

Mandates of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the human rights to safe drinking water and sanitation

Ref.: AL ISR 2/2022
(Please use this reference in your reply)

31 March 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 43/36, 44/5, 41/12, 42/16, 43/14, 1993/2A, 43/20 and 42/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of housing discrimination against Palestinians through the zoning and planning regime in the Occupied Palestinian Territory, limitations to the access to water for Palestinian villages, as well as allegations of excessive use of force, arbitrary detention, and collective punishment in response to protests in the Occupied Palestinian Territory.**

According to the information received:

In the occupied West Bank, including East Jerusalem, the Israeli authorities routinely declare land as abandoned property, appropriate land for military purposes, expropriate land for public needs and designate vast areas of territory as 'State Land'. The appropriation of land in the Occupied Palestinian Territory ("OPT") allows the building and expansion of Israeli settlements, illegal under international law, as well as the extraction of natural resources from this territory. With around 300 settlements in the West Bank, including East Jerusalem, more than 680,000 Israeli settlers continue to expand and maintain settlements. According to the information received, these settlements prevent the Palestinian people from exercising their right to self-determination and deny them permanent sovereignty over their natural resources.

Discriminatory Zoning and Planning Regime in East Jerusalem Limits Housing for Palestinians

In May 2018, the Israeli Government passed resolution No. 3790, entitled “Reducing Economic and Social Disparities and Promoting Economic Development in East Jerusalem”. According to the resolution, approximately 15.5 million U.S. dollars will be dispensed over the course of six years (2018-2023) for a land title settlement and registration plan regulating land located in occupied Jerusalem. In addition, the resolution states that fifty percent of land ownership in occupied East Jerusalem should be registered by the fourth quarter of 2021 and the rest, by the end of 2025. Registering land in East Jerusalem will secure land ownership for some Palestinian lands but could also put housing on unregistered land at increased risk of demolition and open the door to the confiscation of unregistered lands. The resolution was ostensibly adopted “[i]n light of the need to integrate the Arab residents of East Jerusalem in the Israeli society and economy”. However the resolution does not reflect the needs and wishes of the Palestinian people. According to the information received, it is perceived as being designed to subsume them into Israeli society and achieve unified control of Jerusalem. The processes mandated by the resolution have already started in multiple Palestinian neighbourhoods, including Beit Hanina, Sur Baher, Sheikh Jarrah, Issawiya, Hizma and At-Tur. The Israeli land title settlement and registration plan is based on a set of Israeli property laws, including the Israeli Land Settlement Ordinance (1969), the Absentee Property Law (1950), the Legal and Administrative Matters Law (1970), and other tax law provisions to be levied on property retroactively since 1967.

Israeli officials have made statements emphasizing the importance of the resolution for unified Israeli control of Jerusalem. For instance, the Israeli Minister of Jerusalem and Heritage has stated: “The fact that almost all land in East Jerusalem is unregistered is a persistent failure of 50 years and a solution must be reached. The land title settlement and registration plan have been adopted by various ministries, and it is a firm confirmation of the fact that East Jerusalem is part of the vision of a ‘Unified Jerusalem’.” The former Israeli Minister of Justice and current Israeli Interior Minister has said that “after decades of Israeli sovereignty, we are de facto applying sovereignty over East Jerusalem through land registration regulations.”

Since 1967, Israel has expropriated thousands of dunams (land units) in the area known as the “Holy Basin” and East Jerusalem; at least 41,000 dunams in 15 locations in Jerusalem were expropriated in order to build neighbourhoods containing 25,000 new housing units. Effectively one third of the land in East Jerusalem has been expropriated for settlement and housing purposes, and from 1967 until today, a total of 56,000 housing units have been built in East Jerusalem for at least 220,000 Israeli settlers. Such acts of expropriation could be construed as means to serve the Israeli authorities declared development plan, namely: ensuring a ‘unified Jerusalem’ with an ethnically and religiously Jewish majority, through the exclusion of Palestinians by concentrating land.

