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Human rights situation in Palestine and other occupied Arab territories

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.

[3 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.



A Review of Numerous Violations of the Human Rights of Palestinians in Israel

Among the 193 member states of the United Nations, none has been more indifferent than Israel towards decisions, resolutions and reports of the Security Council, the Human Rights Council, the International Criminal Court and the UN specialized agencies. Meanwhile, an interesting note is the inaction and indifference and failure to investigate by the international community towards the human rights violations committed by Israel. For example, the Security Council in resolution 476, (1980) "reaffirmed the overriding necessity to end the prolonged occupation of Arab territories occupied by Israel since 1967". While Israel continued to disobey all previously adopted resolutions, the Security Council stated that in the event of not responding to this resolution action would be taken against Israel. (1) Nevertheless, the threat was never put into practice and even in the recent years, in the 20 reports since the adoption of resolution 2334, the UN Secretary General or his representative on each occasion have declared that Israel has not complied with any of Security Council's guidelines. (2) Also since 1967 the Security Council has reiterated at least 11 times that according to Article 2(4) of the UN Charter, getting lands through conflict and by force is unacceptable. (3)

The Organization for Defending Victims of Violence (ODVV) would like to take this opportunity and highlight the main cases of violations of Palestinians' human rights over the last seven decades:

1 – Settlements constructions in the occupied Palestinian territories, blatant violation of international law

Settlements construction is considered as the most important the human rights violation in the Occupied Palestinian Territories. There is a collective agreement within the international community that "the transfer by the Occupying Power of parts of its own civilian population into the territory it occupies ... is violation of Article 49 of the Fourth Convention" (4), violation of the Fourth Geneva Convention. Settlement of the occupying power migrants in the occupied territories was confirmed as a "grave breach" in accordance with international humanitarian law explained in the First Additional Protocol to the Geneva Convention in 1977.

The UN Special Rapporteur on the Human Rights Situation in the Occupied Palestinian Territories, deems Israel's policy of settlements construction as "war crime" in accordance with international humanitarian law and the Rome Statute and it confirms the belief that settlements construction is an "continuing crime" and within the ICC's temporal jurisdiction. (5)

The illegality of settlement construction has been confirmed by the ICC, UN General Assembly, the UN High Commissioner for Human Rights, the Human Rights Council, the EU, ICRC, the signatories of the Fourth Geneva Convention and nongovernmental organizations. (6) In 2016, in resolution 2334 the Security Council reaffirmed (7) that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of lasting and comprehensive peace. At the time of the adoption of the resolution there were approximately 400,000 Israeli settlers in the West Bank and 218,000 settlers in East Jerusalem. Five years later, the number for the West Bank settlers has reached 475,000 and East Jerusalem to 230,000 which shows a 12 percent increase. (8)

The Special Rapporteur on the Occupied Palestinian Territories (OPT) estimates the Israeli settlements population at approximately 700,000 and believes that the roads and urban structures which connect Israeli settlements to other places are expanding. (9) This is while there are plans for the construction of around 3000 housing units in some settlements in the West Bank where there are ongoing constructions. Recent reports indicate that the Israeli government is planning to legalize a number of settlements construction bases (10). These include the 317million dollar project for doubling the population of Jewish settlers in the

Golan Heights which will take place through the construction of 7300 homes for settlers in a five year period. (11) It must not be forgotten that Israeli, European and international business companies who provide services to Israeli settlements play a key role in the facilitation of the operation of settlements. (12)

2 – Establishment of Apartheid and Racial Discrimination

Following over a decade work of regional and international Palestinian activists on Apartheid, the UN bodies, Special Procedures and States have also recognized the application of Apartheid against the people of Palestine. On 12 December 2019, the UN Committee on the Elimination of Racial Discrimination confirmed that the continuation of Israel's policies and methods which violate article 3 of the Racial Discrimination Convention, cause racial segregation and Apartheid and indicate the discriminatory reality in which Israelis and Palestinians have different and unequal rights. A recent report criticizes Israel's policies stating that Israel committing violations in occupied Palestinian territories according to the Rome Statute, has the same legal definition of Apartheid (13) in an unprecedented move on 16 June 2020, 47 UN Special Procedures warned that Israel's plans for annexation of the West Bank would be the crystallization of an unjust reality: two populations living in the same territory, ruled by the same government, but with profoundly unequal rights. "This is a vision of a 21st century apartheid." (14)

