

Forum: United Nations Human Rights Committee

Issue: Supporting the rights of individuals under military occupation

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Introduction

Military occupations present unique challenges to human rights maintenance that could result in humanitarian disasters and drawn-out anguish. International Humanitarian Law (IHL) and International Human Rights Law (IHRL) provide a legal framework to protect individuals in occupied territories. Specifically referring to the Fourth Geneva Convention, IHL exposes the responsibilities of the occupying authorities, primarily concerning civilian protection and maintaining public order and safety. Therein, it forbids collective punishment, forced transfer, and damage to property for purposes not justified by military necessity, thus guaranteeing the minimum rights of individuals, even during war. At the same time, IHRL would be applicable during the occupation, safeguarding the right to life, free from torture, expression, and movement. However, the sordid history surrounding these legal instruments has proven that occupying forces usually breach these protections, leading to violations of human rights.

Recent developments, such as the Israeli military operations in Jenin, West Bank, raised the issue of excessive force and civilian protection, warranting requests from the United Nations to uphold international legal standards. Likewise, Russia's protracted occupation of regions in Ukraine has been met with international outrage for crimes against humanity, including forced deportations, attacks on civilian infrastructure, and the oppression of local communities. Individual rights under military occupation continue to be a key topic in international geopolitics. Violations of the international law framework demand close international scrutiny, advocacy, and accountability mechanisms; as well as meaningful international partnership to avert human rights violations and uphold the dignity of people living under occupation.

Definition of Key Terms

Military Occupation: Control over a territory by a foreign military power. (Roberts 1984)

International Humanitarian Law (IHL): A system of rules that regulates armed conflicts, including protection of occupied populations. (ICRC 1949)

War Crimes: Violations of IHL, which includes mistreatment of civilians in occupied territories. (Rome

Statute 1998)

Self-Determination: The right of people to determine their political status, remains significant in occupied territories. (UN Charter 1945)

Human Rights Law: Legal frameworks that protect individuals' rights under all circumstances. (UN General Assembly 1966)

Geneva Conventions: Treaties establishing legal protections for individuals in times of war and conflict, specifically for occupied populations. (Geneva Convention IV 1949)

General Overview

Safeguarding the rights of people under military occupation is a prime concern of international law and humanitarian action. Military occupation is the status in which the armed forces of one state control the territory of another state without annexing it legally, normally giving rise to immense legal, moral, and humanitarian issues. The population under occupation usually endures limitations on basic freedoms, economic adversity, and, in some instances, blatant violations of human rights. This requires the establishment of a robust legal framework accompanied by stringent enforcement mechanisms aimed at protecting the rights of individuals residing in occupied lands. Given the presence of international law that governs such an occurrence, enforcement proves challenging due to the influence of political, security, and geopolitical factors, which usually take precedence over humanitarian interests.

International Humanitarian Law (IHL) and International Human Rights Law (IHRL) are crucial in providing legal protection for individuals under the effects of military occupation. The main legal texts defining the obligations of an occupying power are the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949. These agreements highlight the importance of safeguarding civilians and maintaining public order. Prohibited measures aimed at avoiding abuses include collective punishment, forced displacement, and the seizure of private property. In addition, the Geneva Convention obligates the occupying power to supply food and medical aid to the local populace, safeguard civilians against violence, and honour their basic human rights. Along with International Humanitarian Law (IHL) and International Human Rights Law (IHRL), treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), impose obligations on occupying powers to ensure respect for basic rights such as life, education, and health, and freedom from torture and discrimination.

Yet, the enforcement of international standards in the real world remains a great challenge. The occupying power often justifies restrictive measures and practices under its security concerns,

sometimes reducing basic rights and freedoms. Civilians living in occupied areas mostly face curtailment of their movement in and out of those areas, suppression of political expression, arbitrary detention, and military courts unable to meet fair trial standards. Besides, ruining their civilian infrastructure, economic sanctions, and denial of humanitarian aid all contribute to long-term misery and insecurity. In many instances, political considerations and a lack of political will have inhibited international organizations set up to hold occupying powers accountable. Powerful states shield their allies from accountability, thus leaving international efforts toothless in addressing human rights violations.