Today, housing development in East Jerusalem is thwarted due to the scarcity of building permits given to Palestinians and the threat of home demolitions. The zoning and planning regime impacts housing and mobility, as well as the

distribution of public spaces and the ability to build adequate healthcare and educational facilities. The construction of a wall around East Jerusalem, which began in 2002, has furthered fragmented Palestinian territory, depriving many residents living behind the wall from essential services on which they depend. Although Palestinians constitute 40 percent of the population in Jerusalem, less than a quarter of the housing units are currently available for them. Housing density in the Palestinian neighbourhoods of East Jerusalem is close to eight people per housing unit, while the average family size is made up of 5.1 people. The housing density in the Israeli homes in Jerusalem is one person per room, whereas in Palestinian homes the density rate is 1.8 persons per room. In order for each Palestinian family to have its own apartment, East Jerusalem would need approximately 25,000 additional housing units. Yet, instead of resolving the housing crisis that Palestinian Jerusalemites suffer from the most, Israel's discriminatory zoning and planning regime has reportedly worsened it.

Israel's discriminatory zoning and planning regime in East Jerusalem is reported to be the main obstacle to obtaining a building permit. Required zoning is a precondition for issuing building permits, and only 13 percent of the land in East Jerusalem is zoned for Palestinians to build on. In contrast, 35 percent of East Jerusalem is zoned for Israeli settlements. Due to population increases, the shortage in housing units and the discriminatory zoning and planning regime, many Palestinians have no other choice but to build without an Israeli-issued building permit or to live in structures and spaces that are not meant for housing, including warehouses, basements and stores. Approximately one third of the Palestinian houses in East Jerusalem lack an Israeli-issued building permit. As a result, over 100,000 Palestinian residents are potentially at risk of the demolition of their houses and of being displaced, sometimes out of the city, due to zoning enforcement.

Limitations on Water Access for Palestinian Villages

Since Israel's occupation of the OPT, it has exercised exclusive control over water resources in the OPT, including through the transfer of ownership of all water supply systems in the OPT to the Israeli national water company, Mekorot. As a result, Palestinians have had to rely on Mekorot to meet their water needs. Notably, the village of Beita is supplied with water from Mekorot, and it suffers from water shortages during the summer due to Israel's water allocation policy, which prioritizes the surrounding Israeli settlements of Har Brakha and Yitzhar. Recently, in order to establish a new settler bypass road, the Israeli authorities installed a new water line from the same supply point to support the road's construction, leading to further water shortages in the nearby Palestinian villages, including Beita.

Alleged Human Rights Violations against Protestors and Others in Relation to Protests against the "Evyatar" Outpost

On 3 May 2021, Israeli settlers built several caravans on Jabal Sbeih, which is located on the lands of three Palestinian villages: Beita, Yitma, and Qabalan, southeast of Nablus city, thereby establishing the "Evyatar" outpost. Three failed attempts had allegedly previously been made to build an outpost at this site, in 2013, 2016 and 2018.

In less than one month, the settlers established around 50 structures and set up water and electricity networks. The “Evyatar” outpost has seized private Palestinian land and prevented the access of some 30,000 residents of the three villages to their land, including agricultural land. Since 5 May 2021, Palestinians from Beita and neighbouring villages have been protesting against the outpost and more generally the denial of their right to self-determination. We have received reports that the Government of Israel, through the deployment of troops from the Israeli Defence Forces (“IDF”), has systematically suppressed Palestinian opposition to these settlements through excessive use of force, mass detention, torture and other ill-treatment, as well as measures of collective punishment.

While Israeli settlers have routinely constructed outposts, the construction of the “Evyatar” outpost as well as its population growth rate seem to have accelerated their growth. Palestinian residents of surrounding villages have reported that Israeli soldiers, in their official uniforms, have assisted in the construction of the “Evyatar” outpost. On 6 June 2021, the Israeli authorities issued a military order declaring the area a demarcated zone and ordering the eviction of the outpost and the demolition of its structures.

