



BADIL Resource Center for Palestinian Residency and Refugee Rights

NGO Progress Report
Implementation of Universal Periodic Review Recommendations (Israel)

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Submitted to:
United Nations Human Rights Council

This Report is submitted on behalf of BADIL Resource Center for Palestinian Residency and Refugee Rights, an independent, community-based non-profit organization mandated to defend and promote the rights of Palestinian refugees and IDPs founded in 1998, with consultative status with the UN ECOSOC, and a framework partnership with UNHCR.

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- 1 Introduction
- 1.2 Pursuant to Resolution 60/251, the Human Rights Council (HRC) established the Universal Periodic Review (UPR) to review the compliance of the United Nations' 192 member states with their human rights obligations and commitments.
- 1.3 In accordance with its Resolution 5/1 of 18 June 2007, the HRC commits "ensure the participation of all relevant stakeholders, including non-governmental organizations and national human rights institutions, in accordance with General Assembly resolution 60/251 of 15 March 2006 and Economic and Social Council resolution 1996/31 of 25 July 1996, as well as any decisions that the Council may take in this regard."
- 1.4 On December 4, 2008, and during the HRC's Third Session, Israel underwent review before the HRC at which time the members of the Council jointly made approximately 164 recommendations to Israel with the aim that it respect its human rights obligations and commitments.
- 1.5 Pursuant to the four-year review cycle, Israel will come before the HRC in 2012 to assess its implementation of the UPR recommendations.
- 1.6 The Badil Resource Center for Palestinian Refugee and Residency Rights, an independent, community-based non-profit organization mandated to defend and promote the rights of Palestinian refugees and IDPs founded in 1998, with consultative status with the UN ECOSOC, and a framework partnership with UNHCR, herein submits a progress report on Israel's implementation of a sub-set of the UPR recommendations.
- 1.7 This submission examines those UPR recommendations that are concerned with Israel's blockade of Gaza; its treatment of its indigenous Bedouin population in the Negev Desert; its tolerance of Palestinian human rights defenders; the realization of refugee rights to return and/or compensation; the impact of the Apartheid Wall; ongoing settlement expansion; ongoing ethnic cleansing of East Jerusalem; and the continuing application and effectiveness of the Citizenship and Entry into Israel law.

2. UPR Recommendation:

Ensure access of Bedouin populations to basic public services, such as sanitation, electricity and water.	Canada
Strengthen efforts to ensure equality in the application of the law, counter discrimination against persons belonging to all minorities, promote their active participation in public life, and provide public services and infrastructure fairly.	Canada

Update:

The indigenous Bedouin population has been subject to multiple instances of population transfer. Their displacement is discriminatory in both its intent and impact. Israel seeks to develop their lands for the exclusive benefit of its Jewish citizens. To accomplish this purpose, the State has limited basic services and socio-economic provisions to the Bedouin populations in the intent that they will be compelled to relocate to urban townships. Since the Council's recommendations in December 2008, and particularly between August 1, 2010 and August 15, 2011, the conditions have deteriorated. Consider:

- Housing demolitions have steadily increased between August 1, 2010 and August 15, 2011
- The village of Al-Araqib has been destroyed 24 times between July 25th 2010 and July 25th 2011
- The Israeli Land Authority has sued the residents of Al-Araqib for demolition and eviction costs in the amount of \$500,000 (July 2011)
- No efforts have been made to preserve Bedouin Agricultural livelihoods
- Israeli authorities have sprayed Bedouin agricultural lands with herbicides and ploughed over them in order to compel their forcible transfer (October 2010)
- The State continues to outsource its discriminatory planning and development policies to organizations like the Jewish National Fund in order to evade scrutiny and accountability.
- Socio-economic indicators in health, water, and education are all still poor or worse

3. UPR Recommendation:

Guarantee access and freedom of movement to the inhabitants of Gaza and the West Bank notwithstanding the necessary security measures.	Netherlands
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Update:

Since the Human Rights Council issued its recommendations in December 2008, and particularly between August 1, 2010 and August 15, 2011, Israel has not implemented any significant changes or behavior to comply with the Council's recommendations concerning the Gaza blockade:

- Israel has not lifted the blockade of Gaza, and thus has not eased any of the humanitarian conditions on the ground for the millions of civilians living in Gaza
- Gaza overall still suffers tremendously from the blockade in its denial of basic needs, goods, food, medicines, infrastructure materials, and access to education
- There has been no change or easing of the suffering of the Gaza civilians, despite Israeli claims to the contrary
- Furthermore, Israel has refused to cooperate with international efforts for an impartial, international, independent investigation into the murder of nine civilians on board one of the humanitarian flotillas attempting to bring humanitarian aid to Gaza one year ago.

