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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by Al Mezan Centre for Human Rights, 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.

[22 August 2022]

* Issued as received, in the language of submission only.



Continuing Daily Violence and Denial of Basic Human Rights in the Occupied Palestinian Territory — Update: August 2022

The last few weeks have been marked by grave and repeated human rights violations committed by Israeli authorities against Palestinians throughout the Occupied Palestinian Territory (OPT). The reasons behind this escalation of violence are multifaced yet not new.

Since 1948, the Palestinian people have been living an ongoing Nakba, during which they have endured a systemic, unabated denial of their individual and collective rights due to Israel's settler-colonial system of racial domination and oppression, amounting to the crime of apartheid. (1) Israel's 55-year occupation of the West Bank, including East Jerusalem, and the Gaza Strip, has resulted in systematic violations of international law by Israel, including the illegal annexation of Palestinian land, transfer of Israeli settlers, and ethnic cleansing, forcible displacement, and eviction of thousands of Palestinians.

In Gaza, for the past 15 years, its two million population has been subjected to a brutal, illegal blockade and closure policy by Israel which amounts to collective punishment under international law and that has caused a humanitarian catastrophe of such severity that the UN deemed Gaza 'unfit for humans to live in'. (2) Gaza's population is repeatedly subjected to both limited and full-scale military assaults that center around attacks on civilians and civilian objects, and other discriminatory and fragmentary policies and practices that are part and parcel of Israel's apartheid against the Palestinian people as a whole.

3-Day Military Assault on Gaza Within Apartheid and Persecution

Between 5-7 August 2022, Israel waged an unprovoked military offensive against Gaza, conducting a series of heavy airstrikes on densely populated areas and deliberately targeting civilians and their homes as well as civilian and public infrastructure.

During the 3-day offensive, 49 Palestinians were killed, including four women and 17 children, while another 360 were wounded, including 151 children and 58 women. (3) At the time of writing, Al Mezan is still investigating every incident and, as of 22 August 2022, has determined that of the 32 Palestinians so far confirmed to have been killed by the Israeli army, 19 were civilians, including eight children and three women. With whole residential apartment blocks targeted, the Israeli government resumed the key feature of previous full-scale military offensives against Gaza, i.e., targeted military attacks against family homes—often without warning—resulting in civilian casualties. (4)

Our daily and firsthand field monitoring on the ground throughout the offensive and follow-up documentation indicate that Israeli military attacks were conducted in blatant violation of the principles of distinction, proportionality, and precautions enshrined in customary international humanitarian law. This conduct amounts to war crimes and crimes against humanity under international criminal law.

In parallel to the 3-day hostilities against Gaza, from 2-7 August 2022, Israeli authorities also unwarrantedly tightened closure measures by completely shutting down Erez and Karem Abu Salem crossings and banning the movement of people and goods to and from the Gaza Strip—including the entry of food, medicine, and fuel—thereby creating a catastrophic situation for the people in Gaza, especially those who were forcibly displaced from their homes because of Israeli attacks. (5)

Due to these tightened closure measures, dozens of Palestinian medical patients—mainly cancer and cardiac patients—were denied from accessing hospitals and specialized medical facilities outside Gaza or returning home, despite them having travel permits approved by Israeli authorities. The complete closure of the crossings, particularly at a time when Gaza's civilian population was facing Israel's latest military offensive, pushed the humanitarian situation in the Strip to the brink of collapse, with hospitals crammed with civilian casualties, adding to dozens other of referral patients who could not leave Gaza for predetermined medical appointments.

Unprecedented Attacks Against Civil Society

During the early morning hours of 18 August 2022, Israeli forces entered Ramallah, where they forcibly entered, raided the offices, and confiscated property from seven leading Palestinian civil society organizations—Addameer, Al-Haq, Bisan Center for Research & Development, Defence for Children International-Palestine (DCI-P), Union of Agricultural Workers Committees (UAWC), Union of Palestinian Women’s Committees (UPWC), and Union of Health Workers Committees (UHCW). (6)

On 21 August, Al-Haq’s General Director, Shawan Jabarin, received a threatening phone call from a person claiming to be from the Shin Bet/Shabak, Israel’s security service, testifying to the tremendous risks now faced by everyone engaged in the defense of Palestinians’ human rights. (7) On the same day, Khaled Quzmar, lawyer and General Director at DCI-P, was summoned for questioning. According to DCI-P, Quzmar was held in custody by the Shin Bet/Shabak for about two hours and then released.

Israel had previously designated six of the raided organizations as “terrorists” in October 2021 under its 2016 Counter-Terrorism Law—Addameer, Al-Haq, Bisan Center, DCI-P, UAWC, and UPWC—while the seventh, the UHCW, was outlawed the year before. On 3 November 2021, a military order declared the six organizations unlawful under Regulation 84(1)(b) of the Defense (Emergency) Regulations of 1945. Such orders infringe upon and overreach into the work of human rights organizations and civil society, exceeding the competence of the military commander under Article 43 of the Hague Regulations, in addition to violating fundamental guarantees afforded to protected persons under Article 27 of the Fourth Geneva Convention.

The incursion, raids, pillage, and closures are the latest in a pattern of repressive attacks by Israel, targeting human rights defenders and civil society organizations who advocate for Palestinian human rights and respect for the international rule of law, and call for an end to Israel’s settler-colonialism and apartheid. Israel’s actions blatantly violate the human rights to freedom of opinion, expression, and association, and amount to acts of apartheid under Article II(f) of the 1973 Apartheid Convention, also prosecutable under Article 7(2)(h) of the Rome Statute of the International Criminal Court (ICC).

Recommendations

Israel’s pervasive impunity is among the root causes of the State’s continued widespread and systematic violation of Palestinians’ rights. Accordingly, we call on the Council to:

1. Ensure accountability, redress, and the rights of Palestinian victims, including of Israel’s latest military assault against Gaza, including by supporting international accountability mechanisms, namely the UN Commission of Inquiry on OPT/Israel and the ICC.
2. Call on Israel to immediately lift its illegal closure and blockade on Gaza, as recommended by UN treaty bodies and as reaffirmed by accountability resolution 40/13 by this Council;
3. Recognize and address root causes entrenching persecution and apartheid over the Palestinian people as a whole and end all forms of collective punishment;
4. Call on Israel to stop its attacks against Palestinian civil society, including by immediately reversing the military order designating the six organizations as unlawful associations, and the military order commanding the closure of the organizations’ premises, criminalizing the work of the organizations and their staff.

1) See Al Mezan at: <http://mezan.org/en/uploads/files/16381763051929.pdf>

2) See UNRWA at: [https://www.unrwa.org/userfiles/file/publications/gaza/Gaza in 2020.pdf](https://www.unrwa.org/userfiles/file/publications/gaza/Gaza%20in%202020.pdf)

- 3) See Al Mezan at: <https://mezan.org/uploads/files/16610812271623.pdf> (Arabic only)
- 4) See Al Mezan at: <http://mezan.org/en/post/23978>
- 5) See Al Mezan at: <https://mezan.org/en/post/24157>
- 6) See Al Haq at: <https://www.alhaq.org/advocacy/20442.html>
- 7) See Al Haq at: <https://www.alhaq.org/advocacy/20459.html>