On 30 June 2021, after weeks of ongoing protests by Palestinians at Jabal Sbeih, the Israeli authorities reached an agreement with the “Evyatar” settlers, stipulating that the settlers would evacuate the outpost temporarily, and the structures would remain intact while the legal status of the land is determined. In the meantime, the Israeli authorities issued a military seizure order concerning the 35 dunams of Palestinian land on which the outpost stands, vesting the Israeli Government with the power to act as a custodian of the land on the settlers’ behalf and “maintain” the illegal structures.

On 2 July 2021, the Israeli settlers left the “Evyatar” outpost, but the outpost’s structures remained intact.

On 8 July 2021, the Jerusalem Center for Legal Aid and Human Rights (JLAC) and the Colonization and Wall Resistance Commission submitted a joint petition to the Israeli Supreme Court on behalf of Palestinian landowners in Beita, Yitma and Qabalan, providing evidence that the land on which the “Evyatar” outpost was built is private Palestinian land. The petition demanded the annulment of the military seizure order, which vested the Israeli Government with the power to act as a custodian of the land, and the revocation and termination of the “Evyatar” agreement. On 15 August 2021, the Israeli Supreme Court refused to consider the petition.

On 2 February 2022, Israeli media [reported](#) that the Attorney General (AG) Mendelblit approved the legal opinion that allows the declaration of about 60 dunams near the village of Beita as “state lands”. The approval comes after the Civil Administration conducted a land survey and determined that the land could be declared as “state land” and be allocated to a settlement. The decision whether to proceed with the procedure is now in the hands of the Israeli Government, and particularly the Ministry of Defense.

Excessive Use of Force against Palestinian Protesters

Soon after the establishment of the “Evyatar” outpost in early May 2021, Palestinians in Beita began demonstrating on an almost-daily basis at Jabal Sbeih using popular resistance strategies. The popular resistance model of Beita was met with violent suppressive policies and measures by the IDF, including excessive use of force, alleged arbitrary detention, as well as collective punishment. Seven protesters were killed by Israeli authorities, including two children. 4508 protesters were injured, including 143 injuries with live bullets, and 720 with rubber-coated metal bullets, including dozens of whom have been left with disabilities.

The Government of Israel has systematically used lethal and otherwise excessive force in the context of suppressing protests, search-and-arrest operations, and at checkpoints. The IDF killed 32 Palestinians in 2020, and 130 Palestinians in 2019. As of 31 October 2021, 60 Palestinians were killed by Israeli authorities in the context of protests. While Palestinian popular resistance tactics, including stone-throwing, rarely pose an imminent threat to the lives of Israeli soldiers or others, the IDF often responds with excessive use of force against unarmed protestors, including deploying tear gas canisters, sound bombs, rubber-coated metal bullets and live ammunition, which frequently results in the killing and injury of civilians. The IDF expanded the definition of “life threatening” activities to include stone throwing following the outbreak of the Second Intifada in 2000.

On 14 May 2021, a protest started at 1:30 pm at Jabal Sbeih, south of Beita village and southeast of Nablus. At around 4:00 pm, Palestinian demonstrators reached the main street near Jabal Sbeih, where the IDF were stationed. The IDF targeted Palestinian protesters throwing stones by firing live ammunition and rubber coated metal bullets, injuring many protesters.

At 1:00 pm on 14 May 2021, another protest took place at the Ras Al-Deir area. Palestinian demonstrators were protesting against the actions of the Government of Israel in the Gaza Strip and Jerusalem, as well as the establishment of “Evyatar” outpost. Between 150 to 200 Palestinians confronted an approximate 45 Israeli soldiers, who were fully armed and supported by three military vehicles, with stones. The Israeli soldiers fired live and rubber-coated metal bullets, tear gas canisters and sound bombs at the Palestinian protestors from a distance of 30 to 50 metres.