4. UPR Recommendation:

Ensure that human rights defenders are able to carry out their legitimate work in a secure and free environment.	Austria
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UPDATE:

Israel has consistently targeted, imprisoned and silenced nonviolent protest leaders in hopes of stifling their speech and message both individually and organizationally. The speech of said leaders challenges Israel's crimes, including land theft, expulsion, population transfer, and murder. Since 2008, Israel has heightened its targeting of nonviolent protest leaders in order to crush any peaceful resistance and force of change.

- Bassem Tamimi, the leader of the Nabi Saleh Popular Struggle Committee was at the forefront of the weekly demonstrations confronting the Israeli army, a campaign kick-started over a year ago after settlers from adjacent settlement Halamish expropriated the village's main water supply. Bassem has been jailed in Ofer prison in the West Bank since March 6, 2011 due to his organizing alleged "unlawful" protests. The only evidence implicating Bassem was from the forced confession of two village children who were abducted from their homes in the middle of the night, tortured and denied counsel.ⁱ
- Abdallah Abu Rahman is the coordinator of the Bilin Popular Committee, which challenges Israel's unlawful land expropriation through Israeli courts. Israeli authorities charged Abu Rahman in 2010 with "illegal arms possession, stone throwing and incitement."ⁱⁱ One of Rahman's "crimes" is making a peace sign made out of Israeli rubber bullets and tear gas canisters that were shot at the peaceful protesters.
- Mohammad Khatib, another leader of Bilin's Popular Committee, was arrested for "stone throwing" and incitement on August 3, 2009, only to be released on bail after photographic evidence to the contrary.ⁱⁱⁱ Khatib's nephew was also coerced into a confession implicating Khatib after threats of assault.
- Muhammad Othman from Jayyus was held in administrative detention without charge for four months in 2009 for his heavy involvement in the Anti-Apartheid Wall campaign.^{iv} Othman was released upon condition that serve to stop or deter him from continuing the campaign against the Wall, such as his travel ban imposed after he travelled to Norway and spoke against the Wall and in support of the Boycott, Divestment, Sanctions movement.
- Jamal Juma, coordinator of the "Stop the Wall" campaign was also arrested in 2009 and held for one month, and denied legal counsel.^v

5. UPR Recommendation:

Acknowledge-recognize, accept and fully implement the advisory opinion of the International Court of Justice on the wall.	Egypt
Dismantle the separation wall.	South Africa

Update:

Israel began constructing its Annexation Wall began construction in 2002. The route of the wall demonstrate Israel's annexation motives. The majority of the Wall's route runs within the occupied Palestinian West Bank and circumscribes Israeli settlements, otherwise deemed illegal by Article 49 of the Fourth Geneva Convention. The unlawful annexation, and resultant forced displacement and population transfer of Palestinians, their movement restriction, impeded access to employment, education, and humanitarian impact such as restricted access to agricultural fields and water, influenced the 2004 International Court of Justice Advisory Opinion declaring the parts of the Wall inside the Palestinian Occupied West Bank on the eastern side of the Green Line to be unlawful. Still, since this ruling and the UPR 2008 report, Israel has refused to comply with the opinion and the Human Rights Council recommendations to reroute the Wall to be only on the Green Line. Instead, Israel has continued the Wall's construction, resulting in expanding annexation and devastating humanitarian impact upon West Bank Palestinians.

