

Resolution on the situation in the Occupied Palestinian Territories

Presented by the Palestinian Centre for Human Rights (PCHR) and Al Haq

The International Federation for Human Rights (FIDH) meeting at its XXXVIIIth Congress in Yerevan, Armenia,

Deeply concerned by the recent rapid deterioration of the human rights situation in the occupied Palestinian territory (oPt), a result of the long-standing criminal policy pursued by the State of Israel against the Palestinian population;

Considering the systematic nature of the human rights violations committed in the concerned territory;

Acknowledging the escalation of tension and violence in the oPt, and East Jerusalem in particular, as a result of decisions taken by the Israeli Government in the last months;

Noting that the Israeli armed forces have escalated their commission of human rights violations in the oPt, as evidenced by the recent killings of unarmed Palestinian civilians taking part in peaceful demonstrations in the West Bank and the Gaza Strip and air strikes against civilian targets in the Gaza Strip;

Noting with grave concern that serious violations of fundamental international humanitarian law principles and internationally recognized human rights standards are widespread in the oPt, characterised by the following;

- a) Ongoing illegal occupation of Palestinian territory, including East Jerusalem, contravening the right of the Palestinian people to self-determination;
- b) Ongoing illegal closure of the oPt, as evidenced by the closure of the Gaza Strip, a form of collective punishment which has now been in place for over two and a half years;
- c) Israel's continuing construction of the illegal annexation wall inside the Palestinian territory in blatant violation of the International Court of Justice's 2004 Advisory Opinion;
- d) Continuing confiscation and annexation of Palestinian land, evictions, and demolition of Palestinian houses, particularly in and around East Jerusalem;
- e) Continuing illegal construction of Israeli settlements, including the recently approved 1,600 housing units in occupied East Jerusalem surrounding the Holy Sites, the recent inauguration of a Synagogue in East Jerusalem and the planned expansion of existing settlements in the West Bank;
- f) Taking measures, such as the system of restricted roads, checkpoints, barriers and seam zones and closed military areas which are inexorably worsening the segregation of the Palestinian population, restricting their access to their agricultural lands, impeding their access to work and depriving them of their basic human rights;
- g) Undermining the sanctity and inviolability of religious sites in the OPT and violating the right to freedom of religion, *inter alia* by means of including Palestinian holy places in the list of Israeli archaeological sites in violation of several international conventions for the protection of cultural property during an armed conflict;
- h) Infringing the right of Palestinians to freedom of religion through worship by prohibiting Palestinians entry to the Holy Al-Aqsa Mosque and the Holy City of Jerusalem;
- i) Increasing measures taken by Israeli authorities against human rights defenders including arbitrary movement restrictions, detention and deportation, in violation of the General Assembly

Declaration on Human Rights Defenders adopted by resolution 53/144;

j) Disregarding the principles of proportionality and necessity during the military attacks in the oPt, resulting in the loss of thousands of innocent lives amongst Palestinian civilians;

Considering as particularly worrying the situation of the population of the Gaza Strip, where the combined effect of the protracted illegal closure and of the Israeli military offensive has produced a man-made humanitarian crisis without precedent;

Reiterating its strong condemnation of all indiscriminate and deliberate attacks against civilians;

Recalling the recommendations of the Goldstone Report, which have been endorsed by the UN General Assembly, the Human Rights Council and the European Parliament;

Stressing the unwillingness of the Israeli authorities and the unwillingness/inability of the Palestinian authorities concerned to uphold their obligation to investigate and prosecute suspects of international crimes in an effective and credible manner and in accordance with international standards;

Further stressing the obligation of the international community under international law, and in particular under Article 1 of the Fourth Geneva Convention, to do everything in their power to ensure universal respect for fundamental international law principles, including to hold perpetrators of any nationality accountable for grave breaches of the Fourth Geneva Convention;

Calls upon the Israeli government :

- I. To uphold their obligations under international humanitarian law as an occupying Power in the oPt, and to uphold international human rights law;
- II. To immediately lift the illegal closure of the Gaza Strip and implement an immediate, sustained and unconditional opening of crossings;
- III. To adhere to UN Security Council Resolution 242 and subsequent Resolutions with regard to observing the 1967 borders, upholding international law, and respecting the right to self-determination of the Palestinians;

Calls upon the United Nations and its bodies, the High Contracting Parties to the Geneva Conventions, the European Union, and the individual Member States of the International Community to:

- I. Uphold the right of the Palestinian people to self-determination, and ensure the inadmissibility of the acquisition of territory by the use of force, as enshrined in the Charter of the United Nations;
- II. Reaffirm the applicability of international human rights law and international humanitarian law to the entire oPt and to immediately take all necessary measures, including the suspension of aid and trade-agreements with the Israeli government, to ensure full respect for humanitarian law principles and human rights by the State of Israel;

III. Ensure that all concerned parties, including the UN Security Council, implement all the recommendations contained in the report of the UN Fact-Finding Mission on the Gaza Conflict;

IV. Fulfil their obligations, as codified in, *inter alia*, Articles 1, 146 and 148 of the Fourth Geneva Convention to hasten the process of accountability for the violations of international law committed by Israel and to achieve justice for the victims, including through the exercise of universal jurisdiction against those suspected of international crimes;

V Take concrete actions against all attacks on human rights defenders by the Israeli authorities and to uphold the General Assembly Declaration on Human Rights Defenders adopted by resolution 53/144.