On 14 May 2021, ten Palestinians were killed in the West Bank protests by the IDF. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) stated that since they started recording Palestinian fatalities in 2005, this is the highest number of Palestinians killed by the IDF in a single day in the West Bank, including East Jerusalem.¹

As regular protests continued against the “Evyatar” outpost, at around 12:30 pm on 28 May 2021, approximately 400 to 500 Palestinians protestors marched towards the al-Houti area across from Jabal Sbeih to pray. Around eight soldiers standing 100 metres away and accompanied by two military

¹ OCHA, “West Bank: Escalation of Violence 13 April - 21 May 2021” 06 June 2021, available at: <https://www.ochaopt.org/content/west-bank-escalation-violence-13-april-21-may-2021>

patrols, moved towards the Palestinians, including those who were praying, and allegedly started firing tear gas canisters to disperse them. After the noon prayer, at around 1:30 pm, part of the Palestinian group of protestors remained in the same area, whereas others went to the industrial area, located at the bottom of Jabal Sbeih. Clashes erupted and continued for about two hours in the industrial area of Jabal Sbeih between the Palestinian protesters, who were throwing stones and setting tyres on fire, and around 20 IDF soldiers who reportedly fired tear gas canisters, sound bombs, rubber coated metal bullets and live ammunition. Later, a reported 150 to 200 protesters approached the “Evyatar” outpost at a 50-metre distance, when an armed Israeli settler allegedly started firing at them with a M16 rifle. Around 15 minutes later, approximately 10 IDF soldiers arrived and started firing live bullets at the Palestinian protestors.

On 11 June 2021, hundreds of protesters arrived at Jabal Sbeih at around 12:30 pm. Confrontations erupted at different sites at Jabal Sbeih between the protesters, who were throwing stones and setting tyres on fire, and dozens of IDF soldiers, who fired live bullets, rubber-coated metal bullets and tear gas canisters at the otherwise unarmed protesters, injuring dozens, including two children. At around 4:00 pm, clashes escalated near the Al-Yitmawi area, around 20 metres away from the outpost. A group of protesters were reportedly throwing stones at approximately eight Israeli soldiers from a 50-metre distance. Two of these soldiers took a kneeling shooting position and directed their weapons at the protesters, before others fired tear gas canisters.

On 16 June 2021, at around 4:00 pm, around 40 protesters were present at Jabal Sbeih, when an Israeli soldier was seen positioned between the trees around 300 metres away from them. Later, a group of protesters moved forward and began to set tyres on fire and chant. At that moment, the Israeli soldier is reported to have emerged from between the trees, take a kneeling shooting position and fired a live bullet towards the protesters from about 100 metres away. The protesters immediately started to flee, when the Israeli soldier fired around 15 bullets.

On 9 July 2021, the IDF opened fire and shot a 16-year-old Palestinian child in the waist and chest with expanding bullets. The child was rushed to the hospital for surgery, where medical staff were forced to remove their spleen and they stayed for two and a half weeks afterwards in recovery. They continue to suffer from their injuries due to their proximity to their respiratory tract.

On 6 August 2021, a protest started at 1:30 pm at Jabal Sbeih. Around 500 protesters were met by the IDF, with soldiers firing live bullets, rubber coated metal bullets and tear gas canisters.

On 24 September 2021, a protest started at Jabal Sbeih at around 1:30 pm. A group of elderly protesters headed towards the IDF soldiers to ask them why the caravans remained at the mountain. In response, IDF soldiers allegedly fired rubber coated metal bullets at the group, injuring one of them, a 65-year-old Palestinian, in the back. Violent clashes erupted thereafter and continued until around 3:45 pm, during which some of the protesters allegedly threw stones at the soldiers, who reportedly continued to fire live bullets, rubber-

coated metal bullets, and tear gas canisters. At around 3:15 pm of the same day, a group of six protesters were sitting under an olive tree, as confrontations were happening 40 to 50 metres away from them. At around 3:45 pm, an Israeli soldier allegedly fired a live bullet at the group of protesters.

