

UN Report on Palestine: Military Occupation, Apartheid, and Torture



The outgoing Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard A. Falk, submitted in accordance with Human Rights Council (HRC) resolution 5/1 his last report on the dire conditions under which the Palestinian people have to live.¹ Falk's final presentation addresses Israeli settlements in the West Bank and East Jerusalem, the wall in the eyes of the Advisory Opinion of the International Court of Justice, and considers Israel's policies and practices in Occupied Palestinian Territories (OPT) in light of the prohibition on segregation and apartheid. It also addresses concern in relation to the deterioration of the human rights situation of Palestinians living under the Israeli blockade in the Gaza Strip.

The report focuses on the wall and the 2004 Advisory Opinion; Israeli colonies and the fragmentation of occupied Palestine, the besieged Gaza Strip, the Question of apartheid and segregation, concluding observations and recommendations. Falk regrets that Israel even refused minimal cooperation in the last six years. The Zionist government expelled Falk in December 2008 when he tried to enter Israel to fulfill his mission as a UN Special Rapporteur. "Such humiliating non-cooperation represents a breach of the legal duty of members of the United Nations to facilitate all official undertakings of the Organization." There has been no protest of the U. S. or any Western nations that usually are to head the protest front wherever human rights violations occur, with the only exception of the State of Israel.

Regarding the wall and the UN advisory opinion of July 2004 Falk hints at the obligations of the UN member states to urge the Israeli government to abide by the ruling. "The Court stated that all States are obliged not to recognize the illegal situation arising from the wall, and that States parties to the Fourth Geneva Convention of 1949 were obliged to ensure compliance by Israel with that Convention." The International Court of Justice (ICJ) suggested that the United Nations, the General Assembly and the Security Council should consider further action to overcome this illegal situation.

Although 85 per cent of the planned route of the wall lies within the West Bank, and will cut off and isolate 9.4 per cent of the West Bank territory, including East Jerusalem and so-called No-Man's land, the Israeli Ministry of Defense states that the "Security Fence" does not annex territories to the State of

¹ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/101/98/PDF/G1410198.pdf?OpenElement>

Israel, nor will it change the status of the residents of these areas. Israel pretends that the wall was built out of security reasons, however, the ICJ came to the conclusion that “the grave infringements of the rights of Palestinians caused by the wall in the OPT were not necessary to satisfy legitimate Israeli security requirements”. The wall inflicted further hardship to the residents of the OPT, especially hard hit are the people who are isolated from the rest of the West Bank. They are living under a strict permit regime and other restrictions. In addition, they are exposed to the whims and caprice of the border guards.

Richard Falk shows that the expansion of settler colonies continues unabated, in defiance of its international law obligations. The Israeli NGO, Peace Now, calls attention to “Bibi’s Settlements Boom”. Falk sees the settlement announcements as “provocative” because they were accompanied by the release of prisoners; or they were used to expose the Obama administration publicly. Special problems are the so-called outposts, which are considered also illegal by Israeli law.

According to Falk, the Israeli government does everything to change the demographic balance in East Jerusalem. “Israel actively seeks to undermine the Palestinian presence to serve its goal of preserving a Jewish majority in East Jerusalem.” The methods are to revoke the resident status and the right to live in East Jerusalem and to demolish houses. Since 1996, an estimated 11,023 Jerusalemites lost their right of residence in East Jerusalem, and from 2004 to 2013, 479 housing units were destroyed in East Jerusalem, displacing 1,892 Palestinians.

The hardest hit Palestinians live in the besieged Gaza Strip. Although Israel withdrew its occupying forces unilaterally from the Gaza Strip in 2005, this territory is still considered “occupied” by the United Nations. Israel has locked up not only 1.6 million inhabitants of the Gaza Strip, but it also controls the area on water, on land and from the air. No one can leave this open-air prison without a permit from the Israelis. The Special Rapporteur mentions also the military attack “Cast Lead” from December 2008 to January 2009, which killed 1,400 people and caused heavy damage on the infrastructure, and “Pillar of Defense” in November 2012.

Already Falk’s predecessor, John Dugard, recommended that the ICJ should be asked to assess whether the prolonged occupation possess elements of “colonialism”, “apartheid” and “ethnic cleansing” inconsistent with international human rights law (IHL) in circumstances of belligerent occupation and the denial of the right of self-determination of the Palestinian people. Since no advisory opinion has been sought, Richard Falk discusses Israeli policies and practices, through the lens of the international prohibition upon ethnic discrimination, segregation, and apartheid. According to international law and all relevant conventions Israel met all the requirements of these three allegations.

The UN report mentions also the ill-treatment and torture of Palestinian detainees, and an UNICEF report, which Falk quotes, states the same for children, too. Palestinian children are tried under military law, whereas Israeli law applies to Israeli children in the occupied territories. The report still counts a large number of further human rights violations by the Israeli occupying regime and speaks of a policy of “systematic oppression”.

Falk concludes: “Through prolonged occupation, with practices and policies of apartheid and segregation, ongoing expansion of settlements, and continual construction of the wall arguably amounting to de facto annexation of parts of the occupied Palestinian territory; the denial by Israel of the right to self-determination of the Palestinian people is

evident.” Israel’s violations of Palestinians human rights are “deliberate, organized, and institutionalized”, writes the Special Rapporteur.

Despite the devastating findings of the UN report on Palestine, the Abbas regime is still continuing the so-called peace talks. They might be dragging on till year’s end. The political result will be nil, and a possible “agreement” will be null and void because the Abbas men lack legitimacy. The Clique in Ramallah is not democratically elected, whereas the elected Prime Minister is “imprisoned” in Gaza. The only body, which has the right to negotiate with the Israeli government, is the Palestinian National Council (PNC) that could speak for all the Palestinians in the world. The PNC has to be reinstated by democratic elections, which will take a while. Until then, there must be no further “peace talks”.

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First published here², here³, here⁴, here⁵ and here⁶.

² <http://www.countercurrents.org/watzal190414.htm>

³ <http://dissidentvoice.org/2014/04/military-occupation-apartheid-and-torture/>

⁴ <http://www.eurasiareview.com/20042014-un-report-on-palestine-military-occupation-apartheid-and-torture-oped/>

⁵ http://mwcnews.net/focus/analysis/39609-un-report-on-palestine.html?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+mwcnews%2FXrew+%28MWC+News+Alert%29

⁶ <http://between-the-lines-ludwig-watzal.blogspot.de/2014/04/un-report-on-palestine-military.html>