

**Mandates of the Working Group on the rights of peasants and other people working in rural areas; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to food; 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 and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967**

Ref.: AL ISR 22/2025

(Please use this reference in your reply)

20 November 2025

Excellency,

We have the honour to address you in our capacities as Working Group on the rights of peasants and other people working in rural areas; Special Rapporteur in the field of cultural rights; Special Rapporteur on the right to food; 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 and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 54/9, 55/5, 58/10, 52/10 and 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **threats, acts of violence and destruction of property inflicted against the Taneeb family and the workers of Hakoritna Farm; the bisection of Hakoritna Farm area due to the separation wall; and the demolition order of the facilities of Hakoritna Farm located in the Tulkarm Governate, West Bank, Occupied Palestinian Territory.**

The present communication reflects broader concerns previously expressed in our letter of 4 June 2025 (AL ISR 11/2025) regarding systemic discrimination and human rights violations affecting peasants, pastoralists, and rural workers in the Occupied Palestinian Territories. Regrettably, we have not received a reply to that communication from your Excellency's Government.

According to the information received:

*Hakoritna Farm*

Hakoritna Farm is an agricultural facility located in Tulkarm, West Bank in the Occupied Palestinian Territory. It has been managed by the Taneeb family for three generations, since 1953 and employs eleven workers. The farm is run today by Fayez Taneeb and three other family members. It is reported that the farm is now surrounded by Israeli-owned buildings and factories.

Since 1984, Fayez Taneeb has managed the farm according to an agroecological model that combines traditional Palestinian methods with modern, climate-resilient techniques. The facility reportedly produces 200 tons of organic fruits and vegetables annually, supporting the livelihood of thousands in the local community. It features greenhouses, over 750 fruit trees, beekeeping, fish farming, and year-round organic vegetable production. It is reportedly recognized for pioneering renewable energy systems, such as biogas, solar drying, and water recycling, thus enabling chemical-free operations and

protecting the environment in an area surrounded by factories.

Hakoritna Farm also reportedly functions as a hub for community empowerment. Hundreds of students and farmers have been trained in sustainable practices, agroecological farming, and promotion of gender equality in rural life. In 1997, it received a regional award from the League of Arab States for its contribution to food security and it regularly receives international delegations.

#### *Intimidation attacks and destruction of property*

Hakoritna Farm endured five separate attacks by Israeli forces, which occurred in 1999, 2001, 2003 and twice in 2024. The attacks included the slashing and burning of greenhouses, bulldozing of entrance roads and extensive fruit orchards, and the destruction of irrigation resulting in total crop loss. Beehives and aquaponics systems were also destroyed. During these incidents, the workers were subjected to teargas and were fired at with live bullets.

#### *Construction of the separation wall*

In 2003, the construction of the separation wall in the Tulkarm area bisected the farm. Large portions of the farm's fertile land were either confiscated or rendered inaccessible, resulting in the loss of half of the farm's territory. The wall has reportedly isolated the farm from surrounding communities and markets, disrupted water access, and contributed to the degradation of agricultural infrastructure. The total area of the farm has been reportedly reduced from 6 to 3 hectares, and no reparation appears to have been granted.

#### *The demolition orders*

On 7 August 2025, the Israeli Civil Administration issued Stop-Work Orders, combined with demolition orders, against all facilities at Hakoritna Farm, citing security concerns due to its proximity with the separation wall. These orders, affixed to the farm's greenhouses and buildings, mandated demolition of the facilities within 20 days unless appealed.

An appeal was filed, and on 3 September 2025, a court hearing was held in Beit El settlement, where Israeli representatives justified the demolition based on a 2012 law requiring permits for structures near the wall.

Israeli authorities suggested that the Taneeb Family apply for a license from Israeli authorities offices. However, in practice, these licenses are extremely difficult to obtain for Palestinians. The farm's legal team expressed serious doubts, citing the historical failure of Palestinians to access land ownership under the occupant's legal regime, and stressing the fact that surrounding Israeli-owned structures were not targeted by demolition orders as evidence of discrimination. The demolition orders raise an imminent risk of destruction of Hakoritna Farm.

Without wishing to prejudge the accuracy of the information received, we express serious concern regarding acts that appear to form part of a systemic pattern of intimidation, threats, violence and other human rights violations caused to the Taneeb family and workers of the Hakoritna Farm, including bodily harm, threats to life, destruction or damage to homes and properties, land grabbing and the loss of livelihoods.

We are concerned that such acts, if confirmed, may amount to violations of Israel's obligations under international human rights and humanitarian law, including under: The Universal Declaration on Human Rights (UDHR); The IV Geneva Convention relative to the Protection of Civilian Persons in Time of War (IV Geneva Convention), ratified by Israel in 1951; The International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Israel in 1991; The International Covenant on Civil and Political Rights (ICCPR), ratified by Israel in 1991; The Convention on Biological Diversity, ratified by Israel in 1995; The United Nations Convention to Combat Desertification, ratified by Israel in 1996; The International Convention on the Elimination of All Forms of Racial Discrimination (CERD), ratified by Israel in 1979; and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP).

#### Acts of violence, intimidation and destruction of property

We are concerned that the series of attacks inflicted on the Taneeb family and workers of Hakoritna Farm violated their rights to respect for their persons and their manners and customs, as protected under article 27 of the IV Geneva Convention. Moreover, the succession of attacks appears to have violated multiple human rights, including the right to life, the right to liberty and security of person, the right to an adequate standard of living, including access to food and housing, the right to work, the right to land, and the right to maintain one's heritage and chosen way of life, as guaranteed by the UDHR, ICESCR, ICCPR and UNDROP.

We further observe that these attacks happened in the context of massive and systemic discrimination against Palestinians living under occupation, where Palestinian peasants and rural workers are disproportionately targeted. As we noted in our previous communication of 4 June 2025 (AL ISR 11/2025), the continued attacks against Palestinian peasants and rural communities appear not to be incidental but rather an intentional strategy to sever Palestinians from their land, erase their presence in key agricultural areas, and undermine their food security and food sovereignty.

#### Construction of the separation wall causing the loss of half of the area of Hakoritna Farm

We are deeply concerned by the impact of the separation wall on the Taneeb family and the workers of Hakoritna Farm, which reportedly resulted in the effective confiscation of half of Hakoritna Farm's land, depriving the Taneeb family of a substantial part of their livelihood and inherited property. This situation appears to contravene their rights to property and to an adequate standard of living under the IV Geneva Convention, ICESCR and ICCPR. Moreover, it appears to be a blatant violation of their right to land as peasants and rural workers, under article 17 of UNDROP.

