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**Human rights situation in Palestine and other
occupied Arab territories**

Joint written statement* submitted by Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH), Al-Haq, Law in the Service of Man, non- governmental organizations in special consultative status

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

[7 February 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.



State-sanctioned Israeli settler terrorism soars amid institutionalized apartheid and international inaction

The human rights situation in the Occupied Palestinian Territory (oPt) continues to deteriorate amid an escalation in Israeli violence, crimes, and human rights violations across historic State of Palestine. The lack of action by the international community provides fertile ground for such grave escalations. From extrajudicial killings to mass detentions and the use of the cruel tool of administrative detention, to rapid illegal settlement expansion, soaring settler terrorism, looming annexation, systematic home demolitions and forced displacement, Israel, the Occupying Power, has manifestly escalated its scope and magnitude of crimes and human rights violations, for the purpose of maximizing its illegal land grab to establish and maintain a Jewish majority while fragmenting the Palestinian people as part of its apartheid and settler-colonial regime.

Israel continues to impose a multi-tier legal system; one for privileged Jewish-Israeli settlers living in illegal settlements and another for the Palestinians living on both sides of the Green Line and in exile. While Israeli settlers residing illegally in the occupied West Bank, including East Jerusalem, are subject to civil law and are tried at civil courts, Palestinians living under occupation in the same geographic area live under military rule and are sent to military courts with an indictment rate close to 100% (1). It is also worth mentioning that Israel is the only country in the world with a military court system that prosecutes children (2). Palestinians living inside the Green Line are also discriminated against within the Israeli legal system even though they are full Israeli citizens. For example, Palestinian towns and cities inside the Green Line lack the advanced urban and infrastructure development as their Jewish-Israeli counterparts. This reality, which amounts to Apartheid, a crime against humanity, has been attested by renowned and reputable international human rights groups, notably Human Rights Watch and Amnesty International (3), echoing earlier Palestinian calls and claims. This regime manifests in the form of applying two sets of laws for two populations living in the same area.

Continued ethnic cleansing and settler-colonialism

Today, around 300 illegal Israel settlements and settlement outposts exist in the occupied West Bank, including East Jerusalem, with around 680,000 settlers residing in them (4). The illegal Israeli settlement enterprise is accompanied by a whole network of military outposts, settler-only bypass roads and the annexation wall, all of which further confiscate and limit Palestinians' ability to access and use their land, thereby hindering the natural demographic expansion of the indigenous Palestinian population and confining them into isolated cantons. It also facilitates the pillage of natural resources, such as water aquifers and quarries.

Israeli settlements are expanding at a rapid rate and constitute the biggest obstacle to achieving an independent Palestinian state, in flagrant violation of international law, including UN Security Council Resolution 2334, which ordered Israel to "immediately and completely cease" all settlement activities in the oPt. Israel's settlement enterprise also comprises war crimes under the Rome Statute.

To facilitate its settlement enterprise, Israel systematically employs the policy of home demolitions across the occupied West Bank, including East Jerusalem. In 2021, 906 homes and structures belonging to Palestinians were demolished by Israeli occupation authorities, displacing 1,205 Palestinians, including 276 women and 655 children, and affecting the livelihood of 12,693 others (5). Israel also continues to forcibly evict Palestinians from their land and homes located in the oPt, particularly in occupied East Jerusalem, such as in the Jerusalemite neighborhoods of Sheikh Jarrah and Silwan, in favor of Israeli settlers, with the complicity of Israel's judiciary (6). Overall and across historic Palestine, Israel aims to replace the indigenous Palestinian population with privileged Jewish-Israelis.

Surging Israeli Settler Terrorism

Motivated by a culture of impunity and state complicity, state-sanctioned Israeli settler terrorism is increasing at an unprecedented rate. Israeli settlers continue to terrorize Palestinians in the occupied West Bank, including East Jerusalem, through shootings, night raids, burning and cutting down farmland and trees etc. Settlers are often accompanied by Israeli occupation forces, who provide them protection, and who sometimes even join them in their attacks against Palestinians. MIFTAH, the Palestinian Initiative for the Promotion of Global Dialogue and Democracy, conducted evidence-based research on the ground to document settler terrorism, especially against women and children. According to its findings, during the first six months of 2020, 528 incidents of settler violence took place in the Northern Governorates of the occupied West Bank, including isolated agricultural and Bedouin areas. Israeli settler terrorism manifested in various forms, namely shootings, night raids, damaging property and farmland, all aimed at terrorizing and forcibly displacing the Palestinian population and facilitating the theft of land and resources.

