



VIRTUAL MEETING

Closed Consultations with Civil Society Organizations

Convened by the
UN Committee on the Exercise of the Inalienable Rights of the Palestinian People
(CEIRPP)

22 November 2021

CHAIR SUMMARY

The Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP) held closed consultations with Civil Society Organizations (CSOs) on 22 November 2021, as a virtual meeting under Chatham House Rule. Participants included representatives from Palestinian, Israeli and international CSOs, as well as from members and observers of the Committee: Cuba, Egypt, India, Indonesia, Lao, Malaysia, Malta, Morocco, Namibia, Nicaragua, Senegal, the United Arab Emirates, Venezuela and the State of Palestine.

The session was chaired by H.E. Ambassador Cheikh Niang, Permanent Representative of Senegal and Chair of the Committee. In their interventions and during the floor discussion, the participating organizations highlighted the following issues: (1) the increasing number of home demolitions and evictions in the Occupied Palestinian Territory, including East Jerusalem (OPT); (2) the legal options for Palestinian families facing demolitions and evictions in East Jerusalem and “Area C” of the West Bank to challenge decisions and orders in the Israeli judicial system; (3) plans for new settlements and settlement expansions brought forward by the new government in Israel; (4) the shrinking space for CSO advocacy in support of Palestinian prisoners in Israeli detention.

Committee representatives underlined that the objective of the Committee’s engagement with civil society was to harness their potential in the OPT, Israel and elsewhere to promote the exercise by the Palestinian people of their inalienable rights through strengthened cooperation, including joint activities and exchange of information.

They also reiterated solidarity with the six human rights and humanitarian Palestinian civil society organizations recently designated by Israel as “terrorist organizations”, and informed that the Committee would organize a public event on this topic on 7 December, following a Committee meeting with UN High Commissioner for Human Rights.

Discussing the threats of forcible transfer and home demolitions, participants highlighted that so far in 2021, demolitions of Palestinian-owned structures increased by over 20 per cent. The situation in East Jerusalem was a clear case study highlighting how Israeli policies, including the Nation State Law, the denial of the right of return for Palestinians to their properties, expropriations and the extremely low number of construction permits granted to Palestinians, contributed to a *de facto* transfer of population, i.e., of Palestinians out of the OPT and of Jewish Israelis into it. The East Jerusalem neighbourhoods of Silwan and Sheikh Jarrah have attracted international attention, but the same situation and risk of widespread dispossessions have been also observed in “Area C” of the West Bank. Some participants further argued that this overarching discriminatory legal framework on both sides of the Green Line (i.e., the pre-1967 border) is a reality that should also be recognized by the international community. Many stressed that this reality constitutes one of an “apartheid” regime.

Participants also reported that civil society provided essential support and assistance to affected Palestinian families facing the threat of demolition and eviction, ensuring that they have access to legal support and representation. By protecting Palestinians from forced evictions, these efforts protect Palestinian rights and have kept the two-State solution alive. However, restrictions to litigation procedures in Israeli courts considerably limited the scope of remedies available to legal representatives, allowing the Israeli authorities in East Jerusalem and “Area C” to conduct widespread demolitions while maintaining the façade of a legitimate judicial process. A participant stated that a high number of cases had exhausted - or were nearing the exhaustion of - available legal proceedings, and that outside pressure from UN Member States remained the last hope for those affected families.

The increasing use of expedited procedures in the West Bank, such as seizures based on Military Order 1252, were increasingly replacing “classic” demolition orders, allowing for the confiscation of structures with no or limited prior notice, hence circumventing the normal processes and limiting the possibility of legal remedies, including court injunctions. In the meantime, many Palestinians have been forced to self-demolish their properties in East Jerusalem or face the risk of hefty fines based on the Israeli Planning and Building Law. Israel’s special planning and zoning regime in the OPT has also reduced the space allowed for Palestinian construction. Among many areas at risk of the above-mentioned procedures, participants discussed the recent developments in Sheikh Jarrah, Massafer Yatta in the South Hebron Hills, and Al Walajeh in the Jerusalem Periphery.