Furthermore, this situation directly contravenes to Israel's obligations to dismantle the separation wall; to render ineffective all legislative and regulatory acts relating to it; as well as well as to make reparation for all damage caused by its construction in the Occupied Palestinian Territory, as required by the International Court of Justice in its 2004 Advisory Opinion on the legal consequences of the construction of a wall in the Occupied Palestinian Territory.<sup>1</sup>

### The order of the demolition of Hakoritna Farm facilities

We express our greatest concerns that the demolition orders of Hakoritna facilities were issued on a discriminatory basis and that access to a license from Israeli's authorities is, in practice, almost impossible for Palestinians. We recall the overwhelming evidence of discrimination of Palestinians living in the Occupied Palestinian Territories in their access and protection of property, as ascertained by the International Court of Justice, in its 2024 Advisory Opinion on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory<sup>2</sup>; also noting that the differential treatment of Palestinians arising out of Israel's planning policies and practices has been emphasized by the Secretary-General of the United Nations and several treaty monitoring bodies, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the CERD Committee<sup>3</sup>.

Further, we express concerns about the legality of the demolition order. As the separation wall was deemed illegal by the International Court of Justice in its 2004 Advisory Opinion, it seems implausible that such destruction orders could be legally justified on grounds of proximity to the wall. In virtue of the general principle of International Law *Ex injuria jus non oritur*, law cannot arise from injustice, and the orders of demolition of Hakoritna Farm therefore appear to lack any legal basis and must have no legal effect.

We recall that the International Court of Justice, in its Advisory Opinion on the "Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem" declared Israel's presence in the Occupied Palestinian Territory (OPT) unlawful under both *jus ad bellum* and *jus in bello* perspectives, also recognizing violations of racial segregation and apartheid prohibitions. The Court affirmed, *inter alia*:

"The sustained abuse by Israel of its position as an occupying Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders

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<sup>1</sup> International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Territory, Advisory Opinion of 9 July 2004, para. 163. Available at the following address: [<https://www.icj-cij.org/sites/default/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>].

<sup>2</sup> International Court of Justice, Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Advisory Opinion of 19 July 2024, para. 219. Available at the following address: [<https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>].

<sup>3</sup> Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan: Report of the Secretary-General", UN doc. A/78/554, 2023, para. 19; Human Rights Committee, "Concluding observations on the fifth periodic report of Israel", UN doc. CCPR/C/ISR/CO/5, 2022, para. 42; Committee on Economic, Social and Cultural Rights, "Concluding observations on the fourth periodic report of Israel", UN doc. E/C.12/ISR/CO/4 (12 November 2019).

Israel's presence in the Occupied Palestinian Territory unlawful"; that "this illegality relates to the entirety of the Palestinian territory occupied by Israel in 1967"; and that "this is the territorial unit across which Israel has imposed policies and practices to fragment and frustrate the ability of the Palestinian people to exercise its right to self-determination, and over large swathes of which it has extended Israeli sovereignty in violation of international law".

Legally, the ongoing prolonged occupation constitutes an act of aggression in violation of jus ad bellum, violating the non-derogable right of the Palestinian people to self-determination. The International Court of Justice mandated Israel to terminate its occupation, dismantle all settlements, and the associated settlement regime, provide reparations to Palestinian victims, and facilitate the return of Palestinian people displaced in 1967.

The Court considers that Israel's policies and practices, including its forcible evictions, extensive house demolitions and restrictions on residence and movement, often leave little choice to members of the Palestinian population living in Area C but to leave their area of residence. The nature of Israel's acts, including the fact that Israel frequently confiscates land following the demolition of Palestinian property for reallocation to Israeli settlements, indicates that its measures are not temporary in character and therefore cannot be considered as permissible evacuations. In the Court's view, Israel's policies and practices are contrary to the prohibition of forcible transfer of the protected population under the first paragraph of Article 49 of the Fourth Geneva Convention."

We recall that within the meaning of article 53 of the IV Geneva Convention, the destruction of real or personal property belonging to private persons by an occupying power is prohibited, except where such destruction is rendered absolutely necessary by military operations. In this regard, we recall that the concept of absolute necessity is similar to the concept of imperative necessity, which is understood as a constraint of such vital importance that it leaves no other choice. It is not merely a question of military convenience or advantage; the destruction must be materially indispensable for military operations.<sup>4</sup> In this respect, we recall that large-scale destruction to create a buffer zone for the general security of military operations would not generally meet the requirement of proportionality<sup>5</sup>.

In the present case, we express serious doubts about such necessity. It doesn't appear that any change causing the necessity for destruction of Hakoritna Farm has occurred since the construction of the separation wall in 2003. Moreover, it has been reported that surrounding Israeli-owned structures on the West Bank side have not been targeted by such orders of demolition, causing our concern about the fact that this order would be justified by a systematic discriminatory policy of eradication of Palestinian

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<sup>4</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War, Commentary of 2025, article 53 – Prohibited destruction of property. Available at the following address: [[IHL Treaties - Geneva Convention \(IV\) on Civilians, 1949 - Commentary of 2025 article | article 53 - Prohibited destruction of property | article 53](#)].

<sup>5</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War, Commentary of 2025, article 53 – Prohibited destruction of property. Available at the following address: [[IHL Treaties - Geneva Convention \(IV\) on Civilians, 1949 - Commentary of 2025 article | article 53 - Prohibited destruction of property | article 53](#)]; See also the Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, UN Doc. E/CN.4/2005/29, 2004, para. 17. Available at the following address: [<https://docs.un.org/en/E/CN.4/2005/29>].

peasant activity in the West Bank rather than by absolute military necessity.

We therefore call on Israeli authorities, including the judiciary, to ensure strict adherence to the principles of legality and proportionality in assessing the demolition order of Hakoritna Farm, in line with international law and standards, and to assess whether the demolition order of Hakoritna Farm is justified by absolute military necessity, while also considering the impact of such destruction.

#### The impact of the destruction of Hakoritna Farm

We express our gravest concerns about the impact that the demolition of Hakoritna Farm would have on local efforts to promote climate-resilient agriculture, to combat desertification and to protect biodiversity and traditional agricultural knowledge; on food insecurity; and on the rights of Taneeb family and the workers of Hakorinta Farm.

