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Communication de la Commission indépendante des droits de l'homme de l'État de Palestine*

Note du secrétariat

Le secrétariat du Conseil des droits de l'homme a l'honneur de transmettre une communication soumise par la Commission indépendante des droits de l'homme de l'État de Palestine**, reproduite ci-après conformément à l'article 7 b) du Règlement intérieur figurant dans l'annexe de la résolution 5/1 du Conseil, qui dispose que la participation des institutions nationales des droits de l'homme s'exerce selon les modalités et les pratiques que la Commission des droits de l'homme a arrêtées, notamment dans sa résolution 2005/74.

* Institution nationale des droits de l'homme accréditée avec le statut « A » par l'Alliance mondiale des institutions nationales des droits de l'homme.

** La communication est reproduite en annexe telle qu'elle a été reçue, dans la langue de l'original seulement.



Annexe

Communication de la Commission indépendante des droits de l'homme de l'État de Palestine

Israeli government arbitrary policies and reflections on Palestinian life

Israel, the occupying Power, is implementing a systematic, retaliatory collective punishment policy against Palestinian civilians throughout the Palestinian territory occupied in 1967. This policy involves a set of arbitrary actions and practices targeted to punish Palestinian citizens at large. Allegedly to deter and intimidate resistance to its policies, Israel uses collective punishment in response to an act performed by a Palestinian individual or group.

Collective punishment is one of the gravest human rights violations, which most affect the situation of human rights in Palestine. It violates and undermines Palestinians' ability to enjoy all fundamental rights enshrined in the principles of International Humanitarian Law (IHL) and International Human Rights Law (IHRL). Collective punishment is strictly prohibited under Article 33 of the 1949 Fourth Geneva Convention on the Protection of Civilian Persons in Time of War.

Collective punishment inflicted by the Israeli occupying authorities on Palestinians takes many forms. These include a tightened siege on the Gaza Strip, continuing stranglehold on the Gaza population, arbitrary detention, travel bans, obstruction of the freedom of movement, construction of the Annexation and Apartheid Wall, home demolitions, forced population displacement, and use of excessive force against civilians. Israel has recurrently launched aggressions against the Gaza Strip, most recently in August 2022. Withheld clearance revenues of the Palestinian Authority have also cause enormous suffering to all Palestinian civil servants.

In contradiction to International Law, the new Israeli far-right government has initiated concrete actions to further entrench Israeli control over, and annexation of, the West Bank land. To this end, the Israeli government has deprived the Palestinian people of their right to self-determination, escalated racial segregation policies, and used excessive force against Palestinians. Combined with the Israeli policies in the West Bank, *de facto* annexation highlights the Israeli occupying authorities' pursuit to undermine all forms of resistance, including popular resistance, to Israel's colonial and apartheid regime, as well as to erase Palestinians and Palestinian identity from existence. The Israeli occupying forces (IOF) have escalated extrajudicial killings, use of excessive force, arbitrary detention, restrictions on movement, and punitive home demolitions. These policies are designed to eliminate resistance by the Palestinian people, particularly in the northern West Bank governorates of Jenin and Nablus.

Between early 2023 and mid-February, the IOF killed at least 48 Palestinians, including 10 children and an elderly woman. Over the many years of the Israeli occupation, use of excessive force has been one facet to the Israeli apartheid regime and daily abuses of Palestinians.

On 10 January 2023, in a first reading, the Israeli parliament (Knesset) approved the extension of the Emergency Regulations applicable to the Israeli settlements throughout the occupied West Bank. Also known as the "Apartheid Law," this is a military regulation that enforces Israeli rule and penal system on Palestinians. Accordingly, Palestinians are deprived of all individual rights, including the right to access and use natural resources across the occupied West Bank. However, what is new is that the Israeli Knesset and judicial system are now fully integrated into the framework of the far-right government. Both apparatuses are involved in passing racist laws and aim for the *de facto* annexation, control, and perpetuated occupation of the West Bank.

