appeals to cease this illegal practice, and following its announcement of plans last month to construct nearly 5,000 settlement units, the Israeli “Housing Ministry” opened the bidding process for the construction of more than 1,200 settlement units in the illegal settlement of “Givat Hamatos”. If implemented, this nefarious plan will seal off the city of Bethlehem, disconnecting it from Jerusalem, and gravely undermine whatever potential remains for realizing the two-State solution based on the pre-1967 borders, as this illegal occupation cements its separation and the isolation of millions of Palestinians into fragmented Bantustans, oppressed under a two-tiered system of law centred on institutionalized discrimination akin only to apartheid.

As underscored by the Special Coordinator, Nickolay Mladenov, in his statement on 16 November: “If built, it would further consolidate a ring of settlements between Jerusalem and Bethlehem in the occupied West Bank. It would significantly damage prospects for a future contiguous Palestinian State and for achieving a negotiated two-State solution based on the 1967 lines, with Jerusalem as the capital of both states.”

It is patently clear that the Israeli government is attempting to impose a *fait accompli* on the ground before the Trump administration leaves office, acting as though international law and the will of the rest of the international community mean nothing. The plans by the United States Secretary of State to visit the illegal Israeli settlement of “Psagot” is the most recent glaring example of the warped relationship between the occupying Power and current United States administration. We deplore all of these attempts to give legitimacy to Israeli settlements illegally established on stolen Palestinian land.

Such actions flagrantly violate international law and United Nations resolutions, including Security Council resolution [2334 \(2016\)](#) and all relevant resolutions that preceded it, which affirmed the illegality of Israel’s settlements in the Occupied Palestinian Territory, including East Jerusalem, and called upon all States not to recognize them as legitimate and not to render any assistance to the occupying Power in their maintenance. Moreover, Security Council resolution [2334 \(2016\)](#) unequivocally called upon States “to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967”. We urge all States to uphold their legal obligations in this regard, stressing that such a distinction will truly make a difference in advancing not only accountability but ultimately a just solution.

Another matter that requires urgent attention is Israel’s ongoing practice of necro-violence, by which the occupying Power seizes and withholds the bodies of Palestinians it has murdered. This inhumane practice is directly linked to Israel’s wider policy of repression of the millions of Palestinians living under its occupation, tantamount to collective punishment as they are prohibited from burying their loved ones in accordance with cultural and religious rituals.

In this regard, we highlight today the plight of Kamal Abu Waar, age 46, who died in an Israeli jail last week as a result of medical negligence, despite repeated calls for his release on account of his deteriorating health. Israeli prison authorities prevented Abu Waar's family from seeing him in the last few months before his death and continue to withhold Abu Waar's body, ignoring numerous requests by family members and human rights organizations to return his body for proper burial.

As the occupying Power, Israel is responsible for the lives and well-being of prisoners, whether held in Israeli prisons in the Occupied Palestinian Territory or in Israel in violation of the Fourth Geneva Convention. Israel is currently holding nearly 5,000 Palestinians in its military prisons, including hundreds of children and men and women held without charge or trial through the unlawful practice of administrative detention, whose release has been continually called for by governments, human rights groups and other international organizations. The Palestinian leadership reiterates these calls and calls again for the necessary medical treatment to be provided to Palestinians imprisoned by Israel and the immediate release of all vulnerable prisoners, particularly women, children, older persons and those with pre-existing medical conditions, especially in this time of pandemic.

In spite of these continuous and escalating violations, the Palestinian people remain steadfast in their legitimate struggle against the occupation. Here, we recall that this week marked 32 years since the Palestinian leadership declared the independence of the State of Palestine on the basis of the 4 June 1967 lines and the relevant United Nations resolutions. That Declaration, made on 15 November in Algiers, constituted a very painful and historic compromise meant to pave the way to peace. While Israel has never reciprocated and never compromised, that Declaration brought universal recognition of the Palestinian people's right to self-determination and widespread global recognition of the State of Palestine, which now numbers 139 countries. These are facts that cannot be ignored.

Yet, despite the fact that Palestine's acceptance of the two-State solution and engagement in good faith negotiations across decades has been responded to with constant attacks by Israel on their rights and on the two-State solution, the international community has regrettably not been compelled to act on legal obligations and responsibilities to bring an end to this injustice. Despite Israel's absolute contempt for international law and complete departure from the two-State solution, the lack of concrete action to hold it accountable has only emboldened its rogue behaviour, prolonging this illegal, colonial foreign occupation to the detriment of the Palestinian people, the region and the international community as a whole.

The continued lack of accountability wrongly conveys acceptance of the unjust status quo whereby the inalienable rights of the Palestinian people to freedom, sovereignty and peace, as enshrined in the Charter of the United Nations and relevant United Nations resolutions, are ignored in an era where international law applies to some, but not to all. This absence of real consequences for Israeli crimes raises questions of complicity and liability among States, as continued inaction only enables Israel to further manipulate international law and entrench its colonial occupation at the direct expense of inalienable Palestinian rights and international peace and security. As stressed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967: "The international rule of law matters and, if we are to avoid the rule of the jungle, it must be obeyed. And if the rule of law matters, then so must accountability."

The international community, including the Security Council, has a role to play in correcting the wrongs of history and promoting justice and peace. Since the founding of the United Nations, the question of Palestine has been a crucial test of the very meaning, applicability and efficacy of international law. The international

community bears a legal, humanitarian and moral responsibility to end the longest military occupation in modern history and to assist the Palestinian people in achieving self-determination and independence, a promise pledged long ago and at the core of the international consensus on a just solution. We thus appeal again to all States to act responsibly and urgently, individually and collectively, to uphold international law in regard to the Palestine question and to implement all relevant United Nations resolutions. This is as imperative for ending this injustice as it is for preserving a rules-based international order.

This letter is in follow-up to our 696 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 ([A/55/432-S/2000/921](#)) to 9 November 2020 ([A/ES-10/842-S/2020/1095](#)) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable, and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) **Riyad Mansour**
Minister
Permanent Observer