Firstly, the destruction of such a facility would dramatically undermine local efforts to promote climate-resilient agriculture and environmental stewardship. This would violate Israel's obligations to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity, as enshrined in article 8(j) of the Convention on Biological Diversity; Israel's obligation to combat desertification and land degradation and to promote local population participation in this challenge, as enshrined in article 4 of the United Nations Convention to Combat Desertification; as well as Israel's obligation to ensure the conservation and sustainable use of biodiversity and to protect traditional knowledge as enshrined in article 20 of UNDRAP. It further contravenes Israel's obligations to protect the diversity of cultural heritage and to respect the right to maintain and transmit one's heritage, under article 15 of the ICESCR.

Secondly, the destruction of Hakoritna Farm would exacerbate food insecurity in the West Bank by reducing the availability of fresh, healthy and affordable food, in violation of Israel's obligations to ensure the food supply of the civilian populations in occupied territories, and to refrain from actions that would compromise access to adequate nutrition under article 55 of the IV Geneva Convention; the right to an adequate standard of living, including access to food, as enshrined in article 11 of the ICESCR; and the right to food security and food sovereignty as enshrined in article 15 of UNDRAP.

Thirdly, we express our concerns that the destruction of Hakoritna Farm would force the Taneeb family into displacement and cause the loss of livelihoods of the workers of the facility; thus, violating Israel's obligations under article 49 of the IV Geneva Convention prohibiting forcible transfers also because of indirect measures that leave civilians no real choice but to move; articles 6 and 11 of ICESCR guaranteeing the rights to work and to an adequate standard of living, which encompasses their right to food and housing; as well as their protection as peasants and rural workers under UNDRAP.

The protection of the Taneeb family and workers of Hakoritna Farm as peasants and rural workers

Finally, we would like to recall to Your Excellency's Government that, under UNDROP, the Taneeb family and the workers of the Hakoritna Farm enjoy protection as peasants and rural workers. As such, they are entitled to the full enjoyment of their human rights and fundamental freedoms and must be free from discrimination. This includes their right to access natural resources, liberty, security of person, work, safe and healthy working conditions, food sovereignty, food security, adequate standard of living, housing, right to land and respect for their traditions and ways of life, as enshrined in articles 3, 5, 6, 13, 14, 15, 16, 17, 24 and 26 of UNDROP.

We emphasize that any act resulting in the destruction of their agricultural facility, crops, or means of production, or in their forcible displacement, would be inconsistent with these rights and with Israel's obligation to respect, protect, and fulfil the rights of peasants under UNDROP and international human rights law and standards. The protection of smallholder farmers like the Taneeb family is essential to the preservation of sustainable agriculture, environmental stewardship, and the dignity of rural communities in the Occupied Palestinian Territory.

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 your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on concrete measures taken or envisaged to be taken, pending the withdrawal of your presence from Tulkarm, to protect the rights of the Taneeb family and the workers of Hakorinta Farm, including the right to life, right to safety, right to an adequate standard of living including access to food and housing, cultural rights, right to land and right to property.
3. Please provide information on measures being taken to investigate attacks committed by Israeli forces against the farm in 1999, 2001, 2003 and twice in 2024, with a view to prosecuting those responsible; as well as information on the mechanisms that provide access to justice for affected Palestinian peasants and rural workers.
4. Please provide information on the measures being taken to ensure due restitution of the land, subsidiarily compensation for the loss of property for the Taneeb family due to the separation wall, in accordance with the decisions of the International Court of Justice in its 2004 Advisory Opinion on the legal consequences of the construction of a wall and its 2024 Advisory Opinion on the legal consequences arising from the

policies and practices of Occupied Palestinian Territory including East Jerusalem.

5. Please provide information on the measures being taken to ensure respect for the principles of legality and proportionality in the issuance of Stop Work Orders concerning the Hakoritna Farm, bearing in mind that, under article 53 of the IV Geneva Convention, the destruction of property in occupied territory is prohibited unless rendered absolutely necessary by military operations.
6. Please provide an update on measures taken or envisaged, pending the withdrawal of your presence from the area, to comply with the Advisory Opinion of the International Court of Justice issued on 19 July 2024, including the obligations to:
  - a) Bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible;
  - b) Cease all new settlement activity, repeal legislation and measures creating or maintaining the unlawful situation, including measures that discriminate against the Palestinian people and aim to modify to demographic composition of any parts of the territory; and
  - c) Provide full reparations for the damage caused by its internationally wrongful acts and restitution of land, housing and other immovable property and all assets and cultural property seized since the start of its occupation in 1967, or compensation in lieu thereof.

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 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's to clarify the issue/s in question.

Please be informed that a copy of this letter is being sent to the Government of the State of Palestine.

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

Carlos Arturo Duarte Torres  
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working in rural areas

Alexandra Xanthaki  
Special Rapporteur in the field of cultural rights

Michael Fakhri  
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standard of living, and on the right to non-discrimination in this context

Francesca Albanese  
Special Rapporteur on the situation of human rights in the Palestinian territory  
occupied since 1967

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

#### Right to Self-Determination of the Palestinian People

We remind your Excellency's Government the right to self-determination of peoples, as enshrined in article 1 paragraph 2 of the Charter of the United Nations, accepted by the state of Israel on 11 May 1949, after that it became the 59<sup>th</sup> member state of the United Nations pursuant resolution 273 of the General Assembly of the United Nations.

The right to self-determination is a jus cogens norm, enshrined by common article 1 of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic and Social Rights (ICESCR), both ratified by Israel in 1991. This right is considered the bedrock of international human rights law, and is recognized as the prerequisite to the enjoyment of human rights. It is a recognition by states that without the right to self-determination, it is impossible to realise all other human rights.

The right to self-determination of the Palestinian people is firmly recognized in international law and upheld by numerous United Nations resolutions, including General Assembly Resolution 3236<sup>6</sup> (1974) which explicitly affirms the right of the Palestinian people to self-determination without external interference and to national independence and sovereignty; 2004 Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory<sup>7</sup>, where the ICJ reaffirmed the right to self-determination of the Palestinian People; and 2024 Advisory Opinion of the ICJ on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, where the Court affirmed, inter alia that “the sustained abuse by Israel of its position as an occupying Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel's presence in the Occupied Palestinian Territory unlawful”.<sup>8</sup>

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<sup>6</sup> Resolution 3236 of the General Assembly of the United Nations, adopted during the 2296<sup>th</sup> plenary meeting on 22 November 1974. Available at the following address:

[<https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/IP%20A%20RES%203236.pdf>].