Siege of Palestinian cities

Siege is one episode of collective punishment against Palestinians in both the West Bank and the Gaza Strip. It severely damages the social fabric of Palestinian life and limits the ability of Palestinians to access services and enjoy fundamental human rights and freedoms. Siege particularly affects economic, social, and cultural rights, including freedom of movement and safe access to city centres.

Blockade of the cities of Nablus, Jenin, and Jericho

In October 2022, in the context of collective punishment, harsher sanctions were placed on the Palestinian population in Nablus, including refugee camps and suburbs in the governorate. Sanctions were designed to besiege and place pressure on the Lions' Den resistance group. A military blockade was imposed on the Nablus governorate, confining and obstructing movement of the local population. Having closed and set up military checkpoints at all entrances to the governorate, Israeli troops subjected Palestinians to thorough inspection and lengthy examination of personal identity cards, forcing them to wait for extended hours to pass or use alternative dirt roads and long detours. In the meantime, Nablus was completely isolated as roads leading to northern, central, and southern West Bank governorates were blocked, sometimes for as long as 25 days. This was a flagrant violation of the human right to freedom of movement enshrined in international instruments and conventions.

Collective punishment that targeted the Nablus city and its surroundings affected some 425,000 Palestinian citizens, who lived in 55 villages and four refugee camps. These Israeli actions caused immense suffering to, and infringed on, the fundamental rights of Palestinians in all northern West Bank cities.

The blockade, closure, and cutting off of the roads to and from the Nablus governorate contributed to the continuing decline in conditions. Frequent raids, incursions, extrajudicial killings, and aggressions carried out by the IOF and Israeli settlers have all virtually paralysed economic and commercial activities in Nablus. The siege adversely impacted Palestinian life and capability of enjoying fundamental rights, including the right to education and access to schools by students and teachers. It prevented public servants, workers, and merchants from accessing their workplaces and doing business outside the governorate. Depriving them of medical services, patients also lacked access to healthcare centres and major specialised hospitals in the city.

Continued targeting of the Jenin refugee camp: In the morning of 26 January 2023, the IOF launched a military operation on the Jenin refugee camp and killed 10 Palestinians, including a woman and two children. According to the Palestinian Ministry of Health, the Israeli raid resulted in the injury of 20 Palestinians, some of them critically.

Driving Palestinian civilian vehicles, an undercover IOF unit raided the centre of Jenin refugee camp and besieged a residential building as well as other structures nearby. The IOF set up sniper posts on house rooftops, putting at risk the lives of the civilian population. The besieged building was bombed. The affected family were under heavy shelling and fire as they left their building. While the targeted building was totally destroyed, another sustained partial damage. As a consequence of heavy bombardment, three Palestinians were killed. The bodies of two of these were completely charred. Electricity transformers were also targeted, cutting off power supply and internet connection to the refugee camp and surrounding area, including the Jenin governmental hospital. Tear gas canisters were fired on the area, injuring some hospitalised patients, including women and children, as a result of tear gas inhalation. During the raid, the IOF killed a child. An Israeli military vehicle ran over the child's body. The Israeli occupying authorities notified the Palestine Red Crescent Society that medical staff would be only from accessing the Jenin refugee camp without prior coordination with the International Committee of the Red Cross.

Reported Israeli escalation and practices in the Jenin refugee camp amount to a war crime. In this context, the IOF closed the refugee camp, bombed Palestinian homes in a densely populated area, prevented medics from accessing and evacuating injured citizens, fired live ammunition and tear gas canisters on civilians, and demolished residential buildings. Despite the fact that they are civilian objects and are indispensable to the survival of the civilian population, ambulances and electricity transformers were targeted by the IOF. Intentional

destruction of property stands as a clear violation of the IHRL and IHL. Along this vein, Article 53 of the Fourth Geneva Convention prohibits the destruction of civilian property. The IOF pogrom was perpetrated under the instruction of the political and security levels of the Israeli far-right government coalition, which has given the IOF free rein to target and persecute Palestinians. The fact that the IOF gained access into the Jenin refugee camp by civilian vehicles reflects an act of deception, which is proscribed under the rules of Customary IHL and Article 8(2)(b)(xi) of the Rome Statute of the International Criminal Court (ICC).