In detail, the report documented 112 night raids, where Israeli settlers attacked Palestinians and their properties during the night, attempting to terrorize and instill fear, especially in women and children. The report also detected 167 attacks on agriculture, namely burning and cutting down trees and destroying greenhouses and farming equipment. Additionally, 172 cases of denying Palestinian farmers access to their land were also reported along with 29 incidents of shootings, car ramming and throwing stones at Palestinian children on their way to/from school. Israeli settlers also dumped sewage water on Palestinian farmland 15 times during this period. Finally, 25 offenses against Palestinian women working in illegal Israeli settlements were documented. It is worth noting that all these crimes were committed in the presence of Israeli occupation forces who often assisted the settlers, in contradiction to the Occupying Power's obligation under international humanitarian law to provide protection for the civilian population living under its military occupation. Further, the affected Palestinians filed numerous complaints to Israeli occupation authorities which led to zero indictments and prosecutions.

The inaction and complicity of the international community

In the absence of accountability, Israel is emboldened to continue its course of action and commit unchecked crimes and human rights violations with full impunity. Israel will continue to act in such a disruptive way with total disregard for international law as long as it is given a free pass by the international community. Thus, inaction from the international community amounts to complicity in these crimes. The international community bears full responsibility to hold Israel accountable for its persistent and egregious crimes. From the onset, the international community was heavily involved in the situation as it partitioned historic Palestine and created Israel. Now as ever, the obligation of the international community to deliver justice to the Palestinian people and realize their inalienable rights of self-determination and of return remains imperative. It must employ effective and concrete measures of accountability against Israel and ensure that justice is delivered. In this context, the decision by the International Criminal Court to investigate war crimes and crimes against humanity in Palestine is a welcome step that needs to be supported by all international actors.

Recommendations

Accordingly, we call on the Council and Member States to:

- Recognize the institutional regime of racial domination and oppression, amounting to the crime of apartheid, imposed by Israel upon the Palestinian people as a whole, including those living on both sides of the Green Line and as refugees and exiles denied their right of return abroad;
- Meet its responsibilities to put an end to Israel's impunity and hold it accountable for its persistent crimes and human rights violations through effective and concrete measures, including sanctions and the prohibition of settlement produce, designed to

put pressure on the Israeli authorities to bring the occupation of the oPt, and the maintenance of an apartheid regime over the Palestinian people, to a prompt and unconditional end;

- Call on the UN implement its resolutions relating to the Question of the State of Palestine, towards the realization of inalienable right to self-determination and return of the Palestinian people;
- Supporting the Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967 and for expanding their mandate to include both sides of the Green Line and Palestine refugees in exile;
- Ensure international justice and accountability, including by supporting a full, thorough, and comprehensive investigation into the Situation in the State of Palestine by the International Criminal Court, and supporting the ongoing Commission of Inquiry established under the Human Rights Council resolution S-30/1 and provide it with adequate resources to fulfill its mandate.

(1) Military Court Watch, 'Fact sheet' (November 2019).

<https://www.militarycourtwatch.org/page.php?id=a6r85VcpyUa4755A52Y2mp3c4v>

(2) DCI-Palestine, "Military Detention" https://www.dci-palestine.org/military_detention

(3) Human Rights Watch, 'A Threshold Crossed' (27 April 2021) <

<https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>>; Amnesty International, 'Israel: Palestinians are living under a system of apartheid - major new report' (1 February 2022)

(4) OHCHR, 'Israeli settlements should be classified as war crimes, says UN expert' (9 July 2021).

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27291&LangID=E>

(5) UN-OCHA, 'Data on demolition and displacement in the West Bank' (5 February 2022).

<https://app.powerbi.com/view?r=eyJrIjoiMmJkZGRhYWQtODk0MS00MWJkLWI2NTktMDg1NGJlMGNiY2Y3IiwidCI6IjBmOWUzNWRiLTU0NGYtNGY2MC1iZGNjLTViYTQxNmU2ZGM3MCI9ImMiOjh9>

(6) UNHRC, 'Palestinian Dispossession and Displacement: The Pressing Cases of Sheikh Jarrah and Silwan' (24 September 2021). <https://undocs.org/pdf?symbol=en/A/HRC/48/NGO/150>