

Addameer Prisoners' Support and Human Rights Association

Al-Haq – Defending Human Rights

Hurriyat- Centre for Defence of Liberties and Civil Rights

Jerusalem Center for Legal Aid and Human Rights

Ramallah Center for Human Rights Studies

Independent commission for Human Rights (Observer)

مجلس منظمات حقوق الإنسان الفلسطينية
Palestinian Human Rights Organizations Council



Al-Mezan Center for Human Rights

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Defence for Children International – Palestine

The Palestinian Centre for Human Rights

Muwatin Institute for Democracy and Human Rights (Observer)

PHROC Staunchly Supports the UN General Assembly Request for an International Court of Justice Advisory Opinion on the Consequences of Israel's Prolonged Occupation of Palestine

Date: 3 December 2022

The Palestinian Human Rights Organizations Council (PHROC) welcomes the vote in favour of the [draft resolution](#) by the Special Political and Decolonization Committee (Fourth Committee) of the United Nations General Assembly (UNGA) calling for an advisory opinion from the International Court of Justice (ICJ) on situation in Palestine. The resolution, titled “Israeli Practices and Settlement Activities Affecting the Rights of the Palestinian People and other Arabs of the Occupied Territories”, calls for the ICJ to rule on the legal consequences arising from Israel's the ongoing prolonged occupation of the Palestinian territory. More specifically, [paragraph 18](#) puts the following question to the International Court of Justice for an advisory opinion:

(a) What are the legal consequences arising from the ongoing violation by Israel of the right of the Palestinian people to self-determination, from its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967, including measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem, and from its adoption of related discriminatory legislation and measures?

b) How do the policies and practices of Israel referred to in paragraph 18 (a) above affect the legal status of the occupation, and what are the legal consequences that arise for all States and the United Nations from this status?

The UN resolution, sponsored by the Special Political and Decolonization Committee, received the overwhelming support of the international community, with 98 states [voting](#) in favour of the resolution, 52 abstentions and 17 states voting against the resolution. PHROC strongly welcomes the UNGA and the international communities continued demand for justice for the Palestinian people and against Israel's overt aggressive and permanent settlement of the Palestinian territory, despite the push back from Israel and its supporters.

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The last ICJ ruling on Palestine, was in the “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory” [advisory opinion](#) requested by the UNGA in 2004. In a watershed advisory opinion, the court laudably concluded that Israel’s breaches of international law through the establishment of settlements in the occupied Palestinian territory (OPT) and the wall that encompassed many of the settlements, contributes to Israel impeding the Palestinian right of self-determination. Despite the ICJ’s calling for an immediate end to Israel’s violations of international law; the wall, settlements and many of the measures condemned by the ICJ continue to oppress the Palestinian people, maintaining discriminatory laws and policies and practices and settler colonial practices.

Regardless of the limited effect of the ruling on the ground, the case supported the undeniable right of the Palestinian people to their self-determination under international law and emphasises the illegality of all annexations and settlements by the State of Israel. Noting further that in the Wall advisory opinion the court considered that the construction of the wall and its associated régime create a “*fait accompli* on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to *de facto* annexation.”

Now some 18-years after the Wall advisory opinion, and in light of the failure of Third States to intervene to bring the illegal situation to an end, it is time for a fresh examination of the legal consequences that arise from an ever entrenching and obviously permanent occupation. It is time for the Court to examine the *jus ad bellum* necessity and proportionality of Israel’s decades long occupation, now passing the half century mark, and the systematic denial of the inalienable human rights of the Palestinian people.

PHROC calls for the ICJ to use this advisory opinion to support the Palestinian people as a whole, who remain under the domination of Israel’s discriminatory laws, policies and practices. The ICJ and other international legal mechanisms such the International Criminal Court and the UN Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel are fundamental in pressing for accountability for the violations committed by Israel, against the Palestinian people, and in demanding that Israel complies with the international rule of law.

In the case Israel’s prolonged occupation of the Palestinian territory, a number of important complex legal questions arise for the Court to now consider. The Palestinian people, have endured nearly six decades under what is supposed to be temporary military

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law, while Israel appropriates more and more lands for settlements. It is crucial that the UN General Assembly commits to putting these questions before the International Court of Justice in December. PHROC especially calls on the States who abstained or voted against the draft resolution, to revise their positions and to categorically vote in favour of putting the question of the legal status and consequences of Israel's prolonged occupation to the International Court of Justice. The freedom of the generations of Palestinians, held under military rule, depend upon it.

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