Collective Punishment against Palestinian Protesters

Since 1967, the Government of Israel has enacted policies of collective punishment against the Palestinian people. This includes acts of retaliation, including, inter alia, punitive house demolitions, restrictions of movement, alleged arbitrary arrests, house raids and excessive and indiscriminate use of force, targeted against Palestinian families, friends, acquaintances, and fellow residents for the alleged actions of other Palestinians. As part of its reported collective punishment measures and its efforts to deter Beita residents from protesting, the Israeli Government has allegedly closed the entrances and routes leading to Beita on more than one occasion, raided the village several times at dawn hours in search and arrest operations, withheld the body of Mr. Shadi Omar Lutfi Salim for two weeks, punitively revoked work permits for residents working inside the Green Line, and levelled routes where protests usually occur.

While we do not wish to prejudge the accuracy of these allegations, we express our serious concerns over the allegations of human rights violations against Palestinians, both through the creation of a discriminatory zoning and planning regime which prevents the provision of adequate housing for Palestinians in East Jerusalem and the killing of and excessive use of force against Palestinians protesting in the Occupied Palestinian Territory. We observe that the International Court of Justice and several human rights bodies have recognized that Israel has effective control over the Occupied Palestinian Territory and therefore has obligations under international human rights law in those territory.

In regards to the allegations of a discriminatory zoning and planning regime in East Jerusalem, we observe that such a system would likely violate key provisions of the International Convention on the Elimination of Racial Discrimination (ICERD), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention). ICERD requires all States parties to eliminate racial discrimination and prohibit racial segregation. The discriminatory zoning and planning regime in East Jerusalem described above, which prioritizes zoning for Israeli settlements and limits housing options for Palestinians, clearly effects segregation on the basis of race, colour, descent or national or ethnic origin. It limits Palestinians' access to housing, in violation of the right to an adequate standard of living without discrimination. We also note that water shortages due to the redirection of water supplies from Palestinian communities to Israeli settlements in the OPT appears to be in contravention the human right to water. We observe that we are not the first group of international human rights experts to express grave concerns over housing discrimination and water scarcity in the OPT including communications ISR 7/2020 and ISR 13/2020², and we condemn Israeli practices which violate both international human rights law and international humanitarian law, including the transfer of a civilian population into occupied territories.

² See also Committee on the Elimination of Racial Discrimination, 2022, Concluding Observations Israel, UN document: CCPR/C/ISR/CO/5

Further, we observe that your Excellency's Government's response to Palestinian protests against Israeli settlement policies has led to the use of lethal force and widespread injury to protesters. We would like to respectfully remind your Excellency's Government that peaceful assemblies may only be dispersed in exceptional cases, and lethal force may only be used against specific individuals to address an imminent threat of death, or serious injury, and is subject to strict requirements of necessity and proportionality, in situations where less harmful measures are manifestly ineffective to address the threat. We also recall that States have a positive obligation to ensure that certain human rights - including the absolute and non-derogable rights to life - continue to apply in all circumstances, while the restrictions to other rights need to be necessary, proportionate, non-discriminatory, limited in duration and comprise key safeguards against excesses. We recall that your Excellency's Government has an obligation under the International Covenant on Civil and Political Rights to respect the absolute right to life, as well as the rights to the freedoms of opinion and expression, as well as of peaceful assembly and of association. These obligations extend to the Palestinian protesters killed by IDF soldiers during protests. We note that law enforcement personnel, including military operating in a law enforcement capacity, have a responsibility to use violence only as a last resort and conform the use of force with the principles of legality, necessity, proportionality, precaution and non-discrimination.

Furthermore, although States have the right to retrieve violent individuals from the protests for a legitimate law enforcement purpose, we remain concerned that in this case such use of force was applied excessively, disproportionately and indiscriminately. Law enforcement officials may not use greater force than reasonably necessary. This, and all other allegations of violence, should be investigated in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, with the aim to ensure that those responsible are brought to justice, promote accountability and prevent impunity, avoid denial of justice and repeated violations. Investigations should explore, *inter alia*, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates.