3 – Labelling Palestinian human rights organizations as terror groups

In October 2021, the UN High Commissioner for Human Rights condemned Israel's decision to name six Palestinian civil society organizations as "terror groups" and said that this label must immediately be removed. He stressed that the fight against terrorism law must not be applied to human rights and humanitarian campaigns, and organizations which are part of the main and key partners of the OHCHR. As a result, this unilateral decision will face huge consequences. Restriction of space for legitimate campaigns in accordance with international law is not only a mistake but has an opposite result, because it will restrict the space for amicable dialogue. (15)

Also, on 26 October 2021 a number of UN experts said that the UN Security Council, General Assembly and Human Rights Council are all clear and unanimous on the necessity to take action against terrorism in a way which adheres to international laws and international commitments, but Israel's Counter-Terrorism Law of 2016 undermines security for all. In the recent years the IDF has repeatedly targeted human rights defenders, because its continuous occupation process has deepened, disregard of international laws and its human rights record has worsened. (16)

Through another action, a number of UN experts asked the High Representative of the European Union for Foreign Affairs and Security Policy to investigate the Israeli Minister order designating six Palestinian NGOs as terrorist organizations. They have pointed out a number of international laws and good democratic methods towards protection and preservation of the work of the civil society organizations. (17)

Since the designation, in October 2021, there is no verbal evidence for justification of Israel's claims and despite the repeated requests, Israel has not been able to prove its claims. To add credibility to their criticism, Special Rapporteurs have reiterated on the lack of credible evidence offered by Israel giving reference to the statements of the High Representative of the European Union for Foreign Affairs (17 November 2021), Irish Republic Foreign Minister's statement (2 November 2021) and Norway's Foreign Minister's statement (3 November 2021). (18)

ODVV believes that Israel's Counter-Terrorism Law of 2016 which is used as a reference for designating the NGOs is in itself a blatant violation of the Declaration on Human Rights Defenders; Article 2(f) of the Apartheid Convention (1973) and freedom of expression and association under the International Convention on Civil and Political Rights.

ODVV recommends:

- The international community to:
- Support the current investigation on Israeli settlements construction by the ICC's Prosecutor's office;
- Deem the labelling of Palestinian NGOs as terror groups as Apartheid and pursue the matter in accordance with Article 7(2) of the Rome Statute;
- Take steps towards review of the conformity of Israel's Counter-Terrorism Law with human rights laws and standards;
- Adopt measures to hold Israel responsible and accountable for repeated disregard of the large volume of international decisions and resolutions.
- Finally, ODDV calls on the Human Rights Council to stress on the importance of Item 7 more than before, following the efforts made by some States for suspending and undermining the Item.

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1. Resolution 476 (30 June 1980)
 2. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28010&LangID=E>
 3. Most recently in UNSC Resolution 2334 (23 December 2016)
 4. 1125UNTS3
 5. U. Aysev, "Continuing or Settled? Prosecution of Israeli Settlements under Article 8(2)(b)(viii) of the Rome Statute", (2019), 20 Palestine Yearbook of International Law 33
 6. <https://www.btselem.org/topic/settlements>
 7. UNSC Resolution 2334 (23 December 2016)
 8. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28010&LangID=E>
 9. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27706&LangID=E>
 10. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27758&LangID=E>
 11. <https://bit.ly/3HfLeyg>
 12. <https://www.alhaq.org/advocacy/18867.html>
 13. <https://www.caabu.org/news/news/370-european-parliament-calls-end-forced-dispossession-palestinians-referencing>
 14. <https://news.un.org/en/story/2020/06/1066452>
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