In connection with the policies implemented by the new Israeli administration, a participant highlighted that the spreading settlement enterprise remained the main obstacle for the two-State solution. Participants highlighted that the policies implemented by the new Israeli government did not differ from the previous administration under PM Netanyahu. Even though some coalition members within the new Israeli government were opposed to settlements and supported a two-State solution, the Israeli authorities unveiled plans to establish new settlements or to enlarge existing ones, including recent plans for the construction of over 3,000 settlement housing units.

Several of these plans, including new settlements in the “E1” area between Jerusalem and the settlement of Maale Adumim, in Atarot and Givat Hamatos, would considerably alter the

viability of a two-State solution and the possibility to maintain the contiguity of the Palestinian State. Participants further discussed the construction of new settlements near Ariel, and in Hebron, and an underpass road in Qalandiya, as well as the regular establishment of new outposts which supposedly were illegal under Israeli law. These new developments were even more concerning given the current context of an increase in settler violence, including during the current olive harvest season.

Participants further brought to the Committee's attention the deteriorating situation for Palestinian detainees in Israeli jails. Daily mass arrest campaigns were conducted to keep control over the Palestinian society as a whole and to undermine its struggle for self-determination. Many of those arrests affected minors and women. The number of Palestinians placed under administrative detention, reportedly at approximately 500, was increasing; they contravened the basic right not to be subject to arbitrary detention and were based on allegations kept secret to the affected individuals and families. The health of several Palestinian prisoners was alarming, whether due to hunger strikes or serious medical conditions and medical negligence on the part of the occupying Power. Moreover, contesting administrative detentions and legal proceedings in general before a military court remained particularly complicated. In addition, while Palestinians in "Area C" were subject to military courts, settlers were subject to the Israeli civil court system. Participants called for the international community to investigate this dual legal system and the Israeli practice of administrative detention that they considered as arbitrary and unlawful.

Some participants linked the issues mentioned above to Israel's decision of 22 October to label six Palestinian CSOs as "terrorist organizations" – and the consequent risk of detention faced by their staff – as connected policies to silence activists and impede human rights monitoring and reporting as well as thwarting possibilities to raise serious violations at the International Criminal Court (ICC) or with UN human rights bodies. Human rights organizations were indeed the main source of documentation and information on human rights violations in the OPT, especially since many staffers of international organizations were banned to enter Israel and the Human Rights Council's special procedures, including the Special Rapporteur, continued to be prohibited from accessing the OPT.

According to participants, this latest decision undertaken by the Israeli authorities was intended to silence those protesting violations of human and humanitarian rights; therefore, all actors involved in safeguarding Palestinian rights should work in concert to inform and mobilize public opinion. Participants argued that Member States should take measures, including sanctions to force Israel to abide by international law, adding that recent discussions and reports at the UN level were showing signs of a shift towards a greater international recognition of the scale of the discrimination faced by Palestinians on the ground.

Regarding the next steps to address this urgent situation, a number of participants reiterated previous calls to re-establish the UN Centre Against Apartheid to address Israel's breach of international law and norms, and to pressure key Member States and regional blocks to fully implement SC Res 2334 (2016) in order to end a *de facto* "subsidy" of the Israeli occupation of Palestinian territory. However, some participants considered that current bodies and mechanisms already in place constituted evolving and robust forums to address the situation of Palestinians in the OPT and to engender accountability. These included the General

Assembly; the Human Rights Council, its Special Procedures and the International Commission of Inquiry to Investigate Violations in the Occupied Palestinian Territory, including East Jerusalem, and in Israel; special UN committees such as the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories; and the CEIRPP.

Among other steps urged were the recognition that general discrimination towards the Palestinian people and settler colonization were root causes of the conflict, and that Palestine's membership to the ICC and third-party responsibilities were essential instruments to pressure Israeli authorities and to open investigations against those crimes and to pursue accountability for perpetrators. The role of the UN and CSOs was also deemed critical to harness public opinion's support towards ending the harassment of civil society representatives in the OPT.

The real impact of Israel's decision of 22 October remains unclear as authorities have not yet taken concrete steps for its implementation. Nevertheless, States must send a very clear message of support to Palestinian CSOs against measures aiming at suppressing their activities, including the deportation and residency revocation of activists. Participants also noted this decision could be a "test case" and that countermeasures by States were urgently needed to prevent the risk of a widespread attack on all CSOs working on human rights in the OPT and in Israel.

Ambassador Niang closed the event.

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