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Israel/OPT: Trump must oppose all Israeli settlements in meeting with Netanyahu

US President Donald Trump and Israeli Prime Minister Benjamin Netanyahu are due to meet in Washington D.C. on Wednesday 15 February. Amnesty International calls on President Donald Trump to make it clear in this meeting that he opposes all Israeli settlement activity in the Occupied Palestinian Territories (OPT).

There are approximately 621,000 settlers currently living in the occupied West Bank, including 200,000 in East Jerusalem, in contravention of international law.¹ The inauguration of President Trump appears to have emboldened the Israeli authorities in their construction of settlements on occupied Palestinian land. Since 20 January this year 6,219 illegal settlement homes have been authorized in the occupied West Bank, including 719 in East Jerusalem. Israel's policy of settling of civilians in occupied territory violates international humanitarian law and amounts to a war crime.

Last week, the Israeli Knesset passed a law allowing government seizure of private Palestinian land on which settlements have been established. In effect the law undermines the ability of Palestinian land owners to lay claim to their land if Israeli settlers are living on it, despite the fact that the settlers' presence in occupied territory is illegal under international law. The organization Peace Now has estimated that the law will retroactively legalize 53 settlements and outposts - allowing for the expropriation of approximately 8,000 dunams (80 hectares) of private Palestinian land.² The law also risks galvanising further takeover of private Palestinian land by providing a basis for retroactive legalization of land grabs. Last Wednesday a coalition of 17 local Palestinian councils and three human rights organizations petitioned the Israeli High Court to void the law.³

This takes place in the face of a December 2016 UN Security Council resolution – the first of its kind in almost 40 years – calling on Israel to cease settlement construction.⁴ Amnesty International calls on President Trump to fulfil the United States' obligations under international law not to recognize an illegal situation, such as that of the settlements, and to actively cooperate to bring it to an end.

Human rights violations related to settlement construction and expansion have been a defining feature of the 50-year-old Israeli occupation of the West Bank, including East Jerusalem, and the Gaza Strip. These violations have included arbitrary movement restrictions, demolitions, forcible transfer of Palestinian communities, restricted access to natural resources for Palestinians, and unchecked violent

¹ The Times of Israel, Settler group says 421,000 Israelis now living in West Bank, 9 February 2017, available: <http://www.timesofisrael.com/settler-group-says-421000-israelis-now-living-in-west-bank/>

² Peace Now, "Legalization Law Will Stain Israel's Law Books", 29 January 2017, available at: http://peacenow.org.il/en/legalization_law; See also Haaretz, "Explained: Israel's New Palestinian Land-grab Law and Why It Matters", 7 February 2017, available at: <http://www.haaretz.com/israel-news/1.770102>.

³ Haaretz, Palestinians Petition Israeli High Court in First Legal Challenge to Land-grab Law, 8 February 2017, available at: <http://www.haaretz.com/israel-news/premium-1.770490>.

⁴ United Nations Security Council Resolution 2334 (2016), S/RES/2334, 23 December 2016, available at: <http://www.un.org/webcast/pdfs/SRES2334-2016.pdf>.

attacks by settlers against Palestinians and their property.

Movement Restrictions

Israel imposes movement restrictions on Palestinians in the occupied West Bank, including checkpoints, road blocks, settler-only roads and impediments created by the fence/wall. Israel also imposes severe limitations on Palestinian access to East Jerusalem, which has been illegally annexed by Israel.

Movement restrictions in the occupied West Bank are imposed primarily to protect settlements and their residents, improve connectivity between settlements and Israel itself and to create space for further settlement construction and expansion.⁵ In effect this means that Israel has restricted the movement of approximately 2.9 million Palestinians in order to ensure safety and freedom of movement for approximately 421,000 settlers in the occupied West Bank, whose presence in the OPT violates international law.

These arbitrary and discriminatory restrictions amount to a form of collective punishment and severely limit Palestinians' ability to work, to access healthcare, education and family members. The construction of the fence/wall inside the OPT – on the Palestinian side of the internationally recognized 1967 border – has served in effect to illegally annex Palestinian land to Israel, allowing residents of the illegal settlements built on that land to live as if part of Israel. This has cut Palestinian communities in half, in some cases dividing families from land on which they depend for their livelihood and in other cases preventing Palestinians from travelling to jobs in East Jerusalem and Israel. Restrictions on the movement of persons and goods across the OPT have crippled the Palestinian economy, with unemployment standing at 27 per cent in 2016, compared to 12 per cent in 1999.⁶

While Israel evacuated and dismantled its settlements in Gaza in 2005, the coastal enclave remains occupied by Israel, which maintains effective control over the territory. This year will mark the 10 year anniversary of Israel's land, sea and air blockade, which severely limits the import and export of fuel, food, building materials and other essential goods into Gaza and the ability of its residents to travel, amounting to collective punishment.

Demolitions and forcible transfer

Under the Oslo Accords of 1995 the occupied West Bank was divided into areas A, B and C. Although this division was envisaged as being a temporary measure preceding the full transfer of authority to the Palestinians, it continues today.

Area A constitutes roughly eight per cent of the occupied West Bank - including most of the Palestinian cities - and is under the civil and security control of the Palestinian authorities. Area B constitutes approximately 22 per cent of the occupied West Bank; here Israel controls security matters and the Palestinians control civil matters. Area C, which is home to approximately 300,000 Palestinians covers more than 60 per cent of the occupied West Bank and is under full Israeli civil and security control, enabling the Israeli authorities to impose planning and building policies that severely restrict the ability of Palestinian communities to build homes and vital infrastructure. Permits for Palestinian buildings in Area C are almost always denied by the Israeli Civil Administration, forcing Palestinian families to build without the necessary permits. Consequently, many Palestinians face the

⁵ Amnesty International, "Israeli authorities must end collective punishment of Palestinians in Hebron, protect human rights defenders in the city", (MDE 15/3529/2016), 25 February 2016, available at: <https://www.amnesty.org/en/documents/mde15/3529/2016/en/>.