The use of excessive and disproportionate force impinges on the right to life enshrined in Article 6 of the International Covenant on Civil and Political Rights. The intention to kill by the IOF is obvious given the number of Palestinians slain during the Israeli military operation in the Jenin refugee camp. The fact that the upper parts of their bodies were targeted demonstrates premeditated murder, amounting to a war crime under Article 8(2)(b)(i) of the Rome Statute.

Siege of Jericho: As a form of collective punishment inflicted on unarmed Palestinian civilians, on 29 January 2023, the Israeli occupying authorities imposed a tight siege on the city of Jericho for a period of 10 days. Meantime, the IOF set up military checkpoints at entrances to the city and thoroughly searched citizen vehicles. Israeli military bulldozers also closed detour roads with earth mounds. On several occasions, the IOF raided the Aqbat Jaber refugee camp, injured 13 civilians, and arrested others under the pretext of prosecuting a Palestinian who had opened fire on an Israeli restaurant. The siege ended after the IOF had extrajudicially killed five Palestinian resistance activists. The blockade caused suffering to Palestinians. En route to and from Jericho, Palestinians had to spend many hours at Israeli checkpoints. Serving as a major gateway for Palestine, Palestinians, including children, women, senior civilians and patients, pass through the city of Jericho to and from Jordan. The siege struck an economic blow to Palestinian civilians and hindered access to workplaces both inside and outside the city.

Extrajudicial killings

Israel, the occupying Power, has persisted with its arbitrary practices against unarmed Palestinian civilians throughout the occupied Palestinian territory. Israel has escalated and expanded the scope of killing and physical liquidation of Palestinians, incessantly violating their right to life. To this end, Israel has implemented a policy of excessive use of force against, and extrajudicial killing (deliberate killing of individuals outside any legal framework), of Palestinians. This Israeli escalation reflects a systematic policy targeting Palestinians. Under the guise of the right to self-defence, the Israeli occupying authorities arbitrarily perpetrate killings. Israeli soldiers are, therefore, given full discretion to make judgements on the ground of this “principle”. In 2022, the IOF extrajudicially killed at least 74 Palestinians. Extrajudicial killing is simply exercised by targeting certain individuals or during raids into Palestinian cities and towns. It is deliberately committed by opening fire on citizens, who do not pose a real threat to the lives of Israeli troops. Extrajudicial killings constitute a crime against humanity under the principles of IHL and Rome Statute.

In a statement released in late 2021, the IOF granted full right to soldiers to respond with live fire if they presume a danger to their lives. This has allowed the killing of Palestinians in the cold light of the day. It has given a green light to the IOF to use discretion and perpetrate more extra-judicially killing crimes against Palestinians. Extrajudicial killings perpetrated by the IOF personnel against Palestinians are an example of their disdain for Palestinian lives and total undervalue of their right to life. This falls in the context of a racist settler policy that is tailor made to tighten the grip on Palestinians and achieve Israel’s goals of creating facts on the ground. Of these, policies are designed to annex large swathes of the West Bank area and complicate life for Palestinians with the aim of creating a coercive environment to forcibly displace them from their land and serve the Israeli settlement enterprise.

Backed by Israeli society’s learning towards the extreme right wing, these policies have been further perpetuated after Israel’s far right has successfully formed the government. In pursuance of the Israeli government’s directives and instructions, extrajudicial killings are on the rise as a result of “becoming accustomed to having a loose hand on the trigger” policy,

which legitimises the murder of Palestinians even though they do not pose any danger whatsoever.

Examples of extrajudicial killings

The Israeli occupying authorities extrajudicially kill Palestinians on a daily basis. In this vein, Israeli soldiers open fire on Palestinians and prevent medical personnel from reaching injured persons, leaving them to bleed for hours to death. For instance, Israeli troops fire live ammunition indiscriminately on Palestinians. As a result, Palestinian passers-by have been killed in cold blood, ostensibly because they had been in possession of knives. Exposing the hollow claims of the IOF, many cases demonstrated the opposite.