<sup>7</sup> International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 July 2004, para. 118. Available at the following address: [<https://www.icj-cij.org/sites/default/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>].

<sup>8</sup> International Court of Justice, Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Advisory Opinion of 19 July 2024, para. 261. Available at the following address: [<https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>].

## Obligation to leave and dismantle the settlements in the West Bank

We recall that in its 2004 Advisory Opinion on the legal consequences of the construction of a wall in the occupied Palestinian territory, the ICJ found that the construction of the wall being built by Israel, the occupying Power, in the Occupied Territory, including in and around East Jerusalem, and its associated régime, are contrary to international law; that Israel is under an obligation to dismantle the wall and to render ineffective all legislative and regulatory acts relating to it; and that Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem.<sup>9</sup>

Furthermore, on 19 July 2024, the ICJ issued an Advisory Opinion on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem. In this Opinion, the ICJ declared Israel's presence in the Occupied Palestinian Territory unlawful under both *jus ad bellum* and *jus in bello* perspectives, also recognizing violations of racial segregation and apartheid prohibitions and that Israel has an obligation to bring an end to its presence in the Occupied Palestinian Territory as rapidly as possible<sup>10</sup>. The Court recalled that Israel has an obligation to provide full reparation for the damage caused by its internationally wrongful acts to all natural or legal persons, including the obligation to return the land and other immovable property, as well as all assets seized from any natural or legal person since its occupation started in 1967; and that parts of the wall constructed by Israel that are situated in the Occupied Palestinian Territory must be dismantled.<sup>11</sup> Moreover, the Court found that in the event that such restitution should be prove to be materially impossible, Israel has an obligation to compensate all natural or legal persons, or populations, having suffered any form of material damage as a result of Israel's wrongful acts under the occupation<sup>12</sup>.

Consequently, we recall your Excellency's Government that the following obligations must be understood as subsidiary to the obligation for Israel to withdraw the occupation of the Occupied Palestinian Territories, dismantle the separation wall and the colonies and provide full reparation for the damage caused by internationally wrongful acts to natural persons, as ascertained in the Advisory Opinions rendered by the International Court of Justice in 2004 and 2024.

## Obligations of Israel as an occupying power

Concerning the obligations of Israel as an unlawful occupation power, we recall that Israel is bound by the obligations set out in the IV Geneva Convention of 1949 on the protection of the civilian population during armed conflicts, ratified in 1951 by the state of Israel. Moreover, Israel is bound by the general principles of law recognized by civilized nations and by international customary law (art. 38 Statutes of the

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<sup>9</sup> International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Territory, Advisory Opinion of 9 July 2004, para. 163. Available at the following address: [<https://www.icj-cij.org/sites/default/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>].

<sup>10</sup> International Court of Justice, Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024, para. 267. Available at the following address: [<https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>].

<sup>11</sup> Para. 270.

<sup>12</sup> Para. 271.

International Court of Justice). In this regard, we recall that the Fourth Hague Convention and its annexes were recognized as reflecting international customary law, and consequently are considered binding, as ascertained by the ICJ in its 2004 Advisory Opinion concerning the legal consequences of the construction of a wall in the Occupied Palestinian Territory. This was acknowledged by all the participants in the proceedings before the Court, including Israel.

#### The protection of property in occupied territories

As enshrined in article 46 of the Hague Regulations and in article 53 of the IV Geneva Convention, private property must be respected and cannot be confiscated; and the destruction of real or personal property belonging to private persons by the Occupying Power is prohibited, except where such destruction is rendered absolutely necessary by military operations.

The violation of this rule through “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly,” is a grave breach under the Geneva Conventions<sup>13</sup>. Under the Statute of the International Criminal Court, “destroying or seizing the enemy’s property unless such destruction or seizure be imperatively demanded by the necessities of war” constitutes a war crime in international armed conflicts<sup>14</sup>, and in non-international armed conflicts<sup>15</sup>.

Moreover, the protection of property against non justified destruction in occupied territories is a long-standing rule of customary international law, codified in Rule 50 of the International Committee of the Red Cross.<sup>16</sup>

#### The principle of legality

We recall to Your Excellency’s Government the general principle of law recognized by civilized nations *Ex Injuria Jus Non Oritur*, according to which no right can arise from injustice. Consequently, a destruction order based on the proximity of a wall that was deemed unlawful appears to lack any legal ground in international law and appears to have no legal effect.

#### The principle of proportionality

While article 46 of the Hague Regulations states that private property must be respected and cannot be confiscated, article 53 of the IV Geneva Convention provides that “any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons (...) is prohibited, except where such destruction is rendered absolutely necessary by military operations”.

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<sup>13</sup> First Geneva Convention on Wounded and Sick in Armed Forces in the Field, 1949, article 50; Second Geneva Convention on Wounded, Sick and Shipwrecked of Armed Forces at Sea, 1949, article 51; IV Geneva Convention on Civilians, 1949, article 147. Available at the following address : [<https://ihl-databases.icrc.org/en/ihl-treaties/geneva-conventions-1949additional-protocols-and-their-commentaries>].

<sup>14</sup> Rome Statute of the International Criminal Court, 1998, article 8(2)(b)(xiii). Available at the following address: [<https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>].

<sup>15</sup> Rome Statute of the International Criminal Court, 1998, article 8(2)(e)(xii).

<sup>16</sup> International Committee of the Red Cross, rule 50: Destruction and Seizure of Property of an Adversary. Available at the following address: [<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule50>].

