



مركز الميزان لحقوق الإنسان
AL Mezan Center for Human Rights



Thursday, 10 May 2018

OPEN LETTER TO THE UNITED NATIONS

To the attention of:

Mr António Guterres, UN Secretary-General

UN Headquarters
405 East 42nd Street
New York, NY, 10017, USA

Mr Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights

Palais Wilson
52 Rue des Pâquis
CH-1201 Geneva, Switzerland

Your excellencies,

It is with grave concern that we direct this open letter to you on behalf of the Palestinian human rights organizations Al-Haq, Adalah, and Al Mezan Centre for Human Rights. In the coming days, Palestinians will mark 70 years since the Nakba, commemorating the mass expulsion of Palestinian refugees in 1948 and marking seven decades of ongoing displacement and dispossession of Palestinians on both sides of the Green Line. Since 1948, Palestinians have been subjected to an ongoing Nakba, represented in the systemic denial of rights and institutionalised discrimination against them.

As Palestinians prepare to commemorate the Nakba on 15 May, calling for the realisation of their inalienable rights, the United States (US) Government is set to unlawfully relocate its embassy from Tel Aviv to Jerusalem, in violation of international law.¹ In fact, the international community has never recognised any part of Jerusalem as Israel's capital, and deemed the annexation of occupied East Jerusalem illegal. Accordingly, State representatives and ambassadors must be highly discouraged from attending the embassy's opening on 14 May. Third States are further under an obligation not to engage or cooperate with US embassy officials in Jerusalem upon the embassy's opening.

The relocation of the US embassy ahead of the landmark commemoration of the Nakba only entrenches Israel's longstanding impunity for its widespread and systematic violations against Palestinians, including their fundamental right to life, to freedom of movement, to freedom from ill-treatment, and to dignity, as most recently epitomised by the Israeli occupying forces' brutal repression of the peaceful Great Return March protests in the Gaza Strip since 30 March 2018. Today, nearly two million Palestinians in the Gaza Strip continue to live under suffocating Israeli-imposed closure, making Gaza an uninhabitable open-air prison designed to be unsustainable for Palestinian life. Meanwhile, over 50 years of brutal Israeli military occupation have meant *de facto* annexation of significant portions of the occupied Palestinian territory for unlawful Israeli settlement

¹ United Nations General Assembly, UN Doc A/RES/ES-10/19, 22 December 2017.



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expansion and the exploitation of Palestinian natural wealth and resources for the benefit of the Occupying Power's economy.

While the United Nations (UN) has warned that Gaza will become unliveable, it must immediately act to bring Israel's occupation, blockade and closure, amounting to unlawful collective punishment, to an end. The international community must cooperate to ensure the realisation of the Palestinian people's inalienable right to self-determination, which includes the right to permanent sovereignty over natural wealth and resources and the right of Palestinian refugees to return to their villages and cities of origin, as mandated by international law. The UN, through the Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), has a key responsibility towards realising a just and lasting solution to the Palestinian refugee question. Until such a solution is achieved, UNRWA's financing must be secured as a non-political actor tasked with the provision of services and protection to nearly six million Palestinian refugees.

Throughout the coming week, large-scale demonstrations are expected to take place across Palestine in continuation of the Great Return March that began on 30 March, in protest of the US embassy move to Jerusalem on 14 May, and in commemoration of the Nakba on 15 May. Over the past six weeks, the Israeli occupying forces have increasingly and excessively used force to suppress the Great Return March, during which they committed wilful killings of protected persons, amounting to war crimes, as warned by the Prosecutor of the International Criminal Court and the Office of the High Commissioner for Human Rights, amongst other human rights experts. In this context, Israel must be strictly reminded of its obligations under international law not to resort to lethal force against peaceful Palestinian protesters.

Accordingly, Al-Haq, Adalah, and Al Mezan urge the UN Secretary-General and UN High Commissioner for Human Rights to:

1. Condemn the killings of Palestinians by the Israeli occupying forces and excessive use of force used against unarmed Palestinian protesters resulting in killings and injuries of Palestinians since 30 March 2018;
2. Call upon Israel to act in accordance with international law in the policing of peaceful Palestinian assemblies, which are expected to increase over the coming days across the Occupied Palestinian Territory and beyond, and to refrain from resorting to force, including lethal force, in line with its obligations under the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials;
3. Call upon State representatives and UN officials not to attend the opening of the US embassy in Jerusalem on 14 May nor to engage with US embassy officials in Jerusalem upon its opening, in line with their obligation not to recognise the relocation of the US embassy as lawful, as reaffirmed by the UN General Assembly;
4. Demand that Israel immediately lift its unlawful closure and blockade of the Gaza Strip and cease all forms of collective punishment imposed on the Palestinian population therein;
5. Adopt measures to bring to an end Israel's fifty-year occupation of the Palestinian territory and ensure the realisation of the right of the Palestinian people to self-determination, which



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includes permanent sovereignty over natural wealth and resources and the right of Palestinian refugees to return to their homes and property, as mandated by international law;

6. Reiterate international support for the rights of Palestinian refugees to return to their homes and property, as mandated by international law, and ensure the adequate support for and financing of UNRWA to safeguard the agency's non-political mandate of guaranteeing the protection of and provision of services to Palestinian refugees, until a just and lasting solution to their plight is achieved;
7. Establish an independent and transparent investigation into the Israeli occupying forces' use of live fire and snipers and the resulting killings and injuries of Palestinian protesters in the Gaza Strip since 30 March 2018;
8. Urge the convening of a special session of the UN Human Rights Council to address the deteriorating human rights situation in the occupied Palestinian territory in light of ongoing Israeli impunity for violations of international law committed against the protected Palestinian people, notably in the occupied Gaza Strip.

The longest unresolved question to fall under the responsibility of the UN, Palestine has become a litmus test for the efficacy of the international system as a whole and the willingness of the international community to abide by the rule of law and act in the face of widespread and systematic violations of international human rights and humanitarian law. As Palestinians mark 70 years since the Nakba, Al-Haq, Adalah, and Al Mezan urge the UN Secretary-General and UN High Commissioner for Human Rights to ensure Palestinians' demands are finally heard and their rights realised, while perpetrators are held accountable and victims are ensured their right to an effective remedy.

Yours sincerely,

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