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State of Palestine
Palestine Liberation Organization
Negotiations Affairs Department

70 YEARS OF ONGOING NAKBA (THE PALESTINIAN CATASTROPHE) THE EVENTS OF THE "GREAT RETURN MARCH" AND THE ILLEGAL MOVE OF THE US EMBASSY TO JERUSALEM

1

Is it legal for the US to recognize Jerusalem as Israel's capital and to move its embassy to Jerusalem?

No. This unilateral move is null and void. It violates United Nations Security Council resolutions, including Resolution 478, other relevant UN resolutions and the advisory opinion of the International Court of Justice. As UNSCR 478 clearly stated, all attempts to change the special status of Jerusalem are null and void, and without legal effect. In furtherance of this, UNSCR 478 prohibits all States from establishing diplomatic missions in the city. This move also contradicts long-standing US policy on the status of Jerusalem, as laid out in James Baker's 1991 Letter of Commitment to the Palestinians before the Madrid Conference, and reaffirmed in the Oslo Accord's designation of Jerusalem as a final status issue.

2

What does this move mean?

This move constitutes a blow to international law, principles and values. By recognizing Jerusalem as part of Israel, and establishing the US Embassy in Jerusalem (which includes the illegally annexed East Jerusalem), it means the US recognizes Israel's illegal annexation of East Jerusalem and emboldens the settlement colonial enterprise there. By recognizing the realities on the ground after 50 years of occupation, the US president is in fact pressuring the people of Palestine to accept Israel's apartheid regime. This move also impedes peace efforts and clearly demonstrates the incorrect American understanding of the Israeli occupation as a religious conflict, which agitates and exacerbates the already volatile situation in the region and around the world.

The inauguration of an embassy that falls in occupied territory is similar to the initiation of an Israeli illegal settlement. In fact, we consider that there is no difference between the infamous US Embassy in occupied Jerusalem and any other illegal Israeli settlement such as 'Beit El', 'Maale Adumim' and others. All settlements are illegal; they are all considered a stumbling block to peace.

Moreover, the embassy move violates 70 years of accepted international practice related to Jerusalem and specifically UN Security Council Resolution 478, which prohibits the establishment of diplomatic missions in the Holy City.

Regardless of US or Israeli moves, UNSCR 478 and international law are clear: the legal status of Jerusalem can and will not change because of unilateral actions.

3

Why did the US, in coordination with Israel, decide to move the US embassy to Jerusalem on May 14, 2018?

Choosing this particular date, the day before Nakba day when Palestinians commemorate the loss of our historic homeland in 1948, is a clear insult and provocation to the Palestinian people and all those who find Jerusalem holy, including many Jews who reject exclusive Israeli claims over Jerusalem. It demonstrates the US adoption of the Israeli narrative. Specifically, Israel rejects its role in the displacement of Palestinians in 1948 and its continuing denial of Palestinian national self-determination. By choosing to side with Israel on this final-status issue, the future of Jerusalem, the US is clearly supporting an Israeli narrative that defines Jerusalem as an exclusively Jewish city and without any Palestinian, Muslim, or Christian history. It also sends a message to the world that "might makes right" and power will replace rule of law with rule of the jungle. This spits in the face of the decades-long system of international law, as well as to countries that support our national rights, including the right to our sovereign capital in East Jerusalem.

4

Why did thousands of Palestinians in the occupied State of Palestine as well as inside Israel join the wide protests on the opening day of the US Embassy in Jerusalem and on Nakba commemoration day?

The Palestinian people have been peacefully protesting for weeks in commemoration of 70 years of Nakba, which coincided this year with the illegal move of the US embassy to Jerusalem. The message of Palestinian women, men, and children, to Israel and the world, is their rejection of Israel's humiliation and subjugation of our people, and of the US's declaration of Jerusalem as the capital of Israel and the move of its embassy to the city. They joined the protests to demand their national rights, including their right of return in accordance with UNGA resolution 194, and to demand justice, freedom, and independence in their own state on the 1967 borders with East Jerusalem as its capital. They further sought to express their strong rejection of American and Israeli dictations, and of this colonial project that aims to liquidate the Palestinian cause and to eliminate the political, national and human rights of the Palestinian people on their land.

5

What are the reasons behind the "confrontations" between the Israeli occupying forces and Palestinian protestors in Gaza? Can Israel justify its crimes as "self-defense"?

They are not confrontations between two equal sides and Israel can't justify its crimes as self-defense. In fact, the scene in Gaza shows a clear power asymmetry between the unarmed Palestinian protestors and the Israeli occupying forces. The Palestinians are peacefully protesting in accordance with their right, granted by international human rights law, while the Israeli occupying forces, equipped with all types of weapons, tanks, bombs, are attacking these protestors with artillery shelling, sniper fire, live and explosive live ammunition, rubber-coated metal bullets, and tear gas.

Israel is not defending its so-called "border", but is defending its occupation, and doing so unlawfully. Israel, the occupying power, has the duty to protect the civilian population it occupies in accordance with international humanitarian law, including the Fourth Geneva Conventions. Moreover, it is not acceptable to equate the occupied and the occupier. Similarly, it is inconceivable to equate between defenseless children, women and men and armed platoons and snipers who are using lethal forces and committing atrocities under the pretext of protecting security. The Israeli colonial occupation of Palestine is the root of violence and terrorism, and its end is the only way forward towards achieving peace and security in Palestine, Israel, and the entire world.