The Israeli-Palestinian saga, especially in the context of the occupied territory of the West Bank, is a clear 21st-century example of these situations. Foreign organizations, including those of the United Nations, have reported concerns regarding the excessive use of force, arbitrary detentions, and movement restrictions targeted at Palestinian civilians. Disproportionate military responses and the killing of unarmed protesters in particular instances have triggered international condemnation. All of these problems bring to bear the larger problem of ensuring respect for human rights guarantees in occupied territory despite ongoing security conflicts and political tensions.

International organizations play a significant role in monitoring and advocating for the rights of persons under occupation. The International Committee of the Red Cross (ICRC), for instance, communicates with occupying authorities to ensure compliance with IHL, as well as to provide humanitarian aid to affected populations. On the other hand, investigations and reports on violations by the United Nations Human Rights Council and other agencies are often thwarted by political hurdles. NGOs and human rights defenders record violations and create awareness to pressure both governments and international organizations to intervene. However, these efforts, through enforcement mechanisms, rarely ever lead to any change on the ground beyond statements by diplomats and symbolic resolutions.

The rights of people under military occupation complicate the exigency of humanitarian assistance and legal accountability. Strengthening enforcement mechanisms at the international level, diplomatically pressuring governments to maintain occupation, and ensuring violators are accountable in international courts are critical phases. The voices of affected populations can be amplified, and the challenges they face can be brought into the limelight by supporting local and global advocacy efforts. Ultimately, protecting human rights in occupied territories is a legal obligation and a moral imperative, an assertion of the international community's collective will to uphold human dignity and justice in times of conflict.

Major Parties Involved and Their Views

Israel

Israel perhaps is one of the most visible occupying countries in terms of modern geopolitical conflicts,

largely because of its military presence in the Palestinian Region. According to Israel, its leadership sees the presence of the military as indispensable for protection against Palestinian militants. It goes on to state that the Geneva Conventions further do not apply to the Occupied Palestinian Territory because they were not independent states at the time of occupation. Israel's critics, from human rights organizations to the majority of the world's governments, contend that the Israeli military violates the rights of Palestinians under occupation. The accusations revolve around settlement growth, freedom of movement, and military activity that overwhelmingly targets civilians. However, defenders of Israel contend that its military responses are justified, and that the problem is exacerbated by security concerns and perpetual wars within the region.

Türkiye

Turkish deployment in Cyprus and some areas of Syria has created strong worldwide criticism. Türkiye has kept an armed force stationed in Northern Cyprus since 1974 in response to a failed coup attempt by Greek military groups. Türkiye justifies its occupation by stating that it keeps its troops stationed as it protects the Turkish-Cypriot populace from potential assault, especially those which may be conducted by Greek Cypriots. Türkiye argues that its intervention falls within the scope of safeguarding its citizens and asserting territorial authority. Likewise, Türkiye has conducted military invasions in Syria against Kurdish militants, which it asserts are linked to the Kurdistan Workers' Party (PKK), a group it considers a terrorist organization. The government of Türkiye asserts that its military interventions in the areas are intended to foster stability and prevent the spread of terrorism. These military interventions, critics assert, walk on the human rights of people in these regions, particularly the Kurds, by displacing them forcefully and curtailing their freedom.

European Union (EU)

The European Union (EU) has been a long-time struggle for the safeguarding of human rights in militarily occupied territories. The EU supports respect for international law, specifically the Geneva Conventions, which spell out the protection afforded to civilians in war situations. The EU has been one of the loudest critics of Israel's construction of settlements in Palestine, and it has asked Israel to obey international law when dealing with Palestinians. Moreover, the EU has advocated for Palestinian self-determination, such as campaigning for a two-state solution to the Israeli-Palestinian conflict. The EU also extends humanitarian aid to societies under military occupation, mainly in the Gaza Strip and the West Bank. By offering economic aid and assistance to civil society, the EU aims to mitigate the pains of occupation while supporting regional peacebuilding efforts.

International Committee of the Red Cross (ICRC)

The ICRC has a critical role to play in the enforcement of international humanitarian law in areas experiencing conflict. The ICRC is a neutral organization focused on safeguarding individuals in military occupation, offering humanitarian aid, and enforcing respect for the Geneva Conventions by the forces of occupation. The International Committee of the Red Cross promotes the rights of

occupied people, with a focus on the ban on collective punishment, ensuring decent living standards, and protection of vulnerable individuals, such as women and children. It observes the behaviour of occupying powers to ensure the fulfilment of international law and provides necessary services to affected persons, including health and nutrition.