Concerning the reservation of article 53 of the IV Geneva Convention, it is crucial to note that, as it will be for the Occupying Power to judge the importance of such military requirements, it is to be feared that bad faith in the application of the reservation may render the proposed safeguard valueless. The Occupying Power must therefore try to interpret the clause in a reasonable manner: whenever it is essential to resort to destruction, the occupying authorities must try to keep a sense of proportion in comparing the military advantages to be gained with the damage done.<sup>17</sup>

In this respect, we recall your Excellency's Government that the principle of proportionality is a core rule of international humanitarian law, limiting the use of force and the effects of military operations in armed conflict, especially when civilians or civilian objects may be affected. This principle was upheld by the International Court of Justice, in its 1996 Nuclear Advisory Opinion, where it recognized that proportionality is a general principle of international humanitarian law, and that even in self-defense, the means used must comply with international humanitarian law, including proportionality.<sup>18</sup>

The Israeli Supreme Court, sitting as the High Court of Justice has repeatedly invoked the principle of proportionality as a central standard for assessing the legality of measures taken by Israeli authorities in the Occupied Palestinian Territory, particularly in cases involving the destruction of private property. In 2004, in *Beit Sourik Village Council v. Government of Israel*<sup>19</sup>, the Court applied a structured proportionality test to evaluate whether the construction of the separation barrier and the resulting destruction and seizure of Palestinian land were justified. It ruled that even where a security objective exists, harm to civilians must be proportionate, necessary, and minimally impairing, requiring authorities to consider less harmful alternatives, taking into consideration the respect for the welfare of the local protected persons.<sup>20</sup>

Similarly, in 2005, in *Marabeh v. Prime Minister of Israel*<sup>21</sup>, the Israeli High Court of Justice reiterated that the occupying power must balance military necessity against humanitarian harm and is obligated to mitigate adverse effects on protected civilian. It held that the routing of a portion of Israel's "security fence" in the northern West Bank violated international humanitarian law. Through these rulings, the Israeli judiciary has embedded the proportionality principle, rooted in both domestic administrative law and international humanitarian law, as a key constraint on the use of force and destruction of property in occupied territory.

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<sup>17</sup> Commentary of 1958 of the Convention (IV) relative to the Protection of Civilian Persons in Time of War. Available at the following address: [<https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-53/commentary/1958?activeTab=1949GCS-APs-and-commentaries>].

<sup>18</sup> International Court of Justice, Legality of the threats or use of nuclear weapons, Advisory Opinion of 8 July 1996, para. 41. Available at the following address: [<https://www.icj-cij.org/sites/default/files/case-related/95/095-19960708-ADV-01-00-EN.pdf>].

<sup>19</sup> High Court of Justice of Israel, *Beit Sourik Village Council v. Prime Minister of Israel*, 2004, (HCJ 2056/04). Available at the following address: [<https://ihl-databases.icrc.org/en/national-practice/beit-sourik-village-council-v-government-israel-et-al-hcj-205604-supreme-court-20>].

<sup>20</sup> Para. 29.

<sup>21</sup> High Court of Justice of Israel, *Mara'abe v. The Prime Minister of Israel*, 2005, (HCJ 3239/02). Available at the following address: [<https://www.refworld.org/jurisprudence/caselaw/isrsc/2005/en/39035>].

## The protection of human rights of protected persons under occupation

Under art. 43 of the Hague Regulations, an occupying power shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country. Moreover, under article 27 of the IV Geneva Convention, protected persons are entitled, in all circumstances, to respect for their persons, their manners and their customs. According to article 4 of the IV Geneva Convention, persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in a case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals. The right of respect for the person must be understood in its widest sense: it covers all the rights of the individual, that is, the rights and qualities which are inseparable from the human being by the very fact of his existence and his mental and physical powers<sup>22</sup>. Moreover, respect for the human person implies respect for “manners”, in the sense of individual behaviour, and “customs”, meaning the usages of a particular society.<sup>23</sup>

### Right to life, liberty and security of the person

We would like to refer to article 3 of the Universal Declaration of Human Rights, which provides that every individual has the right to life, liberty and security of the person. The right to life constitutes a jus cogens, peremptory norm from which no derogation is permitted. It applies at all times including during armed conflicts and is further enshrined in article 6 of the ICCPR, ratified by Israel in 1991, and in article 3 to the IV Geneva Conventions that provides for the customary norm according to which persons taking no active part in hostilities shall be treated humanely and should not be subject to violence to life and person.

### Right to food security

Article 11 of the ICESCR requires States to take appropriate steps to ensure the realization of the right to an adequate standard of living, including adequate food. General comment No. 36 on the right to life adopted by the Human Rights Committee states that measures called for addressing adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food. The Human Rights Committee recognized that the right to life should not be interpreted narrowly, noting that it places not only negative obligations on States but also positive obligations to ensure access to the basic conditions necessary to sustain life. It has affirmed that measures that restrict access to basic and life-saving services, such as food, are contrary to article 6 of ICCPR that protects the right to life. Furthermore, the Committee indicated that the obligation to respect the right to life entails the duty to refrain from engaging in conduct resulting in arbitrary deprivation of life and to exercise due diligence to protect the lives of individuals against deprivations even if caused by persons or entities not attributable to the State. This absolute and non-derogable obligation to respect and ensure the right to

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<sup>22</sup> Commentary of 1958 of the Geneva Convention (IV) on Civilians, art. 27: Treatment of protected persons: General observations, paragraph 1: General Principles, 1. First Sentence, Letter A. Respect for fundamental rights. Available at the following address: [<https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-27/commentary/1958>].

<sup>23</sup> Letter E, Respect for manners and customs.

life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. States parties may be in violation of article 6 even if such threats and situations do not result in loss of life.

Food security is a fundamental concern addressed under both international humanitarian law and international human rights law. Under international humanitarian law, particularly the IV Geneva Convention (articles 55 and 54 of Additional Protocol I), occupying powers have a duty to ensure the provision of food and to protect the food supplies of the civilian population, prohibiting starvation as a method of warfare or collective punishment. The destruction or confiscation of food sources, agricultural land, or means of sustenance is therefore strictly limited and must never be used to intentionally deprive civilians of access to food. From a human rights perspective, the ICESCR enshrines the right to adequate food as an essential component of the right to an adequate standard of living (article 11), while the ICCPR protects the right to life (article 6), which implicitly requires safeguarding against deprivation of essential means of survival. Persistent or deliberate food insecurity inflicted on a protected population can escalate to severe violations of these rights. In extreme cases, the systematic destruction of food sources and economic livelihoods may contribute to acts constituting the crime of genocide, particularly under article II(e) of the Genocide Convention, which criminalizes imposing conditions of life calculated to bring about the physical destruction of a national, ethnic, racial, or religious group in whole or in part. Thus, deliberate policies or actions that cause prolonged food insecurity targeting a protected group may form part of genocidal intent under international law.