6

Can Israel claim that Palestinian protestors tried to "cross the border" with Israel?

No. In fact, Israel is the only State in the world that has not yet defined its borders. The current so-called "buffer zone" was unilaterally imposed by Israel, which means a de facto annexation of about 16% of the occupied Gaza Strip.

Israel imposes restrictions on Palestinian access to the areas located within the "buffer zone" and sometimes through the use of live bullets. It has been previously documented by international organizations that between January and May 2001 alone, Israel killed 19 civilians, including 7 children, and injured 252 people, including 73 children.[1]

7

What happened during the inauguration of the US Embassy in Jerusalem? What price did the Palestinian civilians pay for exercising their right to peacefully demonstrate against the Israeli occupation?

On May 14, Israel committed heinous crimes against the defenseless Palestinian protestors in Gaza. This was accompanied with justifications for Israeli use of lethal force, echoed and backed by Israeli and American lawmakers, including in the inauguration speech of Jared Kushner, who stated that *"we have seen from the protests of the last month and even today, those provoking violence are part of the problem and not part of the solution"*[2].

On that day, Israel deliberately gunned down 62 Palestinian civilians, including eight children and one paramedic. Bullets and shells wounded more than 3,180 Palestinians, including journalists, paramedics, 225 children and 86 women. Since March 30, 2018, Israel killed 111 Palestinians in occupied Palestine. During this period, more than 1000 children were wounded by Israeli fire according to UNICEF, the United Nations Children's Fund, in which *"many of these injuries are severe and potentially life-altering, including some resulting in amputations."*[3] No harm was done to any of the Israeli occupying soldiers.

According to the humanitarian NGO Médecins Sans Frontières (MSF), which is treating some of the wounded Palestinians in Gaza: *"this bloodbath is the continuation of the Israeli army's policy during the last seven weeks: shooting with live ammunition at demonstrators, on the assumption that anyone approaching the separation fence is a legitimate target. Most of the wounded will be condemned to suffer lifelong injuries. The Israeli army must stop its disproportionate use of violence against Palestinian protesters"*.

8

Are the peaceful Palestinian protestors the problem (as described by some)?

They are not. This suggestion is a “blame game” tactic to coerce the victim and to help the occupying power evade their political and moral responsibilities towards ending Israel's occupation of Palestine. For so long, the Palestinians have been requested to prove they are deserving of their human and national rights, that they deserve the very recognition of their existence.

The Palestine Liberation Organization recognized the State of Israel almost three decades ago and has since then committed itself to International Law, UN resolutions and a peace process that has turned into an Israeli colonization project, and which has failed all peace efforts towards a just and lasting political solution through the vision of two states. With the recent American moves, it is clear that the Palestinians are being requested to stop protesting and demanding their freedom and to instead normalize with their occupier by accepting the Israeli and American dictates towards the realization of Israel's expansionist vision to control all the historic land of Palestine.

9

What does Palestine expect from the international community?

The international community, including the United Nations and the Security Council, must assume their responsibilities in the maintenance of international peace and security and in ensuring international protection for the people of Palestine. Israel, the occupying power, should be held accountable for the ongoing and systematic crimes against the Palestinians and for its flagrant violations of international law. It is equally urgent to expedite the dispatch of a fact-finding mission to the occupied Palestinian territory and to open a transparent and independent investigation into recent events in Gaza, and for the International Criminal Court to expedite its investigation into Israeli crimes in Palestine. It is time for the international community to make a choice between the interest of peace and stability, through the implementation of international law, and the downfall of extremism, wars and international chaos.

10

What is the response of the Palestinian leadership and its steps to counter these illegal steps?

The official Palestinian position has not changed since Trump's declaration of Jerusalem as the capital of Israel that the US has disqualified itself from continuing its leadership role in the Peace Process. The US is not a neutral mediator, but is an adversary. We reject the US decision and consider the opening of its embassy in the city of Jerusalem as a celebration of the burial of the peace process and the principle of the two-state solution, to replace it with the principle of the one-state reality with two systems, otherwise known as, “apartheid.”

The Palestinian leadership has decided to continue the accession to international agencies and treaties, in addition to referring Israel's settlement enterprise to the International Criminal Court. We have therefore requested the ICC Prosecutor Fatou Bensouda immediately open the criminal investigation. The leadership has also called upon the Human Rights Council to expedite the dispatch of an international fact-finding mission to investigate the Israeli crimes in Gaza, and for the Security Council to assume its responsibility in providing urgent international protection for our people.

The leadership has additionally taken due legal action by sending letters of an inquiry to the US administration, and will request that the illegal decisions taken by President Trump be taken to the International Court of Justice.

We will continue to be committed to Palestinian popular resistance, to intensify efforts to achieve Palestinian national unity and to end the internal division, and to strengthen the steadfastness of the Palestinian people, especially in and around occupied East Jerusalem and the Gaza Strip.

[1] <https://www.diakonia.se/en/IHL/where-we-work/Occupied-Palestinian-Territory/Administration-of-Occupation/Gaza-Blockade-Land--Sea/Land-Buffer-Zone/>

[2] <http://time.com/5276274/jared-kushner-says-palestinian-protestors-are-part-of-the-problem/>

[3] <https://www.unicef.org/press-releases/unicef-delivers-health-supplies-gaza>