Timeline of Events

1949	Adoption of the Fourth Geneva Convention.
1967	The Six-Day War, Israel occupied the West Bank, Gaza Strip and East Jerusalem.
1979	The Soviet Invasion of Afghanistan which led to a decade-long occupation.
1999	NATO intervention in Kosovo in response to human rights violations under Serbian rule.
2004	The International Court of Justice declared Israel's occupation of the West Bank Barrier illegal.
2012	UN Recognition of Palestine as a Non-Member Observing State
2016	UN Security Council Resolution 2334 was adopted.

UN Involvement

The United Nations is a pioneer of international attempts to counter military occupations and safeguard the rights of those living under them. The UN, through its organs, i.e., the UN Security Council, UN General Assembly, and UN Human Rights Council (UNHRC), condemned military occupations that violate international law. The United Nations has been critical of Israel's occupation of the Palestinian territories, comprising East Jerusalem, while advocating for the protection of Palestinian rights. The United Nations Relief and Works Agency for Palestine Refugees provides

essential humanitarian aid to Palestinians under the occupied condition, and the UN Committee on the Elimination of Racial Discrimination has expressed concern over the rights in the occupied Palestinian territory. Furthermore, the United Nations has adopted resolutions demanding respect for international humanitarian law and protection for civilians under occupation. However, its usefulness has too frequently been compromised by geopolitical agendas and the veto power of permanent members of the Security Council, including the United States.

Relevant UN Documents

Universal Declaration of Human Rights (UDHR) – 10 December 1948 (A/RES/217 A)

Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) – 12 August 1949

UN Security Council Resolution 242 (On Israeli-Palestinian Conflict and Occupied Territories) – 22 November 1967 (S/RES/242)

UN General Assembly Resolution on Basic Principles for the Protection of Civilian Populations in Armed Conflicts – 14 December 1970 (A/RES/2675 (XXV))

Treaties and Events

Hague Conventions (1899 & 1907) on the Laws of War: Established legal frameworks for the conduct of war, including how civilians are treated in conquered territories. Major world powers signed the conventions, but their enforcement has been inconsistent.

Geneva Conventions (1949) and Additional Protocols (1977, 2005) on the Protection of Civilians in Armed Conflicts: The Fourth Geneva Convention, passed on August 12, 1949, particularly protects civilians under military rule. Additional Protocol I (1977) broadens these rights, but it has not been ratified by the United States, Iran, Pakistan, Israel, Türkiye, or India.

UNGA Resolution 181 (II) on the Partition of Palestine: This resolution, voted on November 29, 1947, with 33 votes in favour, 13 against, and 10 abstentions, suggested partitioning British Palestine into Jewish and Arab states. Jewish leaders agreed, but Arab states rejected it, resulting in the 1948 Arab-Israeli War and subsequent military occupation.

UNSC Resolution 242 on Israeli Withdrawal from Occupied Territories: Adopted on November 22, 1967, after the Six-Day War. It urged Israel to withdraw from seized lands and recognize all regional governments. Israel, Egypt, and Jordan adopted the resolution, but the Palestine Liberation Organization (PLO) rejected it since it did not recognize Palestinian self-determination.

Evaluation of Previous Attempts to Resolve the Issue

International law, particularly the Geneva Conventions of 1949, focuses on the protection of persons under military rule. These accords obliged the occupying States to provide for the humane treatment of people, to forbid forced eviction accompanied by physical coercion, and to prevent the destruction of invaluable infrastructure.

Since these conventions create a somewhat legal framework to work from when human rights violations take place, it has usually been in practice rather uneven. Some occupying powers have simply ignored or selectively applied these standards, and the sanctioning processes have been rendered ineffective due to the absence of an overarching organization capable of exacting tawdry consequences against a recalcitrant few. The other points have suggested involving international organizations like the United Nations (UN) and the concerned Non-Governmental Organizations (NGOs) therein. The United Nations has passed resolutions condemning human rights violations in occupied territories and has deployed peacekeeping forces to monitor and curtail violence over and over. However, political divisions within the UN Security Council have often stymied decisive action, with powerful states with vested interests blocking or diluting resolutions.