We are gravely concerned regarding allegations of collective punishment against the Palestinian people due to the alleged crimes of some Palestinians. We observe that collective punishment is prohibited under international humanitarian law, and these allegations further suggest ongoing discrimination on the basis of race, colour, descent or national or ethnic origin in violation of international human rights law.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for the observations of your Excellency's Government on the following matters:

1. Please provide any additional information and/or comments you may have on the above-mentioned allegations.
2. Please provide additional information about the zoning and planning regime described above, and the measures that have been taken to ensure that it does not discriminate in the provision of housing on the basis of race, colour, descent or national or ethnic origin. Please also provide information about how the views and needs of Palestinians were integrated into the zoning and planning regime, including resolution No. 3790.
3. Please explain how the creation of racially segregated settlements in the Occupied Palestinian Territory, as well as the continuation of discriminatory zoning practices, complies with your Government's obligations under international human rights law, including the provisions of Article 3 of ICERD and Article 11(1), in conjunction of Article 2(2) of ICESCR, as well as international humanitarian law.
4. Please explain the current legal status of the "Evyatar" outpost, and provide assurances that Israel will respect the right to self-determination of the Palestinian people and their permanent sovereignty over their natural resources.
5. Please respond to reports that the Supreme Court refused to consider the joint petition of the Jerusalem Center for Legal Aid and Human Rights (JLAC) and the Colonization and Wall Resistance Commission submitted a on behalf of Palestinian landowners in Beita, Yitma and Qabalan and provide any additional information about the current status of the judicial review of this petition.
6. Please explain the current status of safe water supply in the occupied West Bank, including East Jerusalem, and provide an update on whether safe water is provided without discrimination to Palestinian residents of the occupied territory.
7. Please provide any information on whether any investigations have been launched into the conduct of the military and law enforcement operations described above, including in relation to the reported killings and allegations of excessive use of force. Please provide updated information on the status of such investigations, particularly in terms of steps taken, or envisaged to be undertaken, in view of ensuring accountability of those responsible and reparation, including adequate compensation, to victims' families and/or next-of-kin, as appropriate. If no investigation has been launched yet, please explain the reasons why.

8. Please provide information about the measures that will be taken to ensure that adequate remedies for any human rights violations found in the context of any such investigations into the conduct of military and law enforcement operations will be provided without regard for race, colour, descent or national or ethnic origin, and will include guarantee of non-repetition. Please also outline the policies and practices in place which prevent impunity for excessive use of force against Palestinians by both public and private actors.
9. Please provide an update on efforts to conform the IDF's rules of engagement for the use of live ammunition with international human rights law, as recommended by the UN Commission of Inquiry on the 2018 protests in the Occupied Palestinian Territory.

This communication and any response received from your Excellency's Government will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence, and in the event that the investigations support the allegations or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

E. Tendayi Achiume

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Pedro Arrojo-Agudo
Special Rapporteur on the human rights to safe drinking water and sanitation

Annex

Reference to international human rights law

We recall the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified by Israel on 3 January 1979. As the Committee on the Elimination of Racial Discrimination has recognized, Israel's obligations under ICERD apply to all territories under its effective control, including the Palestinian territories occupied since 1967 (CERD/C/ISR/CO/14-16, para. 10).

The principles of non-discrimination and equality before the law are core State obligations affirmed by ICERD. Article 1 broadly defines racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.” Articles 2(1) and 5 of ICERD oblige States parties to prohibit and eliminate any act or practice of racial discrimination against persons and/or groups and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law. Article 4 also obliges States parties to adopt immediate and positive measures to eradicate all incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin. Importantly, Article 3 of ICERD requires States parties to prevent, prohibit and eradicate all practices of racial segregation and apartheid in territories under their jurisdiction, and General Recommendation No. 19 of the Committee on the Elimination of Racial Discrimination affirms that this prohibition is universally applicable to all States and prohibits segregation arising from both public and private conduct.

We refer to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Israel ratified on 3 October 1991. As the Committee on Economic, Social and Cultural Rights has recognized, Israel's obligations under ICESCR extend to the Palestinian territories occupied since 1967 (E/C.12/ISR/CO/4).