- 61.8% of the construction is now complete.^{vi}
- 85% of the planned route is still to be built off of the Green Line into Palestinian territory.^{vii}
- When complete according to current plans, the Wall will take 58% of the West Bank.^{viii}
- There are still few health and educational opportunities in the seam zone, the zone trapped between the Wall and the Green Line, endangering the health and lives of the Palestinians living there.^{ix}
- If the Wall is completed as planned, 25,000 West Bank Palestinians will be trapped in the seam zone, in addition to the 270,000 trapped in East Jerusalem and cut off from the West Bank.^x
- The current construction plans for the Wall annex more of Jerusalem, including outside Jerusalem's municipal boundaries to include settlements like Ma'ale Adumim.^{xi}
- The ongoing permit system separates Palestinian families further by forcing them to not only go through already long standing checkpoints, but now to seek access through the Wall's numerous gates, many of which are never open, or open seasonally.^{xii}

6. UPR Recommendation:

Respect the right of Palestinian refugees to return to their homelands and to be compensated for losses and damages incurred and to retrieve their properties in accordance with relevant United Nations resolutions and international law.	Jordan
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UPDATE:

Upon the creation of Israel in 1948, approximately 700,000 Palestinians were forcibly expelled from their homes. Further waves of Palestinians were expelled and made refugees after the 1967 war. Many more Palestinians were made refugees again after the 1991 Gulf War. Many fled to, and still reside in refugee camps, in neighboring states such as Lebanon, Syria, Jordan, and Iraq. Despite the clear internationally recognized right of return for refugees as enshrined in UN General Assembly Resolution 194, Israel has refused the right of these refugees to return to their homes in either what is now Israel, or the Occupied Palestinian Territory. Not only are these refugees facing exile extending more than six decades, but due to the lack of a durable solution coupled with the prolonged nature of their forcible exile, they are also de facto stateless persons. Israel still refuses to grant these refugees their right of return, or to even grant them protection.

- As of December 2010, there were nearly 5 million registered Palestinian refugees with UNRWA, in Jordan, the West Bank, Gaza, Lebanon and Syria.^{xiii} Although the total number of Palestinian refugees, including those not registered with UNRWA, is closer to 6.5 million.
- Stateless Palestinian refugees living in Iraq were left completely vulnerable after the 2003 invasion. To this day, there are still 400 Palestinians living in al-Tanf camp between Syrian and Iraq (“no man’s land”) under extremely harsh conditions such as extreme temperatures, sandstorms, floods and difficult access to medical services, and 1,550 in al-Waleed camp in Iraq 3 km from the Syrian border.^{xiv}
- Palestinian refugees living in Syria since 1948 also faced heightened vulnerability during the recent 2011 violent government repression. When the government began shelling in August of this year, thousands of Palestinians were forced to flee the el Ramel camp in Latakia, more than 5,000 of the 10,000 refugees, with nowhere to go but the local stadium.^{xv}
- Palestinian refugees in East Jerusalem have the precarious status of “permanent residents” and not citizens. As permanent residents, Palestinian children are not granted this status through their parents automatically and still as of 2010 must apply by their 12th birthday, with the Ministry of Interior bypassing a recent law allowing children to apply up to age 14.^{xvi}

7. UPR Recommendation:

Stop the policy of colonization through illegal settlement.	Cuba
Dismantle the wall in the Occupied Palestinian Territories and refrain from expansion of settlements.	Brazil

UPDATE:

Israel's settlement enterprise seeks to encroach upon Palestinian lands within the Occupied Palestinian Territory and beyond the 1949 Armistice Line that otherwise demarcates Israel's de facto border. The settlement enterprise has grown exponentially. During the first decade of the Oslo Peace Process, the number of settlements literally doubled. The Declaration of Principles, otherwise silent on settlements and their illegality in international law, has allowed Israel to quietly and violently encroach on Palestinian lands without scrutiny. Whereas 250,000 settlers illegally lived in the West Bank in 1993, today there exist 650,000 settlers whose presence significantly undermines the viability of an independent Palestinian state. In its 2004 Advisory Opinion, the International Court of Justice declared affirmed the applicability of the Fourth Geneva Conventions to the Occupied Palestinian Territory and declared the settlements illegal for violating Article 49, which prohibits the transfer of one's civilian population into occupied territory. Since its Universal Review, Israel has continued its settlement expansion enterprise in contravention of law, human rights norms, and even pleas from the United States to halt said expansion.

