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

Written statement* submitted by Organization for Defending Victims of Violence, a non-governmental organization 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.

[21 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.



Human Rights in the Occupied Palestinian Territories

Nearly 70 years after the occupation of Palestinian territories by Israel, human rights violations including: the oppression and domination of the occupying power over the Palestinians, the increase in the cases of violence committed by the settlers and the application of racial discrimination are increasing and expanding. Since the adoption of the Security Council Resolution 2334, Israel has not paid slightest attention to settlement ban. The 20 reports (1) submitted by the UN officials to the UN Security Council indicate that Israel has not complied by any of the Security Council's directions. Also, the Human Rights Council experts have expressed concerns in this regard. Between January 2018 and the end of November 2021, a total of 73 statements were issued by UN Special Rapporteurs on the human rights situation in OPT on a variety of issues, including the occupation of Palestinian territories, settlements, detention of Palestinians, and racial discrimination. However, the occupation continues and its roots are deeper than ever while the international community has no strategy to end the world's longest military occupation.

In this statement, the Organization for the Defense of Victims of Violence (ODVV) addresses three issues: apartheid, urbanization, and racial discrimination.

Apartheid

An apartheid system as a general and strong rule over the Palestinian people has been maintained since 1948 through adoption of laws, policies and practices and since 1967 extended the system to the West Bank, including East Jerusalem and the Gaza Strip, through occupation. The ruling political system in the Occupied Palestinian Territories (OPT) has given one ethnic group fundamental rights, while another group lives behind walls, checkpoints and under a permanent military force control while experiencing inequality as well as lack of dignity and freedom all of which prove the existence of apartheid.

According to the definition of apartheid in "International Convention on the Suppression and Punishment of the Crime of Apartheid" and in "the Rome Statute", Israel's illegal sovereignty over the Palestinian territories through the annexation of the Occupied Territories has all three characteristics mentioned in the definition: "Establishing and maintaining domination of one racial group over another"; "Systematic repression and institutionalized discrimination"; and "committing inhumane acts".

Establishing and maintaining domination of one racial group over another is conducted through measures including adoption of the Jewish Nation-State Act and protecting the right to self-determination for the Jewish people while Palestinians are deprived of the right.

Systematic repression and institutionalized discrimination against Palestinians is conducted through measures such as unequal treatment of Palestinians compared to settlers by Israel's two-tier structure.

Inhumane acts and other abuses of fundamental rights include: Extensive restrictions on the movement of 4.7 million Palestinians, the refusal to allow the return of more than 700,000 Palestinians and their children who fled or were deported in 1948; the confiscation of more than 1.8 billion square meters of land in the West Bank and the use of more than 60.75 million square meters of land by authorities for Israeli civilians; widespread restrictions on the movement of 4.7 million Palestinians; refusal to register at least 270,000 Palestinians who were outside the West Bank and Gaza at the beginning of the occupation in 1967; revocation of residence of approximately 250,000 people mainly due to their long-term presence abroad between 1967 and 1994; in addition to granting citizenship to Palestinians under the condition of proving residence before 1948 (2). Israel policies of confiscation and discrimination in all territories under its control, is clearly an example of apartheid. Perhaps that is why Israel did not sign nor ratified the 1973 Apartheid Convention.

Settlement Construction, the Violence of Settlers and Businesses Related to Settlement

Israel received 21 recommendations in the most recent UPR Review in 2018 to stop the settlement construction but did not accept any of them and at the same time continues to expand the occupation and constructions at a daily basis. Settlements that are a key part of apartheid policies violate international law under Security Council Resolution 2334 (2016). According to the UN experts, plans are underway to build about 3,000 housing units in a number of settlements (3).

In 2018, 99.76% of government lands were exclusively allocated to settlements. Between 2009 and 2020, more than 23,696 housing units have been built in the settlements, seizing about 2,000 square kilometers of Palestinian land (4).

The world has witnessed the highest level of violent incidents against Palestinians in 2021. In the first 10 months of 2021, there were 410 attacks by Settlers against Palestinians (302 attacks at property and 108 attacks at individuals). The figure consists of a total of 358 attacks in 2020 and 335 in 2019 (5), which is contrary to Article 27 of the Fourth Geneva Convention on protection of civilian population in occupation. According to an Israeli Human Rights Organization, between 2005 and 2019, over 90 percent of investigation cases into settler attacks against Palestinians have been closed by Israeli authorities without charge (6).

In addition, according to the United Nations Conference on Trade and Development the Israeli blockade has cost the Palestinian economy \$ 57.7 billion. (7)

Racial Discrimination and Segregation

According to the definition set forth in Article 1 of the Convention on the Elimination of All Forms of Racial Discrimination, "any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". Currently, five million Palestinians live in the Occupied Palestinian Territory without citizenship without basic rights and self-determination since the Israeli occupation (8). In its 2018 UPR review, Israel accepted recommendations from India and Cuba on the need to work for repealing all legal frameworks and instruments that maintain racial discrimination and the integration of new Jewish immigrants into Israeli society.

However, Israeli policies discriminate between Palestinians living in the Occupied territories and the Jewish Israelis. Palestinian Arabs who are considered as racial groups face discrimination based on nationality, ethnicity, religion, ancestry, and lineage. 475,000 Israeli settlers in the West Bank enjoy Israeli citizenship and benefits for access to insurance and social services (9). Meanwhile, the law passed by Israel Knesset in 2022 has introduced restrictions on Palestinians married to Israelis. The law has failed to guarantee equality and non-discrimination so far.

In addition to racial segregation, geographical segregation has also taken place by Israel, for example, a precise set of walls, checkpoints, trenches, closed military zones, segregated roads are allocated for Palestinian use only, and there are other roads only for Israeli Jews to cross. Some 120,000 to 140,000 Palestinians living in the West Bank side of the separation wall have been denied access to cities and the services (10).

Organization for Defending of Victims of Violence (ODVV) calls for guarantees of justice for victims of widespread violations in the OPT, including for the crime of apartheid.

ODVV also, calls for the reestablishment of the UN Center and the UN Special Committee against Apartheid.

In addition, we call on all member States to ratify the 1973 Convention.

Finally, we support the mission of the Independent Commission of Inquiry of the OPT to investigate the root causes of human rights abuses in the Occupied territories.

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