⁶ United Nations General Assembly, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, (A/71/554), 19 October 2016, Para. 43(b), available at: http://www.ohchr.org/Documents/Countries/PS/A_71_554_en.pdf.

threat of home demolitions and displacement. There are currently 11,000 outstanding demolition orders in Area C, affecting 17,000 Palestinian-owned structures⁷.

Israel also severely restricts Palestinian construction in East Jerusalem. Only 13 percent of East Jerusalem is zoned by Israel for Palestinian construction, and building permits are very rarely issued to Palestinians. As a result, 90,000 Palestinians are at risk of being displaced from their homes.⁸ This makes way for the continued construction and expansion of illegal Israeli settlements, which currently cover 35 percent of East Jerusalem.⁹

Both forcible transfer and extensive destruction or appropriation of property, if carried out unlawfully and wantonly, are grave breaches of the Fourth Geneva Convention, and amount to war crimes.

Access to natural resources denied

Confiscation, seizure and appropriation of land for settlements, bypass roads and related infrastructure has a devastating impact on Palestinians' rights to adequate standard of living and right to work. Land and resources lost to settlements can no longer be exploited by the Palestinian population to generate work and income. Area C – which Palestinians have severely limited access to – contains most of the natural resources necessary to develop and sustain a fully functioning Palestinian economy, including fertile land, stone quarries, water resources and access to the mineral rich Dead Sea. In addition to the roughly 6,000 hectares of land taken by Israeli settlements for residential dwellings, approximately 9,300 hectares of agricultural land in the occupied West Bank is cultivated by settlers. Settlers also administer around 20 industrial zones, covering approximately 1,365 hectares.¹⁰

Palestinians' limited access to natural resources can be further illustrated by the inequitable distribution of water in the OPT. Israel violates Palestinians' right to water, controlling and restricting Palestinian access to water to a level that neither meets the Palestinian population's needs nor constitutes a fair distribution of shared water resources.¹¹ Swimming pools, well-watered lawns and large irrigated farms in Israeli settlements in the OPT stand in stark contrast next to Palestinian villages whose inhabitants struggle even to meet their essential domestic water needs, let alone the level necessary to sustain agricultural endeavours.

Discriminatory access to water also impacts on Palestinians' right to the highest attainable standard of health. Many Palestinian communities survive on barely 20 litres of water per capita a day – the minimum amount recommended by the World Health Organization.¹² As well as violating numerous human rights, the exploitation of natural resources in the OPT for the benefit of the settlement population violates Israel's obligation under international humanitarian law to administer the occupied territory in the interests of the occupied population.

⁷ UN OCHA OPT, *Official data on demolition orders in Area C*, available at: <http://data.ochaopt.org/demolitions.aspx>.

⁸ UN OCHA OPT, *East Jerusalem, Key humanitarian concerns*, August 2014, available at: <http://www.ochaopt.org/content/east-jerusalem-key-humanitarian-concerns-august-2014>.

⁹ UN OCHA OPT, *East Jerusalem, Key humanitarian concerns*, August 2014, available at: <http://www.ochaopt.org/content/east-jerusalem-key-humanitarian-concerns-august-2014>.

¹⁰ Human Rights Watch, *Occupation Inc., How Settlement Businesses Contribute to Israel's Violations of Palestinian Rights*, January 2016, available at: <https://www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian>.

¹¹ See Amnesty International, *Troubled waters: Palestinians denied fair access to water*, October 2009, (Index: MDE 15/027/2009), available at: <https://www.amnesty.org/en/documents/MDE15/027/2009/en/>.

¹² See Amnesty International, *Troubled waters: Palestinians denied fair access to water*, October 2009, (Index: MDE 15/027/2009), available at: <https://www.amnesty.org/en/documents/MDE15/027/2009/en/>.

Settler Violence

Both Palestinians and Israeli civilians in the OPT fall victim to acts of violence. However, Palestinian attempts to report acts of violence to the Israeli authorities are often met with disinterest. According to the Israeli human rights organization Yesh Din, in 2015, 85 percent of investigations into “ideologically motivated” offences against Palestinians were closed due to police failures, while only 7.3 percent of complaints of this nature led to an indictment.¹³

By contrast, when Palestinians are suspected of perpetrating acts of violence against settlers, Israeli forces often launch large-scale arrest and detention campaigns, including curfews on Palestinian towns and villages. Unlike Israeli suspects, who are tried in civil courts, Palestinians suspected of violence are tried by the Israeli military court system, in the absence of basic fair trial guarantees, including minimum standards of independence, clear evidentiary or procedural rules, the presumption of innocence or the duty to hear witnesses or examine all material evidence.¹⁴

Settlers have attacked both Palestinian civilians and their property. The climate of impunity enjoyed by settlers who commit acts of violence has cultivated a climate of fear among Palestinian communities living and working on land in close proximity to the settlements.¹⁵

¹³ Yesh Din – Volunteers for Human Rights, available at: <http://www.yesh-din.org/en/category/settler-violence/>.

¹⁴ Human Rights Council, *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*, A/HRC/22/63, para. 47, available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf.

¹⁵ Human Rights Council, *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan*, Report of the Secretary-General, A/HRC/31/43, 20 January 2016, para. 37.