- On 15 August 2011, Israel approved the building of 277 new homes in Ariel, already the largest settlement in the West Bank lying over the largest water aquifer in the West Bank, now taking the total to more than 2,700 new settler homes approved in the first two weeks of August.
- In November 2010, Israel announced plans to build 1,300 new settler homes in East Jerusalem prompting rebuke from the US Secretary of State.^{xvii}
- From 2009 to 2011, a total of thirty homes have been demolished in East Jerusalem, leaving 244 people homeless, 120 of whom are minors.^{xviii}

8. UPR Recommendation:

Cease immediately the expansion of settlements and the operations of destruction, inter alia, in East Jerusalem of houses belonging to Palestinian families.	Switzerland
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UPDATE:

The city of Jerusalem has been shaped by Israel's policy of population transfer since 1948, both in terms of priority area for Jewish settlement, and in terms of forced transfer of the Palestinian population. Several interlocking components together comprise a matrix of control that leads to the Judaization of Jerusalem on the one hand and the ethnic cleansing of its indigenous Palestinian population, on the other. Israel unilaterally annexed East Jerusalem in 1980 in contravention of humanitarian law. Although the international community of nations has not recognized Israel's acquisition, as indicated by their individual and collective refusal to move their embassies from Tel Aviv to Jerusalem, Israel has worked to transform East Jerusalem's demographic balance. Its transformation policies have involved a matrix of legal codes limiting Palestinian residency rights, outright revocation of Palestinian residency permits, the demolition of Palestinian homes, the construction and expansion of illegal settlements, and the transfer of Israeli settlers into East Jerusalem. Since its UPR, Israel has only accelerated its policies aimed at the ethnic cleansing of Jerusalem.

- On 30 May 2011, Prime Minister Netanyahu held a meeting near the Tower of David in occupied East Jerusalem where he approved Israel's plan to solidify Jerusalem as a tourist city as well as a center for scientific, development and industrial research.^{xxix}
- The Israeli government on 29 June 2011 destroyed hundreds of the Muslim Mamilla Cemetery headstones despite fierce opposition in order to build the "Museum of Tolerance" whose plans were approved on 12 July, further claiming more Palestinian land, this time a seventh century sacred cemetery.^{xx}
- The East Jerusalem Palestinian neighborhood of Sheikh Jarrah, which includes the long contested Shepherd's Hotel dating back to pre-1948, has also become the target of the rapid Israeli settlement expansion project. After a long battle, Israel demolished the historic Shepherd's Hotel structure on 9 January 2011 in order to make room for an Israeli settlement.^{xxi}
- Palestinian refugees in East Jerusalem also still constantly have their permanent residency revoked, and are at the mercy of the Ministry of Interior's complete discretion. Since 2008, a total of 908 East Jerusalem Palestinians have had their residency revoked.^{xxii}
- Palestinian Jerusalemites living in the Palestinian neighborhoods of Sheikh Jarrah and Silwan have faced increasing home evictions by Israeli settlers with no recourse or help from the Israeli government or the courts. Currently the Israeli government has plans to evict more Palestinians from Sheikh Jarrah in particular to make way for Jewish families and other Israeli development plans.^{xxiii}

9. UPR Recommendation:

Do not renew the Citizenship and Entry into Israel Law after its expiration in July 2009 and re-examine its scope with a view to respecting the obligation of non-discrimination.	Switzerland
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UPDATE:

The Citizenship and Entry into Israel Law, also known as the Ban on Family Reunification, works to limit the number of Palestinians within Israel Proper. The law prohibits Palestinian citizens of Israel from extending their citizenship, by traditional legal means, to spouses from the Occupied Palestinian Territory. The law disproportionately impacts Israel's Palestinian citizens who are more likely to marry Palestinians from the OPT. Passed in 2002, Israel argued that the Law was necessitated by military exigency however it has failed to demonstrate that exigency nor to justify its continued application.

- Adalah, along with other rights organizations petitioned the Israeli High Court to challenge the Law in 2007. Oral arguments have been before the Supreme Court in 2009 and again in 2010. A decision has not been made and the law remains effective.^{xxiv}
- In its review of Israel in 2010, the Human Rights Committee, also found the Law to be discriminatory and urged Israel to revoke its ban on family reunification. Israel has paid no heed to the Committee's recommendations.^{xxv}
- On July 26 2010, Firas al-Mighari began a hunger strike to protest Israel's refusal to recognize his newborn daughter's residency rights to East Jerusalem. Firas was born and raised in Silwan, an East Jerusalem suburb.^{xxvi}

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