While article 11(1) of ICESCR is subjected to progressive realization to the maximum of States available resources, article 11(2), provides “the fundamental right to freedom from hunger and malnutrition,” which is of immediate application. In interpreting this provision, the Committee on Economic Social and Cultural Rights stressed in its general comment No. 12 that the core content of the right to adequate food refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems<sup>24</sup>. Thus, the right to food entails both economic and physical accessibility of food, as well as the sustainability of food access for both present and future generations<sup>25</sup>. Additionally general comment 12 further underlines, the obligations to respect existing access to adequate food requires State parties and to refrain from taking any pressures that result in preventing such access. The obligation to protect requires measures by the state to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to facilitate means the state must proactively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including their access to land in order to ensure their food security.<sup>26</sup> Whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil that right directly.

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<sup>24</sup> Committee on Economic, Social and Cultural Rights, general comment No. 12: The right to adequate food (art. 11), 1999, para. 12. Available at the following address: [\[tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2F1999%2F5&Lang=en\]](http://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2F1999%2F5&Lang=en).

<sup>25</sup> Para. 7.

<sup>26</sup> Para. 15.

## Right to housing

The right to housing is recognized under article 25(1) of the Universal Declaration of Human Rights and article 11(1) of ICESCR as part of the right to an adequate standard of living. It obliges States to ensure access to safe, secure, and affordable housing, protect against forced evictions, and progressively realize this right through appropriate legislative, policy, and budgetary measures.

In its general comment No. 4, the Committee on Economic, Social and Cultural Rights<sup>27</sup> has stated that the right to housing should not be interpreted in a narrow or restrictive sense by assigning to it a meaning of “merely having a roof over one’s head”, but it should rather be seen as the right to live somewhere in security, peace and dignity. The Committee has also underscored the State’s obligation to ensure security of tenure and legal protection against forced eviction, harassment, and other threats<sup>28</sup>. In its general comment No. 7, the Committee concluded that forced evictions are “prima facie incompatible with the requirements of the Covenant” and are performed “against the will of individuals families and/or communities” and “without the provision of, and access to, appropriate forms of legal or other protection”<sup>29</sup>. Hence, forced evictions are a gross violation of the right to adequate housing and may also result in violations of other human rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions. Paragraph 15 of the same general comment provides that if an eviction is to take place, procedural protections are essential, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid. Under no circumstances should evictions result in homelessness nor vulnerability to the violation of other human rights (paragraph 16), and the State party must take all appropriate measures to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available to affected individuals, where they are unable to provide for themselves. We wish to underscore that, notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. Furthermore, evictions are only legitimate under international human rights law if they strictly comply with the Basic Principles and Guidelines on development-based Evictions and Displacement.<sup>30</sup>

Moreover, we wish to underscore that the systematic or widespread destruction of housing, including of informal settlements, may amount to “domicide” if they form part of an attack directed against any civilian population. In the report on the right to adequate housing during violent conflict, the Special Rapporteur on the right to adequate housing established that the deliberate destruction of homes may also

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<sup>27</sup> Committee on Economic, Social and Cultural Rights, general comment No. 4: The right to adequate housing (art. 11(1) of the Covenant), 1991. Available at the following address: [<https://www.ohchr.org/en/documents/general-comments-and-recommendations/committee-economic-social-and-cultural-rights>].

<sup>28</sup> Para. 7 and 8.

<sup>29</sup> Committee on Economic, Social and Cultural Rights, general comment No. 7: The right to adequate housing (art. 11(1) of the Covenant): Forced evictions, 1997, para. 1 and 3. Available at the following address: [[tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCESCR%2FGE.C%2F6430&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCESCR%2FGE.C%2F6430&Lang=en)].

<sup>30</sup> Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, A/HRC/4/18 Annex, 2007. Available at the following address: [<https://docs.un.org/en/A/HRC/4/18>].

constitute a crime against humanity (A/77/190). He also called upon States to establish and enhance “participation mechanisms for affected communities and victims of housing rights violations, including ethnic or religious minorities” in order to “understand and address their distinct and unique vulnerabilities and risks.” He also called upon government officials and military and security forces to ensure that their actions “are compliant with international humanitarian law, international human rights law and international criminal law.”

We also wish to recall the report by the Special Rapporteur on the right to adequate housing on spatial segregation in which he called upon States to “refrain and desist from actively pursuing segregationist policies and practices, resulting in the violation of the right to adequate housing and the prohibition of discrimination.”<sup>31</sup>

We further refer to the Special Rapporteur on the right to adequate housing’s report on land (A/80/351), where he recognized that territory is an essential precondition for the exercise of sovereignty and the right to self-determination and that no other situation proves the relevance of territory and peoples’ free disposition of their natural wealth and resources than that of the State of Palestine (para. 10).

### Right to land

We further wish to draw the attention of your Excellency’s Government to CESCR’s general comment No. 26 on land and economic, social and cultural rights, which emphasizes the essential role of land in the realization of a range of rights under ICESCR<sup>32</sup>. This right is confirmed in the UNDROP, article 17, providing that peasants and other people living in rural areas have the right to land, individually and/or collectively, sustainably use and manage the land to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.

In fact, the secure and equitable access to, use of and control over land for individuals and communities can be essential to eradicate hunger and poverty and to guarantee the right to an adequate standard of living, including the right to food and to adequate housing, as housing is often built on land used for the purpose of food production. Without such access, people could be subject to displacement and forced eviction, which could violate their right to adequate housing. Furthermore, states parties shall put in place laws and policies that allow for the recognition of informal tenure through participatory, gender-sensitive processes, paying particular attention to tenant farmers, peasants and other small-scale food producers.<sup>33</sup>

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<sup>31</sup> Spatial segregation and the right to adequate housing, Report of 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, A/HRC/49/48, 2022. Available at the following address: [<https://docs.un.org/en/A/HRC/49/48>].

<sup>32</sup> Economic and Social Council, Committee on Economic, Social and Cultural Rights, general comment No. 26 (2022) on land and economic, social and cultural rights, 2023. Available at the following address: [[tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FGC%2F26&Lang=en/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FGC%2F26&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FGC%2F26&Lang=en/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FGC%2F26&Lang=en)].

<sup>33</sup> Para. 39.

