



General Assembly

Distr.: General
2 June 2022

English only

Human Rights Council

Fiftieth session

13 June–8 July 2022

Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Joint written statement* submitted by International
Organization for the Elimination of All Forms of Racial
Discrimination, Association Ma'onah for Human Rights and
Immigration, International-Lawyers.Org, Union of Arab
Jurists, United Towns Agency for North-South Cooperation,
non-governmental organizations in special consultative
status, International Educational Development, Inc., World
Peace Council, non-governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 May 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Apartheid: A System of Oppression and Domination over Palestinians

Israel's long occupation is now indistinguishable from apartheid practices. Laws and policies maintain a cruel system of control over Palestinians. The Israeli system is based on institutional discrimination leaving Palestinians geographically and politically fragmented, often impoverished, and in a constant state of fear and insecurity. This system of oppression and domination against Palestinians across all areas under Israel's control aims to benefit Jewish Israelis.

Apartheid is prohibited in international law through both customary and conventional international law. This *jus cogens* norm, for which no derogation is allowed, is one of the most serious crimes in international law in the same category as war crimes, wars of aggression, territorial annexation, genocide, slavery, torture and crimes against humanity.

The UNSC and GA have declared in hundreds of resolutions that Israel's annexation of the occupied territories is illegal, that the construction of Jewish settlements is illegal, and the denial of Palestinian self-determination violates international law. As stated by Michael Lynk, former Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, if the international community had really acted on its resolutions, we would not be talking about apartheid today.

Israeli settlements

Israel's political leaders seek to maintain control over the entire occupied territory through the establishment of settlements, in violation of international law, where 700,000 Israeli Jewish settlers live with full legal and political citizenship rights amidst five million stateless people. Israel's plans are unequivocal: to have more Jewish settlers and settlements on larger parcels of occupied land and thus expropriate more Palestinian property and use harsher and more sophisticated methods of population control. Their goal is to confine Palestinians to barricaded population reserves.

In January 2022, Israeli authorities carried out evictions of several Palestinian families in the Sheikh Jarrah neighborhood in East Jerusalem. Palestinian residents in this area have been continuously under threat of expulsion and forced displacement and targeted by Israeli authorities, who use discriminatory laws to systematically dispossess them of their land and homes for the benefit of Jewish Israelis. In response, Palestinians across Israel and the OPT held peaceful protests in support of the families. These assemblies were met with excessive and deadly force with thousands injured, arrested and detained.

On May 12, 2022, the occupying force approved the building of 4,427 new homes in its settlements on occupied West Bank land. This unilateral and provocative decision of continued settlement expansion further encroaches upon Palestinian land and natural resources and hampers the free movement of the Palestinian population. These events are emblematic of the oppression, which Palestinians have faced every day, for decades. The discrimination, dispossession, killings and injuries are all part of a system, which is designed to privilege Jewish Israelis at the expense of Palestinians.

Israeli forces' use of live ammunition against unarmed civilians

The level of violence exerted by Israel has been steadily increasing over the past 16 months. 2021 marked the highest number of Palestinian deaths resulting from confrontations with Israelis related to the occupation since 2014. The number of Palestinian children killed as a result of Israeli violence in 2021 was the most since 2014. In just 5 months of 2022, the number of Palestinians killed by the Israeli military is nearly five times higher than in the same period last year. 104 Palestinians, including 20 children and 12 women, have been killed by Israeli forces in various incidents since 2022.

Neither the elderly nor children are spared Israel's cruelty. Omar Abul-Majid As'ad, 80, was killed by Israeli soldiers who invaded a village north of the central West Bank city of

Ramallah, before detaining and assaulting him causing bruises on his head, redness on his wrists from being bound, and bleeding in his eyelids from being tightly blindfolded. Mo'tasem Mohammad Atallah, 18, was killed by Israeli forces near the illegal Israeli colonial settlement of Tekoa', in the occupied West Bank. M.R.S.S., 14, was shot by Israeli soldiers with live rounds and prevented a Palestinian Red Crescent ambulance from reaching him. Hanan Mahmoud Khmour, 18, died from serious wounds she suffered when she was shot by Israeli soldiers while she was on her way to her school in Jenin as the soldiers opened fire on the car during an invasion of the city. How many more innocent Palestinians need to be murdered before the international community takes action against Israel's failure to comply with the principle of distinction between civilians and combatants?