Article 11, paragraph 1, of the Covenant specifies a number of rights which constitute the right to an adequate standard of living, including adequate food, clothing and housing.

In its General Comment No. 4, the Committee on Economic, Social and Cultural Rights clarified that the right to housing should not be interpreted in a narrow or restrictive sense. It should be seen as the right to live somewhere in security, peace and dignity. The Committee indicates that the right to housing includes: legal security of tenure guaranteeing legal protection against forced evictions, harassment and other threats; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy. The Committee also observed that “States parties must give due priority to those social groups living in unfavourable conditions by giving them particular consideration. Policies and legislation should correspondingly not be designed to benefit already advantaged social groups at the expense of others.”

As the Committee noted in its Concluding Observations on the Fourth Periodic Report of Israel, “The Committee is concerned about the discriminatory effect of planning and zoning laws and policies on Palestinians and Bedouin communities in

the West Bank, as illustrated by the fact that less than 1 per cent of the land in Area C and 13 per cent of the land in East Jerusalem is allocated for the construction of infrastructure for Palestinians. The Committee is also concerned that the process of applying for building permits is long, complicated and expensive and that few such applications are approved, which has led to high numbers of evictions and demolitions in the West Bank, including East Jerusalem (arts. 2 (2) and 11).” The Committee also recommended that Israel “review planning laws and policies in the West Bank, including East Jerusalem, to ensure that they are compliant with its obligations under the Covenant and that it end zoning practices” and “reform the construction permit system in the West Bank, including East Jerusalem, with a view to preventing demolitions and forced evictions because of a lack of a construction permit and that it ensure that demolitions are carried out only as a last resort, when strictly necessary and as required for a legitimate State purpose, in accordance with its obligations under the Covenant.” In the same Concluding Observations, the Committee urged Israel to “immediately cease the practice of collectively demolishing houses and private property as a form of punishment and to ensure that victims of such practice are provided with full and effective reparations, including restitution of the affected properties.”

As recognized in General Comment No. 15 of the Committee on Economic, Social and Cultural Rights, “The right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival.” General Comment No. 15 clarifies that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. It highlights that States parties are obliged to take effective measures to realize the right to water without discrimination. Non-discriminatory access to safe drinking water, electricity and energy are essential elements of the right to adequate housing, which must not be subject to any form of discrimination in accordance with article 2(2) of the ICESCR.

In this connection, we would like to refer your Excellency's Government to General Comment 14 of the Committee on Economic, Social and Cultural Rights, which indicates that functioning public health and health-care facilities, goods and services, as well as programmes, have to be available in sufficient quantity within the State party, and must be also accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds. The precise nature of the facilities, goods and services will vary depending on numerous factors, including the State party's developmental level. They will include, however, the underlying determinants of health, such as safe and potable drinking water. (GC 14, Para.12 (a) (b))

Article 15, paragraph 1(a) of the ICESCR affirms the right of everyone to take part in cultural life, which includes the right of minorities and of persons belonging to minorities to conserve, promote and develop their own culture.

In connection with the above-mentioned concerns, we would like to refer to the International Covenant on Civil and Political Rights (ICCPR), ratified by Israel on 3 October 1991. The Human Rights Committee has recognized Israel's responsibility to fully apply the Covenant in the Palestinian territories occupied since 1967 (CCPR/C/79/Add.93, para. 10). In particular, we would like to refer to article 9 of the ICCPR, which states that everyone has the right to liberty and security of

person, and that no one shall be arbitrarily arrested or detained. Upon arrest, an individual has the right to be promptly informed of the reasons for his or her arrest and be brought promptly before a judge or released. We also recall that according to Article 21 of the ICCPR, “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.” As the Human Rights Committee noted in its General Comment No. 34, the requirement of necessity entails an assessment of the proportionality of restrictions; the restrictions must target a specific objective and may not unduly intrude upon the rights of targeted persons. Additionally, the restriction must be “the least intrusive instrument among those which might achieve the desired result”.