## Cultural rights

We also wish to draw the attention of your Excellency's Government to its obligations under article 27 of the ICCPR and article 15 of the ICESCR, concerning, respectively, the right of everyone to enjoy his or her own culture and to take part in cultural life. Under these provisions, States Parties have undertaken to respect the enjoyment and development of cultural practices and respect the freedom indispensable for creative activity.

In the case of indigenous peoples and local communities, cultural life has a strong communal dimension that is indispensable to their existence, well-being and full development, and includes the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. The Committee on Economic, Social and Cultural Rights, in its 2009 general comment 21 on the right to take part in cultural life (E/C.12/GC/21), has stressed that "indigenous peoples' cultural values and rights associated with their ancestral lands and their relationship with nature must be respected and protected, in order to avoid the degradation of their particular way of life, including their means of subsistence, the loss of their natural resources and, ultimately, their cultural identity".

The Committee also stressed that States must refrain from interfering with the exercise of and the access to cultural practices, goods and services, and the right to take part in the development of the community to which a person belongs, and in the definition, elaboration and implementation of policies and decisions that have an impact on the exercise of a person's cultural rights (para. 15.c).

We would like to recall that the Committee also noted the obligation of States to respect and protect cultural heritage in all its forms. Cultural heritage must be preserved, developed, enriched and transmitted to future generations as a record of human experience and aspirations, in order to encourage creativity in all its diversity and to inspire a genuine dialogue between cultures (paragraph 50.a). In this connection, we would like to draw your Excellency's Government's attention to the reports of successive Special Rapporteurs in the field of cultural rights relating to the right of access to and enjoyment of cultural heritage (A/HRC/17/38) and to the protection of cultural heritage (A/HRC/31/59 and A/71/317). In them, the Special Rapporteur stressed the duty of States not to destroy, damage or alter cultural heritage, at least not without the free, prior and informed consent of concerned communities, as well as their duty "to take measures to preserve/safeguard cultural heritage from destruction or damage by third parties" (A/HRC/17/38, paras. 78 and 80a) and b). We furthermore, recall the 2003 UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage, which stresses the responsibility of States to take all appropriate measures to protect cultural heritage in conformity with the principles and objectives of, inter alia, the 1972 Convention for the Protection of the World Cultural and Natural Heritage, ratified by your Excellency's Government on 6 June 1999, the 1968 Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works, the 1972 Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage, as well as not to intentionally destroy their own heritage, "whether or not it is inscribed on a list maintained by UNESCO or another international organization" (section VI).

## Rights of peasants and other people working in rural areas

In December 2018, the General Assembly adopted the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP). Article 6 of UNDROP guarantees peasants and other people working in rural areas the right to life, liberty, and personal security. This includes protection from violence, harassment, intimidation, and arbitrary detention, particularly when defending their rights, land, and resources. States are obligated to take measures to prevent and punish violence against peasants, including actions by private actors such as corporations or landowners. States must also ensure that peasants can safely exercise their human rights, including their right to peaceful protest, without fear of retaliation. In partnership with rural communities, states should adopt legal frameworks and policies that safeguard personal security and uphold the rule of law, ensuring that peasants and rural workers live free from threats and can fully participate in society. These protections are crucial to maintaining the dignity and safety of rural populations as they engage in the defence of their livelihoods and territories.

In addition, article 15 of UNDROP affirms the right of peasants and other people working in rural areas to land, water, and other natural resources essential for their livelihoods. This includes the right to access, use, and manage these resources sustainably and equitably, based on traditional practices and in ways that preserve the environment for future generations. States are obligated to protect these rights by ensuring that peasants are not arbitrarily deprived of their land or resources, preventing land grabbing, and promoting equitable land distribution. Article 15 also calls on states to respect customary land tenure systems, recognize collective land ownership, and provide legal protection against forced evictions and displacements. Additionally, states must support peasants in their efforts to sustainably manage natural resources, ensuring that land and resource policies align with the principles of equity, sustainability, and human rights. By securing access to land and resources, article 15 aims to promote rural development, food security, and the environmental stewardship of rural communities.

## The prohibition of discrimination

The prohibition of discrimination in the enjoyment of human rights and fundamental freedoms forms part of the purposes of the United Nations. Under article 1, paragraph 3, of the United Nations Charter, one of the purposes of the United Nations is “[t]o achieve international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”. The Universal Declaration of Human Rights also provides that “[e]veryone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty”.

Certain forms of discrimination are prohibited under international humanitarian law. For example, the third paragraph of article 27 of the IV Geneva Convention provides: “Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to

the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion”.

In this respect, we draw your attention to the overwhelming evidence of discrimination against Palestinians in the access and the protection of property.

According to the 2013 Report of the Independent International Fact-Finding Mission to investigate the implications of the Israeli settlements on the rights of the Palestinian people throughout the Occupied Palestinian Territory<sup>34</sup>, Palestinians have been excluded from the planning committees entrusted with issuing and enforcing building permits; in the 20 years prior to the report, 94 per cent of Palestinian permit applications had been denied.<sup>35</sup> Moreover, it was reported in 2022 that the approval rate of Palestinian permit applications has further declined since then.<sup>36</sup> In July 2023, the head of infrastructure at the Israeli Civil Administration confirmed that more than 90 per cent of Palestinian requests for permits were rejected, while approximately 60-70 per cent of Israeli requests were discussed and approved.<sup>37</sup>

By contrast, settler constructions lacking building permits in the West Bank are affected far less by the practice of demolitions. According to the Secretary-General of the United Nations, five times more demolition orders were issued for Palestinian structures than Israeli ones in the period 2019-2020. In light of the extensive unlicensed construction in settlements and outposts, the Secretary-General considered this to indicate discrimination against Palestinians.<sup>38</sup>

In this connection, in its 2024 Advisory Opinion on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, the International Court of Justice recalled the extensive practice of retroactive regularization, rather than demolition, of settler constructions lacking building permits in the Occupied Palestinian Territory.<sup>39</sup> The Court noted that the differential treatment of Palestinians arising out of Israel’s planning policies and practices has been emphasized by the Secretary-General of the United Nations and several treaty monitoring bodies, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the CERD Committee<sup>40</sup>. The Human Rights

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<sup>34</sup> Report of the Independent International Fact-Finding Mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem UN doc. A/HRC/22/63. Available at the following address: [<https://digitallibrary.un.org/record/745109?v=pdf>].

<sup>35</sup> Para. 70.