NGOs, on their side, have fulfilled an important function in providing alerts and documenting abuses, though their work has suffered from logistical limitations and refusal of access by occupying forces into the affected areas. Diplomatic measures and negotiations have also been conducted to attempt and try to address issues and secure the rights of persons under occupation.

Peace treaties and agreements, such as the Oslo Accords in the Israeli-Palestinian conflict, seek to lay the foundations for coexistence and self-governance. The accords have delivered gains in the short term at times, but where long-term success is concerned, political instability, lack of trust, and a failure to implement obligations stand in the way. The peace process has frequently stalled, causing serious suffering to occupied populations. Social and economic support strategies have intervened as well. International programs have sought to assist the population under occupation through campaigns for food, medical supplies, and educational opportunities.

While such projects have made a tangible impact, they often fail to avert the underlying causes of occupation, with some occupying forces sometimes manipulating them for political gain. Economic measures against the occupying forces have also been implemented as pressure for compliance with international standards, and while they have varied effectiveness, some states manage to avoid these sanctions or displace the costs onto civilian actors, rather than their governments.

Possible Solutions

Improving the enforcement of international law is one of the fundamental measures for the protection of the people under occupation. The Geneva Conventions and various resolutions of the United Nations lay down different rules concerning the treatment of civilians in occupied territories. However, mechanisms for their enforcement remain weak, and very often the occupying forces infringe these rules without being brought to serious accountability. Counter-highlighting this, international organizations must hold the occupying forces accountable by imposing fines, travel bans on officials involved in human rights violations, and prosecution in international courts. Strengthening institutions such as the International Criminal Court (ICC) to act as a deterrent for violations while offering justice to the victims. Diplomacy and international campaigning should serve as an integral part of defending

the rights of people under occupation.

Nations and international organizations should engage in diplomatic channels to condemn human rights violations and call for conformity with international law. For example, using trade restrictions, diplomatic isolation, and positive or negative economic incentives could help apply additional pressure on the occupying forces toward compliance with human rights. Moreover, global media coverage and campaigning for these issues by human rights organizations will help raise public consciousness and galvanize opposition against the oppressive occupation.

Civil rights organizations, including Amnesty International and Human Rights Watch, have contributed majorly to documenting abuses and campaigning to uphold the rights of the affected communities. Humanitarian aid and economic support are essential to relieve the suffering of people living under military occupation. Occupations exacerbate economic hardship, create shortages of food and medicines, and limit access to basic services. Humanitarian organizations of international repute, such as the Red Cross and the relevant UN agencies, should be permitted free access to the occupied territories to render life-saving assistance.

Additionally, financial aid targeting the affected communities can sustain local businesses and reduce reliance on the occupying power. This should cover aid to the health sector, education, and infrastructure, thus allowing some degree of normalcy for civilians during the occupation. Non-violent resistance and grassroots movements within the occupied territory serve as a protective measure for individual rights. Civil protests, litigation, and initiatives aimed at exposing human rights violations become part of the fight against oppression and accountability. Digital activism, social media campaigns, and international networking can raise the voices of those living under occupation and foreground their concerns up to the international level.

In addition, legal practitioners and activists can offer legal assistance to people in the occupied areas suffering from arbitrary arrests, property seizures, or restrictions of movement. Long-term conflict resolution as well as peace negotiations are necessary to terminate occupations and restore the rights of affected citizens. The international community shall be instrumental in mediating talks between the occupiers and local communities to arrive at just and long-term solutions. Diplomatic efforts shall be directed toward achieving self-determination, security guarantees, and political autonomy for the occupied territories.

Notes from the Chair

The issue of supporting the rights of individuals under military occupation is a complex issue as it consists of different points of views. Most of the time the occupying state has its own justifications for why they keep troops in a specific region or why they are occupying an area, which were all previously mentioned in this report. Therefore, the delegates should focus on all of these views while working on this issue, due to the complexity of the issue the solutions will be expected to cover all the views. Overall, the resolutions should be consisting of both long and short-term solutions and should

be written with the internal and external affairs of each relevant government in mind.

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