During the holy month of Ramadan, Israeli forces stormed on a daily basis the Al-Aqsa Mosque in the Old City of Jerusalem. On Friday, April 15, 2022, as thousands of Palestinians gathered to pray, the Israeli forces fired rubber bullets, stun grenades, and baton-charged the Palestinian civilian worshippers performing the dawn prayer, resulting in the arrest of more than 300 people and the injury of at least 158. On Tuesday, April 19, 622 Israeli settlers under the protection of the armed forces also took part in the attack. They broke into the walled holy compound without regard for the elderly, women, and children, causing panic and forcing people to run for cover from police rubber bullets, stun grenades and tear gas. Videos show police officers using batons to subdue arrested Palestinians and clear people from the esplanade. Several videos show Israeli officers club unarmed civilians, as they stand next to children. One of the many victims, Walid Sharif, 23, died from serious wounds after Israeli soldiers dragged him out of the courtyards of Al-Aqsa Mosque, and then brutally assaulted him despite his serious wounds. The decision to storm Al-Aqsa Mosque and the unjustified attack on the worshippers inside reflects the recklessness of decision-makers in Israel and their desire for escalation.

On May 11, 2022, Shireen Abu Akleh, the voice of the Palestinian territories, was coldly shot by the Israeli army. The prominent Al Jazeera journalist was killed while covering events in the Jenin area of the occupied West Bank, while wearing a jacket with the word "press" written on it. Without even attempting to engage with the press team, the Israeli occupation forces intentionally fired live ammunition, killing her immediately. The killing of an identified press worker in a conflict area is a violation of international law. Ms. Abu Akleh was targeted because of her work covering and reporting to the world about Israeli aggressions in the occupied territories. Then, on Friday May 13, 2022, Shireen Abu Akleh's funeral was marred by another burst of violence. As hundreds gathered to pay respect, riot Israeli police intentionally and brutally assaulted the people carrying her coffin, causing them to almost drop it.

According to UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials, the intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life in self-defense or defense of others against the imminent threat of death or serious injury, and only when less extreme means are insufficient to achieve these objectives. However, in all of the cases of killings described above, Israeli forces opened fire with live ammunition on Palestinians who were posing no imminent threat to the lives of the soldiers or others. Although some of the victims were engaged in stone-throwing, the circumstances of all their deaths point to them having been victims of unlawful killings, including wilful killings – such killings amount to war crimes. This pattern of killings and injuries of civilians should urgently be addressed and remedied.

Israeli forces have repeatedly violated their obligations under international human rights law, and have been permitted to do so with virtual impunity due, in no small part, to the authorities' failure to conduct thorough, impartial and independent investigations. Such arbitrary and abusive use of force contravenes policing standards that protect the right to life and other human rights and they also violate international humanitarian law applicable in territories under foreign military occupation, including the West Bank.

Conclusion and recommendations

We regret the lack of progress made in domestic investigations in accordance with international law standards, and aware of the existence of numerous legal, procedural and practical obstacles in the Israeli and Palestinian civil and criminal legal systems contributing to the denial of access to justice for Palestinian victims and of their right to an effective judicial remedy.

We lament the international community's inaction in the face of the arbitrary and extrajudicial executions, torture, denial of fundamental rights, abusive military justice system, and home demolitions.

The international community must ensure that all law enforcement agencies conform to international human rights standards and a thorough and impartial investigation into all deaths and injuries in order to identify those responsible and bring them to trial. Justice and accountability must be held, adequate compensation to the families of victims and medical assistance to injured people.

We further exhort the office of prosecutor of ICC to consider the applicability of the crime against humanity of apartheid within the current formal investigation of crimes under international law committed in the OPT.

Geneva International Centre for Justice (GICJ), Just Atonement Inc., Arab Lawyers Association-UK, Human Rights Defenders (HRD), Brussels Tribunal, Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organization for Justice & Democracy in Iraq (OJDI), Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.