Article 6 of the ICCPR states that “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” Article 6 of the Convention on the Rights of the Child, also ratified on 3 October 1991, specifically recognizes the inherent right to life of all children.

General Comment No. 36 of the Human Rights Committee explains that “States parties are expected to take all necessary measures intended to prevent arbitrary deprivations of life by their law enforcement officials, including soldiers charged with law enforcement missions. These measures include appropriate legislation controlling the use of lethal force by law enforcement officials, procedures designed to ensure that law enforcement actions are adequately planned in a manner consistent with the need to minimize the risk they pose to human life, mandatory reporting, review, and investigation of lethal incidents and other life-threatening incidents, and the supplying of forces responsible for crowd control with effective ‘less-lethal’ means and adequate protective equipment in order to obviate their need to resort to lethal force. In particular, all operations of law enforcement officials should comply with relevant international standards, including the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169) (1979) and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), and law enforcement officials should undergo appropriate training designed to inculcate these standards so as to ensure, in all circumstances, the fullest respect for the right to life. While preferable to more lethal weapons, States parties should ensure that ‘less-lethal’ weapons are subject to strict independent testing and evaluate and monitor the impact on the right to life of weapons such as electro-muscular disruption devices (Tasers), rubber or foam bullets, and other attenuating energy projectiles, which are designed for use or are actually used by law enforcement officials, including soldiers charged with law enforcement missions.”

As the Human Rights Committee notes, the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, as well as the Guidelines on the Use of Less Lethal Weapons, are applicable to the activities of law enforcement and soldiers acting in a law enforcement capacity. The Basic Principles require that “Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result”. Principle 5 also stipulates that “Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (a) Exercise restraint in such

use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; (b) Minimize damage and injury, and respect and preserve human life; (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment; (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.” We also refer your Excellency’s Government to the Minnesota Protocol on the Investigation of Potentially Unlawful Death.

General Comment No. 37 of the Human Rights Committee lays out State party obligations on respecting the right to peaceful assembly. It provides an analytical framework for distinguishing between peaceful and non-peaceful protests and lays out State responsibilities in regard the rights to freedom of assembly as well as other related rights, such as the right to freedom of expression and right to freedom of association. The Committee reiterates that “Law enforcement officials should seek to de-escalate situations that might result in violence. They are obliged to exhaust non-violent means and to give prior warning if it becomes absolutely necessary to use force, unless doing either would be manifestly ineffective. Any use of force must comply with the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination applicable to articles 6 and 7 of the Covenant, and those using force must be accountable for each use of force.”

The ICCPR also establishes the right to remedy for victims of human rights violations. Article 2 (3) outlines that each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of Judicial remedy;(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 1 of the ICESCR recognizes that “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development” and that “All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law.” Identical language is included in article 1 of the ICCPR. The Human Rights Committee’s General Comment No. 12 recognizes that “The right of self determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights. It is for that reason that States set forth the right of self determination in a provision of positive law in both Covenants and placed this provision as article 1 apart from and before all of the other rights in the two Covenants.”

We wish to refer to the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted in General Assembly resolution 47/135, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without

discrimination (article 4).

We take this opportunity to remind you that the forced displacement of the Palestinians in the OPT is a violation of international human rights law and international humanitarian law. The presence of the Israeli settlements in the Occupied Palestinian Territory is a violation of both the Fourth Geneva Convention and the Rome Statute of 1998, which prohibit the practice of civilian relocation into occupied territory.

We refer to the Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), which Israel ratified on 6 July 1951. Article 49 of the Fourth Geneva Convention stipulates that “the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”, while article 27 emphasizes that “protected persons shall at all times be humanely treated and shall be protected especially against all acts of violence or threats thereof.” Forced evictions also contravene United Nations Security Council Resolutions 1971/298 and 2234/2016.

We refer to article 64 of the Fourth Geneva Convention which stipulates that the Occupying Power has limited legislative control over the occupied territory and may not extend its own legislation on the occupied population. We also refer to article 33 of the Fourth Geneva Convention, which states that “No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited.”