Another example of this policy is that when the IOF dispassionately shot to kill 22-year-old Ammar Hamdi Mifleh. On Friday, 2 December 2022, an Israeli soldier murdered Mifleh in cold blood, at point blank range, and in full view of everyone in the town of Huwwara, Nablus. The murder was perpetrated following an altercation over the soldier's attempt to arrest Mifleh. Cameras documented a full-fledged crime, reflecting Israel's racism and fulfilling instructions of the political and security echelons in Israel, the occupying Power. In addition to the shoot-to-kill policy, constant incitement targets unarmed Palestinian civilians. The designate Israeli Minister of Internal Security Itamar Ben-Gvir expressed his pleasure at the murder and commended the soldier, demonstrating the risk of potential escalation of extrajudicial killings by the IOF personnel.

On 8 December 2022, in Jenin, three Palestinian citizens were killed, including one who was on his way to work inside the Green Line. On 10 April 2022, the IOF extra-judicially killed in cold blood Ghadah Sabateen, a 47-year-old woman, in the western Bethlehem governorate, claiming that she had come close to Israeli soldiers and had not responded to orders to stop. It appeared that she suffered from poor eyesight.

Additionally, at dawn on Monday, 15 August 2022, the IOF extra-judicially killed Mohammed Shahham, a 21-year-old Palestinian, in cold blood inside his home and before the watching eyes of his parents. At point blank range, an Israeli soldier shot Mohammed in the head with a silencer weapon. Mohammed sustained critical wounds and fell on the ground. Without any first aid, he was left to bleed for more than 40 minutes before the very eyes of his family. According to media statements made by his father, Mohammed was arrested and later pronounced dead.

As an approach maintained by the Israeli occupying authorities, extrajudicial killing involves an abuse of the "right to self-defence," which the IOF invokes to justify violations. It has resulted in Palestinian citizens lacking any sense of safety and security. Combined, this practice constitutes a violation and denial of IHL and IHRL norms, which highlight the right to life as a fundamental human right. No one shall be arbitrarily deprived of their life. No human right can be safeguarded without due respect for the right to life. Extrajudicial killings are in violation of this basic right.

Conclusion

The Israeli government takes full responsibility for the lives of unarmed Palestinian civilians, who are duly protected under the IHL principles. The Independent Commission for Human Rights (ICHR) is of the view that silence on the part of the international community and failure to take tangible actions against Israel's illegal abuses and practices as well as against Israeli politicians who approve of targeting and extrajudicially killing Palestinians further embolden and encourage Israel to go on committing more war crimes against Palestinians. It also deprives the Palestinian people of enjoying their human rights and leading a life of dignity.

The ICHR demands that the international community, your esteemed Council, and United Nations agencies to bear their legal and moral responsibilities, intervene immediately, and bring an end to the targeting of Palestinian lives as well as to the policy of collective punishment imposed by the Israeli occupying authorities on Palestinians. Effective effort must be made to end the protracted Israeli occupation of the Palestinian territory. Resolutions should be adopted to deter Israel and put an end to arbitrary policies and daily suffering of the Palestinian people.

The ICHR further calls on:

1. Member States of the United Nations to shoulder their legal and moral responsibilities for the systematic racist extrajudicial killing of Palestinians, take serious and immediate action to bring these practices to an end, ensure that international protection is provided to Palestinians, and focus on the root causes that perpetuate the Israeli abuses of Palestinian life and rights.
 2. The international community, as third-party states, to operationalise the mechanisms of universal jurisdiction, take concrete action to bring about justice, and put an end to Israel's impunity. In addition to economic sanctions, the international community must cut off ties with Israel with a view to forcing it to abandon its policies. Pressure will be in place to ensure that the Palestinian people exercise their right to self-determination.
 3. High Contracting Parties to the four Geneva Conventions of 1949 to ensure that Israel, the occupying Power, respect these conventions and ensure protection of the lives of Palestinian civilians. Persons accused of committing grave violations of the IHL, also considered as war crimes, should be prosecuted and held to account.
 4. The ICC to immediately launch an investigation into the extrajudicial killing of Palestinians and prosecute Israeli officials implicated in the commission of this crime.
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