<sup>36</sup> Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel”, UN doc. A/77/328, 2022, para. 42; see also Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan: Report of the Secretary-General, UN doc. A/77/493, 2022, para. 18.

<sup>37</sup> Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan: Report of the United Nations High Commissioner for Human Rights”, UN doc. A/HRC/55/72, 2024, para. 35.

<sup>38</sup> Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan: Report of the Secretary-General, UN doc. A/78/554, 2023, para. 33.

<sup>39</sup> Para. 112.

<sup>40</sup> Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan: Report of the Secretary-General”, UN doc. A/78/554, 2023, para. 19; Human Rights Committee, “Concluding observations on the fifth periodic report of Israel”, UN doc. CCPR/C/ISR/CO/5, 2022, para. 42; Committee on Economic, Social and Cultural Rights, “Concluding observations on the fourth periodic report of Israel”, UN doc. E/C.12/ISR/CO/4 (12 November 2019), para. 50; CERD Committee, “Concluding observations on the combined seventeenth to nineteenth reports of Israel”, UN doc. CERD/C/ISR/CO/17-19 (27 January 2020), para. 42.

Committee, for example, has expressed “its deep concern that the systematic practice of demolitions and forced evictions based on discriminatory policies have led to the separation of Jewish and Palestinian communities in the Occupied Palestinian Territory, which amounts to racial segregation.”<sup>41</sup>

In its 2024 Advisory Opinion, the International Court of Justice found that Israel’s planning policy in relation to the issuance of building permits, and in practice of property demolition of lack of building permit, constitutes differential treatment of Palestinians in the enjoyment of their right to be protected from arbitrary or unlawful interference with privacy, family and home, as guaranteed under article 17(1) of ICCPR.

In the Court’s view, this practice cannot be justified with reference to reasonable and objective criteria nor to a legitimate public aim. The Court therefore considered that Israel’s planning policy in relation to the issuance of building permits, and in particular its practice of property demolition for lack of a building permit, which treats Palestinians differently from settlers without justification, amounts to prohibited discrimination, in violation of articles 2, paragraph 1, and 26 of the ICCPR, article 2(2) of the ICESCR and article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Israel in 1979.<sup>42</sup>

#### The obligation to compensate

In this regard, we recall your Excellency’s Government that it is a long-standing rule of customary international law, set forth in article 3 of the 1907 Hague Convention (IV) and repeated in article 91 of Additional Protocol I of the IV Geneva Convention, that states are under an obligation to provide full compensation for the damage caused by internationally wrongful acts<sup>43</sup>. A State is responsible for “all acts committed by persons forming part of its armed forces”<sup>44</sup>. This rule is an application of the general rule of State responsibility for internationally wrongful acts, whereby a State is responsible for the behavior of its organs.<sup>45</sup> The Draft Articles on State Responsibility provide that “the responsible State is under an obligation to make full reparation for the injury caused by the internationally wrongful act”<sup>46</sup>. Moreover, the duty to make reparation for violations of international humanitarian law is explicitly referred to in article 38 of the Second Protocol to the Hague Convention for the Protection of Cultural Property; and it is implied in the rule contained in the Geneva Conventions, according to which States cannot absolve themselves or another High Contracting Party of any liability in respect of grave breaches.<sup>47</sup>

In this respect, there is an increasing trend in favour of enabling individual victims of violations of international humanitarian law to seek reparation directly from the responsible State<sup>48</sup>. Article 33(2) of the Draft Articles on the Responsibility of

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<sup>41</sup> Human Rights Committee, “Concluding observations on the fifth periodic report of Israel”, UN doc. CCPR/C/ISR/CO/5, 2022, para. 42.

<sup>42</sup> Paras. 221-222.

<sup>43</sup> Rule 150 ICRC.

<sup>44</sup> Rule 149 ICRC.

<sup>45</sup> See article 4 of the Draft Articles on State Responsibility, adopted in 2001.

<sup>46</sup> Draft Articles on State Responsibility, article 31.

<sup>47</sup> First Geneva Convention, article 51; Second Geneva Convention, article 52; Third Geneva Convention, article 131; IV Geneva Convention, article 148.

<sup>48</sup> ICRC, Rule 150.

States for Internationally Wrongful Acts states that part II of the Draft Articles (“Content of the international responsibility of a State”) “is without prejudice to any right, arising from the international responsibility of a State, which may accrue directly to any person or entity other than a State”<sup>49</sup>. The commentary on article 33 furthermore states that “when an obligation of reparation exists towards a State, reparation does not necessarily accrue to that State’s benefit. For instance, a State’s responsibility for the breach of an obligation under a treaty concerning the protection of human rights may exist towards all the other parties to the treaty, but the individuals concerned should be regarded as the ultimate beneficiaries and in that sense as the holders of the relevant rights”.<sup>50</sup> Moreover, in UNGA resolution 48/153 and resolution 49/195, on the former Yugoslavia, the UN General Assembly recognized the rights of victims of ethnic cleansing to receive just reparation for their losses, and urged all parties to fulfil their agreements to this end.

### Israel’s obligations with regards to the protection of the environment

As a State Party to multiple international treaties, Israel is bound by legal obligations to protect the environment both within its territory and in areas under its effective control, including occupied territory. Under international humanitarian law, the 1907 Hague Regulations (article 55) require an occupying power to act as the usufructuary of public lands and natural resources, preserving their substance and refraining from irreversible harm. Article 53 of The IV Geneva Convention prohibits the destruction of property unless rendered absolutely necessary by military operations, which extends to environmental assets. Furthermore, under customary international law, reflected in articles 35(3) and 55 of Additional Protocol I to the Geneva Conventions, states are required to protect the natural environment against widespread, long-term, and severe damage, even during armed conflict.

In parallel, Israel’s commitments under international environmental law, including the Convention on Biological Diversity, ratified by Israel in 1995, and the UN Convention to Combat Desertification, ratified by Israel in 1996, obligate it to conserve biodiversity and prevent land degradation. These obligations are reinforced by ICESCR, which protects the rights to health, food, and an adequate standard of living, rights intrinsically linked to environmental integrity. The combined effect of these legal instruments requires Israel to ensure that its actions do not cause unjustified environmental harm, and that ecological protection is integrated into its conduct in all areas under its jurisdiction or control.

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<sup>49</sup> Draft Articles on State Responsibility, article 33(2).

<sup>50</sup> International Law Commission, Commentary on article 33 of the Draft Articles on State Responsibility.